



# ELECTORAL POLICY FOR THE DURBAN UNIVERSITY OF TECHNOLOGY SRC

**(As approved as per SRC Constitution)**

# **ELECTORAL POLICY FOR THE DURBAN UNIVERSITY OF TECHNOLOGY SRC**

## **INTRODUCTION**

This Electoral Policy shall be read and applied in conjunction with the SRC Constitution, the DUT Statute, and the Institutional Rules as set out in the General Handbook for Students. The policy sets out the process and the rules governing the management of SRC elections.

## **SECTION 1: POWERS AND FUNCTIONS OF THE ELECTORAL COMMISSION**

1. The primary function of the Electoral Commission (EC) is to manage and administer the SRC elections on an efficient, unbiased and independent basis. The EC shall maintain the integrity of the elections by ensuring that they are free and fair.
  - 1.1. The Electoral Commission shall:
    - 1.1.1 The Electoral Commission may choose to adopt either a manual or electronic process for voting, or both, however, should an electronic voting be used the Electoral Commission will submit a detailed procedural guideline to the Student Services Board .
    - 1.1.2 submit a planning document that consists of an Election Programme of Action and a budget for the elections to the Student Services Board
    - 1.1.3 open and close the nomination process following a time-table approved by the Electoral Commission
    - 1.1.4 compile and publish a complete list of candidates contesting elections
    - 1.1.5 be responsible for all election material
    - 1.1.6 ensure that sufficient ballot papers are available for elections at least two hours before voting stations open
    - 1.1.7 ensure supply of adequate stocks of ballot boxes and voters' rolls for each campus
    - 1.1.8 determine the design of ballot papers and ballot boxes, including appropriate numbering and stamping of ballot papers and boxes

- 1.1.9 ensure that all election material is safely stored
- 1.1.10 submit provisional results of elections to the Dean: Student Services within one day after counting of ballot papers is complete
- 1.1.11 declare results of elections, provisional and final, for each campus at a pre-determined time and place
- 1.1.12 presents a full report, including financials, to the Student Services Board and to the University Management through the Office of the Dean: Student Services
- 1.1.13 formally constitute the new SRC
- 1.1.14 postpones elections should circumstances not be conducive to free and fair elections.

## **SECTION 2: FUNDING**

- 2.1 The EC shall make resources available from its budget for all candidates who are contesting elections
- 2.3 The resources shall be allocated equitably at the discretion of the EC.

## **SECTION 3: COMPOSITION OF THE ELECTORAL COMMISSION**

- 3. The Electoral Commission shall be composed of:
  - 3.1 the Manager: Student Governance and Development, who shall be the Chief Electoral Officer (Chair)
  - 3.2 not more than three (3) Student Governance and Development Officers
  - 3.3 Presiding Officers who shall be from the Independent Electoral Commission of South Africa (IEC), their number being determined by the number of voting stations
  - 3.4 two students from the outgoing SRC or their nominees (one from each campus) who are registered students but are not standing for elections
  - 3.5 one person nominated by the Applied Law Department
  - 3.6 one person nominated by the Legal and Governance Department.

## **SECTION 4: NOMINATIONS**

- 4.1 Only students who meet the eligibility criteria as prescribed in Section 9 of the SRC Constitution may be nominated to contest the elections
- 4.2 The EC shall announce the opening of the nomination period, stating the closing date and procedure for nominating candidates
- 4.3 Nomination days shall be between five (5) and ten (10) days
- 4.4 Nomination forms will be obtainable at advertised points on campus and on the Internet, and shall also be provided by the Chief Electoral Officer on request
- 4.5 A student wishing to contest the elections shall submit by hand a completed prescribed nomination form and the following pertaining to his/her nomination:
  - 4.5.1 recent ID sized photograph
  - 4.5.2 student card or proof of registration acceptable to the EC
  - 4.5.3 acceptance of nomination
  - 4.5.4 names and signatures of at least twenty (20) registered students supporting the nomination
  - 4.5.5 a manifesto not exceeding 250 words
- 4.6 The duly completed nomination form must be delivered by hand to the office of the Chief Electoral Officer, whereupon a register created for that purpose shall be signed
- 4.7 No nominations shall be accepted after the date and time for closing .
- 4.8 The EC shall verify all nominations for validity and eligibility. Nominees not meeting the eligibility and validity criteria shall be notified within forty eight (48) hours after the closing of nominations and shall be disqualified from standing.
- 4.9 Objections to nominations must be in writing, signed by the objector(s), stating the reasons for objection and be submitted to the office of the Chief Electoral Officer within twenty four (24) hours of the publication of the nominee list .
- 4.10 After the closing of nominations, the EC shall publish the list of qualifying candidates contesting the elections.
- 4.11 Nominees who have been disqualified shall have twenty four (24) hours to amend their nominations. The EC shall consider the amended submissions within two (2) days and, if necessary, publish a second list of nominations.
- 4.12 If insufficient nominations are received, the EC may extend the period for nominations.

