

# Namibia's Voting System in Brief

## Empowering Namibian Voters with Information

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## Abbreviations

ECN	Electoral Commission of Namibia
EISA	Electoral Institute for Sustainable Democracy in Africa
EVM	electronic voting machine
HSF	Hanns Seidel Foundation
LAC	Legal Assistance Centre
NiD	Namibia Institute for Democracy
UN	United Nations



## 1. Introduction

Elections are the process by which members of a community or country choose representatives to hold positions at various levels of government. Since its first democratic election in 1989 under the guidance of the United Nations (UN) Peace Plan, Namibia has held regular elections to allow its citizens to take part in the democratic process and vote for leaders they choose themselves.

The 2024 Presidential and National Assembly elections are coming up quite soon. This information booklet has been prepared by the Konrad-Adenauer-Stiftung's Namibia-Angola Office to educate and engage you, the voter, on what it means to vote. The information given here is impartial, which means we do not try to influence your vote in any way.

This booklet offers information on the Namibian voting system and on the process of voting. It is meant for all Namibian voters that are eligible (legally able) to vote as well as anyone else interested in Namibia's voting system. The booklet also aims to educate voters about how voting takes place, who is involved in the voting process, and how everyone is expected to behave (according to what are known as *Codes of Conduct*). This information is about elections before they take place as well as after they have happened.

## 2. Why Vote?

Every successful democracy is built on its voting system. Voting allows citizens to choose their leaders and hold them accountable (responsible for their actions). If voters are not satisfied with the people in power, they can vote them out. In a democracy, voters can enjoy their right to vote without being afraid or intimidated (made to be afraid). A healthy democracy needs every voter to take part. In any democracy, your vote is needed to improve human rights, education, the number of jobs, housing, peace, and stability (keeping the country on a steady path).

Your right to vote is given in Article 17 of the Namibian Constitution. The Constitution came into force at Independence on 21 March 1990. Article 17 also guarantees that you, as a Namibian citizen, have the right to take part in peaceful political activities that will influence who is in the government (its composition) and how it runs the country (its policies). This includes your right to form and join a political party, as well as your right to take part in public affairs either directly yourself, or through your freely chosen representatives.

### 3. Types of Elections in Namibia

An *election* is a time when people vote for their leaders and representatives.

Three basic laws govern the framework of Namibia's elections. These laws are the Electoral Act, 2014 (No. 5 of 2014), the Regional Councils Act, 1992 (No. 22 of 1992, and all its changes after that date) and the Local Authorities Act, 1992 (No. 23 of 1992, and all its changes after that date).

In Namibia, there are four types of elections. These are (i) the Presidential Elections, (ii) the National Assembly Elections; (iii) the Regional Council Elections, and (vi) the Local Authority Elections. Let's look at each one of these separately below.

#### 3.1 Presidential Elections

In a Presidential Election, the people elect their President. A *presidential candidate* is someone who would like your vote in an election to become President. The person who wins the election is elected by an absolute majority (50% + 1) through direct, universal and equal suffrage (that is, all adult citizens have the right to vote without discrimination). Therefore, the candidate who gets the most votes by a clear majority is elected President. If no candidate gets over 50% of the vote in the first round, the two candidates with the highest number of votes go into a second round of voting until one of them gets a clear majority.

The elected President automatically becomes the Head of State and of the Government, as well as the Commander-in-Chief of the Defence Force. The President appoints Namibia's Cabinet, which is made up of the Prime Minister, a Deputy Prime Minister, various Ministers, and some other individuals appointed according to the Constitution. The President and the Cabinet run the Government, that is, they have the *executive power*.

Presidential Elections are held every five years. The Namibian Constitution tells us that each President is only allowed to hold that position for two terms of five years each (ten years in total).

Presidential Elections are usually held together with National Assembly Elections.

### 3.2 National Assembly Elections

Namibia's Parliament is made up of the National Assembly and the National Council. Parliament makes Namibia's laws, that is, it is the *legislative (lawmaking) power* in the country.

The National Assembly (the Lower House of Parliament) consists of 104 members. Of these, 96 members are directly elected by the people, while eight members are appointed by the President.

The National Assembly draws up the country's laws and its annual national budget. These draft laws and budgets are passed on to the National Council for comment.

Elections for members of the National Assembly are held every five years. These elections are usually held together with Presidential Elections.

Before a National Assembly Election, each political party draws up a list of their candidates. These lists are sent to the Electoral Commission of Namibia, which makes the information known to the voters.

National Assembly members are elected by *proportional representation*. In other words, each political party will be represented in Parliament according to the proportion (size) of the votes they receive.

