



Electoral Commission of Namibia

PERFORMANCE ASSESSMENT AND POST-ELECTION REPORT



**2018 REGIONAL COUNCIL
NCUNCUNI CONSTITUENCY
BY- ELECTIONS**

HELD ON 28 MARCH 2018



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PART ONE: GENERAL INFORMATION

1. List of Abbreviations

CERC	Central Results Centre
ECN	Electoral Commission of Namibia
EVM	Electronic Voting Machine
FLC	First Level Check
LA	Local Authority
RC	Regional Council
SVR	Supplementary Voter Registration
VRK	Voter Registration Kit
VVD	Voter Verification Device

2. 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 done in compliance with this obligation.

Furthermore, section 63 (2) (b) of the Electoral Act read together with section 10 (3) of the Regional Councils Act obligates the ECN to conduct a by-election in all instances where a vacancy occurred in a constituency within 90 days of such an occurrence. Such a vacancy was caused in the Ncuncuni Constituency due to the passing on of the Regional Councillor of the SWAPO Party of Namibia, Hon. Rosa Kavara on 2 January 2018. This necessitated the holding of a by-election in the constituency.

This by-election once again highlighted one potential problem area, namely the time frame in which a by-election must be concluded. 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 the voter registration must be concluded at least 30 days before the polling day. Such stipulations make it highly problematic to comply with all other deadlines.

For example, if an objection has been lodged during the objection period, the ECN might not be able to meet the 90-day deadline. To date we have been fortunate that no objections were lodged, but it points to a potential problem area which requires an urgent review of the number of days prescribed both in the Electoral Act and in the Regional Councils Act.

Despite such a potential problem area the Ncuncuni Constituency by-election can be regarded as a resounding success for the ECN whereby we have once again delivered a smooth and flawless election to the nation.

Finally, we are thankful to all the stakeholders but in particularly towards the Namibian Police, the two political parties that participated and adhered to the Code of Conduct, and all the voters of the Ncuncuni Constituency that came and voted.



Adv. Notemba Tjipueja
Chairperson
August 2018

3. Acknowledgement

The Performance Assessment and Post-Election Report of the Ncuncuni Constituency By-Election is a statutory requirement under Section 116 of the Electoral Act 2014. This section requires the Electoral Commission of Namibia (ECN) to carry out a performance assessment in respect of the electoral process and to publish a post-election report in respect of the relevant election.

The compilation and publication of this performance assessment report has been made possible due to the commitment and selfless work of certain persons. To this end, a word of thanks and sincere appreciation is extended to Ms Petrina Witbeen, Ms Vikitoria Hango, Mr Thomas Shapi, Mr Gustaf Tomanga, Mr Jesse Munashimwe, Ms Zenia Klazen and Ms Elisia Haludilu and Prof Paul John Isaak for the respective roles each of them played in the compilation of this report. Their dedication, interest and sense of duty in the completion of this assignment is hereby acknowledged and highly appreciated. A note of thanks is also due to the service provider for the final editing of the report. The role of the ECN Commission in endorsing the final product is also acknowledged.

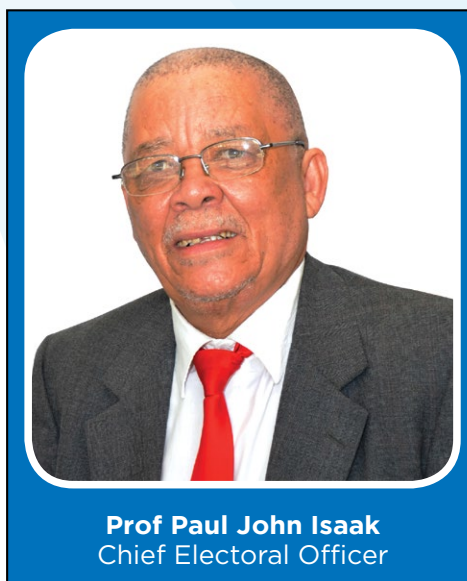
We would also want to acknowledge the continued positive working relationships with the Governmental Offices, Ministries and Agencies (OMAs), the Namibian electorate, media, political parties, civil society organisations, and faith-based organisations.

