

UNIVERSITY OF CAPE TOWN
ELECTION REGULATIONS

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DEFINITIONS

- (1) “Absolute majority” means a majority of the total membership.
- (2) “Act” means the Higher Education Act, Act No. 101 of 1997 as amended.
- (3) “Affiliated” organisation or group means one that is controlled, accountable to or in some way linked to another body or organisation.
- (4) “Ballot” –
 - a. “valid ballot” means a ballot that meets the requirements of section 112 and is counted toward the individual candidates and the poll.
 - b. “invalid ballot” means a ballot that is defective in terms of section 112 and is not counted toward the individual candidates and the poll.
 - c. “spoilt ballot” means a ballot that is not counted toward the individual candidates but is counted toward the poll.
- (5) “Candidate Support Team” means students who are appointed by candidates to assist candidates in their campaigns.
- (6) “CEO” means Chief Electoral Officer.
- (7) “Council” means the University of Cape Town Council.
- (8) “DJP Rules” mean the Rules on Disciplinary Jurisdiction and Procedures in Handbook 3: General Rules and Policies.
- (9) “DSA” means the Department of Student Affairs.
- (10) “ED:DSA” means the Executive Director of the Department of Student Affairs.
- (11) “Election Appeals Committee” (the Committee) is an independent committee established in accordance with these rules to receive appeals from decisions of the Election Commission.
- (12) The “Election Commission” (the Commission) is the independent body set up in terms of these rules to oversee and govern the SRC and Faculty Council elections.
- (13) The “Election Operations Office” is the administrative arm of the Elections Commission and implements the decisions of the Election Commission.
- (14) “Faculty Council” (FC) means the student representative body of a particular faculty.
- (15) “First-Past-the-Post Electoral System” is the system where the highest polling individuals are deemed elected. In the UCT SRC context, these are the top fifteen (15) individuals who are elected to the SRC.
- (16) “IEC” means the Independent Electoral Commission of South Africa established by the Constitution of the Republic of South Africa.
- (17) “PASC” means the Postgraduate Academic Sub-Council of the Students’ Representative

Council.

- (18) "PASS" means professional, administrative support and service staff.
- (19) "Question and Answer" session is a meeting in which candidates address potential voters.
- (20) "Regulations" means these Election Regulations and includes the annexures, codes, and protocols of these Regulations.
- (21) "SPMC" means the Student Parliament Management Committee.
- (22) "Simple majority" means a majority of the members present and voting.
- (23) "SRC" means the Students' Representative Council.
- (24) "Statute" means the Institutional Statute of the University promulgated under the Act.
- (25) "Student Parliament" means an assembly of all the student sub-structures at the University as set out in the SRC Constitution.
- (26) "Student" means a person registered as a student at the University.
- (27) "Third Parties" means an individual or company who is neither a student nor an employee of the University but with whom the University has concluded a contractual arrangement, as defined in Handbook 3, General Rules and Policies.
- (28) "UASC" means the Undergraduate Academic Sub-Council of the Students' Representative Council.
- (29) "UCT" means the University of Cape Town.
- (30) "University days" are the weekdays during term time.
- (31) "USAC" means the University Student Affairs Committee, (USAC) responsible for advising Council on policy in the area of student development and services.
- (32) "USDT" is the University Student Discipline Tribunal as set out in Handbook 3, General Rules and Policies.

CHAPTER 1: ELECTION STRUCTURES

ELECTION COMMISSION

Function

1. The Election Commission is an independent and impartial body, constituted annually, that must exercise its powers and perform its duties without fear, favour or prejudice. The Commission shall oversee and govern SRC and Faculty Council elections or by-elections and must carry out the responsibilities and duties assigned to it in terms of these Regulations to ensure that the election process is free and fair.

Composition

2. The Election Commission consists of –
 - (1) three academic staff members nominated by the Nominations Committee of Senate, one of whom must be Chairperson as per section 4;
 - (2) up to three members of DSA staff nominated by the ED:DSA; one of whom must be the CEO and another who must be secretary as per sections 5 and 6;
 - (3) two students nominated by the SRC,
 - (4) one member of the Constitutional Committee;
 - (5) two students nominated by the Student Parliament Management Committee;
 - (6) one student from a Faculty Council, nominated by a joint sitting of the UASC and PASC.
3. The Election Commission may invite a representative of the IEC to participate in meetings in a non-voting and advisory capacity.

Chair, CEO and Secretary appointed from the members of the Election Commission

4. Chairperson: an academic staff member nominated by the Nominations Committee of Senate;
5. CEO: a member of DSA staff nominated by the ED: DSA;
6. Secretary: a member of DSA staff nominated by the ED: DSA who is not the CEO.

