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GOVERNMENT GAZETTE

OF THE

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 152

1992

REGULATIONS FOR CONDUCT OF ELECTIONS FOR REGIONAL COUNCILS AND LOCAL AUTHORITY COUNCILS

The Electoral Commission has, under section 130 of the Electoral Act, 1992 (Act 24 of 1992), made the regulations as set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, "the Act" means the Electoral Act, 1992 (Act 24 of 1992), and any term or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned.

Application

2. These regulations shall not apply to any elections other than elections for members of regional councils and for members of local authority councils to be held on party lists.

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 1 hereto.

Election agents

4. The number of persons who may be appointed in terms of section 52(1) of the Act by a political party or independent candidate for an election in question as election agents for a polling station, shall not be more than two.

Counting agents

5. The number of persons who may be appointed in terms of section 52(5) of the Act by a political party or independent candidate for an election in question as counting agents, shall not be more than three.

Sealing

6. (1) A presiding officer shall close and seal every ballot box to be closed and sealed by him or her in terms of paragraph (c) of section 76(1) of the Act in the following manner, namely -

- (a) if a numbered clip seal provided by the Director for this purpose is used, according to the type of ballot box -
 - (i) the lid of the ballot box shall be closed, the bolt of the ballot box shall be pushed through the holes provided for that purpose, the nut at the end of the bolt shall be tightened to its limit, one end of a piece of sealing wire shall be threaded through the bolt hole at the end of the bolt in front of the tightened nut and the clip seal provided by the Director for this purpose shall then be clipped onto both ends of the wire; or
 - (ii) the lid of the ballot box shall be closed, the hasp shall be closed over the staple, one end of a piece of sealing wire shall be threaded through the slit in one of the fixed brackets next to the staple, then through the staple and then through the slit in the other such fixed bracket and the clip seal shall then be clipped onto both ends of the wire; or

- (b) if a numbered strap seal provided by the Director for this purpose is used, the lid of the ballot box shall be closed, the hasp shall be closed over the staple, the strap seal shall be pushed through the slit in one of the fixed brackets next to the staple, through the staple and then through the slit in the other such fixed bracket and it shall then be flexed back and clipped into the head of the strap seal.

(2) A presiding officer shall close and seal the aperture in every ballot box to be sealed by him or her in terms of section 76(4) or paragraph (a) of section 85(1) of the Act in the following manner, namely, according to the type of ballot box -

- (a) the sliding flange shall be closed and one end of a piece of sealing wire be threaded through both the slits in the metal staple of the sliding flange and the fixed metal staple of the lid, and a numbered clip seal provided by the Director for this purpose shall then be clipped onto both ends of the wire so near to the metal staples as to prevent the sliding flange to be opened; or
- (b) by affixing a numbered paper seal provided by the Director for this purpose over the slit in the lid of the ballot box so that it fully covers such slit.

(3) Every envelope or packet to be sealed by a returning officer or presiding officer in terms of any provision of the Act or these regulations, shall be sealed by using sealing-wax and imprinting thereupon the metal seal provided by the Director for that purpose, unless an empty ballot box is used instead of a packet in which case such ballot box shall be sealed in any manner provided for in subregulation (1).

(4) A returning officer or presiding officer shall keep a record indicating the number of all the numbered seals used by him or her and the purpose for which each such seal has been used.

Ballot papers

7. (1) The ballot paper contemplated in -

- (a) paragraph (a) of section 81(2) of the Act, shall be in the form as set out in Annexure 2 hereto;
- (b) paragraph (b) of section 81(2) of the Act, shall be in the form as set out in Annexure 3 hereto.

(2) The name of a duly nominated candidate to be contained in every ballot paper in terms of paragraph (b) of section 81(2) of the Act shall be so contained in the first column of the front of the ballot paper as set out in the said Annexure 3 and in the following form, namely -

- (a) the surname of the candidate in block capitals; and
- (b) underneath the surname, in smaller print, the first two first names of the candidate followed by the first letters of all his or her other first names.

Secrecy of official stamp 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 polling day shall not be made known before or on polling day to any person other than the members of the Commission, the Director and the officers designated to assist him or her in terms of subsection (2) of section 11 of the Act and the persons whose services have been obtained in terms of subsection (3) of that section and the returning officers, presiding officers and polling officers.