Lastly, a special note of appreciation goes to members of the Commission and the entire staff of the Electoral Commission who worked tirelessly in the service of the organisation to enable the publication of the report of which the Electoral Commission is proud of.

4. 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 occurred in the 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 death of Honourable Rosa Kavara, Councillor of Ncuncuni constituency on the 2 January 2018 meant that a by-election had to be conducted in the Ncuncuni Constituency in the Kavango West Region.

A by-election was accordingly held on 28 March 2018 in this constituency. 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. 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 Machine (EVMs) and Voter Verification Device (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, and the tabulation, transmission, analysis of results and reports on the voter turnout.

Chapter Three summarises the election challenges, draw some conclusion and give some recommendations as a way to redress the identified issues. It specifically highlights the major challenges experienced in respect of voter registration kits, generators, and lack of storage facilities in some of the constituencies in general.

Finally, it is absolutely worthwhile to note that since 2014 Presidential and National Assembly elections as well as the 2015 Regional Councils and Local Authorities elections, 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.

Prof Paul John Isaak
Chief Electoral Officer
August 2018.

5. Performance Assessment and Post-Election Report

The publication of this Performance Assessment and Post-Election Report of the Ncuncuni Constituency by-election, as variously noted before, is a statutory requirement.

The Electoral Act of 2014 is prescriptive as to 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 Electoral Act further requires that 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 Ncuncuni Constituency by-election, which was held on 28 March 2018.

CHAPTER ONE: PRE-ELECTION PHASE

This chapter 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. Furthermore, the Electoral Commission of Namibia's (ECN) state of readiness to conduct of particular election with regard to various electoral processes during the pre-election phase such as budgeting, financing, procurement, transport, recruitment and training of electoral officials, Civic and Voter Education campaigns, voter registration, the publication of the provisional voters' register, various stakeholder workshops held, and the printing of ballot papers.

1. Legislative Framework

Section 63 (2) (b) of the Electoral Act compels the ECN to conduct a by-election where a vacancy occurs within a constituency. Section 63 (2) (b) of the Regional Council Act provides for the exactly the same and stipulates that a by-election must take place not later than 90 days after the vacancy occurred.

A vacancy occurred on the 2nd of January 2018 in Ncuncuni Constituency as a result of the death of Regional Councillor, Honourable Rosa Kavara. This unfortunate development necessitated the holding of a by-election in the constituency.

Consequently, a by-election was organized, directed, supervised, managed and controlled by the ECN as required by the Electoral Act and the Regional Council Act.

2. Electoral Systems and Boundaries

2.1 Electoral Systems

In terms of the Namibian electoral systems elections are conducted at three levels, namely, national, regional and local levels. The Regional Council (RC) elections are conducted at regional level and meant to elect councillors in order to serve on their respective regional councils. The first-past-the-post system is used to elect regional councillors. This means that the candidate who obtained the majority of votes in "a winner takes all" electoral contest becomes the Councillor representing that particular constituency at regional level of governance.

2.2 Clarification of Boundaries

It is imperative that ECN conducts elections within the pre-determined borders for the various political regions and constituencies. In this regard, the ECN took due diligence, through the Voter and Civic Education campaigns, to ensure that the electorate within the affected Constituency were well informed and educated about the legislative requirement that only the voters ordinarily residing within the boundaries of the Ncuncuni Constituency were eligible to participate in the by-election.

