



**Electoral Commission
of Namibia**

PERFORMANCE ASSESSMENT AND POST-ELECTION REPORT

**OTJIWARONGO AND OPUWO RURAL
CONSTITUENCIES BY-ELECTIONS**

09TH MARCH 2020



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CONTENTS

List of Abbreviations.....	1
Preface.....	2
Executive Summary	3
Performance Assessment and Post-Election Report	5
 1. Chapter One: Pre-Election Phase.....	6
1.1 Legislative Framework	6
1.1.1 Constitutional Provisions	6
1.1.2 Regional Councils Act	6
1.1.3 Electoral Act.....	7
1.2 Budgeting	7
1.3 Procurement	9
1.4 Recruitment.....	9
1.4.1 Training.....	9
1.5 Voter and Civic Education	9
1.5.1 Voter Education Activities for the two (2) Constituencies.....	9
1.6 Supplementary Registration of Voters	10
1.6.1 Provisional Voter Register	10
1.6.2 Election Materials and Distribution	10
1.6.3 Transport	11
1.6.4 Stakeholders Engagement.....	11
1.6.4 Printing of Ballot Papers.....	11
1.7 Nominations	12
 2. Chapter Two: Election Day	13
2.1. Security Arrangements	13
2.1.1 Polling Stations	13
2.2 Voting Day	13
2.2.1 Voter Verification Devices (VVDs).....	13
2.3 Counting and Announcement of Results.....	14
2.4 Analysis of Results.....	14
 3. Chapter Three: Election Challenges, Recommendations and Conclusion	15
3.1 Election Challenges and Recommendations	15
3.2 Conclusion	15

LIST OF ABBREVIATIONS

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

PREFACE

The Electoral Act read together with the Regional Councils Act mandates the Electoral Commission of Namibia (ECN) to conduct a by-election in instances where a vacancy occurs in a 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. Section 116 of the Electoral Act (Act No. 5 of 2014) requires the 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.

Following the Supreme Court Judgement handed down by the Chief Justice, on 05th February 2020 on the Presidential election that took place on 27th November 2019, the use of EVM without a voter verifiable paper audit trail was declared unconstitutional. The ECN held a consultative meeting with political parties on the implications of the court judgment and the manner of voting for Opuwo Rural and Otjiwarongo Constituencies. The meeting resolved to use ballot papers for the Opuwo Rural and Otjiwarongo constituencies by-elections. Consequently, ballot paper were used during the Opuwo Rural and Otjiwarongo by-elections on the 9th March 2020.

The re-introduction of the manual voting system required a mindset shift which called for new innovative ways of voter education that ensured that, all registered voters were able to cast their votes in confidence, promote secrecy of the vote and reduce rejected ballot papers. In as much as the Commission had reinforced its voter education activities in the two (2) constituencies to promote confidence in voters when casting their votes, there were still rejected votes recorded in both constituencies.

The Commission will thus, direct more resources to voter education and create partnerships with stakeholders to ensure a multi-sectoral approach for voter and civic education to decrease rejected votes as we prepare for the 2020 Regional Council and Local Authority 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-election.

Adv. Notemba Tjipueja
Chairperson
October 2020



Adv. Notemba Tjipueja
Chairperson

EXECUTIVE SUMMARY

In terms of the legal framework, elections in Namibia are regulated by two (2) Acts – the Regional Councils Act (Act No.22 of 1992) and the Electoral Act (Act No.5 of 2014). In terms of Section 63(3)(2)(b) of the Electoral Act read in conjunction with Section 10(3) of the Regional Council's Act, the Electoral Commission of Namibia (ECN) is obliged to conduct a constituency by-election within 90 days of a vacancy occurring in a particular constituency.

It is against the backdrop of the above cited legal framework that the ECN conducted the Otjiwarongo and Opuwo Rural constituencies by-election. In accordance with Section 116 of the Electoral Act, the ECN initiated the process of conducting a performance assessment in respect of Otjiwarongo and Opuwo Rural constituencies by-election.

A vacancy in the Otjiwarongo Constituency occurred on 10th December 2019, as a result of the death of the then sitting councilor, the late Hon. Julius Neumbo. Similarly, a vacancy occurred in the Opuwo Rural Constituency on 12th December 2019 after the resignation of Hon. Kazeongere Tjeundo from his position in compliance with section 77 (4) of the Electoral Act, 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 Section 10 (2) of the Regional Councils Act, Act 22 of 1992, the Chief Regional Officers for the two (2) Regional Councils by notice in the Government Gazette, dated 16th December 2019, gave notice of the vacancies. Furthermore, in accordance with the stipulations contained in Section 64(1) of the Electoral Act, the President, upon recommendation by the Commission determined 09th March 2020 as the date on which the by-election for Otjiwarongo and Opuwo Rural Constituencies was to be conducted.

