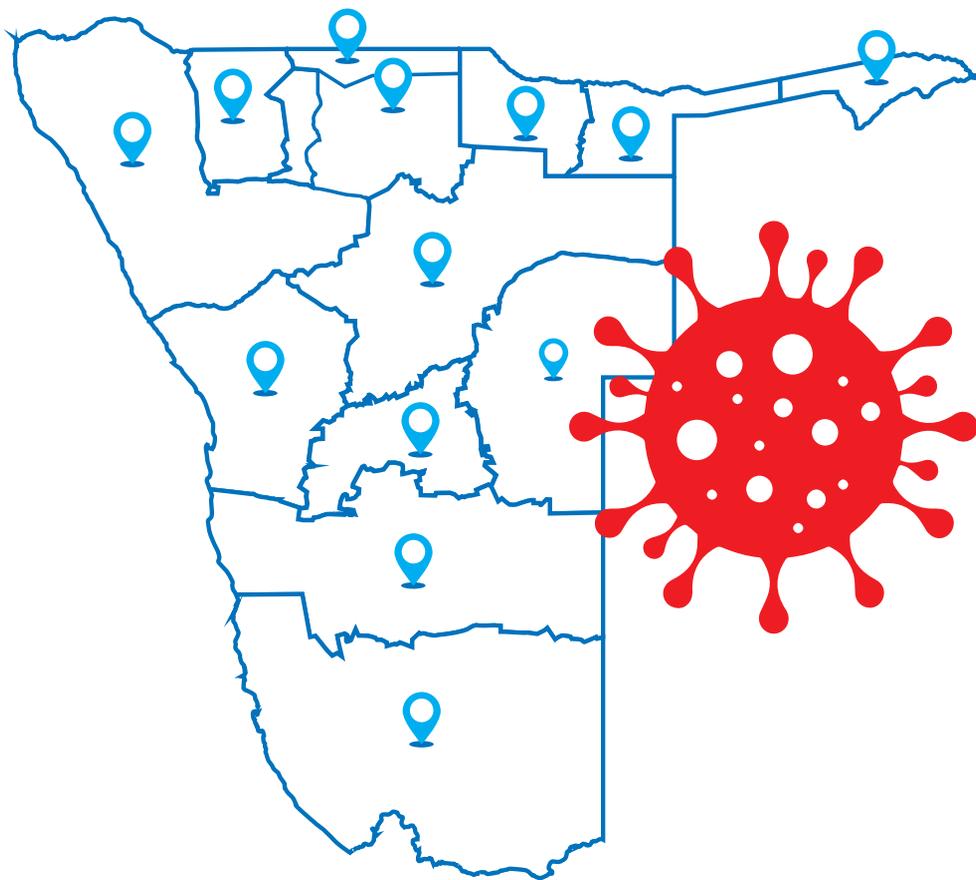




Electoral Commission
of Namibia

NAMIBIA VOTES 2020

“ENSURING INCLUSIVE AND CREDIBLE ELECTIONS AMIDST COVID-19”



ECN STRATEGY

TO MITIGATE THE COVID-19 IMPACT ON THE 2020
REGIONAL COUNCILS & LOCAL AUTHORITY ELECTIONS



**Electoral Commission
of Namibia**

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FOREWORD BY THE COMMISSION CHAIRPERSON

The emergence and rapid spread of the coronavirus (COVID-19) literally caught the entire world off guard. The deadly pandemic did not only impact the health of the entire world community, it also affected every nation politically, economically and, most importantly, the governance and the holding of elections in democratic societies. COVID-19 reached the Namibian shores at the time when the Electoral Commission of Namibia (ECN), which is mandated as the exclusive body to supervise, manage and control the conduct of elections and referenda in Namibia, was busy preparing for the 2020 Regional Councils (RC) and Local Authority (LA) elections. Following this unprecedented development, a state of emergency was declared by the Namibian Head of State on 14th March 2020.

Against this background the Commission had to move quickly to weigh up its options and come up with an effective response in dealing with the risk the pandemic may pose in the preparations of the upcoming elections. The first step was to observe what steps other Election Management Bodies (EMBs) were taking to mitigate the impact of COVID-19 in conducting their elections. The Commission also looked at available literature by reputable international election management institutions, including the International Institute for Democracy and Electoral Assistance (International IDEA) and International Foundation of Electoral Systems (IFES) for guidance to be able to craft its own institutional strategy in order to mitigate the impact of COVID-19 on preparations for the 2020 RC and LA elections.

The IFES guidelines and recommendations for electoral activities during the COVID-19 pandemic were particularly useful as they provided the Commission with a tool to approach the development of the ECN Strategy in a systematic way. First, the Commission conducted a comprehensive assessment of the risk and implications. Secondly, the Commission considered alternative options available – to postpone the elections or to proceed with the preparations - taking into account the legal framework in Namibia which only provides for in-person voting. In this connection, the legal framework of some countries provide for remote voting, such as online and mail-in



Adv. Notemba Tjipueja
Chairperson

postal voting, a process not provided for by our electoral law.

In line with its established tradition and practice, the Commission has endeavored to be as inclusive as possible by consulting all its key electoral stakeholders in the development of its Strategy. Consultative workshops were held with each key stakeholder and written inputs were solicited during the consultative discussions. After the consultations with individual stakeholders, the Commission invited all the stakeholders under one roof during the launch of the Voter and Education Campaign under the Theme: “Ensuring Inclusive and Credible Elections Amidst COVID-19” on the 7th August 2020. At this occasion, the Commission also unveiled its COVID-19 Mitigating Strategy for the forthcoming elections. The Commission thus would like to take this opportunity to sincerely thank all the stakeholders who attended the consultative workshops and made valuable inputs. On this note, the Commission is finally herewith presenting the ECN Strategy to mitigate the impact of COVID-19 for the 2020 regional and local elections, an end-product which all electoral stakeholders can be proud of.