Conflict of Interest

7. To maintain the independence and impartiality of the Election Commission –
 - (1) No member of the SRC, SPMC, UASC or PASC may participate in the appointment of a Commission member if that member is standing for election or assisting in the campaign of a student standing for election.

- (2) No member of the Commission may stand for election or assist in the campaigning of a student standing for election.
- (3) Members of the Commission must resign if a conflict of interest exists.
- (4) The Commission must be the judge of whether or not such conflict of interest exists.
- (5) Any Commission member, who has attended a meeting of the Commission and resigned, is not eligible to stand for election and may not assist in the campaigning for a student standing for election in that year.

Quorum

8. The quorum of the Commission is six members, including at least three students and at least three staff members.

Voting

9. The Commission should make decisions based on consensus. Failing this, a decision may be made by voting.
10. Each member of the Commission including the chairperson has one vote.
11. The chairperson of the Commission must cast a deciding vote when there is a tie of votes.
12. The member of the IEC may participate in Commission meetings but shall not vote.

Powers and duties

13. The Election Commission must –
 - (1) determine and publish rules, measures or protocols as is deemed necessary for a free and fair election. Such rules, measures or protocols must not conflict with the SRC Constitution, Election Regulations, or other UCT rules and policies;
 - (2) oversee all rules and regulations pertaining to the election process;
 - (3) interpret all rules, codes and the Election Regulations to preserve the integrity of the election process;
 - (4) be the sole authority to give instructions on all aspects of voting;
 - (5) supervise the Election Operations Office;
 - (6) determine and publish an Election Timetable;
 - (7) provide instructions and protocols to candidates about campaigning;
 - (8) consult with and assist UCT's Disability Service to ensure disabled students participate in and access all aspects of the election process;
 - (9) arrange publicity and voter education for the entire election process;

- (10) provide instructions on voting and vote-counting;
 - (11) co-ordinate the nomination process;
 - (12) provide briefing documents to student advisors;
 - (13) monitor the conduct of candidates and voters;
 - (14) announce the results and the poll of the elections;
 - (15) publish regular reports;
 - (16) consider and resolve complaints or objections regarding election irregularities and impose sanctions as necessary. (See Complaints and Objections procedure)
 - (17) investigate election irregularities and may constitute a subcommittee to perform such investigations if required;
 - (18) recommend amendments to the Election Regulations and Annexures.
14. The formal correspondence of the Election Commission, and the Election Operations Office must be communicated by the CEO to the relevant stakeholders.

ELECTION OPERATIONS OFFICE

Function

15. The Election Operations Office is the administrative branch of the Election Commission. Members of the Election Operations Office are accountable collectively and individually to the Commission for the exercise of their powers and performance of their functions. Members of the Election Operations Office must act in accordance with these Regulations.

Composition

16. As soon as possible after the constituting of the Election Commission, the Election Operations Office must be established. This office consists of –
- (1) the CEO as the head of the Election Operations Office;
 - (2) staff appointed by the ED, DSA
 - (3) up to three election officers appointed by the ED:DSA, who are not members of the Commission;
 - (4) such Election Assistants and persons as the CEO may consider necessary to enable the Commission to exercise its powers and perform its duties and functions effectively.

Powers and duties

17. The CEO and the Election Operations Office must –
- (1) advertise that nominations are open;

- (2) prepare and verify all nomination forms;
- (3) compile and publish a complete list of nominees and allow for a 24-hour objection period;
- (4) present the verified nomination forms to the Election Commission for validation after the 24-hour objection period;
- (5) arrange meetings with candidates as required;
- (6) arrange opportunities for candidates to interact with students;
- (7) compile an online or print manifesto booklet which shall include the manifesto, photograph, curriculum vitae, affiliation, year of study and academic programme of each candidate;
- (8) allow a limited time for candidates to view the manifesto booklet before publishing
- (9) ensure that election publications carrying relevant information about candidates are distributed prior to elections;
- (10) liaise with campus media about the election process;
- (11) provide media to candidates as required. This may include pamphlets and posters.;
- (12) make recommendations to the Commission for the efficient running of the election;
- (13) present a full report on the election operations to the Commission as soon as reasonably possible after the election;
- (14) exercise all other powers, duties and functions as properly entrusted or assigned to it by the Commission.