After the election, the winning political parties are given seats in the National Assembly according to a *quota* system. The quota (a part or share of the total number of seats) is worked out by dividing the total number of votes cast by the total number of seats in the National Assembly (96). Any remaining seats are given to the parties with the largest number of votes.

### 3.3 Regional Council Elections

Every Region in Namibia is divided into various smaller areas or *constituencies*. Each Region is governed by a Regional Council.

Regional Council Elections are held every five years. All eligible voters have the right to choose, by a secret vote, a candidate who will represent them in their Regional Council.

Voters can only take part in a Regional Council Election if they live in a constituency in that Region. Each constituency in a Region is allowed to elect one member for its Regional Council. The candidate with the highest number of votes in each constituency will win a seat on the Regional Council in question (that is, the winning candidate does not have to get over 50% of the vote).

A properly registered political party has the right to nominate (call up) its members to offer themselves for election as constituency councillors in the constituencies where they live. The Namibian Constitution also allows independent individuals (who do not belong to a political party) to offer themselves for election as constituency councillors. A person who is elected to represent a constituency must go and live in that same constituency within three months.

Regional Council Elections are usually held together with Local Authority Elections.

Each Regional Council has three members in the National Council, which is the Upper House of Parliament (see section 3.2). The National Council has 42 members who are *indirectly* chosen by the country's 14 Regional Councils.

It is the National Council's duty to examine and comment on laws drafted by the National Assembly. The National Council also recommends changes to the draft law to make sure that regional matters are included. The law is then sent back to the National Assembly to finalise and pass it.

### **3.4 Local Authority Elections**

A *Local Authority* is a municipality, a community council, a village council, or any other organisation that represents Namibian citizens at a local (rather than a regional) level. Elections for members of a Local Authority are governed by Articles 102 and 111 of the Constitution.

During a Local Authority Election, all political parties, associations, organisations and independent individuals who are taking part must inform that Local Authority in writing by handing in a list of their candidates, where applicable.

Voters in the area governed by that Local Authority will then vote *directly* by secret ballot for their chosen political party, association, organisation or individual to represent them on a Local Authority Council.

