



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No.185 2000

REGULATIONS RELATING TO THE ELECTION OF MEMBERS OF THE OPTOMETRIC BOARD UNDER THE ALLIED HEALTH SERVICES PROFESSIONS ACT, 1993

The Minister of Health and Social Services, on the recommendation of the Optometric Board, has under section 45 of the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993) -

- (a) made the regulations set out in the Schedule; and
- (b) withdrawn Government Notice No. 225 of 20 October 1999.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Act has that meaning and -

“Board” means the Optometric Board established under section 2 of the Act;

“optical dispenser” means a person registered as such under the Act;

“optometrist” means a person registered as such under the Act;

“orthoptist” means a person registered as such under the Act;

“qualified voter” means any optometrist, optical dispenser or orthoptist who is a Namibian citizen or has been lawfully admitted to Namibia for permanent residence therein and is resident in Namibia;

“returning officer” means the person appointed under regulation 2;

“the Act” means the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993).

Returning officer

2. The president of the Board must appoint a person to act as returning officer for the purposes of these regulations.

Nomination of candidates

3.(1) When, in terms of section 5 of the Act, a general election of members of the Board is to be held, the returning officer must publish in the *Gazette*, and transmit by post to the registered address of every qualified voter, a notice substantially in the form of Form 1 -

- (a) inviting the submission of nominations of candidates for election as members of the Board; and
- (b) stating the cut-off date, and the closing time on that date, by which nominations must be submitted.

(2) When, in terms of section 7(2) of the Act, an election is to be held to fill a casual vacancy on the Board, the returning officer, with the concurrence of the president of the Board, must publish in the *Gazette*, and transmit by post to the registered address of every qualified voter, a notice substantially in the form of Form 1 -

- (a) inviting the submission of nominations of candidates for election as a member or members of the Board; and
- (b) stating the cut-off date, and the closing time on that date, by which nominations must be submitted.

(3) The cut-off date notified in a notice in terms of subregulation (1)(b) or (2)(b) must be a date not less than 30 days after the date of publication of the notice.

(4) Nomination forms may be submitted to the returning officer at any time after the publication of the notice referred to in subregulation (1) but before the closing time on the cut-off date stipulated in that notice.

Eligibility for election as member

4.(1) No person may be nominated as a candidate for election unless he or she is an optometrist, an optical dispenser or an orthoptist who is not disqualified in terms of section 6 of the Act to be elected as a member of the Board.

- (2) The nomination of a person as candidate for election is not valid, unless-

- (a) the nomination is made by two persons who are registered in any of the professions of optometrist, optical dispenser or orthoptist on a nomination form, substantially in the form of Form 2, which must state their full names and registered addresses and must be signed by them;
 - (b) the nomination form is transmitted or delivered to the returning officer so as to be received by the returning officer not later than the closing time on the cut-off date stated in the notice referred to in regulation 3; and
 - (c) the person nominated as candidate signifies his or her consent to the nomination in writing, either on the nomination form or by separate letter, telegram or telefacsimile which must be transmitted to the returning officer so as to be received by the returning officer not later than the closing time on the cut-off date for the submission of nominations.
- (3) A nomination of a person as candidate is not valid if on the relevant nomination form more than one person is nominated.

(4) An optometrist, optical dispenser or orthoptist may sign nomination forms for any number of candidates not exceeding the number to be elected, and his or her signature shall be invalid on any nomination form received by the returning officer after he or she has signed nomination forms for the full number of candidates to be elected: Provided that if the returning officer cannot determine in which chronological sequence nomination forms signed by a person in excess of the permitted number were received, such person's signature shall be invalid on all nomination forms signed by that person.

(5) A person nominated in terms of this regulation may withdraw his or her candidature by notice in writing transmitted or delivered to the returning officer so as to be received by the returning officer not later than the closing time on the cut-off date for the submission of nominations.

Nomination list and voting date

5.(1) If the number of persons validly nominated does not exceed the number of persons to be elected, the persons so nominated shall be deemed to be duly elected.

(2) If the number of persons validly nominated exceeds the number to be elected the returning officer must publish in the *Gazette* a notice -

- (a) stating the names of the persons validly nominated; and
- (b) appointing a day, and the hour on that day, (not being less than one month after the publication of the notice) being the cut-off day and time for the return of votes in accordance with regulation 6.

(3) Not less than one month before the appointed day referred to in subregulation (2)(b), the returning officer must transmit by post to the registered address of every qualified voter -

- (a) a ballot paper in the form of Form 3; and
- (b) an identification envelope which bears a declaration in the form of Form 4.

(4) If a ballot paper or envelope transmitted in terms of subregulation (3) is lost, destroyed or spoilt the returning officer must, if satisfied of the loss, destruction or spoiling and at the request of the person to whom it was transmitted, transmit or deliver to such person a fresh ballot paper or envelope, or both.

Manner of voting

6.(1) A qualified voter who wishes to cast a vote at the election of members of the Board, must -

- (a) mark the ballot paper with a cross ("X") opposite the name of each candidate for whom he or she intends to vote, but not exceeding the number of persons to be elected;
- (b) place the ballot paper, folded face inwards, in the identification envelope and seal the envelope;
- (c) sign the declaration printed on the identification envelope in the presence of a witness, who must also sign the envelope; and
- (d) place the identification envelope in a covering envelope and transmit it by post or deliver it to the returning officer so as to be received at the address of the returning officer not later than the cut-off day and time for the return of votes notified under regulation 5(2)(b).