3. Budgeting and Financing

The Electoral Commission of Namibia is fully or 100% State-funded. During the 2017/18 financial year an amount of N\$66 914 000 was allocated to the institution to cover all electoral operational activities as well as related incidental matters. From this amount, N\$14 336 000 was allocated for Planning, Registration and Voting. A total number of 61 election officials were recruited for the by- Ncuncuni election. The grand total expenditure for the exercise amounted to N\$ 1 341 978.34. The expenditures are as follow:

Table 1

ITEM NO	DESCRIPTION	SECTION	Unit	Total amount
01	Fuel used for vehicles before, during and after the registration process	Transport	10 vehicles	N\$ 39 476.94
02	Travelling allowance used by the staff members	Finance	17 people	N\$ 325 091.00
03	Payments of registration of officials include supervisor.	HR	26 People	N\$ 98 965.00
04	Refreshment for training of officials incurred	HR	25 People	N\$ 6 201.34

Table 2: Polling Officials recruited during the by-election

ITEM NO	DESCRIPTION	TYPE (SECTION CODED)	Unit	Total amount
01	Fuel used for vehicles before, during and after the election process.	Transport	26 Vehicles	N\$ 73 572.00
02	Travelling allowance used by the staff members	Finance	17 people	N\$ 324 150.00
03	Payments of election of officials include returning officer.	HR	61 People	N\$ 131 913.00
04	Refreshment for training of officials incurred	HR	60 People	N\$ 17 294.00
05	Over time expenses for both registration & election.	Finance	34 People	N\$ 300 475.06
06	Materials bought (EVM) ballot paper.	Logistic	20 Ballot papers	N\$ 24 840.00

4. Recruitment

In accordance with the ECN's recruitment policy of election officials for by-elections, preference was given to the local applicants from the Ncuncuni Constituency or those who previously worked in the Ncuncuni Constituency. This approach of local recruitment is cost-effective in the sense that it brings about savings on accommodation expenses. All officials were required to write a test as required by the Electoral Act.

5. Voter and Civic Education

The Division: Democracy Building (DDB) of the ECN is mandated to provide voter and civic education to the electorate and stakeholders. Voter and civic education focuses on educating and informing the public on different aspects pertaining to electoral issues and matters to assist them in making informed decisions, to understand and participate in the electoral processes.

Voter and civic education is, however, not the exclusive prerogative of the ECN. The Electoral Act also permits natural or juristic persons to provide voter and civic education. However, persons and/or institutions must be accredited by the Commission.

In preparation for the Ncuncuni Constituency by-election, the voter education officials from Kavango East and West regions conducted several community meetings. They also employed visual aids such as posters and pamphlets to raise awareness in the constituency on the by-election. Special emphasis was made to educate the community that the by-election was solely meant for the people residing within the Ncuncuni Constituency.

5.1 Production and distribution of voter education materials

Voter education materials produced for the Ncuncuni Constituency by-election were in the form of flyers, brochures, posters and radio adverts. All such materials were translated into the local languages. The voter education materials were distributed in Ncuncuni Constituency at various places such as the Constituency office, schools, traditional authority offices and public meetings.

5.2 Voter Education sessions

Intensive voter education was rolled out over the period 14 – 27 January 2018. 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.

6. Training and preparation of Registration and Polling Officials

Training of Registration Officials and Party Agents were conducted from 22-24 January 2018 in preparation for the Supplementary Registration of Voters (SRV). The training materials were kept at Rundu Police Station and were collected and returned to the station on a daily basis for safekeeping and for security purposes. The training was conducted by ECN Head office staff and the Returning Officer. A total of 25 officials attended the training.

The training specifically focused on all the electoral processes and the legal requirements pertaining to the registration of voters. The training took place in Rundu, Kavango East, in the Government hall due to non-availability of adequate training facilities in Ncuncuni Constituency. All 25 officials responsible for registration were trained in the process and all of them successfully completed the course.

The training of Polling Officials was conducted during the period 22 - 26 March 2018. 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.

The training also contained a technical and practical part in that these officials were trained on handling the various electoral equipment and devices. Most of the practical training focused on the EVMs, VVDs, administrative forms (Elect Forms) and the counting process (Tabulator). The Voter Registration Kits (VRKs) and the EVMs were thoroughly tested before the actual registration and polling processes.



