

ELECTORAL CODE
OF THE
NAMIBIA FOOTBALL ASSOCIATION



The Electoral Code of the Namibia Football Association is adopted under the authority of Part V of the Namibia Sports Act, No. 12 of 2003.

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DEFINITIONS

1. Unless the context indicates otherwise, any term used in this Electoral Code, which is defined in the Statutes of the NFA, has the meaning assigned to that term in the Statutes.
2. Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice versa.

PART I GENERAL PROVISIONS

Article 1: Scope of application

1. This Electoral Code applies to the elections of the members of the Executive Council and of the independent committees as defined in the Statutes of the NFA.
2. This Electoral Code also applies to the elections of the members of the relevant bodies of the Members of the NFA, if their statutes specifically stipulate this. The statutes of the Members of the NFA shall define the exact scope of application of this Electoral Code and in particular if the Electoral Committee of the NFA shall supervise the relevant electoral process.

Article 2: Principles and obligations

1. General good governance principles, such as the separation of powers, independence, transparency, and the obligation to avoid situations of conflicts of interest shall be observed without exception throughout the entire electoral process.
2. The electoral rules and guidelines shall be made available by the NFA in a clear and unambiguous manner within the relevant time frame provided for in the Statutes of the NFA.



3. Any undue influence from third parties in the electoral process shall not be permitted. Government rules on elections shall not apply to the elected bodies of NFA and the electoral rules of NFA shall not require the approval of any government organ.
4. The NFA shall ensure that any electoral rules and guidelines of its bodies are in line with the provisions of this Electoral Code, the NFA Statutes as well as the Statutes, regulations, directives and decisions of FIFA.
5. The NFA shall, at least 30 days before the date of the relevant elections, inform FIFA, CAF and COSAFA about the nature of the elections (i.e., number of members to be elected, duration of mandates, reason for the elections, etc.) and provide FIFA with a copy of its valid Electoral Code and, if applicable, any other electoral rules and guidelines.
6. The NFA shall immediately inform FIFA, CAF and COSAFA of any undue influence from third parties in the electoral process.
7. Unless stated otherwise in the Statutes and the Rules and Regulations of the NFA, the members of the relevant bodies of the NFA shall continue to exercise their functions until the completion of the electoral process.

PART II ELECTORAL COMMITTEE

Article 3: Basic principles

1. The Electoral Committee shall organise and supervise the election process in accordance with the NFA Statutes and of this Electoral Code.



2. The members of the Electoral Committee shall not be members of any other body of the NFA and may not hold any executive position in any government body. Members of the Electoral Committee may not be candidates for any of the positions to be filled within the NFA as long as they are still under mandate.
3. The members of the Electoral Committee shall immediately withdraw from a matter in progress and refrain from taking any decision if:
 - (a) they are an immediate family member of one of the candidates running for any of the positions to be filled.
 - (b) a government official of any kind; or
 - (c) there is a risk or possibility of a conflict of interest as defined in the NFA Ethics Code.
4. If a member of the Electoral Committee does not fulfil any of the above requirements and/or has to step down as member of the Electoral Committee for any reason, he or she shall be replaced in accordance with the provisions of article 4 paragraph 3 of this Electoral Code.
5. The members of the Electoral Committee shall be appointed by the Congress, in accordance with the provisions of the NFA Statutes, for a mandate of four years.
6. No member of the Electoral Committee shall serve for more than two terms of office, whether consecutive or not.
7. The members of the Electoral Committee shall act in good faith at all times and observe the utmost impartiality when carrying out their duties.



Article 4: Composition

1. The Electoral Committee shall be composed of the following members appointed by the Congress:
 - (a) a chairperson.
 - (b) a vice-chairperson.
 - (c) one ordinary member.
2. An appropriate number of substitutes for members of the Electoral Committee shall also be appointed by the Congress.
3. If the chairperson is absent or unavailable, the vice-chairperson shall deputise, and if he or she too is absent or unavailable, then an ordinary member shall deputise. Any ordinary member who is absent or unavailable shall be replaced by a substitute.
4. The General Secretary of NFA or his appointee serves as the secretary to the Electoral Committee. He or she takes part in the activities of the electoral committee in a consultative capacity, is responsible for the relevant logistical and administrative matters.
5. In the event that one or more members of the Electoral Committee stand as candidates for an elected post or are unable to carry out their duties, they shall resign from the Electoral Committee. Any member who resigns shall be replaced by a substitute.
6. The members of the Electoral Committee shall officially declare their candidature for elected posts in such a way as to allow the replacement process described above to be carried out harmoniously and without any



time pressure that would be prejudicial to the elections of members of NFA bodies.