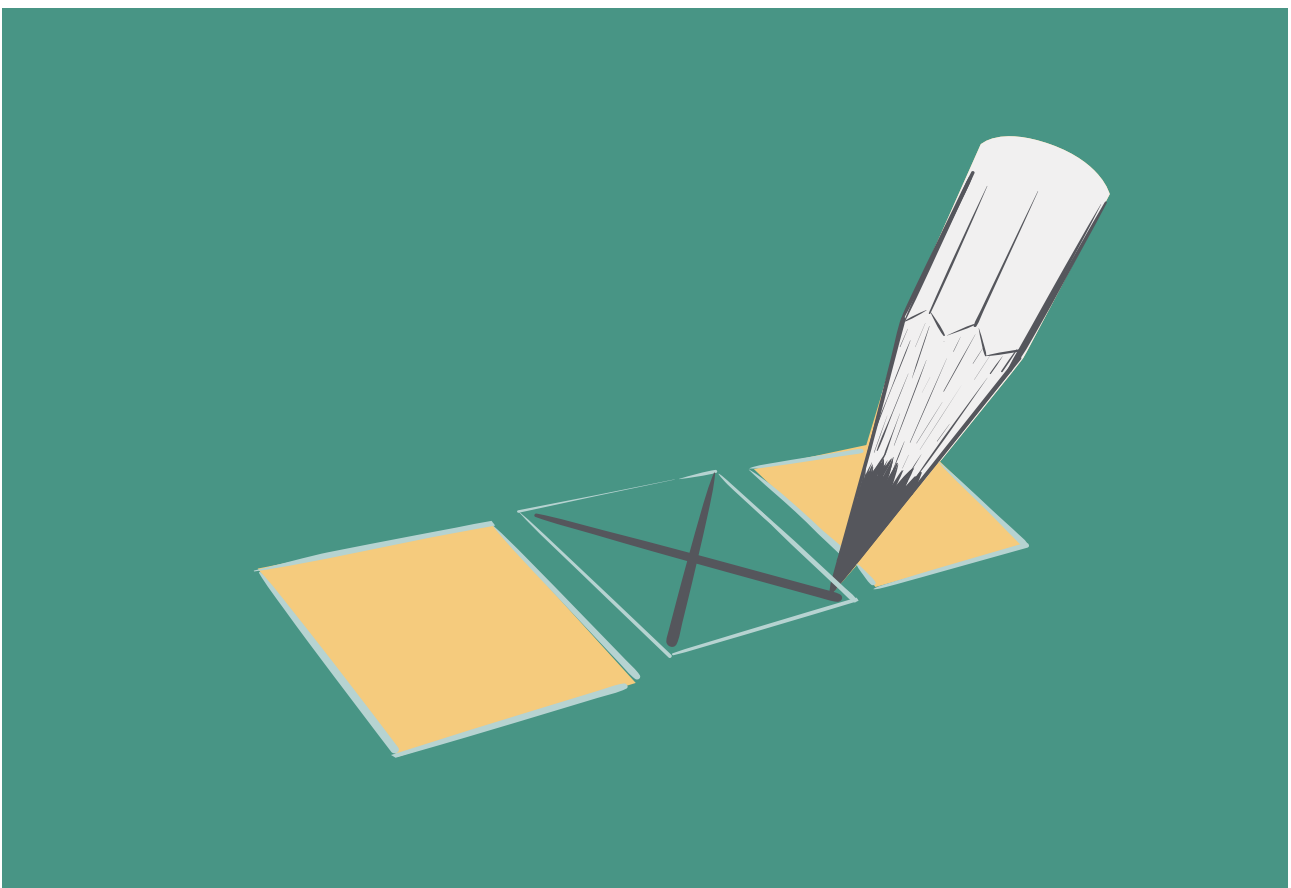


After a Local Authority Election, the seats on the Local Authority Council will be filled according to the number (proportion) of votes each political party, association, organisation or individual receives. For example, a party who wins 60% of the vote will get 60% of the available seats on the Council. The seats will be taken up by persons on that party's list of candidates.

All political parties, associations or organisations must follow the gender equality requirement. This means that they must include at least three candidates who are women if the Local Authority Council is made up of 10 seats or less, and at least five women candidates if the Council has 11 seats or more.

Also, anyone offering themselves as a candidate for a specific Local Authority Council must have lived in the area governed by that Local Authority continuously for at least 12 months immediately before that election. As for voters, they are only allowed to vote in a Local Authority Election (i) if they have lived continuously for at least 12 months in an area governed by that Local Authority, and (ii) if they were registered as a voter in the area governed by that Local Authority.

Local Authority Elections are usually held together with Regional Council Elections.



## 4. The Electoral System

An electoral system usually covers two main issues. The first has to do with the legal and practical realities of registering voters and running elections. The second issue involves the special rules and methods used to work out – from the total votes a candidate and/or political party receives in an election – how many seats they actually win.

Namibia uses three different electoral systems. These are (i) the Plurality Electoral System, (ii) the Majoritarian (or First-Past-the-Post) Electoral System, and (iii) the Proportional Representation Electoral System (or Party List Electoral System), as follows:

- The Plurality Electoral System is used for Presidential Elections. The way it works is that the winning candidate must obtain more than 50% of all the votes.
- The Majoritarian Electoral System is used in Regional Council Elections. With this system, the candidate with the most votes wins a seat in a constituency (the most votes in each constituency in a Region will win a seat on that Region's Regional Council).
- The Proportional Representation Electoral System is used in National Assembly and Local Authority Elections. Here, the seats in the National Assembly or Local Authority Council are taken up proportionally. These proportions are worked out mathematically.

## 5. The Governing of Elections

### 5.1 *The Electoral Commission of Namibia*

The Electoral Act, 2014 (No. 5 of 2014), makes it the responsibility of the Electoral Commission of Namibia (ECN) alone to organise, direct, supervise, manage, and control elections and referendums in a free, fair, independent, transparent and impartial way. The ECN is also responsible for making Namibia's constitutional democracy stronger and for promoting democratic ways of holding elections and referendums. These responsibilities include (i) registering voters and political parties, (ii) holding elections, (iii) counting votes, and (iv) announcing the election results. The ECN must also keep contact and work with everyone involved in elections, such as political parties, the voters themselves, and the media (radio, TV, etc.).

### 5.2 *Independence of the ECN*

The ECN is overseen (supervised) by five Commissioners of Elections. These Commissioners are interviewed in the presence of the public. The National Assembly recommends a successful interviewee to the President, who appoints that person as a Commissioner.

Commissioners of Elections serve for five years. The law allows a Commissioner to serve only two terms (that is, a total of ten years). A Commissioner's responsibilities include appointing the Chief Electoral and Referendums Officer (Director of Elections) and overseeing the running of elections in the country.

### 5.3 Civic and Voter Education

According to the law, the ECN has a duty to educate voters so that Namibia can develop a democratic culture (way of thinking and behaving), good governance (administrative control), and credible (correct and believable) election processes and results. Therefore, the ECN supervises, directs, controls and promotes voter and civic (citizens') education.