- 4.13 A nominee who wishes to withdraw his/her candidature shall submit a written notification of such withdrawal to the Chief Electoral Officer within the specified nomination period.

## **SECTION 5: CAMPAIGNING**

- 5.1 All qualifying nominees shall be required to attend a compulsory workshop to prepare them for the process of campaigning.
- 5.2 Following the closing of nominations, candidates shall follow a structured programme of campaigning (Campaign Meetings) in accordance with the election time-table.
- 5.3 Electioneering pamphlets or notices shall be distributed only on University premises and designated sites
- 5.4 Candidates:
- 5.4.1 May visit House Common Rooms to give a statement of policy and to answer questions. The EC shall be responsible for arranging and monitoring these visits
- 5.4.2 Shall participate in the manifesto presentations
- 5.4.3 Shall be given sufficient time to address the meeting
- 5.4.4 May not make derogatory remarks about other candidates
- 5.5 All candidates shall sign an electoral code of conduct, committing themselves to a fair and democratic electioneering process.
- 5.6 In terms of the electoral code of conduct, any voter or candidate can lodge a written complaint on campaigner misconduct with the EC
- 5.7 No campaigning may take place within 100m of the voting station
- 5.8 Candidates who violate the above provision may be disqualified from standing.

## **SECTION 6: VOTING**

- 6.1 A schedule of registered students shall constitute the voters roll
- 6.2 Voting shall be by secret ballot
- 6.3 There shall be no voting by proxy

- 6.4 Each student shall have the right to cast one vote for an individual standing for election
- 6.5 Voting shall take place over three (3) days as follows:
  - 6.5.1 Midlands Campus: 09h00 – 19h00 days 1 and 2
  - 6.5.2 Midlands Campus: 09h00 – 18h00 day 3
  - 6.5.3 Durban Campus: 09h00 – 18h00 all three days
  - 6.5.4 Durban Campus halls of residence: 19h00 – 21h00 all three days
- 6.6 All voting stations shall be staffed by a specified number of EC officials
- 6.7 A voter shall produce a valid student card or valid proof of registration and identity document or driver's licence .
- 6.8 The EC officer shall verify the student card or proof of registration.
- 6.9 The student shall be given a ballot paper and be directed to the voting booth where the student shall in secret correctly mark the ballot paper. No changes shall be made to the ballot paper by the student. The student shall fold the marked ballot paper and place it in the ballot box.
- 6.10 Ballot boxes shall be placed at specified places on campus
- 6.11 Ballot papers shall contain, in alphabetical order, the names of all candidates contesting the elections
- 6.12 At the end of the time allocated for voting, all the ballot boxes shall be sealed by the EC and stored in a safe and secure place in the presence of a security officer.

## **SECTION 7: CANDIDATES' AGENTS**

- 7.1 Candidates contesting the elections shall have the right to appoint two agents per voting station and at the counting venue to act as observers on their behalf
- 7.2 An agent shall be a student who is not standing for election.
- 7.3 Candidates must issue their agents with proof of appointment on a prescribed form and give notice of such appointment to the Presiding Officer.
- 7.4 Agents may not interfere with the electoral process.
- 7.5 Agents may lodge complaints or bring irregularities to the attention of the Presiding Officer.
- 7.6 Agents and candidates must comply with orders given by the Presiding Officer

- 7.7 The absence of agents shall not invalidate proceedings. The onus is on candidates to ensure the presence of their agents.

## **SECTION 8: INDEPENDENT MONITORING BODY**

- 8.1 There shall be an Independent Monitoring Body consisting of the Dean: Student Services or his/her nominee and the representatives of candidates contesting the elections. The Independent Monitoring Body shall be convened and chaired by the Dean: Student Services or his/her nominee.
- 8.2 The primary function of the Independent Monitoring Body is to ensure that the elections are free and fair by monitoring all the phases of the election which include:
- 8.2.1 nominations and nomination procedures
  - 8.2.2 voting and voting procedures
  - 8.2.3 counting of votes
- 8.3 The Independent Monitoring Body must meet during the election period.
- 8.4 The Dean: Student Services may, in consultation with the representatives of the candidates on the Independent Monitoring Body, invite additional and external persons or organisations to assist and advise the Independent Monitoring Body
- 8.5 The Independent Monitoring Body shall not in any manner be an appeal body.

