



Electoral Commission of Namibia

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MEDIA RELEASE **(for immediate release)**

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KEETMANSHOOP URBAN CONSTITUENCY BY-ELECTION

The Electoral Commission of Namibia (ECN) hereby notes with sadness that a vacancy has occurred in the regional council seat for the Keetmanshoop Urban Constituency of the //Kharas Region following the untimely death of Honorable Maxi Minnaar, on the 10th August 2020.

The ECN hereby extends deep sympathies and condolences to the bereaved family and friends of the late Councilor Minnaar, and similarly share condolences with the leadership and the rank and file of the Landless People's Movement (LPM) for the immeasurable loss suffered.

As the exclusive authority responsible for the conducting of all electoral and referenda processes in terms of the Electoral Act, Act no 5 of 2014, the ECN, on hearing of the vacancy in the Keetmanshoop Urban constituency, has taken certain steps in line with its statutory obligations.

In terms of the 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 for the unexpired portion of the period of 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 (3) months. In this specific case, the vacancy in question is to be filled on or before the 10th of November 2020.

As per the norm, the ECN developed a tentative draft electoral calendar in preparation for the Keetmanshoop Urban Constituency by-election. In accordance with this tentative draft calendar,

the following key dates are reflected: Nomination period **14th – 28th September 2020** and Polling Day, **07th November 2020**.

As per the electoral calendar shared with the general public and electoral stakeholders for the 2020 Regional Council and Local Authority elections, the nomination period for the **national Regional Councils and Local Authorities Election** is scheduled for the period **29th September – 16th October 2020** and Polling Day determined for **25th November 2020**.

Technically, this implies that the ECN would conduct two (2) elections, around the same time to fill the same vacancy in the same Constituency. The scenario of conducting the Keetmanshoop Urban Constituency by-election a few days before the Regional Council's election presents the following dilemma:

- 1. The would-be Councilor for the Keetmanshoop Urban Constituency would serve as Councilor for only two (2) weeks and a half!**
- 2. The financial implication of holding such a by-election is an estimated N\$ 1 million.**

The ECN's view is that when one has regard to the whole of section 10 of the Regional Councils Act, it is clear that the Legislature did not want a situation to arise where a member of a Regional Council vacates an office and that office remains unoccupied until the next general Regional Council elections.

It is also the ECN's contention that it could not have been the Legislature's intention to fill a vacancy for a period of two (2) and a half week only, since that would definitely lead to an ***absurdity***. Furthermore, considering the economic upheavals, the country faces, compounded in part, by the COVID-19 pandemic, the ECN is of the view that it would not be prudent to conduct a by-election just a few days before the Regional Council Election is also set to be conducted for the same constituency. This would amount to wasteful expenditure and result in ***hardship*** for the Namibian taxpayers to spend a million Namibian dollars on a by-election under such circumstances.

As a sequel to the above, the ECN hereby informs the general public that a by-election will **NOT** be conducted for the Keetmanshoop Urban Constituency given the circumstances enunciated above.

Issued by:



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