

# **ELECTIONS**

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## **Electoral Act 24 of 1992.**

**Summary:** This Act governs elections for the office of President, the National Assembly, regional councils and local authority councils. It also provides for the establishment of an Electoral Commission, for the registration of voters and political parties, and for the conduct of elections.

**Amendments:** The Act is substantially amended by Act 23/1994.

The definition of “party list” is amended by the Local Authorities Amendment Act 3 of 1997, to conform with the amendment of the Local Authorities Act 23 of 1992 to defer the change from election on a party list system to election on a ward basis until after the second local elections.

Act 30/1998, which did not come into force until July 1999, amends sections 1, 3, 5, 9, 11, 20, 21, 25, 26, 62, 68, 74, 76 and 93 and substitutes certain expressions. Act 11/1999 amends amending Act 30/1998. Act 30/1998 came into force together with Act 11/1999 on 13 July 1999, with the exception of sections 10 and 11 of Act 30/1998 which were deemed by section 5 of Act 11/1999 to have come into operation on 1 October 1998.

Act 19/1999 amends sections 28A, 51, 87, 87A, 88 and 89 of the Act.

Act 20/2002 amends section 15 (pertaining to the period for the second general registration of voters) and is deemed to have come into operation on 23 October 2002.

Act 7/2003, which came into operation on 8 July 2003 (GN 146/2003, GG 3014), makes substantial amendments.

Act 4/2006 (GG 3759) amends sections 49 and 69 of the Act.

The Act is substantially amended by Act 7/2009 (GG 4322) which came into operation on the date of publication (14 August 2009), with the exception of new section 79B (concerning voting machines) which will be brought into force on a date set by the Minister.

**Regulations:** Regulations for the registration of voters and political parties are contained in GN 128/1992 (GG 482), GN 141/1992 (GG 504), GN 149/1992 (GG 513) and GN 197/1994 (GG 956). Regulations relating to the Registration of Voters and Political Parties are contained in GN 147/2003, as amended by GN 149/2003, which repeals the regulations in GN 128/1992, as amended by GN 197/1994.

Regulations for the nomination of candidates are contained in GN 141/1992 (GG 504), as amended by GN 149/1992 (GG 513), GN 196/1994 (GG 956) and GN 271/1998 (GG 1985).

Regulations for the general conduct of elections are contained in GN 152/1992 (GG 518), as amended by GN 205/1994 (GG 965).

Guidelines for political parties are published in General Notice 143/1992 (GG 503).

GN 172/1992 (GG 530) states that the Directorate of Elections will resort under the Office of the Prime Minister.

A Code of Conduct Governing Persons Accredited to Provide Voter Education for or in Respect of Elections is contained in General Notice 241/2009 (GG 4352).

A Code of Conduct Governing Accredited Observers and Persons Appointed by Accredited Observers is contained in General Notice 242/2009 (GG 4352).

**Appointments:** An initial Director of Elections and an Electoral Commission are appointed in Proc. 44/1992 (GG 509).

An Acting Director of Elections is appointed in Proc. 16/1993 (GG 648), and a Director of Elections in Proc. 24/1993 (GG 727), as amended by Proc. 26/1993 (GG 750). A Director of Elections is appointed in Proc. 23/2003 (GG 3035) and Proc. 28/2008 (GG 4093).

Members of the Electoral Commission are announced in Proc. 15/1999 (GG 2070), Proc. 10/2000 (GG 2391), Proc. 37/2004 (GG 3219), Proc. 10/2005 (GG 3485), Proc. 7/2007 (GG 3789) and Proc. 16/2007 (GG 3928).

Members of the Selection Committee are appointed in GN 109/2000 (GG 2313), GN 229/2001 (GG 2647), GN 64/2005 (GG 3440) and GN 165/2006 (GG 3714).

Returning officers are listed in Proc. 27/1994, as amended by Proc. 31/1994 (GG 990).