Complaints and objections procedure

18. Complaints and objections must be submitted or reported to the CEO in writing within 24 hours of the complainant or objector gaining knowledge of the election irregularity occurring or provisional results being published, along with any evidence in support of the complaint or objection.
19. The Election Commission and the CEO are required to protect the anonymity of a complainant when it is requested and it is appropriate to do so.
20. The CEO on behalf of the Election Commission must –
 - (1) receive any complaints and objections that arise during the election process;
 - (2) acknowledge all complaints and objections within 24 hours of receipt;
 - (3) request a written response from all relevant parties to the complaint or objection;
 - (4) present the complaint and objection to the Election Commission.
 - (5) inform all parties of the Election Commission decisions, including its reasons, after the

Election commission has made its decisions.

21. The Election Commission must –
 - (1) act in a lawful, reasonable and procedurally fair manner;
 - (2) decide on the merits of the complaint or objection;
 - (3) publish online summaries of complaints and objections once they are resolved;
 - (4) at the end of the election process include a summary of all complaints and objections in the report, with any commentary or recommendations that it deems necessary and appropriate.
22. Should new evidence come to light after the Election Commission has made a decision on a complaint, the decision may be reopened for consideration by the Election Commission.
23. An appeal against any decision of the Election Commission must be submitted to the Election Appeals Committee and shall be made within 24 hours of the decision of the Election Commission.
24. The appellant must inform the Election Commission of the appeal.

ELECTION APPEALS COMMITTEE

Function

25. The Election Appeals Committee is an independent and impartial body that must adjudicate appeals against decisions of the Election Commission.

Composition

26. The Election Appeals Committee must be established at the same time as the Election Commission is constituted.
27. The Election Appeals Committee consists of –
 - (1) two students elected by at least two thirds of a simple majority at the first quorate sitting of Student Parliament;
 - (2) an academic staff member appointed by the Nominations Committee of Senate;
 - (3) a member of the PASS staff nominated by the ED: DSA.
28. No member of the Election Appeals Committee may be a member of the Election Commission, stand for election or assist in the campaigning of a student standing for election.

Chair and Secretary appointed from the members of the Election Appeals Committee

29. Chairperson: the academic staff member appointed by the Nominations Committee of

Senate;

30. Secretary: the member of the PASS staff nominated by the ED:DSA.

Quorum

31. The quorum of the Election Appeals Committee is three members.

Voting

32. Each member of the Election Appeals Committee has one vote and the ruling of the majority of the members will be the ruling of the Committee.

33. Where the votes are tied, the appeal will automatically be referred to the Director of the Office of the Vice Chancellor and adjudicated in accordance with section 36(7).

Powers and duties

34. The Election Appeals Committee must –

- (1) act in a lawful, reasonable and procedurally fair manner;
- (2) receive, consider and determine any appeal against an Election Commission decision.

35. The Election Appeals Committee may summon any person to make written submissions or appear before it to give evidence.

Appeals procedure

36. Appeals must proceed in the following manner –

- (1) Appeals must be submitted to the Election Appeals Committee in writing within 24 hours of the publication of an Election Commission decision.
- (2) The Committee must acknowledge all appeals within 24 hours.
- (3) The appellant should submit all supporting evidence with the appeal.
- (4) Parties to the appeal will be given the opportunity to respond.
- (5) The Committee must adjudicate the appeal within five university days.
- (6) The Committee must inform all parties and publish its decision.
- (7) An appeal against any ruling given by the Committee must be submitted to the Director of the Office of the Vice Chancellor within 24 hours of the ruling being published.
- (8) The Vice-Chancellor must nominate an appropriately qualified and suitably experienced expert who must adjudicate the appeal within ten university days.

CHAPTER 2: ELECTION PROCESS

Eligibility for voting in or standing for elections

37. A student must be registered at UCT for at least one complete semester prior to the election in order to be eligible to vote or stand in the SRC elections.
38. A student must be registered in the Faculty for at least one complete semester prior to the election in order to be eligible to vote or stand in the elections of that Faculty Council.
39. If it is not possible for an election to occur during the second semester of a given year due to unusual circumstances; and an election must occur in the first semester of the following year, then the Election Commission may lapse the clauses on eligibility to vote to allow all students to vote in an Election.

NOMINATIONS

40. Each nominee must complete the paper or online nomination forms provided by Election Operations Office by the deadline published by the office.
41. A nominator must be a current registered student.
42. A maximum of 10 nominators are required for Faculty councils and 20 for SRC.
43. Nominations must include a brief campus CV, comment from a student advisor, a photograph and any other such information required by the Election Commission.
44. Nominations will not be accepted after the closing date and time, unless the Election Commission extends the deadline.
45. A nominee may withdraw from the election, if they can provide compelling reasons why their withdrawal must be accepted, and this is approved by the Election Commission.
46. The Election Commission will provide a deadline for the withdrawal of nominations.

