



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

ELECTORAL COMMISSION OF NAMIBIA

No. 357

2019

REGULATIONS RELATING TO DECLARATION OF ASSETS AND LIABILITIES OF POLITICAL PARTIES AND DISCLOSURE OF FOREIGN AND DOMESTIC FINANCING OF POLITICAL PARTIES, ORGANISATIONS, MEMBERS OR OTHER PERSONS: ELECTORAL ACT, 2014

The Electoral Commission of Namibia, under section 205 of the Electoral Act, 2014 (Act No. 5 of 2014), has made the regulations set out in the Schedule.

N.TJIPUEJA
CHAIRPERSON
ELECTORAL COMMISSION OF NAMIBIA

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Date of first submission of declaration of assets and liabilities
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4. Disclosure of foreign and domestic financing

ANNEXURES

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Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the content indicates otherwise -

“Annexure” means the Annexure to these Regulations;

“authorised body” means the governing or decision making body of a political party;

“foreign institution” means an institution which is not a Namibian institution;

“foreign person” means an individual who is not a Namibian person;

“Namibian institution” means a company incorporated in or registered in Namibia or a trust registered in Namibia;

“Namibian person” means a citizen of Namibia within the meaning of Article 4 of the Namibian Constitution and a person lawfully admitted for permanent residence in Namibia; and

“the Act” means the Electoral Act, 2014 (Act No. 5 of 2014).

Date of first submission of declaration of assets and liabilities

2. (1) For the purposes of section 139(1)(a) of the Act, the Commission must, on the commencement of these regulations, in writing request registered political parties to submit a declaration of assets and liabilities.

(2) After subregulation (1) has been complied with, a registered political party must as required by section 139(1)(b), annually, 21 days after the official opening of the National Assembly, submit to the Commission a declaration of assets and liabilities.

Submission of declaration of assets and liabilities

3. (1) The declaration of assets and liabilities must be made by completing Form 33 in the Annexure.

(2) The declaration of assets and liabilities must be signed by the members of the authorised body of the registered political party and be submitted by the authorised representative of that registered political party.

Disclosure of foreign and domestic financing

4. (1) A registered political party, a registered organisation, a member of a registered political party or registered organisation or a person who is required in terms of section 141(1) of the Act to disclose donations must submit details of the donations to the Commission by completing Form 34 in the Annexure not later than 60 days after the end of June every year.

(2) The total donation amount that a registered political party, registered organisation, member of a registered political party or registered organisation or a person contemplated in section 141(1) can receive in a financial year may not -

- (a) exceed N\$ 4 million, if the donation is received from a Namibian person or Namibian institution; and
- (b) exceed N\$ 2 million if the donation is received from a foreign person or a foreign institution.

(3) A registered political party, registered organisation, a member of a registered political party or registered organisation or a person contemplated in section 141(1) of the Act, that has received more than the prescribed amount of donation referred to in subregulation (2), must disclose to the public, the donations received, within a period of 30 days after it was received, by publishing a notice in two newspapers circulating in Namibia, specifying -

- (a) the amount of money received;
- (b) the source from which the money was received;
- (c) any conditions upon which the money was donated; and
- (d) the manner in which the money is intended to be used.

(4) A Namibian person or Namibian institution contemplated in section 141(2), that donated more than the amount prescribed in subregulation (2) to any registered political party, registered organisation, a member of a registered political party or registered organisation or a person contemplated in section 141(1), must disclose to the public, the donations given within a period of 30 days after it was donated, by publishing a notice in two newspapers circulating in Namibia, specifying -

- (a) the amount of money donated;
- (b) the source from which such money was received;
- (c) any conditions upon which such money was donated; and
- (d) the manner in which such money is intended to be used.

FORM 33

ELECTORAL COMMISSION OF NAMIBIA
ELECTORAL ACT, 2014 (ACT NO. 5 OF 2014)

DECLARATION OF ASSETS AND LIABILITIES
(Section 139/Regulation 3)

For use by Chairperson of the Commission			
Received by me at	h	on	/..... /20
	(time)	(day)	(month) (year)
..... Signature of Chairperson of the Commission			

I (full names) being the
 authorised representative of

(name of political party)

Contemplated in paragraphs (a) and (b) of section 137(1) of the Act and furnished with a certificate of registration on the day of hereby furnish evidence of the existence of the location of national and other offices as below -

1. The national office is situated at
(state plot number, street name and town. Attach a copy of the title deed).
2. Other offices are situated at: *(state plot number, street name and town. Attach copies of rental agreement or title deed if available).*
3. The political party has the following assets:
 - 3.1 Immovable property:
.....
(state plot number, street name and town. Attach a copy of the title deed).
 - 3.2 Shares and other financial interests in companies and other corporate entities:
 - 3.3 Accounts with financial institutions:
 - 3.4 Motor vehicles:
 - 3.5 Furniture:
 - 3.6 Office equipment, e.g. computers, printers etc:

3.7 Any other assets:

4. The sources of abovementioned assets are as follows:

4.1

4.2

4.3

4.4

4.5

4.6

4.7

5. The political party has the following liabilities:

5.1 Accounts payable:

5.2 Loans:

5.3 Other liabilities:

DECLARATION BY AUTHORISED REPRESENTATIVE OF POLITICAL PARTY

I (state full names) in my capacity as the authorised representative of

..... (state the name of the political party)

hereby declare that the information contained in this application, including the Annexures thereto, are true and correct.

.....
Signature of authorised representative

.....
Date

FORM 34

ELECTORAL COMMISSION OF NAMIBIA
ELECTORAL ACT, 2014 (ACT NO. 5 OF 2014)

DISCLOSURE OF RECEIPT OF FOREIGN AND DOMESTIC FINANCING
(Section 141/Regulation 4)

For use by Chairperson of the Commission			
Received by me at	h	on	/..... /20
	(time)	(day)	(month) (year)
..... Signature of Chairperson of the Commission			

I *(full names)* being the authorised representative or member of

(name of political party or organisation)

Contemplated in paragraphs (a) and (b) of section 137(1) of the Act or paragraphs (a) and (b) of section 149(1) of the Act and furnished with a certificate of registration on the Day of
 or person as contemplated in paragraph (c) of section 141(1) of the Act, hereby disclose that I or the registered political party or registered organisation as abovementioned, received as a donation the following:

1. Cash in the amount of:
2. Anything which can be cashed or converted into money to the value of:
3. The source of the abovementioned donation is:
4. The following conditions applied:

5. I or the political party or organisation (delete which is not applicable) intend to use the donation in the following manner:

DECLARATION BY AUTHORISED REPRESENTATIVE OF POLITICAL PARTY OR ORGANISATION OR MEMBER OR PERSON

I *(state full names)* in my capacity as the authorised representative of

..... *(state the name of the political party)*

hereby declare that the information contained in this application, including the Annexures thereto, are true and correct.

.....
Signature

.....
Date
