



THE STUDENT ELECTORAL
COMMISSION 2022

ELECTION REGULATIONS

As amended by
(Resolution No. 33, 2022)

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● PROCLAMATION NOTICE

In terms of s118(3) of the Student Constitution, it is hereby notified that the Electoral Commission has, adopted the following rules in addition to the rules set out in the Student Electoral Act, which are hereby published for general information: –

Student Leadership Election Regulations (Resolution No. 28, 2022)

The Electoral Commission hereby determines 20 June 2022 as the date on which the Student Leadership Election Regulations (Resolution No. 28, 2022) shall come into operation.

CHAPTER 1: INTERPRETATION

1 Definitions

Unless otherwise stipulated, the following terms in these regulations refer to –

- (1) **“Academic Affairs Council (A.A.C.)”** refers to the Academic Affairs Council as defined in the Student Constitution.
- (2) **“Central Disciplinary Committee (CDC)”** as defined in the Student Constitution.
- (3) **“Community”** or **“House”**: refers to a Cluster, residence, or PSO.
- (4) **“Constitution”** refers to the Student Constitution 2021 revision (version 4.4)
- (5) **“Day”** refers to a calendar day.
- (6) **“Ex officio member”** refers to a person serving on a body by virtue of holding another position.
- (7) **“General members”** refers to members of the SRC elected in terms of section 18(1) of the Student Constitution.
- (8) **“Military Academy Student Council (MASC)”** refers to the Military Academy Student Council as defined in the Student Constitution.
- (9) An **“Official”**: refers to a member of the Electoral Commission.
- (10) **“Positional Student Leader”** refers to a student, elected or appointed to the following structures: structures established by the Student Constitution, Faculty Committees, House Committees, Society Executive Committees, and Cluster Convenors.
- (11) **“Prim Committee (PC)”**: refers to the Prim Committee as defined in the Student Constitution.
- (12) **“PSO”** refers to a Private Student Organisation.
- (13) **“Senior Prim Committee (SPC)”** refers to the Senior Prim Committee as defined in the Student Constitution.

- (14) **“Senior Residence”** refers to a Senior Residence as contemplated in the Policy for Placement in Residences of the University and the management guidelines for the placement policy.
- (15) **“Societies Council (SC)”** refers to the Societies Council as defined in the Student Constitution.
- (16) **“Society”** refers to a student organisation registered with the Societies Council.
- (17) **“SRC”** refers to the Students’ Representative Council.
- (18) **“Student body”** refers to any group of students formally associated with the University.
- (19) **“Student Court”** refers to the structure established by the Student Constitution.
- (20) **“Student”** means a student registered at the University.
- (21) **“Tygerberg Student Council (TSC)”**: refers to the Tygerberg Student Council as defined in the Student Constitution.
- (22) **“University authorities”** refers to any employee, or structure consisting of, University employees including Faculties, the Rector’s Management Team, and the University’s Council.
- (23) **“University day”** refers to any weekday during an academic term, excluding public holidays, Saturdays, or Sundays.
- (24) **“University”** refers to Stellenbosch University.

2 Status of these Election Regulations

- (1) All the Student leadership bodies that fall under the jurisdiction of the Electoral Commission must implement these rules.
- (2) Any decision by an Election Committee/Convenor(s) is invalid if it is inconsistent with these rules.

CHAPTER 2: NOMINATIONS

3 Students' Representative Council election

The following rules apply to the elections of the general members of the SRC –

(1) Nomination period –

- (a) The nomination period must last for a period of at least ten (10) days unless extended in accordance with these regulations.
- (b) If the Electoral Commission is of the opinion that it would be in the interest of representativity and participation, they may decide to postpone the last day for nominations for a period of one (1) week.
- (c) Procedure where too few nominations are received –

If, the number of suitable nominations received is equal to or less than the number of members to be elected to the SRC at that election or if in the opinion of the Electoral Commission it is in the interest of representativity then –

- (i) The Electoral Commission must re-open nominations for a period of one (1) week.
- (ii) Should the number of nominations still be equal to or less than the number of available positions after the re-opening of nominations contemplated in subsection (i), the Electoral Commission must declare the following students to be duly elected SRC members:

(A) The nominated candidates.