Verification, objection and approval

47. The Election Operations Office must verify all nomination forms by:
 - (1) confirming that nominees and nominators are registered students; and
 - (2) requesting the USDT to confirm that a nominee or nominees have no sentences prohibiting the nominee or nominees from holding student office.
48. The Election Operations Office must prepare a list of nominees together with their photographs for publication.
49. Objections to nominations must be lodged with the CEO within 24 hours of publication of the list of nominees. The Election Commission must specify the grounds for objections when publishing the list of nominees.

50. The CEO must present all verified nominations and any objections to nominations to the Election Commission for approval.
51. A candidate's nomination information must be made available for viewing on request by any registered student.

Extending the nomination period

52. If by the last day of the nomination period, the number of nominations received is equal to or less than the number of members to be elected to the SRC or Faculty Council at that election, then –
 - (1) The Commission must extend the period of nomination for up to ten university days to ensure that there are sufficient nominees for an election;
 - (2) Should the number of nominations still be equal to or less than the number of available positions after the period contemplated in subsection (1), the Commission must revise the Election time frame such that an election must occur in the case of the SRC;
 - (3) Should the number of nominations still be equal to or less than the number of available positions after the period contemplated in subsection (1) or any additional periods to allow for election, the Commission must consider declaring a Faculty Council elected without contest, after this declaration has been ratified by UASC or PASC.

Groups for the purpose of election

53. Candidates may form groups for the purpose of the election, provided that they register their group with the Election Commission in writing.
54. Any group or student organisation that participates in the election process must register itself (name, logo, slogan, sign or symbol which the group or student organisation will use) when nomination forms are submitted. These names, logos, slogans, signs and symbols will be used to define a group or student organisation.

CAMPAIGNING

Definition

55. Campaigning is any organised effort, process, or publication which seeks to influence the decision of the voter. This includes but is not limited to online platforms, distribution of posters and flyers, word of mouth, email, social media, sms and online messaging services. Additional campaigning activities may be defined by the Election Commission from time to time.

56. Campaigning must commence at the time and date specified by the Election Commission in the Election Timetable.
57. The election material of candidates may not be displayed or distributed within a voting station boundary or in computer labs, as applicable.

Candidates' rights and responsibilities

58. Candidates have the right to information regarding the election to be distributed to them fairly and equally.
59. Candidates are fully responsible for –
 - (1) all of the actions taken on a candidate's behalf, whether by the candidate, the candidate's support team or affiliated organisations;
 - (2) understanding the regulations and communicating them to candidate support teams and affiliated organisations;
 - (3) approaching the CEO if the meaning of any provision of these Regulations is not understood.
60. Candidates are required to –
 - (1) arrange for the design of their own media;
 - (2) print, distribute or publish their own media, where applicable, provided these have been authorised by the Election Operations Office;
 - (3) attend all meetings or workshops arranged by the Commission;
 - (4) communicate all campaign plans and budgets to the Commission;
 - (5) communicate changes to campaign plans to the CEO;
 - (6) register candidate support teams with the Commission;
 - (7) adhere to all deadlines set by the Commission;
 - (8) provide any relevant information as requested by the Commission;
 - (9) provide the Election Operations Office with a campaign spending report and receipts or proof of expenditure on or before the last day of voting.

External and third party involvement

61. External organisations, external persons and third parties are prohibited from assisting in campaigns or attempting to influence the outcome of an election.
62. Student groups or organisations and candidates may not ask for assistance from external organisations, external persons or third parties and must take reasonable steps to prevent external organisations, external persons or third parties from campaigning on their behalf

or otherwise influencing the outcome of an election.

63. Student organisations, groups or candidates may not host events with external organisations, external persons or third parties during the election period.

Electronic platforms and social media

64. A group or a candidate or a group's or a candidate's support team may not contact students through any university-sponsored, created, or managed social networking group for the purpose of campaigning. Prohibited communication servers include –
- (1) any mailing lists created or used by the University;
 - (2) any mailing list created or used by a UCT society or organisation;
 - (3) UCT social networking accounts, pages, websites or groups;
 - (4) SRC and Faculty Council platforms may not be used to endorse specific candidates of groups of candidates.
 - (5) such other platforms as the Election Commission may declare to be prohibited.
65. No candidate, and no member of a group's, or a candidate's support team who is currently or has previously held a student governance position at the University may use any facilities or communication methods available to him or her by virtue of such position and not to other students, for the purpose of campaigning.
66. Candidates may campaign on their personal social media and platforms created by the Election Commission for the purposes of the Election, subject to the Code of Ethics for Student Publications and General University Rules of Conduct for Students.
67. All rules regarding campaigning apply to online campaigning and through social media networks.