1. OBJECTIVE

The objective of this document is to outline mitigation strategies, and the present measures adopted by ECN, to lessen the impact of the COVID-19 pandemic, on the forthcoming 2020 Regional Councils and Local Authority elections, scheduled to take place on 25th of November 2020. These measures are based primarily on empirical literature developed by reputable international election management institutions, including the International Institute for Democracy and Electoral Assistance (International IDEA) and International Foundation of Electoral Systems (IFES). Developing the strategy document entailed a critical analysis of the ECN's Electoral Calendar for the forthcoming elections by identifying the specific activities predisposed to the threats and risks posed by COVID-19. The strategy document developed, was discussed and adopted by the Commission; as a tool to achieve the following primary objectives:

- Devise an appropriate and targeted voter education and public information campaign regarding the forthcoming elections in light of the COVID-19 pandemic
- Assist the ECN to make necessary adjustments to the Electoral Calendar in line with the strategy document
- Inform the institutional communication strategy as well as messaging during stakeholders' engagement

2. CONTEXT

A novel coronavirus disease (COVID-19) has spread rapidly around the world since it was first detected in December 2019 in Wuhan, Hubei Province of China. Available information suggests that COVID-19 is transmitted from person-to-person through respiratory droplets. Currently, neither a preventative vaccine nor therapeutic medication to cure infection have been developed. For this reason, COVID-19

continues to spread rapidly in communities worldwide, causing severe illness and death in some instances. An increasing percentage of the population in the world is getting infected, particularly vulnerable to the virus are people with advanced age and/or underlying medical conditions.

Initially, the mortality rate was estimated to be 2% (percent) of infected persons from Severe Acute Respiratory Syndrome coronavirus 2 (SARS-CoV-2). As of 3rd of March 2020, World Health Organization (WHO) has estimated the global mortality rate to be 3.4%, prompting WHO to declare COVID-19 a pandemic. However, the latest statistics indicate that the mortality rate might be higher and that the disease may also be transmitted by infected people who are asymptomatic or exhibiting mild symptoms.

The first sub-Saharan Africa case was detected on 28 February 2020 in Nigeria, and by 20th of March, more than 700 cases of COVID-19 had been confirmed in 34 of 54 countries in Africa. In Nigeria, the Independent National Electoral Commission (INEC) announced the postponement of by-elections for senatorial districts in Bayelsa, Imo, and Plateau states because of the coronavirus. In South Africa, the Electoral Court postponed by-elections that were scheduled to take place on 13th of May 2020, in George, in the Southern Cape. The postponement is a response to the COVID-19 pandemic. The Court granted the urgent application of the Electoral Commission to postpone all by-elections scheduled for March, April and May in South Africa, along with associated activities including voter registration initiatives.

In Namibia, the first COVID-19 case was announced on 14th March 2020. Like most countries in the world, Namibia has been impacted by the COVID-19 crisis and had to adjust accordingly. On 17th March 2020, His Excellency, President, Hage Geingob declared a State of Emergency, as provided for under Article 26 of the Constitution. The State of Emergency, effective over a period of 6 months

until the end of September 2020, introduced restrictive measures, including the closure of all borders, suspension of gatherings and some economic activities. On 28th March 2020, the country went into a full lockdown. There was a notable increase in cases after 20th May 2020. As of 02nd September 2020, a total number of 7 844 cumulative confirmed cases and 82 deaths had been recorded. However, the national strategy is to relax the emergency regulation gradually over five (5) phases with the hope to return to normalcy by the end of September 2020.

3. GUIDELINES AND RECOMMENDATIONS FOR ELECTORAL ACTIVITIES DURING THE COVID-19 PANDEMIC

The International Foundation of Electoral Systems (IFES) has developed a series of recommendations to guide Election Management Bodies (EMBs), planning and implementing electoral events during this period, that are informed by the general guidance issued by the World Health Organization (WHO), and the U.S. Center for Disease Control and Prevention (CDC). These include best practices issued by the U.S. Election Assistance Commission (EAC), or those implemented by EMBs around the world who have conducted electoral processes during a public health crisis. The following four guidelines are recommended:

3.1 Assessment of risk and implications

The main objective of electoral processes is to deliver electoral results. Credibility is achieved through technically well executed electoral processes, broad participation and trusted results that confer legitimacy to elected officials. Depending on the degree of disruptions generated by the COVID-19 pandemic, organizing elections can be very difficult or even impossible in some instances. For example, the distribution of ballot papers,

voting booths, seals and other supplies needed during the process can be seriously affected by the measures imposed for limiting the spread of the virus. Furthermore, there is a possibility that election officials may fear infection or get infected and therefore not assume their critical roles. Shortage of qualified election officials may lead to technical shortfalls. However, with the high unemployment rate in Namibia, shortage of election officials is unlikely to be a scenario that ECN will encounter.

At their best, democratic elections are characterized by a high voter turnout and, equally, high levels of participation across different segments in society, which potentially avoids the possibility of the outcome of an election being unfairly influenced by some groups over others. There is a view opining that the decision of continuing to hold elections as originally scheduled, despite a pandemic outbreak, could result in low voter turnout and could undermine their overall legitimacy. Citizens with the need for limited exposure to large groups and social distancing, might be less likely to leave their homes to vote because of their health concerns and that of their family members.