(B) As many additional members as the newly elected candidates wish to appoint, limited to the number of available positions.

(2) Availability of nomination forms

The SRC nomination forms must be available at the SRC office, the Tygerberg Student Council office and, electronically for the duration of the nomination period.

(3) Prescribed nomination form

The Electoral Commission will provide nomination forms that contain at least the following information –

- (a) The criteria according to which academic disqualification takes place and the right to appeal against the academic disqualification, as well as the place where such an appeal can be lodged.
- (b) The rules on the placement of, distribution of, and other restrictions regarding campaign material.
- (c) The time and place of the first meeting of the candidates.
- (d) The deadline for submitting nomination forms.

(4) Completion of nomination forms

The Electoral Commission must reject the nomination of a candidate if it does not contain at least the following information –

- (a) The full names of the candidate.
- (b) The signature of the candidate.
- (c) The name and signature of the nominator.
- (d) The signatures of at least two hundred (200) students who second the nomination, unless made impossible by extraordinary circumstances, in which case, the Electoral Commission may reduce the number of required signatures to 20.
- (e) A typed manifesto of no more than 300 words.
- (f) A list of the candidate's relevant experience.
- (g) The candidate's University student number.
- (h) The candidate's CV.

(5) Academic requirements for candidature

- (a) The academic requirements for candidature in the election exist to prevent situations where an individual resigns during their term of office for academic reasons.
- (b) To qualify on academic grounds a candidate must comply with the minimum residence HEMIS requirements based on their academic record of previous years, and may include the June examination results of the year concerned.
- (c) If a candidate is at risk of non-compliance with the readmission requirements of the University, they will not be granted candidature in the election.
- (d) A candidate's official academic record may be accessed by the Electoral Commission to determine whether the academic requirements have been met.

(6) Academic disqualification

- (a) Candidates who do not comply with the academic requirements stipulated in these regulations are not eligible for election to the SRC either generally or through ex-officio bodies.
- (b) The Electoral Commission must obtain the academic record of the candidates from the Registrar's office and submit any cases where the candidate does not appear to comply with the provisions above to the committee contemplated in subsection (c) below.
- (c) The decision to reject the candidature of a candidate on academic grounds must be taken by a committee consisting of –
 - (i) The Director of the Centre for Student Leadership, Experiential Education and Citizenship or their nominated alternate.
 - (ii) The Chairperson of the SRC.
 - (iii) One (1) of the Electoral Commissioners.
 - (iv) The Dean of the candidate's faculty.
 - (v) The Speaker of Student Parliament

- (d) The committee contemplated above must make its decision based on the criteria in these regulations, but can also take the following factors into account in making its decision –
- (i) The existence of special reasons, such as illness, injury, disability, et cetera, for the candidate's poor academic performance.
 - (ii) Whether the candidate changes to a different programme and performed well in the new programme.
 - (iii) Whether the candidate's results over the past three (3) years indicate a rising trend.
 - (iv) Whether the candidate followed a programme in which failing a module meant that various other modules could not be followed or where failing a module necessitates that the year of study is repeated.

(7) Other grounds for disqualification of candidates

Apart from compliance with the provisions above, the Electoral Commission must also reject the nomination of a candidate as well as disqualify any nominated candidate, if the candidate –

- (a) Has not been a student for at least one (1) semester.
- (b) Has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine.
- (c) Has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University, after an unsuccessful appeal.

4 Chairpersons of structures represented on the SRC

The following rules apply to members of the SRC who serve in the capacities outlined in sections 25(2)-(7) of the Student Constitution –

- (1) The nomination period must last for a period of at least ten (10) days, which may be extended by the relevant election committee after consultation with the Electoral Commission.
- (2) All nominations and voting must be concluded before the beginning of the SRC elections, a process which is managed by the relevant structure.

- (3) Sections 3(5),(6)&(7) of these Electoral Regulations are applicable to these candidates.