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, transmission analysis of results and reports as well as the voter turnout. Chapter three summarizes the election challenges, draws some conclusion and gives recommendations as a way to redress the identified issues.



Mr. Theo Mujoro

Chief Electoral and Referenda Officer

In conclusion, the Otjiwarongo and Opuwo Rural constituencies by-election have pointed out minor challenges as highlighted in Chapter 3 of this report, but these are minor exceptions. In this regard, the ECN is 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 Otjiwarongo and Opuwo Rural 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. 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 Otjiwarongo and Opuwo Rural Constituencies by-election, which was held on the 09th March 2020.

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 two (2) by-elections 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, is also discussed.

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 (3) months.

A vacancy in the Otjiwarongo Constituency occurred on 10th December 2019, as a result of the death of the then sitting councilor the late Hon. Julius Neumbo. Similarly, a vacancy occurred in the Opuwo Rural Constituency on 12th December 2019 after the resignation of Hon. Kazeongere Tjeundo from his position 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 Section 10 (2) of the Regional Councils Act, Act 22 of 1992, the Chief Regional Officers for the two (2) Regional Councils by notice in the Government Gazette, dated 16th December 2019, gave notice of the vacancies.

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 09th March 2020 as the date on which a poll for the Otjiwarongo and Opuwo Rural Constituencies 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 vacancies 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 the State Finance Act and Treasury regulations.

The following financial expenditure was incurred for the Otjiwarongo and Opuwo Rural constituencies by-elections:

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

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Travelling allowance used by staff members	Finance	---	N\$ 44,085.00
02	Payments of Registration officials including the Supervisor of Registration	HR	36 People	N\$ 130,400.00
03	Refreshments for training of officials incurred	HR	36 People	N\$ 7,425.00
04	Overtime expenses	Finance	---	N\$ 68,908.54
Total Expenditure for SRV				N\$ 250,818.54

Table 2: Expenditure in respect of the Polling process: Otjiwarongo

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Travelling allowance used by staff members	Finance	---	N\$ 43,338.00
02	Payments of election officials including Returning Officers.	HR	133 People	N\$ 420,532.00
03	Over time expenses for both registration & election	Finance	---	N\$ 49,733.96
Total Expenditure for Election				N\$ 513,603.96

Table 3: Expenditure in respect of the Supplementary Registration of Voters: Opuwo Rural

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Fuel used for vehicles before, during and after the registration process	Transport	16 vehicles	N\$ 18,458.00
02	Travelling allowance used by the staff members	Finance	---	N\$ 80,829.00
03	Payments of Registration officials including the Supervisor of Registration	HR	71 People	N\$ 145,300.00
04	Refreshment for training of officials incurred	HR	71 People	N\$ 14,503.00
05	Overtime expenses	Finance	---	N\$ 58,602.00
Total Expenditure for SRV				N\$ 317,692.00

Table 4: Expenditure in respect of the Polling process: Opuwo Rural

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Travelling allowance used by the staff members	Finance	---	N\$ 43,338.00
02	Payments of election officials include Returning Officer	HR	133 People	N\$ 420,532.00
03	Over time expenses for both registration & election	Finance	---	N\$ 49,733.96
Total Expenditure for Election				N\$ 513,603.96

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 had appointed thirty-six (36) Registration Officials for Otjiwarongo and seventy-one (71) for Opuwo Rural. In addition, a total number of one hundred and thirty-three (133) and one hundred and fifty-two (152) Polling Officials were recruited for each constituency for the Otjiwarongo and Opuwo Rural by-election. As part of cost cutting measures, including savings on accommodation expenses which the institution has implemented, residents of constituencies were given preference when a temporary vacancy has to be filled. Preference was therefore given to the residents of the Otjiwarongo and Opuwo Rural Constituencies as well as to those who previously worked in these two constituencies during the 2019 Presidential and National Assembly Elections and as a result, no advert was placed during the recruitment process.

1.4.1 Training

The training of registration officials took place from 28th February - 7th March 2020. A total of one hundred and seven (107) registration officials were trained and recruited for the Supplementary Registration of Voters (SVR) in both constituencies.

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 Education activities for the two (2) constituencies

The aim of the voter education activities for the Otjiwarongo and Opuwo Rural constituencies was to:

- Impart knowledge and encourage citizen's confidence and competence in the electoral process
- Promote ethical behavior in the electoral process
- Make information available and accessible to the electorates and minimize rejected ballot papers
- Minimize and eradicate electoral violence

In order to achieve the above-mentioned objectives, the ECN organized a two-day induction workshop for the voter education officers for both Otjozondjupa and Kunene Regions. The induction workshop was facilitated to level the playing field for the teams to have the same understanding of the issues pertaining to spoiled, rejected and valid ballot paper as to impart such knowledge to the constituents. Secondly the two regions were fully equipped in terms of materials and human resources - reinforcement teams from other regions were also deployed to assist them in carrying out extensive voter education campaigns. This was done mainly because the electorates were to shift from the Electronic Voting Machines (EVMs) back to the conventional ballot paper voting and on how to mark the ballot paper correctly to avoid rejected ballot papers.



