

REGULATIONS MADE IN TERMS OF

Electoral Act 5 of 2014

section 205

Regulations for the Conduct of Elections

Government Notice 328 of 2024

([GG 8505](http://www.lac.org.na/laws/2024/8505.pdf))

came into force on date of publication: 13 November 2024

The Government Notice which publishes these regulations

repeals the regulations contained in GN 297/2020 (GG 7396).

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**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).

[The reference to “this code of conduct” was probably intended   
to be a reference to “these regulations”.]

**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;

[The word “Referenda” should be capitalised. It is not clear if the intention of the provision was that the straps are to be “provided for by” the Chief Electoral and Referenda Officer,   
or “provided by” these officials.]

(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 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 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.

**ANNEXURES**

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