(2) A voter shall be deemed to have spoiled his or her ballot paper, and the votes thereon shall not be counted, if he or she -

- (a) votes for more candidates than the number to be elected;
- (b) votes for a person who has not been validly nominated;
- (c) votes more than once for the same person or returns more than one ballot paper;
- (d) does not clearly indicate the candidate for whom he or she is voting.

(3) A person may exercise his or her vote in accordance with subregulation (1) at any time after receipt of the ballot paper in terms of regulation 5(3) and before the cut-off day and time for the return of votes notified under regulation 5(2)(b), and no vote recorded on a ballot paper shall be counted unless the ballot paper, enclosed in the identification envelope, is received at the address of the returning officer before such cut-off day and time.

Counting of votes

7.(1) The returning officer must keep in safe custody all identification envelopes received by him or her, and, as soon as possible after the day referred to in regulation 5(2)(b), in conjunction with a scrutineer appointed by the Minister -

- (a) examine each identification envelope duly received by the cut-off day and time to verify whether the declaration thereon has been signed by a qualified voter;
- (b) open such of the identification envelopes as he or she is satisfied are signed by qualified voters and place the ballot papers, kept folded, into a closed ballot box with an aperture for inserting the ballot papers;
- (c) open the ballot box, examine the ballot papers and ascertain the number of valid votes recorded for each candidate.

(2) The persons for whom the greatest number of votes have been recorded, equal to the number of members of the Board to be elected, shall be deemed to be duly elected members of the Board and, in the event of the number of votes recorded for any two or more candidates being equal and of the equality affecting the result of the election, the returning officer must immediately, in the presence of the scrutineer, determine by lot which of the candidates with equal votes must be declared elected.

(3) Any candidate, or a representative appointed by him or her in writing, may be present when the ballot box is opened and during the subsequent proceedings.

(4) All the identification envelopes and voting papers applicable to an election must be kept in safe custody by the Board concerned for a period of six months from the date on which the votes recorded in that election were ascertained in terms of subregulation (1).

ANNEXURE

FORM 1

OPTOMETRIC BOARD: INVITATION FOR SUBMISSION OF NOMINATIONS OF CANDIDATES FOR ELECTION AS MEMBERS

Notice is hereby given that an election of (*number*) member(s) of the Optometric Board is to be held in terms of section 5/section 7(2)* of the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993)

Nominations of eligible optometrists, optical dispensers or orthoptists as candidates for election are invited. All nominations must be delivered or transmitted to the address of the returning officer stated below so as to be received at that address not later than(*time*) on(*date*)

GENERAL NOTES:

1. Any registered optometrist, optical dispenser or orthoptist resident in Namibia, who is not disqualified in terms of section 6 of the Allied Health Services Professions Act, 1993 to be elected as a member of the Board, is eligible for nomination.
2. Nominations must be made on a nomination form substantially in the form of Form 2 of the Regulations Relating to the Election of Members of the Optometric Board under the Allied Health Services Professions Act, 1993. Nomination forms can be obtained from the returning officer.
3. Each candidate must be nominated on a separate nomination form.
4. Every registered optometrist, optical dispenser and orthoptist is entitled to sign nomination forms in respect of any number of candidates not exceeding the number to be elected.
5. Each nomination form must state the full names of the person nominated and must be signed by two other persons who are registered optometrists, optical dispensers or orthoptists. The person nominated must also sign the form confirming that he or she consents to be nominated. The registered address and qualifications of each signatory must be given on the form. If the person nominated is unable to sign the nomination form he or she may transmit his or her consent to the returning officer by letter, telegram or telefacsimile, so as to be received by the returning officer not later than the cut-off date and time for the submission of nominations.

.....
Returning officer
 Optometric Board
(*Address*)

*Delete which is not applicable

**OPTOMETRIC BOARD:
NOMINATION FORM**

We, the undersigned, being registered optometrists, optical dispensers or orthoptists hereby nominate
of
a registered optometrist/optical dispenser/orthoptist* as a candidate for election as member of the Optometric Board.

1. Full names

Signature Date

Registered profession

Registration number

Registered address

2. Full names

Signature Date

Registered profession

Registration number

Registered address

* Delete which is not applicable

I, (*Full names*)
the undersigned, consent to my nomination as candidate for election as a member of the Optometric Board.

.....
Signature

.....
Date

.....
Registered profession and registration number

.....
Registered address

FORM 3

**OPTOMETRIC BOARD:
BALLOT PAPER FOR ELECTION OF MEMBERS**

Official mark of returning officer:

Election of(number) members

Column for voter's mark (X)	Names of validly nominated candidates (<i>in alphabetical order</i>) qualifications	Address	Registered

INSTRUCTIONS TO VOTERS:

1. A voter is entitled to vote for(*number*) candidates and no more and must vote by placing a mark (X) opposite the name of each candidate for whom he or she intends to vote.
2. A ballot paper shall be invalidated if the voter -
 - (a) votes for more candidates than the number of persons to be elected;
 - (b) votes for a person who has not been validly nominated;
 - (c) votes more than once for the same person or returns more than one ballot paper; or
 - (d) does not clearly indicate the candidate for whom he or she is voting.
3. The ballot paper must be folded face inwards and placed in the accompanying identification envelope, which must be sealed and then placed in a covering envelope which must be sent to the Returning Officer, Optometric Board, (*insert address*), so as to be received by the returning officer not later than(*insert cut-off day and time for the return of votes*)

FORM 4

**OPTOMETRIC BOARD:
FORM OF DECLARATION ON IDENTIFICATION ENVELOPE**

I, (full names), Identity No., being(*profession*)
Registration No., declare that I am the person to whom the enclosed ballot paper
was addressed, that I am resident in Namibia and that I have not returned any other ballot
paper in this election.

.....
Signature

.....
Date

.....
Witness