7. The chairperson of the Electoral Committee shall be qualified to practise law.

Article 5: General duties of the Electoral Committee

The Electoral Committee shall be responsible for all tasks relating to the organisation, running and supervision of the elections to take place during the Congress. In particular, the Electoral Committee shall be responsible for:

- (a) strictly enforcing the statutes, directives and regulations of FIFA, CAF and NFA as well as this Electoral Code.
- (b) ensuring that the electoral rules and guidelines of NFA bodies are in line with the provisions of this Electoral Code and the NFA Statutes as well as the Statutes, regulations, directives and decisions of FIFA.
- (c) strictly enforcing the statutory deadlines for elections.
- (d) providing information to the Members as well as to relevant government authorities (where necessary), the media and the public.
- (e) managing relations with government bodies (where necessary).
- (f) the candidature procedure (launch, distribution of information, evaluation, publication of official list etc.).
- (g) organising, in administrative and technical terms, the elective NFA Congress.



- (h) drawing up the list of voters (delegates), assisted by the general secretariat, in accordance with the statutory provisions of the NFA.
- (i) verifying the identity of the voters (delegates) under the supervision of the bailiff appointed for this purpose.
- (j) the electoral and voting procedure.
- (k) all other tasks necessary to ensure the smooth running of the electoral process.

Article 6: Meetings, quorum and decisions

1. The chairperson shall convene the meetings of the Electoral Committee
Only an Electoral Committee that has been duly convened has the authority to deliberate and pass decisions.
2. The Electoral Committee shall not engage in valid debate unless a majority (more than 50%) of its members are present.
3. The Electoral Committee shall reach its decisions by a majority (more than 50%) of the valid votes cast. Voting by proxy or by letter is not permitted. In the event of a tied vote, the chairperson shall have the casting vote.
4. If an in-person meeting of the Electoral Committee is not possible, the chairperson may direct that the meeting takes place by means of online videoconferencing tools.
5. The decisions taken shall be recorded in minutes signed by the chairperson and the secretary of the Electoral Committee.

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Article 7: Eligibility criteria

1. The eligibility criteria for the positions to be filled within the relevant NFA bodies are defined in the relevant provisions of the NFA Statutes.
2. The Electoral Committee shall not impose any eligibility criteria that are not provided for in the NFA Statutes or any other formal requirements that are not provided for in this Electoral Code or in the NFA Statutes. The Electoral Committee shall only request the documents that help establish whether the relevant eligibility criteria have been fulfilled.
3. The Electoral Committee shall publish the full list of eligibility criteria (with reference to the relevant provisions of the NFA Statutes), as well as the documents to be provided for each of the positions within the deadlines stipulated in NFA Statutes.

Article 8: Submission and examination of candidatures for the Executive Council

1. No fees or charges of any sort shall be requested from any of the candidates at any point during the entire electoral procedure, unless they have previously been approved by the Congress. In any event, any fees or charges agreed upon shall remain reasonable and shall only serve to cover the costs of the relevant administrative burden.
2. Candidatures for any of the positions of the Executive Council shall be sent by recorded post, by email with delivery notification, or delivered by hand in exchange for confirmation of receipt, to the general secretariat at least 30 days before the relevant elective Congress. Candidatures received by the general secretariat shall immediately be forwarded to the secretary of the Electoral Committee as well as to the Audit and Compliance Committee for the relevant integrity checks to be carried out as per Annexure 1 of the NFA Statutes.



3. Within two (2) days of the deadline for submission of the candidatures, the Electoral Committee shall in writing inform those candidates who have failed to provide all the relevant documents in support of their candidatures and grant them another three (3) days to complete their applications. If the relevant candidates fail to complete their applications within the prescribed deadline, their candidatures shall be declared invalid.
4. The candidatures for the Executive Council shall be examined by the Electoral Committee within seven (7) days of the deadline for their submission and the candidates shall be informed of the decision of the Electoral Committee within the same period.

Article 9: Procedure for candidates for other NFA bodies

1. Candidatures for any of the positions of all other NFA bodies (Audit and Compliance Committee, electoral committees and judicial bodies) shall be sent by the Executive Council to the general secretariat at least 30 days before the relevant elective Congress. Candidatures received by the general secretariat shall be immediately forwarded to the Electoral Committee as well as to the relevant body in charge of carrying out the integrity checks.
2. Within ten days of receipt of the candidatures, the Electoral Committee shall confirm to the general secretariat whether the formal requirements for the relevant positions have been fulfilled. In the event that one or more candidates cannot be validated, the Executive Council shall propose additional candidates for the relevant positions.
3. Elections of the members of such other bodies may be conducted *en bloc*. At the start of the elective Congress, the delegates shall be provided with the relevant ballot papers containing the lists of the candidates for the bodies in question.

