



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$12.00

WINDHOEK - 13 November 2024

No. 8505

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Government Notice

ELECTORAL COMMISSION OF NAMIBIA

No. 328

2024

REGULATIONS FOR THE CONDUCT OF ELECTIONS: ELECTORAL ACT, 2014

Under section 205 of the Electoral Act, 2014, (Act No. 5 of 2014), the Electoral Commission of Namibia has –

- (a) made the regulations set out in the Schedule; and
- (b) repealed the regulations published under Government Notice No. 297 of 20 November 2020.

E. NGHIKEMBUA
CHAIRPERSON
ELECTORAL COMMISSION OF NAMIBIA

Windhoek, 4 November 2024

SCHEDULE

Definitions

1. In this code of conduct, a word or an expression to which a meaning has been assigned in the Act has that meaning and, unless the context indicates otherwise –

“seal” means to thread or add a plastic strap seal, which complies with the specifications in Annexure 1, on a ballot box; and

“the Act” means the Electoral Act, 2014 (Act No. 5 of 2014).

Application

2. These regulations apply to all presidential elections, national assembly elections, regional council elections, local authority council elections and the holding of a referendum in terms of the Act.

Prescribed forms

3. A reference in these regulations to a form with a specific number is a reference to the form with that number as set out in Annexure 2.

Election agents

4. The number of persons who may be appointed in terms of section 66(1) of the Act by a political party or independent candidate for an election as election agents for a polling station may not be more than two.

Counting agents

5. The number of persons who may be appointed in terms of section 67(1) of the Act by a political party or independent candidate for an election as election agents for a polling station may not be more than two.

Sealing

6. (1) A presiding officer must –
 - (a) for purposes of section 92(1)(c) of the Act, close and seal each ballot box with a numbered plastic strap seal which complies with the specifications in Annexure 1 and which is provided for by the Chief Electoral and referenda Officer in accordance with the type of the ballot box;
 - (b) close the lid of each ballot box; and
 - (c) thread a plastic strap seal referred to in paragraph (a) and tighten it through both holes on the side of the ballot box.
- (2) Despite subregulation (1), the presiding officer must –
 - (a) authorise election agents of registered political parties, registered organisations or independent candidates to add their own plastic strap seals which comply with the specifications in Annexure 1 to the ballot box through the holes on the side of the ballot box.

- (b) record the numbers of the plastic strap seals referred to in paragraph (a) on a form which is substantially similar to Form 35.
- (3) For purposes of section 92(7) of the Act, the presiding officer must close and seal the aperture in each ballot box as specified in subregulation (1) and (2).
- (4) For purposes of section 104(a) of the Act, the presiding officer must ensure that the sliding aperture on the lid of the plastic ballot box is closed and a plastic strap seal referred to in subregulation (1)(a) is threaded through the slit in the staple of the sliding aperture as well as the slit in the fixed staple of the lid according to the type of ballot box.
- (5) Each envelope or packet to be sealed by a returning officer or presiding officer in terms of any provision of the Act or these regulations must be sealed as contemplated in subregulation (1) and (2) when an empty ballot box is used.
- (6) A returning officer or presiding officer must keep a record, on a form which is substantially similar to Form 35, indicating the number of all numbered seals used by him or her and the purpose for which each seal has been used.

Ballot papers

- 7. (1) The ballot paper contemplated in –
 - (a) section 99(2)(a) of the Act, must be in a form which is substantially similar to the form set out in Annexure 3;
 - (b) section 99(2)(b) of the Act, must be in a form which is substantially similar to the form set out in Annexure 4.
- (2) The presiding officer must account, on a form which is substantially similar to Form 36, for each ballot paper received, used, unused and spoilt before commencing with the counting of votes at a polling station.

Secrecy of official stamps and ballot papers

- 8. (1) Particulars of the official stamp or ballot papers, except the form of the ballot papers, names of the candidates and names and symbols of the parties, for use on the polling day may not be made known before or on the polling day to any person other than –
 - (a) members of the Commission;
 - (b) the Chief Electoral and Referenda Officer and the officers designated to assist him or her in terms of section 18(17) of the Act;
 - (c) returning officers;
 - (d) presiding officers; and
 - (e) polling officers.
- (2) A person who contravenes subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Additional ballot boxes

9. For purposes of section 92(4) of the Act, if it becomes necessary to use any additional ballot box at any polling station the presiding officer must close and seal the aperture of the ballot box which has been used as specified in regulation 6(1) and (2).

Attendance at counting of votes

10. (1) During the counting of votes the returning officer may not allow a person to enter the place where the results of the poll are to be determined, unless the person is –

- (a) a member of the Commission;
- (b) the Chief Electoral Officer;
- (c) a director;
- (d) a chief regional officer;
- (e) the returning officer concerned;
- (f) any counting officer concerned;
- (g) any election agent or counting agent entitled to attend at the polling station;
- (h) any person appointed by an accredited observer;
- (i) the polling officers or any police officer on duty; and
- (j) any other person authorised in writing by the Chief Electoral Officer.