5 Student Leadership elections

The following rules apply to the elections of all other student leadership bodies –

- (1) The nomination and election periods for the Executive Committee members of structures represented on the SRC must coincide with the nomination and election periods of the Chairpersons of those structures.
- (2) Any structure hosting student leadership elections, other than those of the SRC or the Executive Committees of the AAC, MASC, PC, SPC, SC and TSC, must ensure that their nomination periods are open for a reasonable amount of time.
- (3) All nominations and voting should be concluded before the conclusion of the SRC elections, unless exceptional circumstances exist which require elections to be held after the conclusion of SRC elections, in which case no election may be concluded later than the end of August.

CHAPTER 3: ELECTIONS AND VOTING

6 Rules and Procedure for Campaigning

- (1) Rules related to campaigning are governed by the Student Electoral Act (Schedule 1 of the Student Constitution) and are enforceable on all student leadership elections.
- (2) All Election Committees must ensure that candidates and voters have access to the Student Electoral Act as well as any other regulations which establish guidelines for campaigning.
- (3) Every Student Leadership structures must establish an Election Committee.

7 Election Preparation

- (1) Election Timetable –
 - (a) The dates of the SRC elections and recommended dates for other student leadership elections must be determined by the Electoral Commission at one of its sittings.
 - (b) The Election Timetable must be published by the Electoral Commission.
 - (c) The SRC election must be held and completed within the third academic term.
- (2) Eligibility for voting in or standing for elections –
 - (a) Every student has the right to free, fair and regular elections for the SRC and any other student leadership body established in terms of the Student Constitution.
 - (b) Every student has the right to vote for the SRC and in any other student leadership body established in terms of the student constitution, subject to fair and relevant eligibility requirements and subject to the provisions of these regulations and the rules of the student bodies concerned.
 - (c) Every student has the right to stand for election in any structure established in terms of the Student Constitution, subject to eligibility requirements and the rules of the structure concerned, and if elected, to hold office.

- (d) All student leadership structures must ensure that they have an updated and verified voters' roll for all the eligible voters in a particular election which must be ready for inspection by the Electoral Commission. The voters' roll must be verified and finalised before the elections commence.

8 Election Procedure

- (1) The Electoral Commission must ensure that the SRC election procedure is readily available to the student body. At least the following information should be shared -
 - (a) Final list of all SRC candidates.
 - (b) The platform that will be used for voting.
 - (c) The duration of voting
- (2) All other structures having student leadership elections must ensure that their election procedure is readily available to their constituents.

9 Publication of Election Results

- (1) Results of the elections of the SRC and the Executive Committees of structures represented on the SRC –
 - (a) All votes must be counted by the Electoral Commission as soon as possible after the last opportunity for voting.
 - (b) Ballots may not be destroyed before the validity of the election has been confirmed.
 - (c) The full results of the SRC election must be announced in public as soon as possible after all the votes have been counted and the full written results, in accordance with Annexure 2, must be published electronically and sent to all students.
 - (d) The full election results for the Executive Committees of structures represented on the SRC must be announced in public as soon as possible after all the votes have been counted and the full written results, in accordance with Annexure 2, must be published electronically and sent to all the members of the structure concerned.

(2) Results of elections for student structures –

(a) The following structures must ensure that their election results are announced in public as soon as possible after all the votes have been counted and the full written results, in accordance with Annexure 2, must be published electronically and sent to all the members of the structure concerned –

(i) Faculty Committees

(ii) House Committees

(iii) Society Executive Committees

(3) All student leadership structures must ensure that their election results, prepared in accordance with Annexure 2, are readily available to their constituents and at the request of the Electoral Commission.

CHAPTER 4: ELECTION DISPUTES AND COMPLAINTS

10 Resolution of election disputes

- (1) A complaint about the campaign of a specific SRC candidate must be lodged with the Electoral Commission, who must investigate the complaint and must announce their decisions within twenty-four (24) hours after the complaint was lodged.
- (2) Any complaint relating to any student leadership election, including any aspect that may jeopardise the freedom or fairness of the election, and any decision or failure to make a decision, by an Election Committee(s)/Convenor(s), may be lodged with the Electoral Commission. The Commission will investigate the complaint and announce its decisions within twenty-four (24) hours of the complaint being lodged.
- (3) Any student may lodge an internal appeal against a decision by an Electoral Commission Official, such appeal must be lodged with the Electoral Commission, who will review the decision and announce its decision within forty-eight (48) hours.