**Cases:** *Garoeb & Others v President of the Republic of Namibia & Others* 1992 NR 342 (HC); *DTA of Namibia & Another v SWAPO Party of Namibia & Others* 2005 NR 1(HC); *Congress of Democrats & Others v Electoral Commission* 2005 NR 44 (HC); *Rally for Democracy and Progress & Others v Electoral Commission of Namibia & Others* 2009 (2) NR 793 (HC) (section 93(4) as amended in 1998, section 109).

**Related international agreements:** See SADC Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, adopted by the SADC Parliamentary Forum Plenary Assembly on 25 March 2001, available at [www.eisa.org.za/PDF/sadcpf.pdf](http://www.eisa.org.za/PDF/sadcpf.pdf). See also *Statutes of the International Institute for Democracy and Electoral Assistance, 2006*, which entered into force 21 November 2008 (source: [www.idea.int](http://www.idea.int)), accession approved by Parliament: 9 July 2008 (source: Parliament).

## **RELATED MATTERS**

Establishment of the First Delimitation Commission, Proc. 12/1990 (GG 69)

Appointment of Delimitation Commission, Proc. 9/1995 (GG 1089)

Appointment of Delimitation Commission, Proc. 6/2002 (GG 2855).

## **KEY DOCUMENTS FOR SPECIFIC ELECTIONS**

### **First local and regional elections, 1992**

registration period: Proc. 29/1992 (GG 485), extended in Proc. 43/1992 (GG 508)

dates of local elections: Proc. 38/1992 (GG 502)

dates of regional elections: Proc. 39/1992 (GG 502)  
provisional local authority voters' register: GN 150/1992 (GG 516)  
provisional national voters' register: GN 151/1992 (GG 517)  
polling stations: GN 154/1992 (GG 520), GN 155/1992 (GG 521), GN 179/1992 (GG 538)  
regional candidates: GN 155/1992 (GG 521), GN 156/1992 (GG 526), GN 180/1992 (GG 539)  
local authority candidates: GN 157/1992 (GG 528), as amended by GN 183/1992 (GG 544)  
results-Regional Councils: GN 153/1992 (GG 519), GN 184/1992 (GG 545) as amended by GN 29/1993 (GG 601)  
results-Local Authorities: GN 185/1992 (GG 547)

#### **First Walvis Bay local election, 1994**

A local authority was established for Walvis Bay by Proc. 16/1994 (GG 873), as amended by Proc. 17/1994 (GG 893). See *Municipality of Walvis Bay v Du Preez* 1999 NR 106 (LC), for a discussion of the validity of this election.

party lists: GN 144/1994 (GG 905)  
results: GN 157/1994 (GG 915)

#### **Local authority by-elections**

(Vacancies in local councils which did not result in by-elections are not listed here.)

*Aroab:*

candidates: GN 9/1993 (GG 572)  
results: GN 27/1993 (GG 601)

#### **Regional council by-elections**

*Keetmanshoop Rural Constituency, Karas Region:*

candidates: GN 10/1993 (GG 572)  
results: GN 28/1993 (GG 601)

*Olukunda Constituency, Oshikoto Region:*

results: GN 11/1993 (GG 572)

*Kabe Constituency, Caprivi Region:*

candidates: GN 58/1993 (GG 651)  
results: GN 65/1993 (GG 666)

*Omupundja Constituency, Oshana Region:*

results: GN 226/1994 (GG 985).

*Gobabis Constituency, Omaheke Region:*

candidates: GN 79/1995 (GG 1082)  
results: GN 115/1995 (GG 1102)

*Okongo Constituency, Ohangwena Region:*

results: GN 212/1995 (GG 1191)

*Katima Mulilo Constituency, Caprivi Region:*

candidates: GN 258/1996 (GG 1412)  
results: GN 295/1996 (GG 1437)

*Ompundja Constituency, Oshana Region:*

results: GN 180/1997 (GG 1674)

*Kapako Constituency, Okavango Region*

results: GN 44/1998 (GG 1811)

#### **General election, 1994**

supplementary registration of voters: Proc. 19/1994 (GG 903), Proc. 24/1994 (GG 940)

lists of candidates for President: GN 216/1994 (GG 973)

lists of candidates for National Assembly: GN 217/1994 (GG 973), as amended by

GN 238/1994 (GG 998)  
results-President: GN 242/1994 (GG 1003), as corrected by GN 13/1995 (GG 1009)  
results-National Assembly: GN 243/1994 (GG 1003)