## **SECTION 9: COUNTING OF VOTES**

- 9.1 Counting of votes shall take place in a secure venue determined by the EC
- 9.2 Counting of votes may only commence after the ballot papers have been opened in the presence of EC officials and a security officer. A security officer shall be present in the vicinity of the counting venue throughout the process of counting.
- 9.3 Counting of votes may commence within an hour, but not later than 24 hours, after the closing of voting, and may be adjourned or suspended with the approval of the EC. Should this not be possible, counting may commence as soon as deemed practicable by the EC after the closing of the last voting station.

- 9.4 Ballot papers will be counted at the respective campuses, that is, votes cast at the Midland Campus shall be counted at the Midlands Campus, and votes cast at the Durban Campus shall be counted at the Durban Campus.
- 9.5 Disputed and spoilt papers shall be counted towards the poll, not the results. A vote shall be spoilt if:
- 9.5.1 a ballot paper is unclear as to the vote exercised by a student
  - 9.5.2 a ballot paper has been changed or defaced
  - 9.5.3 the ballot paper does not contain any vote cast
  - 9.5.4 a ballot paper reflects the identity of a voter
  - 9.5.5 the EC considers the ballot paper to be spoilt for any other reason
- 9.6 When the EC is satisfied that votes have been accurately counted, it shall record the result of the election, the percentage poll and the number of spoilt papers
- 9.7 In the event that there are no objections, ballot papers used during the elections shall be destroyed no sooner than 90 days after the publication of the final results.

## **SECTION 10: OBJECTIONS AND APPEALS**

- 10.1 Objections to any aspect of the elections, with the exception of the election results, must be lodged on a prescribed form, stating grounds for such objection and submitted to the EC
- 10.2 Objections to the election results must be handed in writing to the EC within twenty four (24) hours of the announcement of provisional results.

## **SECTION 11: DECLARATION AND ANNOUNCEMENT OF RESULTS**

- 11.1 All agents shall sign a declaration whether or not they accept the provisional election results and the free and fair nature of the process
- 11.2 The EC shall announce the provisional results and percentage poll attained as soon as possible after the counting of votes
- 11.3 The EC shall announce the final results within forty eight (48) hours of the resolution of objections and/or appeals against the provisional results
- 11.4 Allocation of seats:



- 11.4.1 Candidates contesting elections shall be ranked according to the number of votes received
- 11.4.2 In the case of Durban, the top eight candidates shall be members of the SRC
- 11.4.3 In the case of Midlands, the top seven candidates shall be members of the SRC
- 11.4.4 In the event of a tie with respect to the last qualifying candidates, the Presiding Officer shall settle the qualification by tossing a coin in the presence of the affected candidates.

## **SECTION 12: VACANCIES**

- 12.1 In the event of a vacancy occurring within the structure, candidates with the next highest number of votes will occupy such vacancy
- 12.2 If two thirds of the SRC resign simultaneously, the SRC shall be dissolved as per section 13.10 of the Constitution.

## **SECTION 13: CONSTITUTING THE NEW SRC**

- 13.1 The new SRC shall not assume office until it has been formally constituted by the Chief Electoral Officer through a process of allocation of portfolios
- 13.2 The Chief Electoral Officer shall convene a portfolio allocation meeting within ten (10) academic days after the final election results have been published
- 13.3 A quorum of 60% shall be required to proceed with the allocation of portfolios as per the provisions of Section 5.3 of the Constitution
- 13.4 If there is no quorum, the Chief Electoral Officer shall adjourn the meeting to a later date. The candidates present at the start of the reconvened meeting shall constitute a quorum and the allocation of portfolios shall proceed. Candidates not present at the reconvened meeting without reasonable and acceptable explanation shall forfeit the right to be on the SRC. The Chief Electoral Officer shall then invite the candidates with the next highest number of votes and they shall be allocated the remaining positions at a later meeting to be convened by the Chief Electoral Officer

- 13.5 Nominations for any portfolio shall need to be seconded. There shall be no limit to the number of candidates nominated for a portfolio
- 13.6 Voting shall be by secret ballot and all candidates shall have the right to vote, including those who have been nominated
- 13.7 Each candidate shall have one vote in respect of each position available on the SRC
- 13.8 A candidate shall need a simple majority of all votes cast in order to be elected to a position
- 13.9 In the event of a tie, there shall be a revote. Should the tie recur, the matter shall be resolved through a by-lot performed by a neutral student
- 13.10 In order to maintain parity and maintain the strength of the SRC on both campuses, the provisions of Sections 5.11, 5.12 and 5.13 of the SRC Constitution shall apply for the election of the Executive Committee in general, and of the President, Deputy President, General Secretary and Deputy General Secretary in particular
- 13.11 The newly constituted SRC shall be formally sworn-in at a convenient time and date in a ceremony where they will take an Oath of Office. The swearing-in ceremony shall be presided over by an official of the University designated by the Vice-Chancellor as soon as is practically possible.