Opuwo Rural Constituency first mass gathering was on 22nd February 2020 at Otuani Village which was attended by all contesting political parties. Information and materials related to the by-election were provided and distributed to the participants. Most of the sessions were attended by both young and old rural residents.

The challenges in this region were mostly attributed to nature, e.g., topography of the Kunene Region as opposed to the Otjiwarongo Constituency as the hiccups were ascribed to humans, voter apathy and inaccessibility of farms due to objections by some farm owners to mention a few.

The Opuwo Rural constituency has many isolated informal settlements which was a challenge to get the residents to gather at one point for the sessions. The voter education program was again hampered by rain which only stopped two (2) days before polling day. Poor attendance by the public who were invited to attend meetings proved disappointing and the contestants were hardly seen during the campaign period.

1.6 Supplementary Registration of Voters

The Supplementary Registration of Voters (SRV) for the two (2) constituencies were conducted from 23rd - 24th December 2019 which was preceded by a notice announcing vacancies in the Government Gazette. The identification and reviewing of registration points and training venues followed immediately.

1.6.1 Provisional Voters Register

In terms of Section 31 of the Electoral Act, (Act No.5 of 2014), Provisional Voters' Register (PVR) has to be prepared and published in the Government Gazette for display to the public for possible objections against names of person included in the PVR. The PVR was displayed on 30th December 2019, no objection against any inclusion of any person was lodged in either constituency.

1.6.2 Election Materials and Distribution

The distribution of election materials was conducted in two phases. Phase one was during the conduct of supplementary registration of voters, which was done on **22nd December 2019** in both constituencies; at the same time, the teams were deployed to the different registration points.

The second phase of distribution of election materials was commenced on **08th March 2020** in both constituencies, 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 both constituencies, as required by each constituency.



Supplementary Registration of Voters in the region.

1.6.3 Transport

Sufficient transport for both Supplementary Registration of Voters and polling was sourced from ECN fleets as well as from Otjiwarongo and Ondangwa government garages. There were no vehicle shortages or accidents reported.

1.6.4 Stakeholder Engagement

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

1.6.5 Printing of Ballot Papers

Ballot papers are categorized as the most sensitive election materials among many, it is therefore crucial that all security measures have to be taken into account before the ballot papers are printed. Similarly, stakeholder engagement is crucial in the process as it promotes transparency, therefore, the Namibian Police, Political Parties and Independent Candidate representatives were duly notified of the process.

The sample ballot papers were printed first in order for Political Parties and Independent Candidate's representative to verify the correctness of the details of their candidates. Each Political Party and Independent Candidate's representative verified and signed to confirm the correctness of the details of their candidates. The ballot papers were then printed on 21st February 2020 for the (2) constituencies. The bid for the printing of the ballot papers was awarded to Solitaire Press CC.

1.7 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 is enshrined in Article 17 (1) of the Namibian Constitution.

The nomination of candidates aspiring to contest the Otjiwarongo and Opuwo Rural Constituencies was managed by the Returning Officers, it commenced from 14th – 29th January 2020. Submission of the nominations in the case of Independent Candidates took place on 27th January 2020, two days' prior to the actual nomination day. The last day of nomination and submission of candidates for Political Parties was 29th January 2020.

The names of the duly nominated candidates were as follows:

Otjiwarongo Constituency

Name of Candidate	Political Party/Independent
Guiteb Sebetus	Landless People's Movement (LPM)
Erastus Mbumba	Independent Candidate (IC)
Mbakera Marlayn Sharlay	SWAPO Party of Namibia (SWAPO)

Opuwo Rural Constituency

Name of Candidate	Political Party/Independent
Kuvare Kapukatua	National Unity Democratic Organisation of Namibia (NUDO)
Kakuva Uarikua Cornelius Venajo	Popular Democratic Movement (PDM)
Katupa Steyn Keesire Uauirako Mupyone	SWAPO Party of Namibia (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 VVDs, the number of polling stations and the procedures used in the polling stations. Similarly, it expound on whether the secrecy of the ballot was observed, the counting process, 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 ballots papers during the printing process, the transportation and safekeeping of the ballot papers and VVDs at the constituency police station and the overall maintenance of the law and order on polling day.