(2) A person who is present at the counting of votes at a collation centre, may not before the final result of the election has been announced by the returning officer, disclose outside the collation centre any information concerning the result of the election or the number of votes cast in favour of a particular candidate, political party or organisation.

(3) A person who contravenes subregulation (2) commits an offence and on conviction is liable to a fine not exceeding N\$2 500 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Announcement of results

11. An announcement by the presiding officer, returning officer or the chairperson of the Commission, as the case may be, of the result of an election in terms of any provision of the Act must be made –

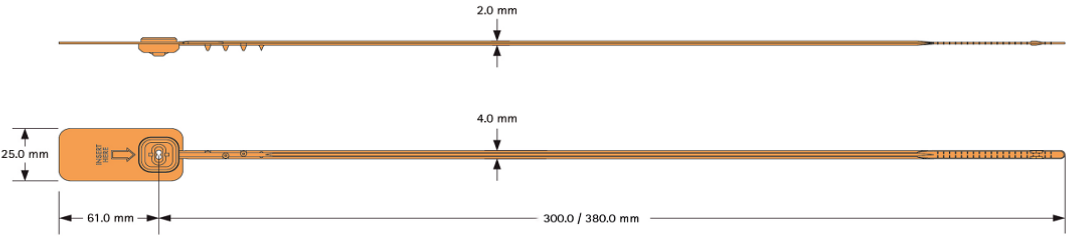
- (a) orally inside the place where the result of the election has been determined; and
- (b) by affixing a notice, which is substantially similar to Form 37 or Form 38, as the case may be, outside the entrance of the place referred to in paragraph (a).

Manner and form of keeping of list of voters who are not registered at constituency

12. For purposes of section 100(17) of the Act, the list of voters who voted in an election at a constituency, but who are not registered at the constituency must be kept on a form which is substantially similar to Form 39.

ANNEXURE 1

SPECIFICATIONS FOR ADJUSTABLE LENGTH PLASTIC STRAP SEAL





Form 35

ANNEXURE 2**Electoral Commission of Namibia****ACCOUNT OF SEALS USED**

(Regulation 6(2)(b) and (6))
 (Section 92 of the Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Councils Election	
Local Authorities Election	
Referenda	

Polling station:.....

Constituency:.....

Local Authority:.....

Region:.....

Seal number provided by presiding officer	Seal number provided by election/counting agent	Ballot box number	Name of election/counting agent and Party

Full names of Presiding Officer (print name):.....

Signature of Presiding Officer:.....**Date:**.....



Form 36

Electoral Commission of Namibia

BALLOT PAPER ACCOUNT BY PRESIDING OFFICER

(Regulation 7(2))

(Section 104 of the Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Council Election	
Local Authority Election	
Referenda	

Polling station.....
 Constituency.....
 Local Authority.....
 Region.....
 Ballot Box(es) Numbers.....
 Serial number(s) of ballot books issued or received.....

Part A: Serial numbers of ballot Paper Books Received		Total of Ballot Papers Received	Part B: Accounted Ballot Papers	Total
No.	No.		Unused ballot papers	
No.	No.		Spoiled ballot papers	
No.	No.		Ballot papers in the ballot box	
No.	No.			
No.	No.			
TOTAL RECEIVED			Total Accounted for	

Part C

Number of Elect 27.....(names do not appear on voters register) Unused ballot box(es) numbers:.....

Presiding Officer (print name):

Signature of Presiding Officer: **Date:**.....

I, the undersigned **Returning Officer** for the abovementioned constituency/local authority area do hereby confirm that I have verified the ballot account handed to me by the Presiding Officer and that the result of such account is correct, except for the following particulars:.....

Returning Officer (print name):

Signature of Returning Officer: **Date:**.....



Form 37

Electoral Commission of Namibia

COUNTING AND ANNOUNCEMENT OF RESULTS BY THE PRESIDING OFFICER

(Regulation 11(b))

(Section 105 of the Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	<input type="checkbox"/>
National Assembly Election	<input type="checkbox"/>
Regional Councils Election	<input type="checkbox"/>
Local Authorities Election	<input type="checkbox"/>
Referenda	<input type="checkbox"/>

PART A

(PART A OF FORM 37: TO BE COMPLETED BY PRESIDING OFFICER)

I, the Presiding Officer for the Polling Station in the Constituency in the Region or local authority, hereby make known that the following votes were rejected and not counted.

Voting for more than one political party/organization/association/candidate	
Official/Secret mark absent	
Unmarked	
Mark where one can't determine with certainty which political party/organization/association/candidate, the ballot paper was marked for	
Any writing/mark that reveals the identity of a voter	
TOTAL NUMBER OF BALLOT PAPERS REJECTED	

I hereby certify that the above particulars are correct.

