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INFORMATION ABOUT NAMIBIA'S LAW

Election Day: Persons and procedures

The nation goes to vote on 27 November. Who will be present at the polling station and what rules apply on that day?

Observers

The Electoral Commission of Namibia (ECN) may invite persons or groups to act as observers. Anyone invited to observe is automatically accredited to act as an observer.

Anyone can also apply to the ECN for accreditation to observe an election. An observer must have the ability to observe the elections impartially and independent of any political party or candidate. A successful applicant will receive a certificate of accreditation. Any member of the public has a right to see the list of people accredited as observers.

All observers must be neutral. They must not act in a way that suggests support for a political party or candidate, and they must not wear or display party symbols or colours. They must not try to influence voters. Observers have a duty to inform the ECN of any irregularities in the electoral process that come to their attention.

Election officials

The ECN appoints certain election officials. There is at least one **returning officer** for every constituency, who is in charge of voting machines and polling booths and receiving the sealed voting machines at the end of the election. The ECN also appoints a **presiding officer** for every polling station, who controls polling station and makes sure that the election runs properly at that place. The presiding officer is assisted by **polling officers**. The ECN also appoints **counting officers** to assist in tabulating the results of the poll and cross-reference the manual record of persons who voted with the figures from the electronic voting machines.

Office-bearers of political parties are not eligible for any of those positions. The ECN must announce the names and addresses of these officials in a public notice. The ECN is responsible for training these various officers and making sure they have the skills and knowledge required to carry out their tasks.

All of the election officials work under the authority of the **Chief Electoral Officer** appointed by the ECN after interviews which are open to the press and the public. The Chief Electoral Officer is ultimately responsible for the conduct of the election.

Election agents and counting agents

Registered political parties and independent candidates may appoint election agents for each polling station. Their role is to observe the election process on behalf of the party or candidate. For example, election agents can inspect the seals on the voting machines, accompany mobile polling teams to their destinations and generally observe the election process. Most importantly, they can report any irregularities to a presiding officer or returning officer.

An election agent must be a Namibian citizen, age 18 or older, who is not a candidate in the election concerned. Parties and independent candidates must notify the ECN of the names and addresses of the election agents appointed for each polling station, and the ECN will publish these in a public notice.

Registered political parties and independent candidates may similarly appoint counting agents to represent them during the process of tabulating the election results.

The ECN is required to offer training courses for election agents and counting agents (referred to collectively in the rest of this article as “party agents”).

Preparing the electronic voting machines

Before Election Day, all the voting machines and tabulators must be examined at the ECN offices by a person designated by the manufacturer of the machines or an expert designated by the ECN. This examination is intended to verify that the equipment is all in good working order, and it can be monitored by party agents.

The returning officers must prepare the ballot units of the voting machines in the presence of the party agents at the ECN offices. They record the serial numbers of each machine, and allow the party agents to verify these numbers. They insert the ballot paper which will be displayed on the screen and make sure that the name of each party or candidate clearly corresponds with a button on the machine. Then the ballot unit is sealed and party agents are invited to sign the seal as a safeguard against tampering. The control units are similarly checked and sealed.

Before the voting starts, the presiding officer at every polling station must examine and verify the seals and serial numbers on the voting machine units, confirm that all the voting machines are cleared of any votes and “in perfect working order” and conduct a pre-poll test to ensure that every button functions properly. The machines can also be inspected by party agents, election observers, other election officials and police on duty at the polling station, and the party agents can all test their own buttons. The machines are again cleared of all votes after the test.

Election Day

Polling stations will open at 7h00 and close at 21h00.

Every polling station must have polling booths arranged in a manner which ensures that voters can vote in secrecy. The law also requires that polling booths must be accessible to people with disabilities, and positioned so that no one can enter or leave a booth without being observed.

Every voter must show their voter registration card, which will be checked against the list of registered voters. Any voter not on the list will not be allowed to vote, and their voter registration card will be confiscated.

An election official will examine the voter's fingers to make sure that they have not previously voted, and then apply an "identification mark" that cannot be washed off. If the voter already has this mark, all the party agents must be allowed to see this – and the person in question will not be allowed to vote. Anyone who refuses to have the identification mark applied will not be allowed to vote.

If a voter is incapacitated by blindness or another physical disability or is unable to read and understand the voting directions, they can ask a presiding officer or polling officer for help. These officials must assist in the presence of an adult accompanying the voter if the voter wishes. Alternatively, voters can choose to be assisted by a trusted adult they have brought along rather than by an election official.

Aside from this authorised assistance, no one is allowed to enter a polling booth while a voter is in it, or to talk to or interfere with a voter who is inside a polling booth.

Occurrence Book

Each polling station has an "Occurrence Book" which is a record of all complaints and incidents. An item can be entered into the Occurrence Book by an election official or any ECN staff member, a party agent, a police officer, an observer or a candidate. The entry must be signed by a witness. This entry is important, because anything not recorded in the book in this way is treated as if it never happened unless it can be proved later on.

Offences

Voters and all members of the public must respect some important rules on Election Day. No one is allowed to erect posters or structures, use loud speakers or organise any demonstration within 500 meters of a polling station.

It is illegal to interfere with the secrecy of the ballot by trying to get information about how someone voted. Inside the polling booths, voters are not allowed to take photographs or record themselves.

Voters must obey any lawful order given by the presiding officer, and it is a crime to intentionally damage the voting machine or the Occurrence Book.

It is strictly forbidden to provide a registration card issued to some other person or an altered registration card.

It is a crime for anyone to threaten or bribe a voter for the purpose of influencing their vote, or to obstruct someone who is on the way to vote.

All of these offences are punishable by fines or imprisonment or both.

We hope that new voters in particular will find this snapshot of the key players and procedures to be helpful. We wish Namibia a peaceful, free and fair election.

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