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4. During the elections of such members, the delegates shall remain at their seats and shall cast their vote using a mobile urn that shall be carried from seat to seat by one of the scrutineers and supervised closely by a member of the Electoral Committee.
5. Once all the delegates have deposited their ballot papers in the mobile urn, the Electoral Committee shall proceed with the count in front of all the delegates and the results shall be announced to the Members.

Article 10: Official list of candidates

1. The official list of candidates for all NFA bodies shall be sent to the Members at least 14 days before the elective Congress.
2. The official list of candidates shall also be published in the press and, where necessary, sent to the relevant government authorities for information.

Article 11: Convocation of elective Congress

The elective Congress shall be convened according to the provisions of the NFA Statutes. The relevant deadlines in relation to the elective Congress shall be published in the press and, where necessary, communicated to the relevant government authorities.

Article 12: Duties of Electoral Committee during elective Congress

During the elective Congress, the duties of the Electoral Committee shall be as follows:

- (a) verifying the identity of the voters (delegates).

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- (b) monitoring the electoral procedure during the Congress.
- (c) counting the ballot papers.
- (d) taking any decisions regarding the validity or invalidity of ballot papers.
- (e) passing a definitive decision on any matters relating to the electoral procedure during the electoral Congress.
- (f) declaring the official results.
- (g) organising and holding a media conference, where necessary.

Article 13: Ballot papers

1. The general secretariat shall produce the ballot papers under the supervision of the Electoral Committee. The ballot papers shall be printed clearly and legibly.
2. The ballot papers shall be of a different colour for each round of the election.

Article 14: Urn

1. Before the start of the voting procedure, the urn – which shall be transparent if possible – shall be opened and presented to the delegates of the Congress. The urn shall then be closed and placed in a visible spot close to the members of the Electoral Committee.
2. During the entire voting process, the urn shall be monitored by one of the members of the Electoral Committee.

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Article 15: Casting of ballots

1. Before the delegates are requested to cast their vote, the chairperson of the Electoral Committee shall explain in detail the electoral procedure (urn, ballot papers, valid and invalid ballot papers, count, required majorities, results, etc.) and refer to the relevant statutory provisions.
2. The chairperson of the Electoral Committee shall call in turn each delegate of the Members present and eligible to vote to move to the front of the Congress Hall where the election is taking place.
3. Once called, the relevant delegate shall move to the front of the Congress Hall and, after signing receipt of the ballot paper form, receive his or her ballot paper.
4. The delegate shall then complete his or her ballot paper in the polling booth designated for this purpose. The polling booth shall be placed in a visible spot, but still allow the delegate to cast his or her vote secretly. No mobile phones, cameras or any other recording devices shall be allowed in the polling booth.
5. The delegate shall then deposit his or her ballot paper in the urn, sign the electoral register and return to his or her seat.
6. The counting procedure shall begin as soon as all of the delegates have deposited their ballot papers in the urn. A member of the Electoral Committee shall open the urn and tip out the ballot papers in front of all the delegates.
7. The count shall then commence.



Article 16: General principles

1. Only the members of the Electoral Committee shall take part in the count of the ballot papers. All operations (opening the urn, counting the ballot papers, counting the votes, etc.) shall be carried out in a way that can be followed clearly by all the delegates of the Congress.
2. In the event of a dispute regarding the validity or invalidity of a ballot paper or of a vote, the drafting of the minutes, the declaration of the results or any other matter relating to the counting procedure, the decision of the Electoral Committee shall be final, subject to an appeal to the Electoral Appeal Committee.

Article 17: Invalid ballot papers

1. The following ballot papers are considered invalid:
 - (a) ballot papers that do not bear the official distinctive marks defined by the Electoral Committee.
 - (b) ballot papers that bear any words other than the names of the candidates.
 - (c) ballot papers that are illegible or have been defaced; or
 - (d) ballot papers that bear identifying marks.
2. The chairperson of the Electoral Committee shall write on the back of any invalid ballot paper the reason(s) for its invalidity and confirm with his or her signature.



Article 18: Spelling mistakes

Spelling mistakes shall result in the invalidity of a vote only if they mean that it is not possible to identify with certainty any of the official candidates.

