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**INFORMATION ABOUT NAMIBIA'S LAW**

## **Election Day: Making sure that you can vote**

There is no greater civil duty than participating in your country's electoral process and casting your ballot for the candidate and party of your choice.

The right to vote has only been possible due to the long-fought struggle that gave all Namibians a voice in their government.

All Namibian citizens over the age of eighteen have a right to vote as granted in Article 17(2) of the Constitution. However, this right comes with some associated duties.

It is your responsibility to ensure that you are able to vote in accordance with the rules of the election. Everyone who wants to vote must be registered. Registration for this election is now closed. The notice announcing the release of the final voter register has been published in the *Government Gazette*. It is every voter's duty to make sure that their name is included in the voter's register. If your name is not present due to an error, you must contact the Chief Electoral Officer to rectify the situation. If you did not register, unfortunately it is no longer possible to register at this time.

What if your voter registration card has been lost, destroyed or damaged so that it is now unreadable? Or suppose that you realise that it contains a mistake? The card can be replaced by the chief regional officer of the Election Commission of Namibia (or someone delegated by this official) on any date other than a polling date. You will need to prove your identity and satisfy the chief regional officer about what happened to your card.

So you are on the voter registration list and your voter registration card is ready - what else might validly prevent you from voting on Election Day?

Election Day, 27 November, is a public holiday - so all schools, Government offices and most businesses will be closed to make sure that all voters have time to vote. The Electoral Act requires all employers and anyone accommodating a voter or in charge of a voter to afford the voter the time and opportunity to vote. (Members of the Namibian Defense Force and the Namibian Police who will be on duty on Election Day were given the opportunity to vote on 13 November.)

Polling stations will be open from 07h00 until 21h00. If you are in line to vote before the cut-off time of 21h00, you must be allowed to vote. What if you are disabled, or you cannot read, or you need assistance for some other reason?

Every voter must be marked on the hand with special ink to prevent people from voting more than once. Any person who refuses to be marked with this ink will not be allowed to vote.

Anyone who arrives at a polling station with the ink already on their hands will also be prohibited from voting.

Every voter has a right to ask questions about voting procedure and get an explanation from an election official – including blind and deaf voters. There should also be a written explanation of the voting procedure posted in a clear visible place.

You have the right to receive assistance in voting from the person of your choice, as long as they are also registered to vote in Namibia.

All polling booths must be constructed to be able to accommodate persons with physical disabilities.

If you have a disability that prevents you from indicating your choice by means of the usual procedure, you can ask the presiding officer or polling officer to assist you to record your vote. You can request the official to do this in the presence of someone you have brought along, if you wish. If the person you have brought along is a trusted adult, you can also request that they be allowed to assist you instead of the election official.

Can you vote if you are drunk? The “Bill of Fundamental Voter’s Rights and Duties” appended to the Electoral Act says that voters have a duty to “refrain from the abuse of alcohol and not to attend to voting whilst under the influence of alcohol or other stupefying drugs, which may impair the ability to act with a sense of responsibility and dignity”. Section 95 of the Electoral Act says that every voter “must comply with the Bill of Fundamental Voters’ Rights and Duties”, and that the entitlement to vote is subject to compliance with the Act. This indicates that a voter who is too drunk to act with a sense of responsibility and dignity could be barred from voting. Furthermore, it is a crime in terms of the Liquor Act to be intoxicated in or near any public place. So if you show up drunk at a polling place, you risk being arrested before you have a chance to vote or barred from voting by an election official. Respect the process - stay sober and don’t jeopardise your vote!

What else might result in not being allowed to vote? The “Bill of Fundamental Voter’s Rights and Duties” says that voters must refrain from dressing in any political party colours or regalia within five hundred meters of polling stations. Voters must not try to influence the votes of others by means of coercion or bribery. They must not interfere unjustifiably or in bad faith with the functions of election officials. They must not instigate, participate in or get involved in any conduct that might infringe any other voter’s right to participate in the election without fear. Violating any of these duties could jeopardise your right to vote.

What if you believe that you have been wrongly prevented from voting for any reason? Make sure that the incident is entered in the Occurrence Book which must be on hand at every polling station, and signed by a witness. You could also bring the issue to the attention of a party agent or an election observer. These steps would assist you if you want to bring a case after Election Day in the Election Court.

Past elections in Namibia have generally gone smoothly, but it is always good to know your rights and responsibilities.

Most importantly, please do go out and vote. Abstaining is also a right, but in a true democracy, voting speaks louder.

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