There is also a major risk that those deterred from voting would be disproportionately from the older age groups, or those with underlying health conditions. The legitimacy of the contest may therefore be undermined by unfair restrictions, placed on certain segments of the society and by their uneven participation. These identified risks may not materialize and need to be put in context; as this category of elections in Namibia has generally experienced low voter turnout. Apart from the first Regional Council (RC) and Local Authority (LA) election held in 1992, which experienced a 92% voter turnout, the voter turnout for the subsequent RC and LA elections has consistently been lower. For example, the RC and LA elections held in 2015 only recorded 39% and 33% voter turnout, respectively. The most recent by-elections for Otjiwarongo, and Opuwo Rural, held in January 2020 recorded 25% and 42%,

respectively. Most notably, however, was the Khomasdal Constituency by-election, which was also held during the same period, which recorded a meager 8%, the lowest voter turnout ever recorded in Namibian elections.

3.2 Consider alternative solutions to in-person voting/participation

Alternatives to holding in-person electoral activities include:

3.2.1 Postponements

To avoid the risk of person-to-person contagion, Electoral Management Bodies (EMBs) might postpone electoral events (e.g. in-person voter registration, political rallies, in-person ballot casting) until a later date, respecting the country's legal provisions. However, neither the Constitution nor the Electoral Act provides for the postponement or suspension of elections in Namibia. Elections are regulated under the Electoral Act, the Regional Councils Act and the Local Authority Councils Act, but the only provision regarding a "suspension" of a regional council election is in the case of death or incapacitation of a candidate after nomination. Any postponement may require amendment of the Regional Councils Act, the Local Authority Act and the Electoral Act.

3.2.2 Holding electoral Activities online/remotely

Crowding can also be avoided by holding some electoral events such as electoral campaign, voter registration, training of election officials, vote casting, electoral dispute resolution, online or remotely, where legal provisions allow. **However, it should, be noted that holding electoral activities online or remotely through postal or any form of absentee ballots are not allowed in Namibia in terms of law. This means that in-person physical presence is a legal prerequisite for participation in voter registration and voting processes.**

3.3 Create an Inclusive Decision-Making Process

While the COVID-19 pandemic brings unique dimensions about **holding or postponing** elections, many aspects of the decision-making process are typical to any national emergency. In many countries, the constitutional provisions during the state of emergency include postponement of elections but there are also states where the first does not necessarily imply the latter. Decision-making is more straightforward where constitutions or laws clearly spell out the conditions under which elections can be suspended or postponed. Even in these cases, however, there is normally a broad degree of interpretation in the application of the guidelines.

Similar to other crisis events, interagency consultation and communication mechanisms that include electoral and public health authorities, measures should be put in place to carefully weigh public safety, security risks, constitutional constraints, procedures, and democratic implications. In extreme circumstances such as the ones triggered by the current COVID-19 pandemic in many countries, holding elections might divert human and material resources from more urgent, potentially lifesaving activities.