11 Complaints Procedure

- (1) A complaint is deemed to be lodged when –
 - (a) It is received by the Electoral Commission not more than five (5) University days after the announcement of election results.
 - (b) All requirements of the complaints form are met.
- (2) The following are the requirements for the submission of the complaint form –
 - (a) A complainant must submit the necessary documents with the Electoral Commission in accordance with these regulations by addressing an email to the Electoral Commission.
 - (b) Any complaint and the documents thereto submitted after 17h00 on any calendar day will be deemed to have been submitted at 09h00 the next calendar day.
 - (c) All complaints and the documents thereto submitted must be signed by the complainant. By signing, the complainant confirms that they have read the document and that there are legitimate grounds to support it.
 - (d) All documents must be filed in English.

- (3) Should any registered student want to submit a complaint to the Electoral Commission –
 - (a) All complaints are to be submitted to srcelection@sun.ac.za
 - (b) Complaints relating to the Tygerberg campus and Military Academy will be investigated in consultation with the Tygerberg Election Convenor and Student Captain, respectively.

12 Complaint form

- (1) A complaint submission must be prepared in accordance with Annexure 3. The following information should be contained in any complaint submission –
 - (a) The nature of the complaint.
 - (b) The background to the complaint.
 - (c) Reasons why the complaint should be investigated by the Director of Compliance and Oversight.
 - (d) The steps the complainant has taken for the matter to be resolved by the relevant authority; mentioning the names of the Election Convenor(s), staff members or student leaders that they have been dealing with, including the dates of such correspondences, and the response received. Copies of any correspondence between the complainant and the Officials, Election Convenor(s), staff members or student leaders should be attached to the submission.
 - (e) Contact details.
- (2) The Director of Compliance and Oversight should furnish a complainant with their decision within twenty-four (24) hours after the complaint was lodged. The Director of Compliance and Oversight shall then issue a full report within forty-eight (48) hours after the decision was announced.
- (3) An internal appeal of any decision, made under subsection (2) above, must be submitted to the Chief Electoral Officer within two (2) University days after the report has been published by the Director of Compliance and Oversight. The Electoral Commission, upon deliberating on the internal appeal shall announce their decision within forty-eight (48) hours after receiving the appeal.
- (4) Any complaint, that is not resolved to the satisfaction of the complainant, about the running of any student leadership election and any decision or failure to make a decision by the Electoral Commission or respective Election Committee(s)/Convenor(s), must be lodged with the Student Court within a reasonable time and in accordance with the rules of the Student Court.

ANNEXURE 1 – ELECTION TIMETABLE

(RESOLUTION NO.15, 2022)

ELECTION TIMETABLE

1 Students' Representative Council Elections

The Electoral Commission is granted the exclusive responsibility to manage and facilitate SRC elections by s18 of the Student Constitution read with Schedule 2 of the Student Constitution.

Accordingly, the purpose of this SRC general election timetable is to propose a framework for the management of the upcoming SRC general elections. It is based on a direct application of the Student Constitution and procedures outlined in s18.

2 Aims & Objectives

This document serves as an update by the Commission on the steps it is taking in order to ensure that an SRC general election takes places, it further serves to –

- (1) Indicate the processes that will be followed in facilitating the general election.
- (2) Provide a timeline for the various steps in the election process.
- (3) Provide insight into how a general SRC election might be conducted.

3 SRC Election Timetable

ELECTION OBJECTIVE	PROSPECTIVE DATE
Nominations open	20th June
First round Nominations close	Monday 10th July
Nominations open Second round	11th July
Second round Nominations close	20th July
Vetting Process and appeals	25th June - 26th July
Candidates' first meeting and Training	29th July
Caucus 1	4th August
Caucus 2	5th August
Voting opens	8th August
Caucus 3	8th August
Caucus 4	9th August
Caucus 5	10th August
Caucus 6	11th August
Caucus 7	12th August
Voting closes	12th August
Verification	12th -15th August
Announcement	15th August
Internal Elections	18th August