Full names of Presiding Officer (print name):.....

Signature of Presiding Officer:..... **Date:**.....

PART B

(PART B OF FORM 37: TO BE COMPLETED BY PRESIDING OFFICER)

I, the Presiding officer for the Polling Station in the Constituency in the Region or local authority, having ascertained the result of the said polling station in accordance with the provisions of section 105(8)(b) of the Electoral Act, hereby make known –

that ballot papers have been rejected;

that ballot papers have been counted; and
(total number of votes)

that the votes counted have been recorded for –

No.	Full names of Candidates/Political Party/ Association in alphabetical order	Number of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

Full names of Presiding Officer (print name):

Signature of Presiding Officer:
(sign only after election agents have signed Part C of the form)

Polling station:Date:.....

PART C**(PART C OF FORM 37: CONFIRMATION OF RESULTS BY ELECTION OR
COUNTING AGENTS)**

(I do hereby confirm that the results recorded under Part A and B are correct)

Name of party/candidate/ organization/association	Name of election/counting agent	Signature of agent

Full Names of Presiding Officer (print name):.....**Signature of Presiding Officer:** **Date:****Polling Station:**

**Form 38****Electoral Commission of Namibia****TOTAL RESULTS IN RESPECT OF TOTAL NUMBERS OF VOTES
RECORDED AT COLLATION CENTRES**

(Regulation 11(b))

Section 105 of Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Councils Election	
Local Authorities Election	
Referenda	

I, the Returning officer for the
..... constituency or local authority in the
..... Region, having ascertained the *preliminary/result of the election for the
said constituency or local authority in accordance with the provisions of the Electoral Act, hereby
make known –

that ballot papers have been rejected;

that votes have been counted; and

(total number of votes)

that the votes counted have been recorded for –

PART A OF FORM 38

NO.	NAME OF POLITICAL PARTY/ CANDIDATE/ORGANIZATION/ ASSOCIATION	TOTAL NUMBER OF VOTES RECORDED
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

Full Names of Returning Officer (print name):.....

Signature of Returning Officer:..... **Date:**.....

(Sign only after election agents have verified the results)

*Delete whichever is not applicable.

**(PART B OF FORM 38: CONFIRMATION OF RESULTS BY ELECTION OR
COUNTING AGENTS)**

(I do hereby confirm that the results recorded under Part A are correct)

<u>NAME OF POLITICAL PARTY/ CANDIDATE/ORGANIZATION/ ASSOCIATION</u>	<u>NAME OF ELECTION/ COUNTING AGENT</u>	<u>SIGNATURE</u>

Full Names of Returning Officer (print name):.....

Signature of Returning Officer:..... **Date:**.....

(sign only after election agents have verified the results)



Electoral Commission of Namibia

**ACCOUNT OF PERSONS WHO VOTED OUTSIDE THEIR
CONSTITUENCY**

(Regulation 12)
(Section 98(6) of the Electoral Act, 2024 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	

Polling Station:

Constituency:

Region:

NO.	VOTER REGISTRATION NUMBER (VRN)	CONSTITUENCY WHERE VOTER IS REGISTERED
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

Full Names of Presiding Officer (print name):.....

Signature of Presiding Officer:.....**Date:**.....

ANNEXURE 3**FORM OF COUNTERFOIL**

- No. (a)
 (b)
 (c)
 (d)
 (e)
- (a) Serial number of counterfoil – to be printed.
- (b) Nature of election (National Assembly election/local authority election) – to be printed.
- (c) If applicable, name of local authority area in question – to be printed.
- (d) Date of election in question – to be printed.
- (e) Voter registration number:

FORM OF FRONT OF BALLOT PAPER

(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)

- (a) the names, in alphabetical order, of the registered political parties or registered organisations taking part in the election;
- (b) the abbreviated name, if any, of each such political party or organisation;
- (c) the distinctive symbol, if any, of each of such political party or organisation;
- (d) the photo of the head of each such political party or organisation submitted in accordance with section 77(5); and
- (e) an empty box or column for marking of vote.

ANNEXURE 4

FORM OF COUNTERFOIL

- No. (a)
 (b)
 (c)
 (d)
 (e)
- (a) Serial number of counterfoil – to be printed.
- (b) Nature of election (Presidential election or regional council election) – to be printed.
- (c) If applicable, name of constituency in question – to be printed.
- (d) Date of election in question – to be printed.
- (e) Voter registration number:

FORM OF FRONT OF BALLOT PAPER

(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)

- (a) the surnames, in alphabetical order, of all the duly nominated candidates in the election and the other names or initials of the candidates as the Commission may determine;
- (b) the name of the political party or in the case of an independent candidate the word “independent candidate”;
- (c) the distinctive symbol of the registered political party;
- (d) a photo of each candidate; and
- (e) an empty box or column for marking of vote.
- _____