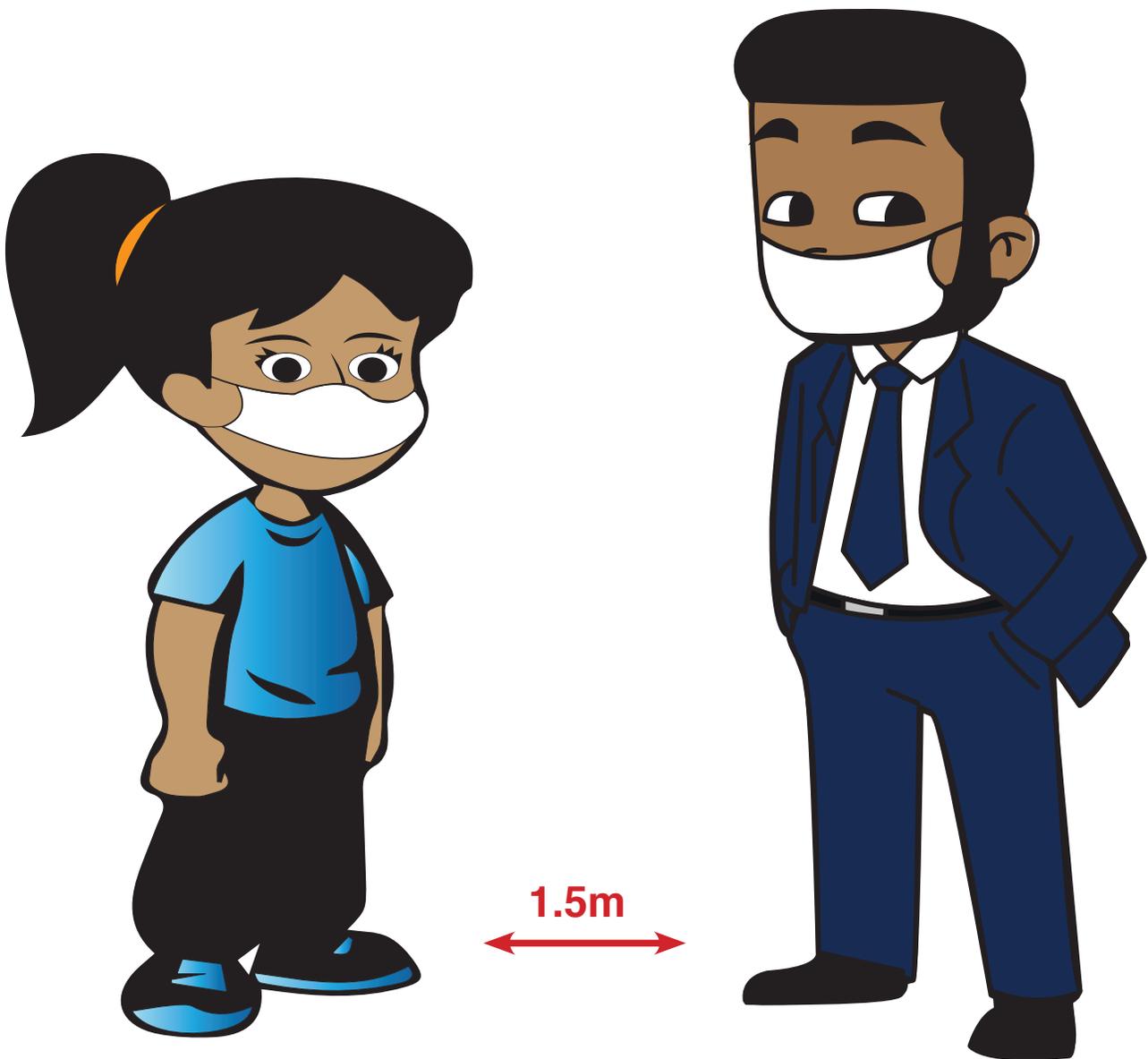
3.4 Safeguarding Democracy

Elections are an opportunity for citizens to either reconfirm, or remove and replace, an elected representative or government. A decision to postpone an election suspends political rights, and as such undermines the social contract between a government and its citizens. Essentially, both proceeding with elections while the COVID-19 pandemic is not contained or postponing them entail risks for decision makers. While the latter may be the most feasible and responsible option from the public health perspective, the decision may open up a *Pandora's box* of other risks for democratic governance. As such, Governments need to critically analyze the public health

risks versus the democratic governance and constitutional risks in considering whether or not to proceed with elections, or to postpone elections and allow for clear pathways that guide how existing institutions and relevant actors can proceed during any extension periods, until normal electoral routines may be reinstated in the event of a postponement. At this juncture the ECN, having consulted with the Ministry of Health, is of the view that the implementation of the Operational Calendar and, indeed, the holding of elections may still proceed as planned.

4. ANALYSIS OF THE ECN ELECTORAL CALENDAR ACTIVITIES LIKELY TO BE ADVERSELY AFFECTED BY COVID-19

In conformity with the IFES guidelines, the ECN considered possible situations and the key electoral calendar activities were identified and grouped accordingly. The table below summarizes the key electoral calendar activities most likely to be affected by COVID-19, and also highlights the proposed actions steps to mitigate the COVID-19:



Phase I

PRE-ELECTION PHASE

| Key Electoral Activity | Mitigation Action |
|---|--|
| Recruitment and Training of Election Officials | <ul style="list-style-type: none"> • Use of online recruitment platform to receive and review staff applications • Conduct virtual interviews where feasible • For in-person interviews, identify facilities with sufficient space to allow for required physical distance; provide hand sanitizers and ensure the use of face masks by ECN officials and interviewees • Identify/Avoid or Release ‘vulnerable individuals’ from election duty e.g. Pregnant Women, elderly persons, persons with pre-existing conditions • Incorporate COVID-19 information in training content • Select training locations with sufficient space to allow for sufficient physical distance and ensure hand-sanitization protocols; clean & disinfect training equipment regularly. • Enforce mandatory use of face masks during all training sessions |
| Electoral Campaign | <ul style="list-style-type: none"> • Educate Political Parties, Organizations and Candidates their obligations in terms of containing the spread of the virus • Streamline All COVID-19 related messages about elections and provide directives to political parties, Organizations, candidates, civil society and media • In collaboration with Ministry of Health and Social Services (MOHSS), provide instructions on health precautions during political campaign activities or any other election related gatherings • Encourage political parties to prominently display posters promoting hand-washing, social distancing, respiratory hygiene and remind citizens to avoid touching their faces/ cough etiquette/wearing of facemasks and hand gloves etc |
| Voter and Civic Education Campaign | <ul style="list-style-type: none"> • Provide clear, accessible and frequent information to voters about COVID-19, its modes of transmission, and ways of combating it • Follow best practices in health literacy (short messages that use familiar words and culturally relevant visuals) • Provide frequent information to the public and the electorate about new electoral procedures and how to comply with them • Provide face masks and 70 % alcohol based hand sanitizers to all officials • Similar measures will be applied when voter education is conducted during the period preceding the election day |