Registration officials wrote a test after training on 24 January 2018 at Government Hall, Rundu.

7. Voter Registration

In accordance with Section 25 (2), of the Electoral Act (Act 5 of 2014), a Supplementary Registration of Voters (SRV) process must be conducted before any election. This is meant to include new applications, issue 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 Ncuncuni Constituency was conducted over the period of 24-27 January 2018. A total number of 377 voters were registered during the SRV. Of these, 164 were new applications, 149 duplicates and 64 for changed of addresses.

8. Provisional Voters Register

Sections 31 and 32 of the Electoral Act 2014 (Act 5 of 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 responsible for the given magisterial geographical area.

The provisional voters register was displayed at four (4) display venues. These venues were the Ncuncuni Constituency Office, Ncaute Police station, Mavandje Primary School and the Ncumcara Primary School. The Ncuncuni Constituency by-election provisional voters register was duly displayed during the period from 01-15 February 2018. This gave all registered voters, registered political parties, independent candidates and political organizations the opportunity to scrutinise and object to the inclusion or non-inclusion of any name in the provisional voters' register.

No objection was lodged and the final voters register was accordingly published in the Government Gazette on 16 February 2018.

9. Electoral Campaigns

The Ncuncuni Constituency by-election campaign period was peaceful and without any incidents of violence or intimidation before, during and after the election. The two contesting political parties, SWAPO Party of Namibia (SWAPO) and All People's Party (APP) generally adhered to the Code of Conduct governing the conduct of political parties during elections. Voter education on the Code of Conduct for the political parties must be credited for this. Adherence to the Code of Conduct ensured that the election campaigns and political rallies were held in a peaceful and tolerant atmosphere.

9.1 Election Materials Distribution

A total number of 15 polling stations (9 fixed polling and 6 mobile stations) were established throughout the Ncuncuni Constituency for the by-election.

All election materials were dispatched on 21 March 2018 under police escort and booked-in at the Ncaute Police station for safe-keeping.

The distribution of materials took place at the Ncaute Police station on 27 March 2018 and teams departed to their various polling stations on time.

All registration materials were returned by the Namibian Police from Ncaute Police station to Windhoek ECN head office on 29 March 2018.

9.2 Transport

Reliable and adequate transport is crucial for conducting successful and efficient elections. The

Commission used a total of 36 vehicles for the supplementary registration and polling process. The Commission used its internal fleet and engaged the government garage to acquire additional GRN fleet. Importantly, no accident was reported during the by-election period.

9.3 Printing of Ballot Papers

The EVM ballot papers were printed on 19 March 2018. Solitaire Press, a Windhoek-based printing company was contracted to print the EVM ballot papers. Representatives of two contesting parties were invited to verify and proof-read the ballot paper. They endorsed and signed off the ballot papers without objections.

9.4 First Level Checking and Preparations of EVMs

The conduct of the First Level Checks of the EVMs is a legal requirement in terms of EVM regulations. The first level check of EVMs took place at the head office in Windhoek on 20 March 2018. During this exercise political parties provided their own seals and were free to record all serial numbers of the EVMs that were being prepared for the by-election.

Preparation of the EVMs were conducted in accordance with the EVM regulations. On the last day of training, EVMs were prepared for polling in the presence of party agents and assigned police officers at the Ncaute police station.

10. Nominations

Section 64 (3) (a) of the Electoral Act provides for a last day of the nomination of political party candidates, also known as the Nomination Day. In the context of the Ncuncuni by-election, this day was set for 16 February 2018. The nomination of the candidates took place in the Ncuncuni Constituency. The nominated candidates were Ms Ritha Sindjanga (SWAPO) and Mr Paulus Kakoma Mangundu (APP).



First Level Check at the ECN office in Windhoek with political parties on 20 March 2018 while the CEO is closely watching the process

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 to identify eligible voters. It also reflects on the observance of the secrecy of the ballot, the counting process, the tabulation, transmission and the analysis of results. It also give account on the voter turnout during the by-election.