Campaign plans and updates

68. Campaign plans must include but are not limited to –
- (1) all media;
 - (2) events and activities;
 - (3) places for campaigning;
 - (4) use of banners;
 - (5) t-shirts and other use of clothing for the purposes of campaigning;
 - (6) online campaigning strategy;
 - (7) any other means of promoting candidates;
 - (8) such other plans as outlined by the Commission.

69. All changes to campaign plans must be communicated to the CEO with reasons for changes within 24 hours of the scheduled change; or immediately where an unforeseen departure from campaign plans occurs.

Campaign spending and donations

70. The Election Commission must set a fair monetary limit for election expenditure which must be communicated to all candidates.
71. Candidates must submit their campaign budgets as required by the Election Operations office.
72. A candidate may not spend more on their campaign than the maximum amount set by the Election Commission, whether this expenditure is incurred personally or on behalf of the candidate by others and/or by student organisations.
73. The value of items, including but not limited to gazebos, banners, t-shirts and other clothing used in campaigning, will be assigned a market value taking into account the rate of depreciation over the item's lifespan.
74. Overspending is a contravention under these regulations and candidates, groups and their campaign teams may be subject to sanctions.
75. Materials received free of charge or at low cost must be assessed by the Election Commission and will be assigned a value comparable to their current market value and will be debited against the candidate's campaign budget accordingly.
76. Where the Election Commission finds that a candidate's budget is understated, the candidate must immediately withdraw the goods from his/her campaign and may be subject to sanctions.
77. Records of campaign expenditure and associated receipts must be kept and submitted to the Election Commission in the form of a spending report.
78. All candidates must submit campaign spending reports on or before the last day of voting to the Election Operations office.
79. Any candidate who fails to submit proof of expenditure or a campaign spending report to the Election Commission may be subject to sanctions.
80. Candidates who submit fraudulent campaign spending reports will be subject to sanctions.

Restrictions on campaigning

81. The Election Commission will annually determine restrictions on campaigns and provide this to the candidates.
82. A candidate may criticise another candidate's campaign but must never do so in a manner that is false, defamatory or that amounts to hate speech.

VOTING

Electoral Voting System

83. The Electoral Voting System must be that of First-Past-the-Post in which candidates may choose to run independently or as a group.

Voters' conduct

84. All students entitled to vote may vote for candidates in the elections.
85. Voters are required to vote once, either by paper or electronic ballot, as defined by the Election Commission.
86. A voter must cast their own ballot and may not request any person (except where authorised by the Election Commission) to cast a ballot on their behalf.
87. The CEO or their duly appointed assistants may require that any intending voter produce his/her student registration card where applicable.

Voting procedures

88. The Election Commission must decide and publish the provisions for voting that may include online voting, or paper-based voting, or both.
89. The Election Commission must announce the number of candidates, the number of places to be filled and the number of candidates for which a voter may vote.
90. A voter may vote for up to 10 candidates in a SRC General Election, in accordance with the principle that two thirds of the positions to be filled determines the maximum number of votes a voter may cast
91. A voter may vote for fewer than the number of candidates for which he/she is entitled to vote.
92. Only ballots (paper or online) supplied by the Election Commission may be used for voting.
93. The Commission must —
 - (1) determine the design of the ballots to be used in an election;
 - (2) determine the manner in which the ballots must be accounted for.

94. Ballots must include the –
- (1) preferred name and surname of the candidate;
 - (2) number of the candidate;
 - (3) photograph of the candidate;
 - (4) name of the organization or whether they are independent.
95. The name of the candidates must appear in alphabetical order by surname on the ballot.
96. A voter must vote for a candidate by marking the ballot paper in accordance with instructions provided by the Election Commission.
97. No person may tamper or interfere with ballot boxes, papers and/or any other election materials or generally in the voting process.

Voting stations

The following guidelines apply when paper-based voting is used.

98. The number and location of voting stations must be determined and published by the Election Commission.
99. Before voting stations open, the Election Operations Office must demarcate the voting station boundary by displaying visible signs, markers or tape along the whole line of the boundary, or at sufficient points along that line, to ensure that the boundary is clearly identifiable by any person present at that voting station.
100. Each voting station must be staffed and monitored for the duration of the election by at least one election assistant, who must be a competent and impartial person appointed by the Election Operations Office.
101. No campaign material, apart from the official manifesto booklet, may be displayed within the voting station boundary.
102. Only Election Commission notices may be displayed within the voting station boundary.
103. Neither a candidate nor a candidate's support team member may collect or handle ballot boxes and papers.
104. Neither a candidate nor a candidate's support team member may be within the voting station boundary during voting period, except to cast their own votes.