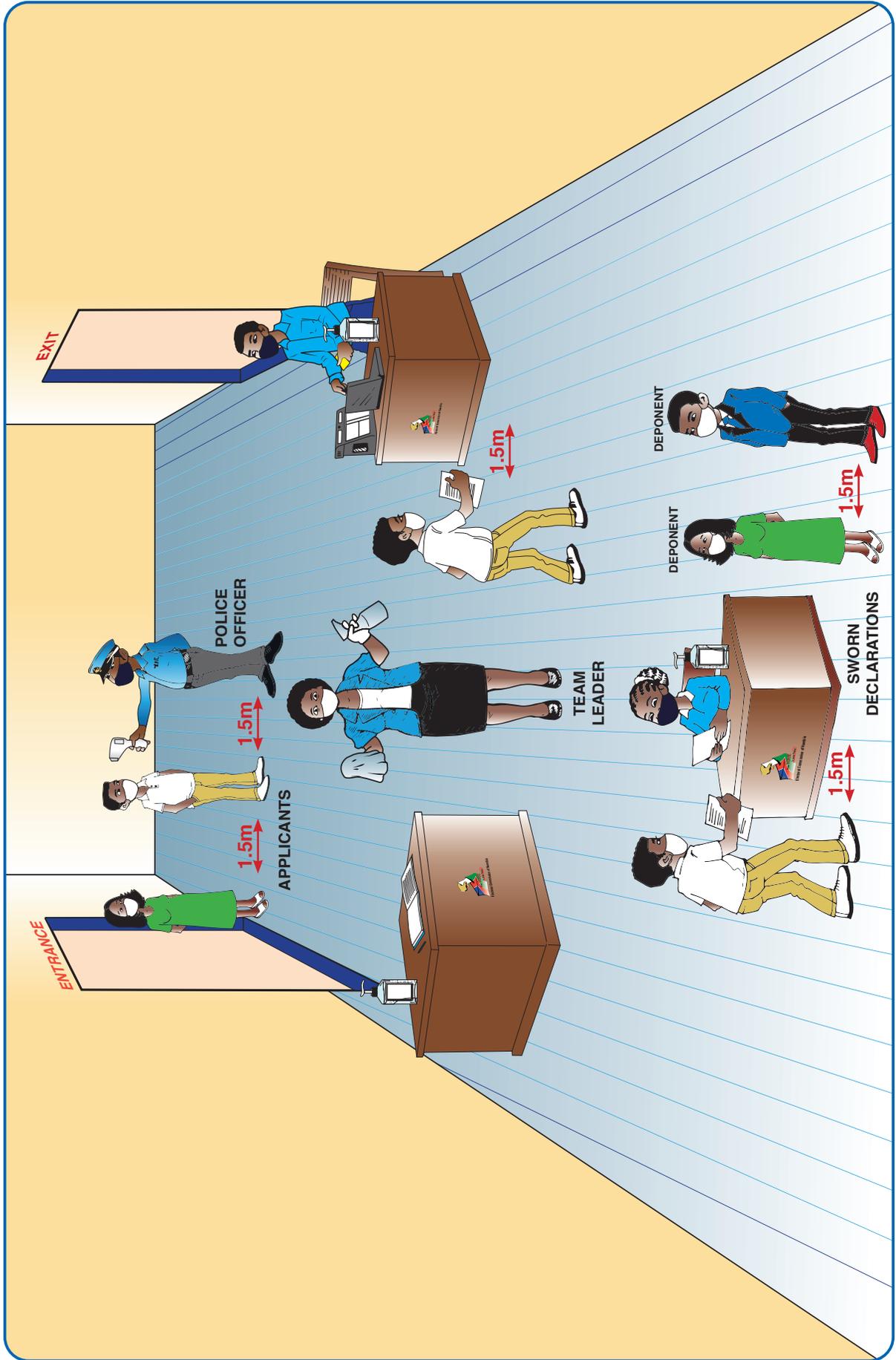
**Voter Registration,
Nominations, Ballot Casting,
Vote Count and Results
Management**

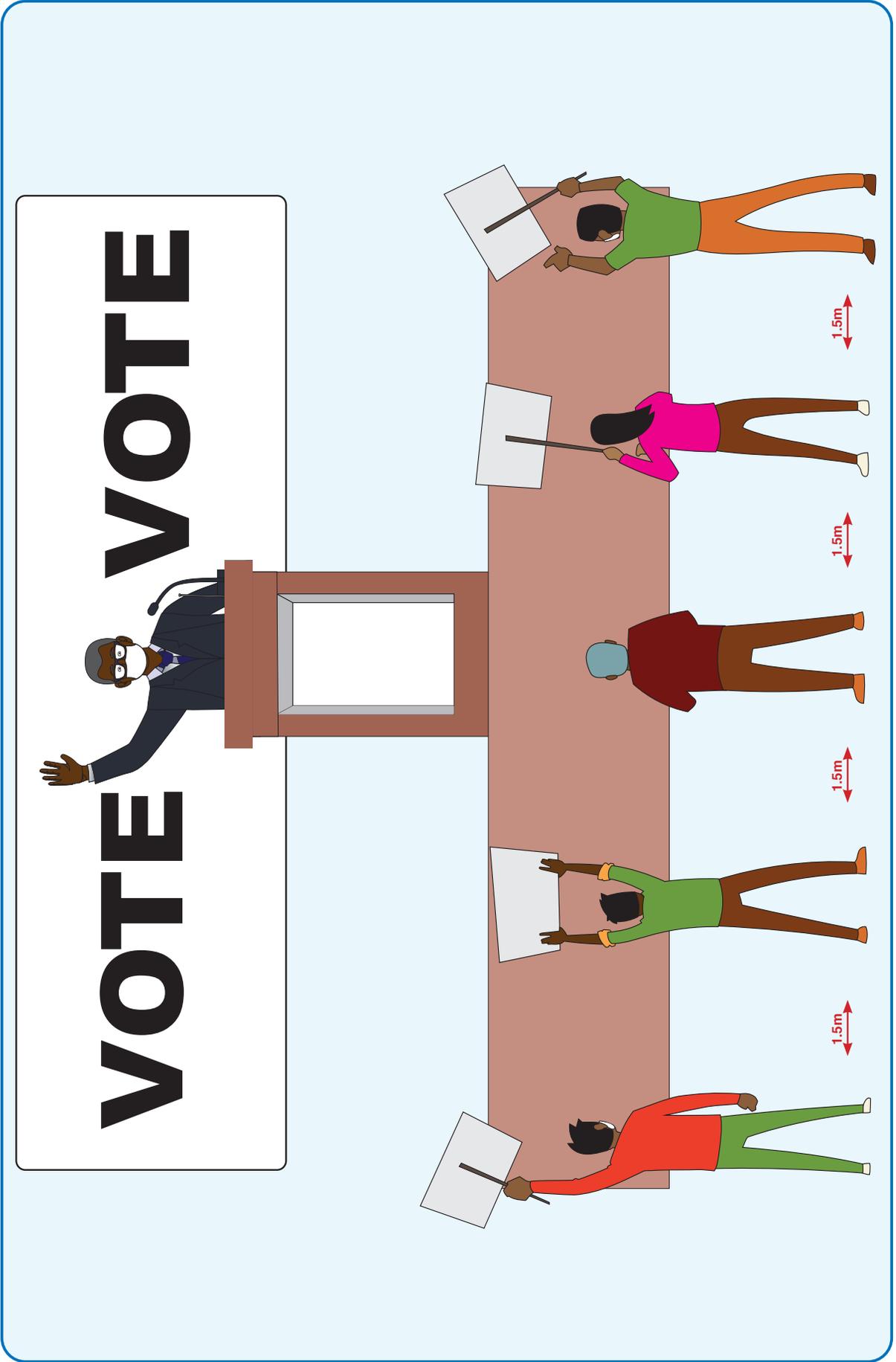
- Select locations with sufficient space to allow for sufficient physical distance; locations should be far from areas where vulnerable groups reside (e.g. Old Age Homes), - alternative measures will be taken to ensure participation of these groups
- Prominently and publicly display COVID-19 information through collaboration with MOHSS
- Provide alcohol based hand sanitizers for use before and/or after using equipment, or at final step in the process
- Designate area for filling out forms in order to comply with physical distance requirement
- Regularly cleaning & disinfecting voting booths, pencils, and other equipment or material
- Avoid multi-person seating and remove other unnecessary objects from election facilities
- Collect and dispose of waste material safely e.g. sanitizer bottles, wiping cloths, masks