## **SECTION 14: ELECTORAL CODE OF CONDUCT**

### **Preamble**

During an election period, it is important that all those involved adhere to the same rules. Such rules become imperative if one wishes to conduct a free and fair election. The Electoral Commission (EC) has prescribed an Electoral Code of Conduct, as well as prohibited conduct, that applies to SRC Elections (notwithstanding other provisions of the SRC Constitution and Institutional prerequisites).

The Electoral Code of Conduct applies to every organization or individual contesting the election.

#### **14.1 Purpose of the Code**

14.1.1 The purpose of this code is to promote conditions that are conducive to free and fair elections, including:

14.1.1.1 Tolerance of democratic political activity, and

14.1.1.2 Free political campaigning and open public debate.

## **14.2 Promotion of the Code**

14.2.1 Every candidate must :

14.2.1.1 Promote the purpose of the Code when electioneering

14.2.1.2 Publicise the Code widely in any election campaign, and

14.2.1.3 Promote and support efforts in terms of this code to educate voters.

## **14.3 Compliance with the Code and Institutional Regulations**

14.3.1 Every individual must comply with the letter and spirit of the code.

This code not only applies to individuals contesting elections, but also extends to their members and supporters.

## **14.4 Public Commitment**

14.4.1 Every individual must:-

14.4.1.1 Publicly acknowledge that everyone has the right:

14.4.1.2 To freely express their political beliefs and opinions

14.4.1.3 To challenge and debate the political beliefs and opinions of others

14.4.1.4 To publish and distribute any election and campaign materials, including notices and advertisements

14.4.1.5 To lawfully erect banners, billboards, placards and posters, except within the demarcated area of voting stations and places prohibited by the university regulations

14.4.1.6 To canvass support for any candidate

14.4.1.7 To hold public meetings

14.4.1.8 To publicly condemn any actions that undermine the free and fair conduct of the elections

- 14.4.1.9 To accept the result of an election or alternatively challenge the results within the framework of the SRC Electoral Policy.  
Objections will be entertained by the Chief Electoral Officer and the Presiding Officers whose decision shall have be final and binding.

## **14.5      Role of the Candidate**

14.5.1 Every candidate must:

- 14.5.1.1 Recognize the authority of the Commission in the conduct of the election
- 14.5.1.2 Assure the voters of the Commission's impartiality
- 14.5.1.3 Give effect to any lawful direction or instruction of the Commission or officer of the Commission or the Chief Electoral Officer (CEO)
- 14.5.1.4 Establish and maintain effective lines of contesting the election
- 14.5.1.5 Co-operate in any investigation of the Commission.

## **14.6      Prohibited Conduct**

14.6.1 No individual may:

- 14.6.1.1 Use language or act in a way that may promote violence during any election campaigning or intimidate candidates or voters
- 14.6.1.2 Publish false or defamatory allegations against any candidate
- 14.6.1.3 Discriminate on the grounds of race, ethnicity, gender, class or religion in connection with an election or political activity.
- 14.6.2 No person may offer inducement or reward to another person
  - 14.6.2.1 To join or not to join any campaigning activity
  - 14.6.2.2 To attend or not to attend a public meeting
  - 14.6.2.3 To refuse nomination as a candidate or to withdraw as a candidate
  - 14.6.2.4 To carry or display arms or weapons

- 14.6.2.5 To unreasonably prevent any other person access to voters for the purpose of voter education, recruitment or canvassing support for a candidate
- 14.6.2.6 To deface or unlawfully remove or destroy placards, posters or any other election materials of another candidate
- 14.6.2.7 To abuse a position of power or privilege to influence the conduct or outcome of an election.

#### **14.7      Offences and penalties**

- 14.7.1 Any person who contravenes the provisions of this Code, after having signed and agreed to it, is guilty of an offence
- 14.7.2 The Commission has the power to investigate, adjudicate and mete out any appropriate censure to the guilty/offending individual/s. The Commission's decision is final and binding.

### **SECTION 15: GENERAL PROVISIONS**

- 15.1 The Electoral Commission and its officers shall, when necessary, be afforded privacy to address any issue pertaining to the electoral process
- 15.2 The Electoral Commission owns election material and may dispose of such at a convenient time after publishing the final results and the process is agreed as being free and fair
- 15.3 The Electoral Commission may make further regulations if required by the policy or if it considers this necessary for an efficient electoral process.