1. Electronic Voting Machines

The Electronic Voting Machines (EVMs) were successfully used during the Ncuncuni by-election. No major challenges were experienced with the process. Most importantly, no objections were raised by stakeholders, especially by the political parties on the use of the EVMs and the outcome of the election results.

2. Voter Verification Devices

Voter Verification Devices (VVD's) were used to verify and authenticate the voter cards of all voters at polling stations before allowing them to cast their votes. The voters register for the Ncuncuni Constituency was loaded on each verification device. The operators of the VVD's were given proper and adequate training. The software of the VVD's were also upgraded/updated to speed up the verification of voters at polling stations.

3. Security Arrangements

Proper security arrangements were put in place with the Namibian Police from the onset of the electoral process to ensure that law and order was maintained during the electoral process.

Staff from the ECN head office and the returning officer also had consultative meetings with the Namibian Police a few days before the by-election at the Ncaute Police Station. The main aim of this meeting was to acquaint and/or reacquaint the assigned officers with the electoral process. The meeting also served as an information session, to clarify roles of the various players and to update the police on the election time-table.

4. Election Day Voting

The Ncuncuni by-election was held on Wednesday, 28 March 2018. All polling stations opened at 07h00 and closed at 21h00 as prescribed by the Electoral Act. All eligible voters in attendance at 21h00 were allowed to cast their votes as permitted by the law. A peaceful atmosphere prevailed throughout polling day.

5. Tabulation 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 fixed and the mobile teams moved to the Constituency Collation Centre at the Ncaute police station where results from the different polling stations within the Ncuncuni Constituency were tabulated.

6. Collation Centre

The Ncaute police station also the Collation Centre where all the EVM results were verified. The Returning Officer verified the correctness of the returns furnished by the Presiding Officers, collated the results for the Ncuncuni Constituency and recorded the votes on Elect 19 (b). This is also the place from where the results were then announced.

7. Analysis of Results

A low voter turnout for the RC elections in Namibia has been a recurrent cause of concern. The h Ncuncuni by-election was no exception in this regard. The total number of registered voters for the Ncuncuni Constituency is 5045. Only 1452 registered voters turned out to cast their votes. The voter turnout stood at a mere 29%. The results for the by-election for Ncuncuni Constituency 2018 were as indicated in the table below:

Table 3: Results for the by-elections

Nominated Candidates	Political Party	Votes obtained
Mangundu Paulus Kakoma	APP	355
Sindjanga Ritha	SWAPO PARTY	1 097

CHAPTER THREE: ELECTION CHALLENGES, CONCLUSION AND RECOMMENDATIONS

This chapter gives a brief summary challenges experienced during the by-elections conducted in the Ncuncuni Constituency. It then proceed to draw some conclusions and give specific recommendations as a way to redress the issues identified.

1. Election Challenges and Recommendations

Although both the supplementary registration and election process went well as planned, it was not concluded without certain administrative and logistical issues. The table below summarises the challenges experienced during the Ncuncuni by-election and suggest recommendations on how to address same:

Table 4: Challenges Experienced & Recommendations

Subject	Challenges	Recommendations
Voter Registration Kits (VRK's)	Some of the VRK's froze during the capturing of data.	There is a need to replace/repair hardware and upgrade software prior to any election.
Generators	Some of the Generators were not timeously switching on and caused delays in the registration and election processes.	There is a need to service all the ECN generators in preparation for the 2019 Presidential and National Assembly elections.
Storage of Registration Materials	Police officers in Rundu had some reservations for keeping and safeguarding registration materials that was meant for Ncuncuni Constituency in Kavango West.	ECN needs to plan ahead for storage facilities throughout all Constituencies.

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 Ncuncuni by-election was organized and directed in strict compliance with the Electoral Act.

Finally, we are happy to note that all those who participated in the Ncuncuni Constituency were able to express their wishes in a peaceful manner. What remains is to with their endeavours to ensure that Ncuncuni remains a democratic constituency.

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