Other people (or institutions) besides the ECN, for instance, political parties can educate voters too, but they need to apply to the ECN for accreditation (permission to do so). If the ECN rejects such an application, they have to say why. A voter educator is responsible for offering voters knowledge about their rights and about what happens in an election.

### 5.4 Political Parties

The ECN is responsible for registering political parties and other candidates for election, and for keeping a register of them. As at April 2022, 19 political parties and 21 associations were registered with the ECN. The law says that, to register as a political party, you need at least 500 signatures of your supporters. These signatures are handed in to the ECN when the party is registered.

The ECN also oversees how political parties are funded (get money). For this reason, the Electoral Act says that all political parties must hand in their financial records.



## 6. Registering Voters

The right to vote is guaranteed by the Namibian Constitution. It is the right of every individual to choose if they want to be registered as a voter or not. Any Namibian citizen who is 18 years or older can be registered as a voter.

A general registration of voters happens every ten years. Shortly before any election, there is also a supplementary (extra) voter registration. New voters can be registered in this way. Already registered voters might want to change their address or other personal details, and this can also be done during a supplementary registration.

All registered voters are listed in a Voters' Roll. This list shows if a voter has declared (said in front of witnesses) that they are allowed to vote. The list also shows if a voter has given proof of their identity, such as a birth certificate, passport, some other legal document with a photograph, or a sworn statement by another person who says you are who you are. And finally, the list shows if a voter has been given their voter's registration card.

The Voters' Roll is published (printed or made public in some other written way) at least 90 days before Presidential and National Assembly Elections, and 30 days before Regional Council and Local Authority Elections. A notice in the *Government Gazette* tells Namibian citizens where and when they can inspect the Voters' Roll to check for any mistakes in their information. If they disagree with that information, they need to inform the ECN within 14 days after the notice was published in the *Government Gazette*.



## **7. Nominating candidates**

### **7.1 National Assembly Elections**

Candidates for the National Assembly Elections are nominated (put forward for election) in a list made by their political party.

Article 45 of the Constitution says that members of the National Assembly must represent all the people of Namibia. Article 45 also says that National Assembly members must be guided by the Constitution, the best interests of the Namibian public, and their own individual consciences when they carry out their official duties.

### **7.2 Presidential Elections**

According to the Namibian Constitution, every citizen aged 21 or older is eligible to be elected to a public office. However, to be elected as President, you must be older than 35 and you must be a Namibian citizen.

Presidential candidates can be nominated by their political party or be an independent individual not connected to a party. To be eligible for election as Namibia's President, an independent candidate needs to have the support of at least 500 registered voters in every Region of Namibia.

## **8. The Voting and Counting Process**

Voting is done secretly. This is to avoid a voter perhaps being intimidated or victimised (attacked in some way) because they choose one candidate rather than another.

The voting and counting process involves the following steps:

1. Voters present their voter cards to identify themselves.
2. Their fingers are examined to see if there is any ink on them from having voted once already.
3. Their clean fingers are then marked with ink.
4. The voter's details are written up on a form.
5. The voter goes into a closed voting booth to vote in secret.
6. The voter chooses their candidate by marking the ballot paper or by choosing their candidate from a list on the electronic voting machine.
7. At the end of the voting day, the polling stations (places where you vote) are closed, the ballot boxes with all the paper votes are sealed by the presiding officer (officer in charge at the poll), and the boxes are sent to the returning officer.
8. Votes are counted at the polling station immediately after the polling stations are closed.
9. The presiding officer is responsible for counting votes in the presence of counting officers, party agents, accredited observers, polling officers and police officers.

10. Where voters used electronic voting machines, their votes are counted electronically.
11. The returning officer then sends the total counted votes to the ECN, which is responsible for announcing and publishing the election results in the *Government Gazette*.
12. The returning officer has to seal all election documents (close them completely and in a very safe way) and hand these documents over to the Elections and Referenda Officer (Director of Elections).

During its Presidential and National Assembly Elections in 2014, Namibia became the first country in southern Africa to run its national elections by using electronic voting machines. The machines were used again in the 2019 Presidential and National Assembly Elections. However, the outcome of the 2019 elections was challenged. The Supreme Court therefore ruled that, from now on, these machines will only be used for voting if there is paper evidence of the vote used at the same time. In this way, voters can make sure that all votes were correctly and safely made.

## 9. Observing Elections

Any *juristic person* (a natural person or an artificial person like an organisation of some kind) is allowed to apply to the ECN for accreditation as an election observer. If the ECN finds they are suitable, that person will get a certificate to say they are allowed to observe an election. If the ECN refuses the application, they must say why.