VOTER EDUCATION

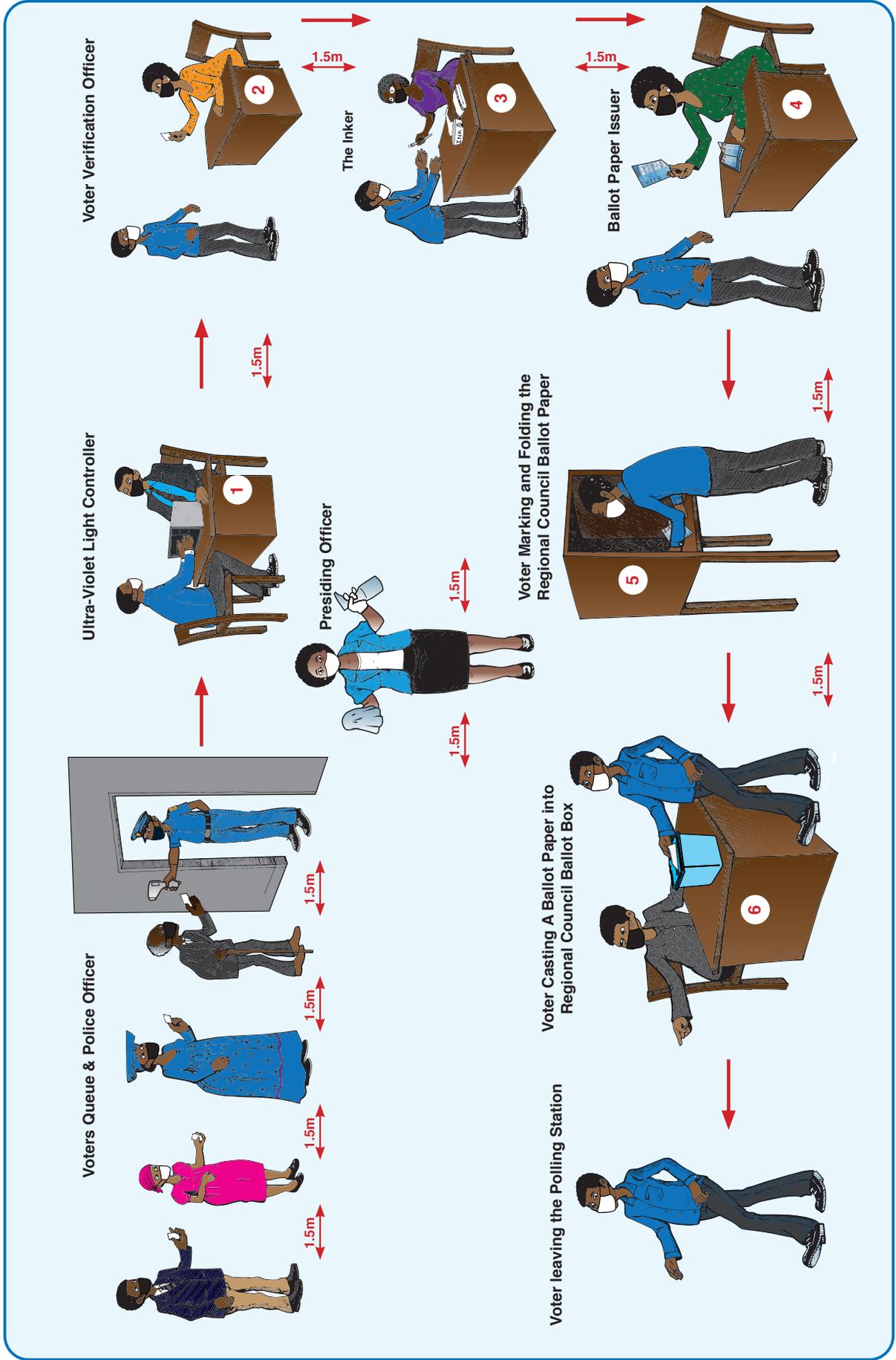


REGISTRATION

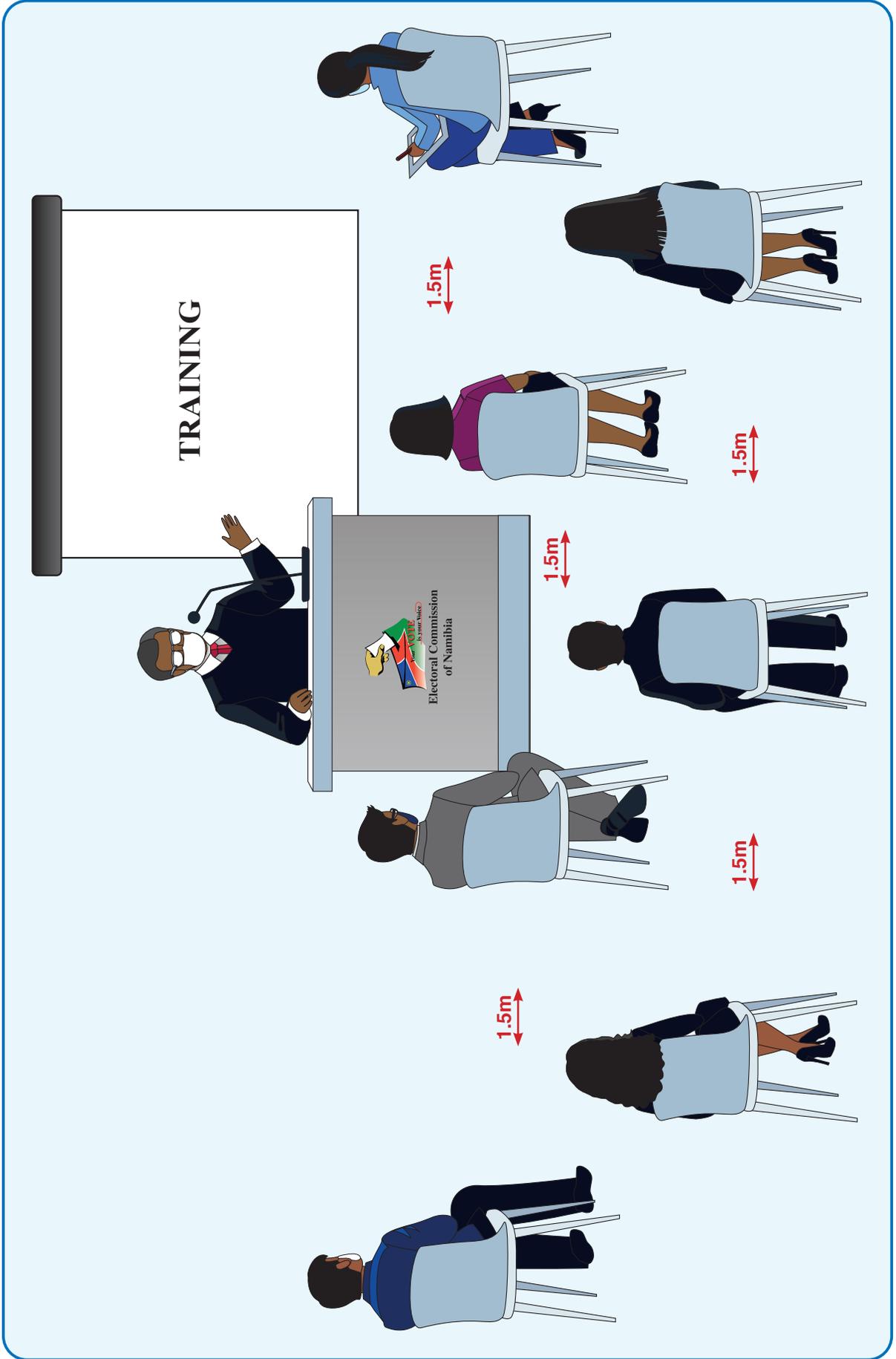




POLLING



TRAINING



Phase II

ELECTION DAY AND POST-ELECTORAL PROSSECES

| Key Electoral Activity | Mitigation Action |
|--|--|
| <p>Polling Station Layout</p> | <ul style="list-style-type: none"> • The process of casting ballots on Election Day is usually where the highest number of people congregate and interact with each other, presenting the highest potential for virus transmission • Even if no voters or election officials experience any symptoms of COVID-19, if infected, they might still be able to transmit the virus to others while asymptomatic, therefore ECN shall: <ul style="list-style-type: none"> * Take all precautions as if any person in the registration venue and polling station could be infected * Arrange the tables and the chairs for election officials in compliance with the required physical distance * Ensure that Presiding Officers control the flow of voters at each stage of the polling process to avoid person-to-person contact and allow time for sanitization of any equipment * Put all measures in place to eliminate any steps that might lead to unnecessary touching of objects * Ensure that multiple-person seating, especially benches and side-by-side chairs, are removed, where polling places have as few unnecessary objects and surfaces as possible * Work in close collaboration with MOHSS, arrange (Special) Voting for COVID-19 patients, voters in quarantine or self-isolation, as well as patients being treated in hospitals |
| <p>Protocols for Queueing and Entry and Exit Procedures</p> | <ul style="list-style-type: none"> • Election Officials with the assistance of the Police will enforce social distancing guidelines in queues • <u>The wearing of face masks will be mandatory for all persons coming to register as voters and to all voters, including all electoral officials!!</u> • The ECN, with advise from MOHSS will have special voting arrangements for all persons who tested positive for COVID-19, persons in quarantine facilities or placed under self-isolation • Election officials assigned to these polling stations will be provided with additional PPE such as disposable gowns and medical face shields • ECN will consider special arrangements for vulnerable voters to cast their ballots to reduce the amount of time they have to spend in public |

| | |
|---|---|
