

Namibia

Background	Name of EMB:	Electoral Commission of Namibia (ECN)
	Status:	Permanent
	Number of commissioners:	Five
	Number of full-time EMB staff:	Forty-seven permanent employed; currently approximately 150 temporary staff.
	Establishment of the EMB	The Electoral Commission of Namibia is established in terms of Article 94B of the constitution. The powers and functions are provided for in the Electoral Act, Act No. 5 of 2014.
EMB's mandate:	<p>Exclusive authority to direct, supervise, manage and control the conduct of elections and referenda; and:</p> <ul style="list-style-type: none"> • supervise, direct and control the registration of voters for the purposes of any election or referendum; • supervise the preparation, publication and maintenance of a national voters' register and local authority voters' register; • supervise, direct and control the registration of political parties and organisations; • supervise, direct and control the conduct of elections and referenda; • supervise, direct, control and promote voter and civic education in respect of elections and referenda, including co-operation with educational and other bodies or institutions with a view to the provision of instruction to or the training of persons in electoral and related matters; • supervise, direct and control electoral observers; • establish and maintain liaison and co-operation with political parties, the media and the public; • undertake and promote research into electoral matters; • develop and promote the development of electoral expertise and technology in all spheres of government; 	

	<ul style="list-style-type: none"> • promote knowledge of sound and democratic electoral processes; • issue and enforce any code of conduct provided for in this act; • supervise and control the disclosure and dissemination of information regarding electoral matters and establish and maintain the necessary facilities for collecting and disseminating the information; • secure in the electoral and referenda processes the representation of the diverse social and cultural groups in Namibia and seek their co-operation; • create its own organisational structure, to allow its leadership to take full control of all its operations to strengthen areas where operational effectiveness is lacking; and • exercise and perform any other powers and functions conferred and imposed upon it by or under this act or any other law or which are necessary or expedient for the purposes of achieving the objects of this act or any other law. 	<ul style="list-style-type: none"> • promote knowledge of sound and democratic electoral processes; • issue and enforce any code of conduct provided for in this act; • supervise and control the disclosure and dissemination of information regarding electoral matters and establish and maintain the necessary facilities for collecting and disseminating the information; • secure in the electoral and referenda processes the representation of the diverse social and cultural groups in Namibia and seek their co-operation; • create its own organisational structure, to allow its leadership to take full control of all its operations to strengthen areas where operational effectiveness is lacking; and • exercise and perform any other powers and functions conferred and imposed upon it by or under this act or any other law or which are necessary or expedient for the purposes of achieving the objects of this act or any other law.
	<p>EMB model:</p> <p>Independent</p>	<p>Independent</p>
<p>Appointment, tenure and removals</p>	<p>What standards are established in the constitution or other legislation for democratic legitimacy?</p> <p>Provisions for the appointment of commissioners:</p> <p>Political status of commissioners:</p> <p>Chair qualifications:</p> <p>Commissioner qualifications:</p>	<p>ECN shall be an independent, transparent and impartial body.</p> <p>The Electoral Act makes provision for the establishment, constitution and meetings of a Selection Committee. The Selection Committee recommends eight suitable candidates to the president. The president appoints, with the approval of the National Assembly, five candidates as commissioners. The commission appoints, subject to the Public Service Act, the chief electoral and referenda officer, directors and other staff members of the commission.</p> <p>Appointment is based on citizenship and qualifications with consideration for knowledge of legal and electoral matters, among others.</p> <p>None specified</p> <p>Tertiary qualification or L7 NQA qualification.</p>

	<p>Tenure of chair and commissioners: Commissioners including the chairperson are appointed for a five-year term, which is renewable for one term.</p> <p>Provisions for the removal of commissioners: The president may remove a member of the commission, with approval of the National Assembly, on the grounds that the member is guilty of neglect of duty or misconduct.</p> <p>Provisions for the appointment of EMB senior staff: The commission appoints in terms of the Public Service Act the chief electoral and referenda officer, directors and other staff as the ECN may consider necessary to assist the commission in the exercise and performance of its powers and functions.</p> <p>Tenure of EMB senior staff: The chief electoral and referenda officer is appointed for a period of five years and is eligible for re-appointment, but must apply.</p> <p>Provisions for the removal of EMB senior staff: None specified</p>
<p>Funding arrangements</p>	<p>Setting and control of EMB's budget: The state is the primary source of funding for the EMB. The electoral and capital budget forms part of the annual national budget. The approach of compiling the budget follows and is bound by general public sector financial rules. ECN compiles its own budget; thereafter it is submitted to the Ministry of Finance. The Ministry of Finance conducts budget hearings, where the budget is discussed with ministries. It is subsequently submitted to parliament for approval. The ECN budget is tabled in parliament by the speaker of the National Assembly.</p> <p>Financial autonomy: The commission has no financial autonomy and is obliged to follow public service rules, as outlined in the State Finance Act and Treasury Instructions.</p> <p>Legal provisions for financial autonomy: None</p>
<p>Electoral system</p>	<p>Number of chambers/houses within the legislature: Unicameral</p> <p>Voting system: Namibia uses the plurality system for presidential elections, where the winning candidate has to obtain more than 50 per cent of the valid votes cast. For National Assembly and local authority elections, the proportional representation system applies; and for regional councils, the majoritarian or first-past-the post electoral system is applicable.</p>

	Amendments to electoral laws:	The commission must after every election recommend possible amendments to the Electoral Act, which must be submitted to the speaker of the National Assembly. All amendments regarding the Electoral Act are submitted by the minister of urban and rural development on behalf of the Electoral Commission of Namibia. The commission has the power to make regulations.
	Drafting of electoral regulations:	The commission may make regulations that are necessary to be prescribed for the proper implementation or administration of the Election Act or in order to achieve the objects of the act. However, regulations that affect state expenditure are made in consultation with the minister responsible for finance.
Electoral disputes	Electoral dispute resolution mechanisms:	The Electoral Act provides for the establishment of Electoral Tribunals and the Electoral Court. Electoral Tribunals adjudicate and decide upon matters arising before polling day, e.g. inclusion or non-inclusion or any name in a provisional voters' register, issues relating to registered political parties, a complaint regarding any conduct in contravention of the act before election etc. The Electoral Court is a division of the High Court and will hear appeals and reviews against decisions of the Electoral Tribunals as well as the commission, and will adjudicate and decide any matter concerning any contravention of the act.
Other issues: Secretariat	Administrative autonomy: Women in senior positions: Administrative structure:	<p>Yes, the commission is empowered to create its own organisational structure.</p> <p>The Electoral Act provides that two of the five commissioners must be women. At the Secretariat level senior staff hold five positions, of which one is currently filled by a woman in a permanent capacity, while another position is vacant and a woman is acting in a temporary position.</p> <p>The Secretariat is headed by a chief electoral and referenda officer, who also acts as secretary for the commission. The Directorate of Operations is headed by a director and comprises two divisions responsible for registration and planning, and democracy building and voter education. The Division-General services comprise different subdivisions and sections responsible for information technology, internal audit, general services, personnel, finance and auxiliary services.</p>