### **Second local authority elections, 1998**

date of elections: Proc. 17/1997 (GG 1698), revoked by Proc. 25/1997 (GG 1733);  
Proc. 29/1997 (GG 1748)  
polling stations: GN 208/1997 (GG 1707), GN 279/1997 (GG 1755)  
increase of number of members of Swakopmund and Windhoek municipal councils:  
Proc. 22/1997 (GG 1714)  
lists of political parties and candidates: GN 6/1998 (GG 1788)  
results: GN 35/1998 (GG 1805)

### **Second regional authority elections, 1999**

date of election: Proc. 17/1998 (GG 1970), replaced by Proc. 18/1998 (GG 1974)  
list of candidates and elected members: GN 279/1998 (GG 1998)  
results: GN 42/1999 (GG 2069), as amended by GN 189/1999 (GG 2185)

### **Local authority by-elections**

(Vacancies in local councils which did not result in by-elections are not listed here.)

#### *Rehoboth:*

candidates: GN 140/2001 (GG 2574)  
results: GN 187/2001 (GG 2615)

### **Regional council by-elections**

#### *Wanaheda Constituency, Khomas Region:*

candidates: GN 102/1999 (GG 2120)  
results: not published

#### *Walvis Bay Urban Constituency, Erongo Region:*

candidates: GN 102/1999 (GG 2120)  
results: not published

#### *Gobabis Constituency, Omaheke Region:*

candidates: GN 120/2000 (GG 2334)  
results: GN 184/2000 (GG 2382)

#### *Rundu Urban Constituency, Kavango Region:*

candidates: GN 285/2000 (GG 2449)  
results: GN 14/2001 (GG 2473).

#### *Kapako Constituency, Kavango Region*

candidates: GN 83/2001 (GG 2525)  
results: GN 141/2001 (GG 2574)

#### *Karibib Constituency, Erongo Region*

candidates: GN 242/2001 (GG 2658)  
results: GN 11/2002 (GG 2684)

#### *Oshikango Constituency, Ohangwena Region*

candidates: GN 242/2001 (GG 2658)  
results: GN 11/2002 (GG 2684)

#### *Rehoboth Urban West Constituency, Hardap Region:*

candidates: GN 49/2003 (GG 2938)  
results: GN 98/2003 (GG 2974)

#### *Kapako Constituency, Kavango Region:*

candidates: GN 108/2003 (GG 2989)  
results: not published

#### *Oshikango Constituency, Ohangwena Region:*

candidates: not yet available  
results: not published

*Windhoek West Constituency, Khomas Region*  
candidates: GN 198/2003 (GG 3058)  
results: not published

*Grootfontein Constituency, Otjozondjupa Region*  
candidates: GN 10/2004 (GG 3137)  
results: GN 43/2004 (GG 3166)

*Tsumeb Constituency, Oshikoto Region:*  
candidates: GN 44/2004 (GG 3166)  
results: GN 107/2004 (GG 3203)

*Otjinene Constituency, Omaheke Region:*  
candidates: GN 94/2004 (GG 3201)  
results: not published

*Okakarara Constituency; Otjozondjupa Region:*  
candidates: GN 95/2004 (GG 3201)  
results: not published

*Aminuis Constituency; Omaheke Region:*  
candidates: GN 96/2004 (GG 3201)  
results: not published

*Tsumkwe Constituency; Otjozondjupa Region:*  
candidates: GN 97/2004 (GG 3201)  
results: not published

*Omatako Constituency; Otjozondjupa Region:*  
candidates: GN 98/2004 (GG 3201)  
results: not published

#### **General election, 1999**

supplementary registration of voters: Proc. 26/1999 (GG 2169)  
lists of candidates for President: GN 254/1999 (GG 2233)  
lists of candidates for National Assembly: GN 255/1999 (GG 2233)  
results-President: GN 22/2000 (GG 2261)  
results-National Assembly: GN 23/2000 (GG 2261)