(2) Any person who contravenes this regulation shall be guilty of an offence and on conviction be liable to a fine not exceeding R300 or to imprisonment for a period not exceeding 30 days or to both such fine and such imprisonment.

Affidavit to prove identity

9. An affidavit to prove the identity of a voter referred to in paragraph (b)(ii) of section 82(3) of the Act shall be made on form ELECT 13.

Endorsements on registration cards

10. (1) The presiding officer shall endorse a registration card for the purposes of paragraph (d) of section 82(5) or section 82(6) of the Act by writing "section 82(5)(d)" or "section 82(6)" as the case may be, in the space on that card provided for the election in question and placing his or her signature next to it.

(2) The presiding officer shall endorse a registration card for the purposes of section 82(11) of the Act by writing "section 82(11)" in the space on that card provided for the election in question next to the signature, imprint, mark or any other endorsement placed therein in accordance with the provisions of the Act or these regulations.

(3) The presiding officer or polling officer to whom a registration card is produced in terms of paragraph (a) of section 82(3) of the Act shall endorse on every such registration card in the space provided for the election in question, the date of such election in addition to any signature, imprint, mark or other endorsement in accordance with the provisions of the Act or these regulations and which endorsement shall, if the Commission has issued a directive as contemplated in paragraph (b) of section 82(7) of the Act, be deemed to be the endorsement contemplated in that paragraph.

Additional ballot boxes

11. (1) If for any reason it becomes necessary at any time during the polling period to use any additional ballot box at any polling station the aperture of the ballot box which has been used shall be closed and sealed *mutatis mutandis* in accordance with section 76(4) of the Act.

(2) If a ballot box, the aperture of which was sealed at the closing of the poll on a polling day in terms of section 76(4) of the Act, has to be used again on the next polling day, the returning officer shall, not more than 10 minutes before the commencement of the poll on that next day, break the seals affixed to the aperture in terms of the said section 76(4) and the seals affixed thereto in terms of section 52(7) of the Act, if any, in the presence of such persons entitled in terms of section 78(1) of the Act to attend at the polling station, and as are present.

Authorization voting

12. (1) The written authorization to be issued by the Director for the purposes of paragraph (a) of section 80(2) of the Act shall be on form ELECT 14.

(2) The returning officer shall seal, as provided in these regulations, the packet into which authorization envelopes are placed in terms of paragraph (c) of section 80(2) of the Act.

(3) A register containing the name and registration number of every voter -

- (a) in respect of which a written authorization has been issued by the Director for the purposes of paragraph (b) of section 80(2) of the Act, shall be kept by the Director;
- (b) who has recorded his or her vote in terms of section 80(2) of the Act, shall be kept by the returning officer.

Attendance at counting of voters

13. (1) During the counting of votes no person shall be allowed by the returning officer to enter the place where the result of the poll is to be determined, except -

- (a) a member of the Commission or the Director;
- (b) the presiding officer or polling officers or other officials who deliver the ballot boxes and other packets;
- (c) in the case of an election for a member of a regional council, the candidates for the election in question;
- (d) the counting officers;
- (e) the counting agents; and
- (f) any other person authorized in writing by the Director.

(2) (a) No person who is present at the counting of votes shall before the final result of the election in question has been announced in accordance with the provisions of regulation 15(a) outside the place referred to in that regulation by the returning officer, disclose

outside such place any information concerning the result of the election or the number of votes cast in favour of a particular candidate or a political party.

- (b) Any person who contravenes paragraph (a) of this subregulation shall be guilty of an offence and on conviction be liable to a fine not exceeding R300 or to imprisonment for a period not exceeding 30 days or to both such fine and such imprisonment.

Counting of votes

14. (1) The returning officer shall listen to any objection or argument against or in favour of the counting or rejection of a ballot paper which is advanced by a candidate or a counting agent.

(2) If there is an objection to his or her decision to reject or to count a ballot paper the returning officer, if so requested by a candidate or counting agent, shall note the words "objection raised" thereon.

Announcement of results

15. An announcement by the returning officer of the result of an election in terms of section 90(2) or 91(2) of the Act, as the case may be, shall be made -

- (a) orally inside and outside the place where the result of the election has been determined; and
- (b) by affixing a notice outside the entrance of the said place.