| Voter Verification and Vote Casting | <ul style="list-style-type: none"> • ECN will develop protocols through which each voter places his or her Voter Card in a clean area so that election officials may approach such Voter Card and, without touching it, verify names, photos and the unique Voter Registration Number • Where signatures are required for voter verification, encourage voters to bring pens from home • Hand sanitization before the procedures will be enforced to avoid contamination • Where signatures are required for voter verification, voters will be encouraged to bring pens from home • When voters are required to mark ballot papers, pencils to be sanitized before handing to each voter • Hand sanitization before the procedures is still recommended to avoid contamination • To ensure effectiveness of the indelible ink, ECN will encourage voters to sanitize and dry their hands completely before the ink is applied |
| Transporting Ballots and Other Electoral Materials | <ul style="list-style-type: none"> • To reduce transmission risks while moving the sensitive election material in vehicles, all personnel involved will be wearing masks • Provision of gloves, masks & sanitizers for Logistics Officers during the packing and handling of electoral materials from the main logistics, and return of materials & equipment • Standard recommendations outlined in the previous sections for physical distancing, sanitization of hands and equipment and use of PPE will apply at all Collation Centers |
| Inter-institutional Collaboration | <ul style="list-style-type: none"> • The ECN is the custodian of the electoral process but will not be able to effectively enforce COVID-19 Measures on its own • For this reason, MOHSS will play a critical role providing advice while continuous monitoring of strategy implementation • NAMPOL will be instrumental in ensuring enforcement of COVID-19 Measures during all electoral processes |
| State of Emergency Regulations | <ul style="list-style-type: none"> • Our approach is that at all material times or stages; our Strategy will be aligned to the national guidelines as may be announced by the relevant authorities under the State of Emergency Regulations |

The ECN strategy to mitigate impact of COVID-19 during the forthcoming 2020 Regional Councils and Local Authority election is four-pronged, namely, to:

- **Implement measures to avoid or reduce the risk of crowding and person-to-person contact;**
- **Take precautions to avoid or reduce contact with contaminated surfaces and objects;**
- **Introduce measures to protect highly vulnerable populations; and**