2.1.1 Polling Stations

In terms of Section 89 (1) the Commission must for the purpose of facilitating the taking of a poll in any election, establish polling stations at convenient places for constituencies. Furthermore, in terms of subsection 4 of the same section, it is required of the Chief Electoral and Referenda Officer as soon as practical after establishment of polling stations to make known by notice in the Gazette the location of every polling station.

The following polling stations were established in each of the two (2) constituencies

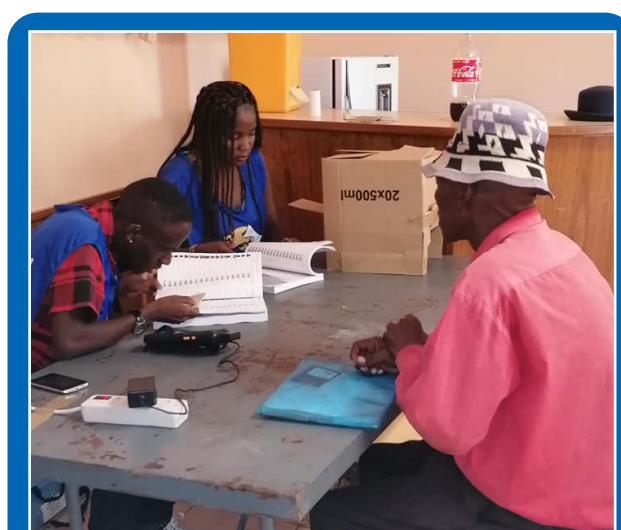
Constituency	Fixed Polling Station	Mobile Polling Team	Total
Opuwo Rural	8	17	25
Otjiwarongo	16	6	22

2.2 Voting Day

The Otjiwarongo and Opuwo Rural Constituency by-elections were held on 09th March 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. Manual ballot papers were used with no drawbacks and all logistical preparations were in order.

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 Otjiwarongo and Opuwo Rural Constituencies was loaded on each verification device. The operators of the VVDs were accorded proper and adequate training.



Verification process from the Provisional Voters Register on polling day.

2.3 Counting and Announcement of Results

The counting of results was concluded at each polling station after the closing of polls as required by the Electoral Act. The results for the specific fixed or mobile stations were announced and displayed by the presiding officer at the polling stations in the prescribed manner. Thereafter the teams travelled to the collation centres where the final results of the constituencies were announced by the Returning Officers for the respective constituencies.

2.4 Analysis of Results

Otjiwarongo and Opuwo Rural Constituencies by-election were successfully conducted on 09th March 2020 and the results were announced by midnight. The results for the Otjiwarongo and Opuwo Rural Constituencies were as follows:

Otjiwarongo Constituency

Name of Candidate	Political Party/Independent	Total Votes Recorded
Guiteb Sebeteus	Landless People's Movement (LPM)	752
Erastus Mbumba	Independent Candidate (IC)	1,020
Mbakera Marlayn Sharlay	SWAPO Party of Namibia (SWAPO)	2,910

Opuwo Rural Constituency

Name of Candidate	Political Party/Independent	Total Votes Recorded
Kuvare Kapukatua	National Unity Democratic Organisation of Namibia (NUDO)	640
Kakuva Uarikua Cornelius Venajo	Popular Democratic Movement (PDM)	2,066
Katupa Steyn Keesire Uauirako Mupyone	SWAPO Party of Namibia (SWAPO)	435

The two (2) by-elections were characterized by low voter turnout of an average of less than 25% in both constituencies.

Constituency	Total Votes Cast	Total Votes Counted	Rejected Votes	% Voter turnout
Otjiwarongo	4,707	4,682	25	21.5
Opuwo Rural	3,161	3,141	20	42.8

3. CHAPTER THREE: ELECTION CHALLENGES, RECOMMENDATIONS AND CONCLUSION

3.1 Election Challenges and Recommendations

The supplementary registration and polling processes went well albeit minor administrative and logistical issues. The table below summarizes the challenges and recommendations for the Otjiwarongo and Opuwo Rural Constituencies by-elections:

Activity	Challenges	Recommendations
45 Rejected votes	Rejected votes from both constituencies using ballot paper	Direct more resources to voter education and create partnerships with stakeholders to ensure a multi-sectoral approach for voter and civic education to decrease rejected votes
Generators and Fuel	Shortages of generators and fuel for the generators	ECN need to plan ahead and acquire the needed fuel and generators timeously.

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 Otjiwarongo and Opuwo Rural Constituencies by-elections was organized and directed in strict compliance with the provisions of the Electoral Act.

Notes

This image shows a full page of blank, lined paper. It features approximately 20 horizontal blue lines spaced evenly across the page, typical of notebook paper. The lines are thin and light blue, set against a plain white background. There is no handwriting or other markings on the page.

Notes

[illegible]

Notes

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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