#### **Third local authority elections; 2004**

supplementary registration of voters Proc. 11/2004 (GG 3170)  
date of elections: Proc. 18/2004 (GG 3173)  
provisional voters' register: GN 81/2004 (GG 3194)  
voters' registers: GN 101/2004 (GG 3203)  
polling days and polling stations GN 99/2004 (GG 3201)  
list of political parties and candidates: GN 100/2004 (GG 3202)  
results: GN 190/2004 (GG 3268)

#### **General election, 2004**

supplementary registration of voters: Proc. 42/2004 (GG 3274)  
polling days – President: Proc. 43/2004 (GG 3280)  
polling days – National Assembly: Proc. 44/2004 (GG 3280)  
provisional voters' registers: GN 216/2004 (GG 3292), revoked by GN 222/2004 (GG 3297)  
list of candidates for President: GN 237/2004 (GG 3316)  
party lists for National Assembly: GN 238/2004 (GG 3316)  
polling stations: GN 239/2004 (GG 3316) as amended by GN 243/2004 (GG 3321)  
national voters' registers: GN 242/2004 (GG 3318)  
results-President: GN 3/2005 (GG 3366)  
results-National Assembly: GN 4/2005 (GG 3366); another set of results for the same election reporting slightly different figures is published in GN 31/2005 (GG 3399) without any reference to the previous Government Notice.

### **Third regional council elections; 2004**

date of election: Proc. 47/2004 (GG 3292)

provisional voters' registers: GN 216/2004 (GG 3292), revoked by GN 222/2004 (GG 3297).

polling days and polling stations Proc. 48/2004 (GG 3292) as amended by Proc. 57/2004 (GG 3329).

candidates, polling days, and polling stations: GN 252/2004 (GG 3329)

results: GN 5/2005 (GG 3366)

### **Regional council by-elections**

*Rundu Rural West Constituency, Kavango Region:*

candidates: GN 228/2007 (GG 3958)

results: GN 14/2008 (GG 3983)

*Eenhana Constituency, Ohangwena Region:*

candidates: GN 58/2008 (GG 4006)

results: not yet published as of 30 June 2010

*Tobias Hainyeko Constituency, Khomas Region:*

candidates: GN 252/2008 (GG 4141)

results: GN 271/2008 (GG 4170)

*Okahandja Constituency, Otjozondjupa Region*

candidates: GN 16/2010 (GG 4425)

results: GN 44/2010 (GG 4442).

### **New local authorities, 2005 (Oshikuku, Okahao and Ruacana)**

list of political parties and candidates: GN 159/2005 (GG 3540)

results: GN 50/2006 (GG 3592).

### **New local authority, 2007 (Nkurenkuru)**

list of political parties and candidates: GN 56/2007 (GG 3810), which revokes GN 22/2007 (GG 3790)

results: GN 74/2007 (GG 3821).

### **New local authority, 2008 (Omuthiya)**

candidates: GN 226/2008 (GG 4118), which withdraws GN 42/2008

results: GN 89/2008 (GG 4013); GN 251/2008 (GG 4141)

### **General election, 2009**

supplementary registration of voters: Proc. 11/2009 (GG 4334)

polling days – President and National Assembly: Proc. 12/2009 (GG 4348)

polling date for persons voting abroad: GN 192/2009 (GG 4348)

polling date for persons on board vessels: GN 193/2009 (GG 4348)

provisional voters' registers: GN 203/2009 (GG 4352)

list of candidates for President: GN 222/2009 (GG 4375)

party lists for National Assembly: GN 224/2009 (GG 4375)

polling stations: GN 223/2009 (GG 4375)

final voters' register: GN 225/2009 (GG 4375)

results-President: GN 246/2009 (GG 4397)

results-National Assembly: GN 247/2009 (GG 4397)

See also Intimidation Proclamation, AG 24 of 1989, in connection with General Notice 143/1992, which contains certain guidelines for the holding of elections  
**(CRIMINAL LAW AND PROCEDURE).**

See also **REGIONAL AND LOCAL GOVERNMENT.**