- **Engage healthcare services providers to avail healthcare services at strategic places with potentially high number of patients.**

It should be noted that the abovementioned ECN strategy is aligned with the following health and hygiene guidelines issued by the Government, which require every citizen to adhere to COVID-19 prevention guidelines:

- **Maintain social distancing protocols of at least 1.5 meters between persons, to minimize the potential of spread of the disease within the communities;**
- **Wear facemasks in public spaces and at workplace;**
- **Increase hygiene interventions (e.g. public hand washing utilities and consumables) including installation of sanitizer equipment within public and work places;**
- **Consult health facilities or community health workers by anyone with COVID-19 symptoms of a dry cough, high fever and shortness of breath;**

4. CONCLUSION

In the absence of a preventative vaccine or therapy medication to cure COVID-19, it is important for EMBs and public authorities to make sound and well-informed decisions as to whether and how to hold scheduled electoral activities, including voter registration, political campaigning, training of election officials, and ballot casting. These decisions should be informed by health authorities and might vary depending on each country's public health capabilities, level of spread of the disease, and other contextual factors.

It is, however, an undeniable fact that organizing and holding elections amid a pandemic poses a formidable challenge to the EMBs and public authorities. For example, the state of emergency regulations restricting the gathering of persons to a **maximum 10 people** makes mass participation at political campaign rallies almost impossible. Fear of contracting the disease at public gatherings may deter voter turnout. Additionally, the situation is compounded by the fact that most critical electoral processes require in-person physical presence while the Namibian legal framework does not allow alternative solutions such as online and mail-in voting.

The ECN recognizes the fact that holding elections in the time of a pandemic may be a challenge. However, holding elections should not be viewed as impossible without considering reasonable measures that could protect both health and democratic rights. This is the essence and purpose of the ECN's COVID-19 Mitigation Strategy.

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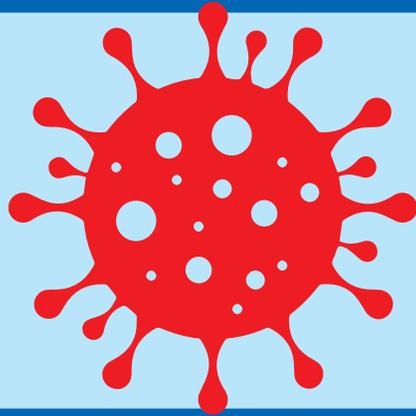
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