Article 19: Count and declaration of results

1. Once the urn has been opened, the members of the Electoral Committee shall count the number of ballot papers and verify their validity. If the number of ballot papers is equal to or less than the number of ballot papers issued, the ballot is valid. If it exceeds the number of ballot papers issued, the ballot shall be declared void and recommence immediately in accordance with the procedure described above.
2. After the number of ballot papers has been verified, the members of the Electoral Committee shall proceed to count the number of votes cast for each list.
3. If a second (or subsequent) round of voting is required, the voting procedure shall be repeated in accordance with the above articles. The Members are also to be informed of the statutory provisions that apply for the second (and subsequent) rounds of voting (e.g., any changes to the majority required, elimination of candidates, etc.).
4. After each round of the election, the chairperson of the Electoral Committee shall officially declare the results to the Members.
5. The General Secretary shall put the ballot papers that have been collected and counted into envelopes intended for this purpose. The envelopes shall then be signed by the chairperson of the Electoral Committee and sealed. The general secretariat shall keep these envelopes and destroy them seven days after the Congress.



**PART III
ELECTION APPEAL COMMITTEE**

Article 20: Election appeal committee and appeal procedures

1. The Election Appeal Committee shall be composed of a chairperson and two ordinary members appointed by the Congress. Two substitutes shall also be appointed by the Congress at the same time as the members of the Election Appeal Committee. The chairperson shall be qualified to practise law.
2. The Election Appeal Committee shall be appointed by Congress at the same time the Electoral Committee is appointed.
3. Appeals against decisions of the Electoral Committee may be lodged only with the Election Appeal Committee, thereby precluding the possibility of appealing said decisions before any other body, particularly a government body.
4. Any appeal, duly motivated, shall be sent by recorded post, by email or delivered in exchange for confirmation of receipt, to the general secretariat within three days of receipt of the Electoral Committee's decision. Appeals received by the general secretariat shall immediately be forwarded to the members of the Election Appeal Committee.
5. The Election Appeal Committee may decide to accept fresh evidence and documents that were not provided by the relevant candidate together with the initial candidature.
6. Appeals shall be considered by the election appeal committee within four days of their receipt by the Election Appeal Committee and communicated to the candidates within the same period.
7. The decisions of the Election Appeal Committee are final and binding.



**PART IV
FINAL PROVISIONS**

Article 21: Archiving of documents and confidentiality

1. The Electoral Committee and the Election Appeal Committee shall hand over all official documents as well as all documents provided to them during the electoral process to the general secretariat, which shall be responsible for archiving them.
2. The members of the Electoral Committee and of the Election Appeal Committee shall maintain absolute confidentiality and secrecy with respect to any information and documents made available to them during the course of the electoral process. Such obligation shall remain for an indefinite period following the relevant electoral process. Furthermore, they shall not retain any documents (electronic or otherwise) supplied to them during the electoral process.

Article 22: Bailiff

1. A notary public or a person of equivalent legal status recognised by the courts shall attend the Congress and draw up the minutes of the elections according to the provisions of national law.
2. He shall be specifically responsible for verifying the identity of the delegates and ensuring compliance with the voting procedure.

Article 23: Matters not provided for

1. All matters relating to the administrative and technical organisation of the elective Congress that are not covered by this Electoral Code or by the Statutes and regulations of the NFA shall be ruled upon by the Electoral Committee, whose decision shall be final.



2. All matters relating to the running of the elections that are not covered by this Electoral Code or by the Statutes and regulations of the NFA shall be ruled upon by the Electoral Committee, whose decision shall be final.

Article 24: Violations, rights of FIFA and duty of impartiality

1. Failure by the NFA, its bodies or Members to apply the principles of the Electoral Code shall be considered a serious violation of the pertinent provisions of the FIFA Statutes and shall lead to the consequences or the disciplinary measures provided for under and described in the FIFA Statutes.
2. The members of the Electoral Committee and the Election Appeal Committee shall observe the utmost impartiality when carrying out their duties.

Article 25: Transitional Provisions

The composition, time limits and specific powers ordinarily vested with the Electoral Committee as provided by this Code, shall be vested in the current (April 2022 – 30 November 2023), Normalization Committee, as mandated and empowered by FIFA.

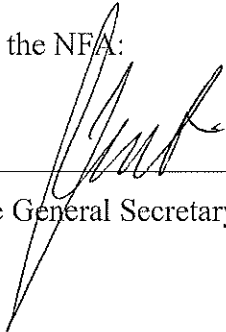
Article 26: Enforcement

This Electoral Code was adopted at the Congress in Windhoek on 14 October 2023 and comes into force on 14 October 2023.

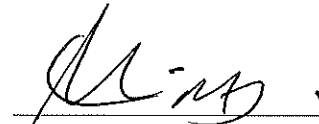


WINDHOEK, 14 OCTOBER 2023

For the NFA:



The General Secretary



The President