Online voting system requirements

105. The Commission must ensure that the online voting system meets the requirements of unimpeachable security, a clear and identifiable audit trail and directives of these Election Regulations.

106. Neither a candidate nor a candidate's support team may provide, request, induce or coerce a voter to use portable electronic and digital devices or computers to cast a vote.
107. No campaign material, apart from Election Commission notices, may be displayed within computer labs.

Vote Counting

108. The Election Commission will determine the format, date and time of vote-counting.
109. The following persons, as determined by the Election Commission may attend vote-counting:
 - (1) members of the Election Commission;
 - (2) members of the Election Operations Office;
 - (3) such other persons appointed by the Election Commission for the purpose of vote-counting.
 - (4) members of the SRC or Faculty Councils who are not candidates standing for election.
110. The Election Commission must invite candidates to appoint student observers who are normally the candidates' support team members or their campaign managers.
111. The Election Commission must provide guidelines for the conduct for those attending the vote-counting.
112. The decisions about whether a vote is valid, invalid or spoilt must be determined by the Election Commission, using the following guidelines –
 - (1) A paper ballot must contain a voter's student number, date of birth and no more than the required maximum number of votes (10 in the case of SRC) to be valid.
 - (2) An online vote requires a student to use a login and password for security. The online ballot will be set up in such a way that a student will not be allowed to vote for more than the maximum number of candidates.
 - (3) A paper ballot must be regarded as invalid where -
 - (a) the paper ballot is not supplied by the Election Commission;
 - (b) the paper ballot has been defaced or marked in such a way that it is not reasonably possible to decipher or to determine the voter's choice;
 - (c) the requirements of subsection (1) are invalid or cannot be verified;
 - (4) If a voter has voted more than once and for the same candidates on each occasion, then one paper ballot may be regarded as valid and the remainder invalid.
 - (5) If a voter has voted more than once, but the votes cast are different, then one paper

ballot may be regarded as valid but spoiled and the remainder as invalid. The spoiled ballot will count towards the poll but the individual votes towards the candidates will not be counted.

- (6) If a voter has voted both electronically and by paper ballot, where both methods are used for the same candidates, then one ballot may be regarded as valid and the remainder invalid.

Poll Requirement

113. The poll requirement is 25% of all eligible registered students.
114. The Election Commission must announce the percentage poll obtained.
115. By-elections shall be conducted subject to these regulations provided that a by-election shall be declared invalid if fewer than 15% of all students vote.
116. If fewer than
 - (1) 25% of students vote in an election the Election Commission shall submit a report on the election to the Student Parliament and USAC. USAC shall, having regard to the poll obtained and the views of the Student Parliament make a recommendation to the Council as to whether to recognise the 15 members who received the most votes as an Interim SRC or take some other action to constitute an SRC or an interim SRC; or
 - (2) 15% of the students vote in a by-election the Election Commission shall submit a report on the by-election to the SRC. The SRC shall then deal with the vacancy as provided for in the SRC constitution other than by way of a by-election.

RESULTS AND REPORTING

Determination and declaration of results

117. The Commission must determine and declare the result of an election after vote-counting. The first 15 SRC candidates who obtain the highest number of votes will be deemed elected.
118. In the event of a tie in the votes, the candidates tying will participate in a run-off election consistent with these regulations.
119. The Commission must declare and publish provisional results, percentage poll and a campaign spending report as soon as is reasonably possible after vote counting has concluded.
120. The Commission must allow for a 24-hour objection period after provisional results and the campaign spending report have been published.
121. Election results must be declared final after 24 hours of the declaration of provisional results or as soon as is reasonably possible, after outstanding election processes have been

concluded.

Reporting

122. The Election Commission must publish and submit an Election Report to the relevant structures on the entire election process no later than one month after the declaration of final results.
123. This report must include a summary of complaints and objections and objections received, investigated and concluded by the Commission; and a campaign spending report detailing the campaign expenditure of all candidates.

CONSTITUTING MEETINGS

124. The Election Commission will determine the date and format for the Constituting meetings.
125. The Election Commission will publish a protocol on the Constituting Meeting.