S3 BODIES ELECTIONS TIMETABLE

Name of leadership Structure	End of Nomination Period	Election/Caucus date	Announcement of Election	Election Validation Period	Election complaints period
Prim Committee	23 rd July	2 nd August	2 nd August	5 th August	10 th August
Military Academy					
Societies Council	24 th July	3 rd August	3 rd August	6 th August	11 th August
Academic Affairs Council	25 th July	4 th August	4 th August	7 th August	12 th August
Tygerberg Student Council					
Senior Prim Committee	22 nd July	1 st August	1 st August	4 th August	8 th August

- A) The *nomination period* indicated above is a prospective deadline which is based on the election dates of the respective structure. It is set to **be 10 days before the election date. Each structure may set a nomination deadline earlier than the date indicated but may not conclude their nomination periods on any date after.**
- B) The *announcement date* is set by the Electoral Commission, it is set to be on the **same day as the election caucus.**
- C) The *election validation period* is set to be **3 calendar days after the announcement.** The indicated date is **the end of the period.**
- D) The *election complaints period* is set to be **5 university days after the announcement.** The indicated date is the **end of the period.**

Submitted by,

Yanga Keva

Chief Electoral Officer

Dated: 07/06/2022

ANNEXURE 2 – ELECTION RESULTS TEMPLATE

[Name of Structure]

[Logo of Structure]

To the [name of structure/constituents]

Elections

The [name of structure] held its election caucus during a properly quorating meeting of the [name of structure]. The attendance register may be accessible through the records of the meeting. There were [number of positions] positions on the [name of relevant committee/council] that were available. [number of candidates] candidates stood for [position] and [number of candidates] candidates stood for [position]. [explain caucus procedure].

The following is a breakdown of the election participation:

No. of [name of structure] members/voters: [00]

No. of Votes received: [00]

No. of Valid votes: [00]

Threshold for successful election: (e.g., First Past the Post)

Results

After the votes were tallied, the following are the results for each of the Candidates -

[Position] election –

ROUND ONE (if applicable)

Candidate(s): (name/s of candidates)

No. of valid votes: [00]

No. of Votes abstaining: [00]

No. of Votes for [Candidate 1]: [00]

No. of Votes for [Candidate 2]: [00]

Declaration: [Candidate 2] has been duly elected as [Position] of [Name of Structure]

(Repeat above formatting if there are multiple positions/candidates)

Objections and withdrawals

Any objections to procedures during the elections or the validity of the result may be submitted to the Electoral Commission's Director of Compliance and Oversight (srelection@sun.ac.za) within forty-eight (48) hours of this announcement.

Any written decision of the Electoral Commission regarding an objection can be reviewed by the Student Court upon request, subject to the Election Regulations.

Candidates may only withdraw their election by submitting a written resignation. In this case a new vacancy is created, and all constitutional protocols for the replacement must be followed.

Regards

[Name & Surname]

[Position]: [Name of Structure]

On behalf of

Yanga Keva

Chief Electoral Officer
Student Electoral Commission

ANNEXURE 3 – COMPLAINTS FORM

1. Name and Surname: _____
2. Student number: _____
3. Cell number: _____
4. Email address: _____

5. Would you like to remain anonymous? Yes/No

Disclaimer: while the Electoral Commission will attempt to maintain your anonymity, the Electoral Commission retains the right to distribute your details to the relevant stakeholders, if in the opinion of the Commission, it is necessary or in the interest of procedural fairness for your identity to be known to the other parties.

6. Provide the nature of your complaint.

7. Provide the background to your complaint including the steps you have taken for the matter to be resolved by the relevant authority.

8. Provide the reason/s why your complaint should be investigated by the Director of Compliance and Oversight.

9. Any further evidence to support your complaint may be added below (or attached in the email submission).

Declaration:

I declare that the information provided by me on the above form is true and correct to the best of my knowledge and belief.

