



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

NS\$1.00

WINDHOEK - 29 November 1999

No. 2237

CONTENTS

	<i>Page</i>
GOVERNMENT NOTICE	
No. 257 Promulgation of Electoral Amendment Act, 1999 (Act 19 of 1999), of the Parliament	1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 257 1999

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 19 of 1999: Electoral Amendment Act, 1999.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Electoral Act, 1992 so as to make provision for the suspension of the process of continuous registration of voters when a general registration of voters is to take place; to make provision for the appointment of only one returning officer for polling stations outside Namibia; to make other provision for the verification and counting of tendered votes

(Signed by the President on 17 November 1999)

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:-

Amendment of section 28A of Act 24 of 1992, as inserted by section 11 of Act 23 of 1994

1. Section 28A of the Electoral Act, 1992 (Act No. 24 of 1992), hereafter referred to as the principal Act, is amended by the substitution for subsection (4) of the following subsection:

“(4) The continuous registration of voters shall be suspended -

- (a) when a general registration of voters is determined to take place under section 15(1), from the date of publication in the *Gazette* of the proclamation under that section, until the expiry of a period of 30 days from the date of publication in the *Gazette* of the notice contemplated in section 26(3)(a) in relation to such general registration, and shall be so suspended for the whole of Namibia; and
- (b) during any election in terms of section 49(1) or any by-election in terms of section 49(2), from the date that the proclamation under section 50(1) in relation to such election or by-election is published in the *Gazette*, up to and including the **[second]** sixtieth day after the close of the poll at such election or by-election, whichever is applicable, and shall be so suspended -
 - [(a)](i)** in the case of an election in terms of section 49(1), for the whole of Namibia; and
 - [(b)](ii)** in the case of a by-election in terms of section 49(2), for every constituency or local authority area or, where applicable, ward in respect of which the by-election is held.”.

Amendment of section 51 of Act 24 of 1992, as amended by section 18 of Act 23 of 1994

2. Section 51 of the principal Act is amended -
- (a) by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the following subparagraph:

Act No. 19, 1999

ELECTORAL AMENDMENT ACT, 1999

“(i) for the President or members of the National Assembly, for each constituency, and for the polling stations outside Namibia jointly;”;
and

(b) by the substitution for the proviso to subsection (1) of the following proviso:

“Provided that the same person may be appointed returning officer for a constituency and a local authority area or ward referred to in paragraph (a) **[or for more than one polling station referred to in that paragraph].**”.

Amendment of section 87 of Act 24 of 1992, as amended by section 40 of Act 23 of 1994

3. Section 87 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The returning officer, other than the returning officer for polling stations outside Namibia, shall -

- (a) open the sealed ballot boxes relating to a particular polling station received from the presiding officer in terms of section 85 and verify the correctness of the return furnished by the presiding officer in terms of subsection (3) of that section;
- (b) after such verification -
 - (i) prepare a report on the result thereof;
 - (ii) allow any counting agent or candidate to make a copy of the report; and
 - (iii) cause the report to be delivered or transmitted to the Director;
- (c) open the packet referred to in section 80(2)(d), remove from the authorization envelopes the ballot papers and mix them, still folded, with the other ordinary ballot papers;
- (d) after ascertaining that each ordinary ballot paper bears on the back thereof the official mark referred to in section 82(2), count the votes recorded on such ballot papers -
 - (i) in the case of an election on party lists, for each political party; or
 - (ii) in the case of an election otherwise than on party lists, for each candidate; and
- (e) once the counting of the ordinary ballot papers in terms of paragraph (d) has been completed -
 - (i) sort all the tendered vote envelopes according to the constituencies indicated thereon; and
 - (ii) remove the ballot papers from such envelopes and, in respect of each constituency, count the votes recorded on those ballot papers in the manner contemplated in paragraph (d).”.

Substitution of section 87A of Act 24 of 1992, as inserted by section 41 of Act 23 of 1994

4. The following section is substituted for section 87A of the principal Act:

“Verification and counting of tendered votes cast at polling stations outside Namibia

87A At the time and place notified under section 86 for the counting of votes cast by way of tendered votes at polling stations outside Namibia, and if the ballot boxes, packets and returns contemplated in section 85(3) have been received from all those polling stations, the returning officer appointed for such polling stations shall -

- (a) examine the seals of all ballot boxes and packets and afford counting agents and, in the case of an election for the President, also any candidates who are present an opportunity to do the same;
- (b) open each such sealed ballot box and verify the correctness of the return furnished by the presiding officer in terms of section 85(3);
- (c) after such verification -
 - (i) prepare a report on the result thereof;
 - (ii) allow any counting agent or candidate to make a copy of the report; and
 - (iii) cause the report to be delivered or transmitted to the Director;
- (d) remove from all the ballot boxes the tendered vote envelopes and sort them according to the constituencies indicated thereon;
- (e) remove from the tendered vote envelopes the ballot papers and, in respect of each constituency, count the votes recorded on those ballot papers in the manner contemplated in section 87(2)(d), (3), (4) and (5).”

Amendment of section 88 of Act 24 of 1992, as amended by section 42 of Act 23 of 1994

5. Section 88 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) At an election for the President a returning officer shall, when the counting of votes in accordance with section 87 or 87A has been completed, and whether or not the return referred to in section 85(3) was found to be correct, announce in the prescribed manner the result of such count and inform the Chairperson of the Commission thereof.”

Amendment of section 89 of Act 24 of 1992, as amended by section 43 of Act 23 of 1994

6. Section 89 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) At an election for members of the National Assembly a returning officer shall, when the counting of votes in accordance with section 87 or 87A has been completed, and whether or not the return referred to in section 85(3) was found to be correct, announce in the prescribed manner the result of such count and inform the Director thereof.”

Short title

7. This Act shall be called the Electoral Amendment Act, 1999.