CHAPTER 3: DISCIPLINE

CODE OF CONDUCT

Purpose of the Code of Conduction

126. The purpose of the Code of Conduct (the Code) is to promote conditions that are conducive to free and fair elections, including—
 - (1) tolerance of democratic activity; and
 - (2) free campaigning and open public debate.

Electoral Code of Conduct and other Codes

127. The Code of Conduct must be subscribed to and signed by every group or candidate before that group or candidate is allowed to stand in an election;
128. In order to promote free, fair and orderly elections, the Commission may determine and issue any other code.
129. The Commission may change or replace a code.
130. A code issued, or a change to, or replacement of the codes must be published by the Commission.
131. A Code derives its authority from these Regulations and must be in line with these Regulations, the SRC Constitution and any other University policy.
132. The Election Commission must create additional codes of conduct to promote and ensure free and fair elections for the following persons –
 - (1) Election Commission Members;

- (2) Election Officers;
- (3) Election Assistants;
- (4) Candidates;
- (5) Candidate Support Teams;
- (6) Voters;
- (7) Vote Counters; and
- (8) Observers.

Promotion of the Code

133. Every candidate and group/organisation bound by this Code must—

- (1) promote the purpose of the Code when participating in an election; and
- (2) promote and support efforts in terms of these Regulations to educate voters.

Compliance

134. Every candidate and group/organisation must—

- (1) comply with this Code;
- (2) instruct and take all reasonable steps to ensure—
 - (a) a group, its candidates, candidate support teams and members comply with this Code and any applicable Regulations; or
 - (b) a candidate and his or her candidate support-team complies with this Code and any applicable Regulations.

Public comment

135. Every group/organisation and every candidate must accord the right to others to—

- (1) freely express their beliefs and opinions;
- (2) challenge and debate the beliefs and opinions of others;
- (3) erect banners and posters in accordance with these Regulations;
- (4) canvass support for a group or candidate;
- (5) recruit members for a group.

Relationship with Election Commission

136. Every group/organisation and every candidate must—

- (1) recognise the authority of the Commission in the conduct of an election;
- (2) give effect to any lawful direction, instruction or order of the Commission, or a

member, employee or officer of the Commission, or the CEO;

- (3) establish and maintain effective lines of communication with the Commission; and
- (4) co-operate in any enquiry of the Election Commission.

Prohibited conduct

137. No group/organisation or candidate may—

- (1) use language or act in a way that may provoke—
 - (a) violence during an election; or
 - (b) the intimidation of candidates, members of groups, representatives or supporters of groups or candidates, or voters;
- (2) publish false or defamatory allegations in connection with an election in respect of—
 - (a) a group, its candidates, representatives or members; or
 - (b) a candidate or that candidate's representatives;
- (3) plagiarise the symbols, colours or acronyms of other groups/organisations; or
- (4) discriminate on the grounds of race, ethnicity, sex, gender, sexual orientation, class, nationality or religion in connection with an election or election activity.

138. No person may—

- (1) offer any inducement or reward to another person—
 - (a) to join or not to join a group or organisation;
 - (b) to attend or not to attend election events;
 - (c) to vote or not to vote, or to vote or not to vote in any particular way; or
 - (d) to refuse a nomination as a candidate or to withdraw as a candidate; or
- (2) unreasonably prevent any other person access to voters for the purpose of voter education, collecting signatures, recruiting members, canvassing support for a group or candidate;
- (3) deface or unlawfully remove or destroy the posters or any other election materials of a group or candidate; or
- (4) abuse a position of power, privilege or influence, including parental, patriarchal, traditional, educational or employment authority to influence the conduct or outcome of an election.

Undue influence

139. No person may –

- (1) compel or unlawfully persuade any person

- (a) to vote or not to vote;
 - (b) to vote or not to vote for any group/organisation or candidate;
 - (c) to support or not to support any group/organisation or candidate; or
 - (d) to attend and participate in, or not to attend and participate in, any election event;
- (2) interfere with the independence or impartiality of the Commission, any member, officer or assistant of the Commission, the CEO, or the Appeals Committee;
- (3) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of these Regulations;
- (4) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place –
- (a) any representative of a group/organisation or of a candidate;
 - (b) any candidate in an election;
 - (c) any member, employee or officer of the Commission;
 - (d) the CEO; or
- (5) unlawfully prevent the holding of any political meeting, march, demonstration or other event.

Fraud and impersonation

140. No person—

- (1) who is not entitled to vote in an election or at a voting station, may vote in that election;
- (2) may impersonate—
 - (a) a representative of a group/organisation or of a candidate;
 - (b) a candidate in an election;
 - (c) a member, officer or assistant of the Commission;
 - (d) the CEO.