Signature:

Date:

ANNEXURE 4 – STUDENT ELECTORAL ACT

The following is the Student Electoral Act as contained in Schedule 1 of the Student Constitution: –

SCHEDULE 1: ELECTORAL ACT

Part S1: Values and Standards

This Electoral Act aims to promote the following values and standards for student leadership structure elections:

1. Ensuring an election process which:
 - (1) Allows maximum accessibility to information regarding candidates and the election process.
 - (2) Allows maximum participation and engagement from the student body.
 - (3) Is democratic, non-discriminatory, and inclusive.
 - (4) Is free and fair.
 - (5) Is relevant and transparent.
 - (6) Promotes the interests of the structure and/or campus.
 - (7) Stimulates quality debate and dialogue with candidates.

Part S2: Rights

The following rights apply to the entire student body, including all candidates of student leadership structures.

2. All students have the right to:
 - (1) Cast their vote independently and in secret for candidates.
 - (2) Legally conduct election campaigns.
 - (3) Distribute the election and campaign materials designed and authorised by the relevant election authority.
 - (4) Freedom of language.
 - (5) Freedom of speech
 - (6) Hold public meetings.
 - (7) Put up the posters designed and provided by the relevant election authority.
 - (8) Recruit support from voters.
 - (9) Use social media platforms to advertise their campaign.

Part S3: Infringements

3. All persons bound by this Electoral Act must, during the election period:
 - (1) Comply with any instructions from the Electoral Commission and implement any just decisions of the Electoral Commission.
 - (2) Avoid language or any kind of action that could lead to violence or intimidation.
 - (3) Refrain from action or practices that discriminate unfairly or are aimed at humiliating someone on the grounds of race, gender, sexual orientation, ethnicity, class, or religion with respect to the election.
 - (4) Do nothing that would impede the right of anyone to gain reasonable access to voters for the sake of recruiting support.

- (5) Refrain from unlawfully removing or damaging or destroying any voting material or electoral material in any way.
 - (6) Refrain from removing, damaging, or destroying any candidate's campaign material.
 - (7) Spend no money on any marketing.
 - (a) As a candidate cannot use their own money, this includes Facebook, Instagram, Twitter sponsored pages, any sponsorship cannot be utilised.
 - (8) Refrain from any attempt at misusing power or resorting to privileges or influence or using any form of coercion intended to persuade someone to vote for any candidate.
 - (9) Refrain from making misrepresentations about themselves in any election material.
 - (10) Refrain from making, publishing, or repeating any racist, sexist, homophobic, false, libellous, or any other allegations of this sort that would infringe on a person's human dignity with respect to the election.
 - (11) Refrain from offering any form of enticement or remuneration to any person for the purpose of such person's vote or non-vote in the election.
 - (12) Refrain from voting in a way in which they know they are not entitled to vote.
 - (13) Refrain from doing anything that violates the privacy of the students or the right to a secret vote.
4. Responsibilities for candidates
- (1) Even though a candidate has the freedom to post their posters, as given by the Electoral Commission, wherever they want to post them, the following is the candidates' responsibility:
 - (a) Ensuring that where they post their posters does not violate any rules of the platform where they post their posters.
 - (b) Violation of this rule will result in disciplinary action being taken.

Part S4: Social media and posters

5. Posters

- (1) The Electoral Commission or the relevant election authority is responsible for the photography, design, and distribution of all marketing posters.

6. Social media

- (1) Maximum usage of social media platforms like Facebook, Instagram, and Twitter are encouraged.
 - (a) Please note that there still needs to be stringent adherence to the rules above and it will be strictly enforced.

7. Additional rules

- (1) Only social media platforms may be used for additional marketing.
 - (a) This implies that no candidate is allowed to use mass communication (SMS, email, or any similar media) for marketing purposes.
 - (b) Such methods are in contravention of the Stellenbosch University Electronic Communications Policy paragraph 2.2.1.

- (2) A candidate is allowed to communicate with a closed group of friends electronically or otherwise but must then include a statement explicitly prohibiting the resending of that message as mass communication.

Part S5: Enforcement

8. Any infringement of these rules will render the perpetrator liable for an investigation by the Electoral Commission and if found guilty, will be disqualified.
 - (1) A candidate will be held liable for any mass communication that violates this act if such means were to endorse them or to help them with their campaign.
 - (a) Unless a candidate can prove that they had nothing to do with such violation.