



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 220

2006

### 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. 4 of 2006: Electoral Amendment Act, 2006.

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## Act No. 4, 2006

## ELECTORAL AMENDMENT ACT, 2006

## 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.

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## ACT

**To** To amend the Electoral Act, 1992, in order to provide that the returning officer for a local authority area in question shall forthwith declare, if only one political party has submitted a list of candidates in an election for members of a local authority council, and the persons whose names appear on the list have been declared duly nominated as the candidates of the political party in question, the persons whose names appear on that list to be the duly elected members of the local authority council in question; to insert a certain definition in the Local Authorities Act, 1992, and to provide for matters incidental thereto.

*(Signed by the President on 22 December 2006)*

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

**Amendment of section 49 of Act No. 24 of 1992, as amended by section 18 of Act No. 7 of 2003**

1. Section 49 of the Electoral Act, 1992, is amended -
  - (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 

“(c) subject to the provisions of section 62(4), for the election of members of regional councils, on a date determined in accordance with the provisions of [Article 137(6) of the Namibian Constitution] section 7 of the Regional Councils Act, 1992;”;
  - (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 

“(d) subject to the provisions of section 69, for the election of members of local authority councils, on a date determined in accordance with the provisions of section 8 of the Local Authorities Act, 1992.” and
  - (c) by the substitution for subsection (3) of the following subsection:
 

“(3) Subject to the provisions of section 69, [A] any -

    - (a) first election of members of a local authority council for a local authority area established under section 3(1) of the Local Authorities Act, 1992;

**Act No. 4, 2006****ELECTORAL AMENDMENT ACT, 2006**

- (b) election of members of a local authority council dissolved in terms of the provisions of section 92(2) of the said Local Authorities Act, 1992,

which is to take place before the date on which any general election of members of local authority councils is to be held as contemplated in section 8 of the said Local Authorities Act, 1992, shall, for all purposes, but without derogating from the provisions of that section, be deemed to be a general election for the local authority area in question on a date determined in accordance with the provisions of section 3(4A) or 92(4) of the said Local Authorities Act, 1992, as the case may be, in respect of that area.”.

**Insertion of section 69 in Act No. 24 of 1992**

2. The following section is inserted after section 68 of the Electoral Act, 1992:

**“Candidates duly nominated to be declared duly elected in certain circumstances**

**69.** (1) If only one political party has submitted a list of candidates in an election for members of a local authority council as contemplated in section 68(1), and the persons whose names appear on the list have been declared duly nominated as the candidates of the political party in question, the returning officer for the local authority area in question shall forthwith declare the persons whose names appear on that list to be the duly elected members of the local authority council in question with effect from any polling day determined in respect of the election in question.

(2) The returning officer referred to in subsection (1) shall immediately, by any instrument in writing, notify the Commission of the declaration of the persons concerned to be the duly elected members of the local authority council in question.

(3) After receipt of a notification referred to in subsection (2) the Commission shall by notice in the *Gazette* make known the full names, voter registration number and residential address of each person who, under subsection (1), has been declared as duly elected member of the local authority council in question.”.

**Amendment of section 1 of Act No. 23 of 1992**

3. Section 1 of the Local Authorities Act, 1992, is amended by the insertion of the following definition after the definition of “deputy mayor”:

“election”, in relation to an election for members of local authority councils conducted in accordance with the provisions of the Electoral Act, 1992 (Act No. 24 of 1992), means such election irrespective whether a poll is conducted or not;”.

**Short title and commencement**

4. This Act is called the Electoral Amendment Act, 2006.
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