The powers and duties of election observers are laid down by law as well as in a Code of Conduct (rules of behaviour) that the ECN publishes in the *Government Gazette*.

The purpose of an election observer is to make sure elections are managed according to the law. Such people are usually independent individuals who are not voters and do not play any part in the elections. For example, an election observer can, either be from a local organisation like a civil society, or from another country or an international organisation like the United Nations, SADC or the African Union.



## 10. Solving Election Disputes and Managing Conflicts

Disputes (disagreements) between individuals or parties about the election process that come up before Election Day are handled by Electoral Tribunals. If the individuals or parties in dispute do not accept the Tribunal's decision, they can appeal to have their case heard by the Electoral Court. The Electoral Court deals with all election-related disputes except those related to the Presidential Elections. If the individuals or parties in dispute do not accept the Electoral Court's decision either, they can appeal to the Supreme Court.

Dispute petitions after elections must be submitted to the Electoral Court within 30 days of the election results have been made public. The Court must decide the case within 60 days of the registration of the dispute. Presidential Election petitions or challenges are heard directly by the Supreme Court.

## 11. Code of Conduct for Political Parties

The ECN must draw up a Code of Conduct for Political Parties, to be published in the *Government Gazette*. The codes must be obeyed, and people can be punished for not obeying them.

The Electoral Act says the following about how political parties have to behave under their Code of Conduct:

1. No intimidation of any kind will be allowed.
2. No weapon of any kind may be brought to political rallies, meetings, marches or other demonstrations.
3. Parties must not hold rallies, meetings, marches or demonstrations physically close to any other party at the same time of day.
4. Between 21:00 and 07:00, political parties are not allowed to use loudspeakers or other fixed or mobile (movable) public address systems that could become a nuisance (an irritating problem) for anyone.
5. Speakers at political gatherings are not allowed to use language that tries to make people become violent in any way towards another person or group, for example to hurt or kill them.
6. Political parties are also not allowed to make pamphlets, newsletters or posters that try to make people become violent towards others.
7. The members or supporters of a political party are not allowed to disturb another party's political rallies, meetings, marches or demonstrations.
8. Party members and supporters are not allowed to try to stop anyone from going to another party's political rally.
9. Party members and supporters must not disfigure (change in a negative way) or destroy any other party's political or election campaign information booklets, posters, etc.
10. The Chief Electoral and Referenda Officer will meet party representatives on a weekly basis to discuss all matters of concern related to the election campaign and the election itself. Emergency meetings will be convened as and when necessary.

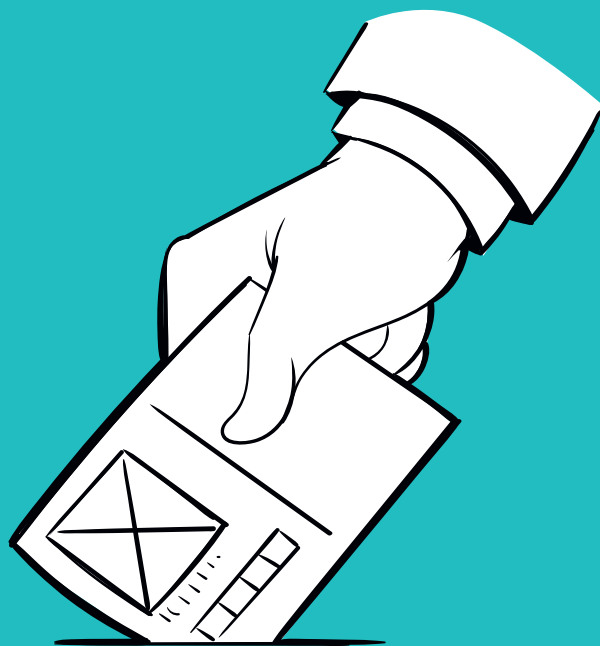
11. Designated members will attend their parties' rallies to ensure compliance with this Code.
12. Anyone who alleges (claims) that they have been intimidated or treated in a way that is against the law during an election campaign, can inform the Police and/or the ECN and give details of their claim.
13. Party leaders must inform their members and supporters to observe the Code of Conduct for Political Parties in every way.
14. The ECN and all party leaders must inform everyone they can in every possible way about the Code of Conduct for Political Parties.
15. Parties must make sure their advertising materials do not disfigure the environment (make it look ugly).





**Voting is important to enhance  
Namibia's participatory and  
representative democracy.**

**PLEASE VOTE – and make your  
voice count!**



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