Verification of elections by Director

16. If the Commission has in terms of section 94 of the Act directed the Director to verify or cause to be verified any ballot paper accounts, such verification and the report thereon shall be done *mutatis mutandis* in accordance with paragraph (b) of section 87(2) or paragraph (a) of section 93(2) of the Act, as the case may be.

ANNEXURE 1

ELECT 13

REPUBLIC OF NAMIBIA

REGIONAL COUNCIL ELECTION /
LOCAL AUTHORITY ELECTION

AFFIDAVIT TO PROVE IDENTITY OF VOTER

(Section 82(3)(b)(ii) of Electoral Act, 1992 (Act 24 of 1992))

PART A - [Particulars of person wishing to vote]

Registration number as voter: _____

Name: _____

PART B - [To be completed by person who identifies voter]

I, _____,
(full name of declarant)

registration number as voter _____,

who hereby identify myself by my

*identity document (No.) /

*driving licence or permit (No.),

hereby declare that the person stated in Part A above and who wishes to vote is known to me and that he or she is the person whose particulars appear on the relevant registration card.

.....
SIGNATURE OF DECLARANT

PART C - [To be completed by presiding officer or polling officer taking oath or affirmation]

I certify that the declarant has acknowledged that he or she knows and understands the contents of the above declaration, that -

- *(a) I duly administered the oath as prescribed by the regulations made under section 10 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963), published under Government Notice R.1258 of 21 July 1972;**
- *(b) I duly administered the affirmation as prescribed by the regulations made under section 10 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963), published under Government Notice R.1258 of 21 July 1972,**

and that thereafter the declarant in my presence signed the declaration.

Signature of presiding officer
or polling officer:

Full names (in block letters):

Business address (in block letters):

.....

Official designation:

Area for which appointed:

*Delete whichever is not applicable.

ELECT 14

REPUBLIC OF NAMIBIA
REGIONAL COUNCIL ELECTION /
LOCAL AUTHORITY ELECTION

AUTHORIZATION BY DIRECTOR OF ELECTIONS
FOR OFFICER TO VOTE BEFORE POLLING DAY
(Section 80(2) of the Electoral Act, 1992 (Act 24 of 1992))

I hereby state that,
(full name)

registration number as voter,

registered in the * constituency/

..... local authority area,

who has to do duty as

in/ at the *constituency/

local authority area/polling station, will by reason thereof, not be able to attend at the polling station in his or her *constituency/local authority area. He or she is therefore permitted to vote in the manner contemplated by section 80(2) of the Electoral Act, and I therefore hereby issue the authorization for him or her to vote in that manner.

.....
DIRECTOR OF ELECTIONS

.....
DATE

*Delete whichever is not applicable.

Insert returning officer / presiding officer / polling officer / counting officer / police officer, as the case may be.

ANNEXURE 2

FORM OF COUNTERFOIL

No. (a)

Local Authority Council Elections

(b)

(c)

Registration number of voter:

(a) Serial number of counterfoil - to be printed.

(b) Name of local authority area in question - to be printed.

(c) Date of election in question - to be printed.

FORM OF FRONT OF BALLOT PAPER

	(b)	(c)	(d)	
	(b)	(c)	(d)	
(a) {	(b)		(d)	
	(b)	(c)	(d)	

(a) In case where political party has no abbreviated name.

(b) Names of political parties in alphabetical order - to be printed.

(c) Abbreviated names of political parties - to be printed.

(d) Distinctive symbol of political parties - to be printed.

ANNEXURE 3

FORM OF COUNTERFOIL

No. (a)

Regional Council Elections

(b)

(c)

Registration number of voter:

(a) Serial number of counterfoil - to be printed.

(b) Name of constituency in question - to be printed.

(c) Date of election in question - to be printed.

FORM OF FRONT OF BALLOT PAPER

	(c)	(d)	(f)	(g)	
	(c)	(d)	(f)	(g)	
(a) {	(c)	(e)			
(b) {	(c)	(d)		(g)	
	(c)	(d)	(f)	(g)	

(a) In case of independent candidate.

(b) In case where political party has no abbreviated name.

(c) Name of candidates in alphabetical order and as prescribed by regulation 7 - to be printed.

(d) Name of political parties - to be printed.

(e) "INDEPENDENT" - to be printed.

(f) Abbreviated name of political parties - to be printed.

(g) Distinctive symbol of political parties - to be printed.