Infringement of secrecy

141. No person may interfere with a voter's right to secrecy while casting a vote.

142. Except as permitted in terms of these Regulations, no person may disclose any information about voting or the counting of votes.

Prohibitions concerning banners and posters during election

143. From the date on which an election is called to the date the result of the election is

determined and declared in terms of, no person may deface or unlawfully remove any banner or poster published by a group/organisation or candidate. Obstruction of, or non-compliance with, directions of Commission, CEO and other officers

144. No person may refuse or fail to give effect to a lawful direction, instruction or order of the Commission, or a member, employee or officer of the Commission, the CEO or the Appeals Committee.
145. A person may not obstruct or hinder the Commission or Appeals Committee in the exercise of its powers or the performance of its duties.

SANCTIONS

Authority to impose sanctions

146. The power and responsibility for containing the immediate effects of misconduct and imposing punishment where appropriate rests with the Election Commission, the Election Appeals Committee and the Vice-Chancellor's nominee.
147. The sanctions contemplated below are in addition to the sanctions provided for in the Rules on Disciplinary Jurisdiction and Procedures (the DJP rules) in Handbook 3: General Rules and Policies.
148. Sanctions that may be imposed for contravention of these Regulations are –
- (1) a reprimand;
 - (2) an oral warning, which may take the form of an informal or formal discussion of the problem;
 - (3) a written warning, which will take the form of a letter written by the relevant authority and copied to the relevant parties where applicable;
 - (4) reduced campaign time;
 - (5) reduced campaign spending;
 - (6) exclusion from the use of the area where the misconduct occurred;
 - (7) exclusion from the use of a particular facility;
 - (8) a fine determined by the Election Commission;
 - (9) community service;
 - (10) disqualification.
149. The Election Commission, the Election Appeals Committee or the nominee of the Vice Chancellor may refer
- (1) matters covered by RCS6.1 and RCS6.2 to be dealt with by the University Student Disciplinary Tribunal in accordance with the DJP rules set out in Handbook 3: General

Rules and Policies; or

- (2) any relevant matter to an affiliated organisation or committee for internal disciplinary measures.

RCS6.1 states:

A Student shall not engage in any electoral misconduct. Such misconduct includes:

- (a) a breach of the Election Regulations which regulate elections;*
- (b) a breach of regulations contained in the Candidates' Code of Conduct relating to SRC Elections;*
- (c) behaviour which constitutes a manipulation of electoral rules, voters and electoral administration.*

RCS6.2 states:

The term 'office bearer' in RCS 14.2 includes a campaign manager in a student election.

CHAPTER 4: FACULTY COUNCIL ELECTIONS

150. The roles and responsibilities of the Election Commission extend to the supervision and oversight of Faculty Council Elections as per section 1.

151. All sections of these regulations apply to Faculty Council elections with the exception of –
Voting

- (1) Section 90, which must read:

“A voter may vote for up to two thirds of the positions to be filled in that Faculty Council.”

Poll requirement

- (2) Section 113, which must read:

“There is no poll requirement.”

Results

- (3) Section 117, that must read:

“The Commission must determine and declare the result of an election after vote-counting. The candidates who obtain the highest number of votes for the number of available positions in the relevant Faculty Council will be deemed elected”

- (4) Section 118, which must read:

“In the event of a tie in the votes for the final position to be filled in any election, the members of the incumbent Faculty Council (excluding those who are standing for election) must constitute an electoral college, which must decide by means of a

vote which candidate shall be elected.”

Vacancies in the Faculty Council

152. Vacancies in the Faculty Council may be filled by a by-election, co-option or another method deemed appropriate by the Faculty Council as outlined in its constitution.

Faculty Council Election Codes and Protocols

153. The Election Commission is empowered to create further rules, codes and protocols where necessary to strengthen the Faculty Council elections process.

CHAPTER 5: AMENDMENTS

Amendments to the Election Regulations

154. Amendments to the Election Regulation must be as follows –

- (a) Any member of the University may submit proposals to the Commission.
- (b) The Commission must submit recommendations to the Constitutional Committee for its consideration.
- (c) The Constitutional Committee must submit its recommendations to the SRC for its consideration.
- (d) The SRC must submit its recommendations to the Student Parliament for its consideration.
- (e) The Student Parliament must submit its recommendations to the University Student Affairs Committee for its consideration.
- (f) The University Student Affairs Committee must submit its recommendations to the Council for its approval.

155. Additional codes of conduct or protocols and documents prescribed by these Regulations may be amended by the Commission.

Recommended by USAC: 27 May 2020

Approved by Council: 20 June 2020