



DURBAN UNIVERSITY OF TECHNOLOGY
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ELECTORAL POLICY FOR ONLINE ELECTIONS OF
DURBAN UNIVERSITY OF TECHNOLOGY

SRC

AS ADOPTED BY THE 15 SEPTEMBER 2020 SPECIAL STUDENT SERVICES BOARD

ELECTORAL POLICY FOR ONLINE ELECTIONS OF THE DURBAN UNIVERSITY OF TECHNOLOGY SRC

INTRODUCTION

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

SECTION I: POWERS AND FUNCTIONS OF THE ELECTORAL COMMISSION

- I. 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.
 - I.1. The Electoral Commission shall:
 - I.1.1 ensure that the systems for cybersecurity are in place and will also see to the independent auditing of results.
 - I.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
 - I.1.3 open and close the nomination process following a time-table approved by the Electoral Commission
 - I.1.4 compile and publish a complete list of candidates contesting elections
 - I.1.5 be responsible for all election material and the integrity of the electoral system.
 - I.1.9 ensure that all election material is safely stored and archived.
 - I.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 database of the Independent Electoral Commission of South Africa (IEC)
 - 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 Academic Department
 - 3.6 one person nominated by the Legal and Governance Department.
 - 3.7 one person nominated by the university Information Technology Services

3.8 one person nominated by the Information Technology academic department

SECTION 4: NOMINATIONS

- 4.1 Announcement of elections and invitation of students to stand for elections will be done using different media, including an Elections Page on the DUT website.
- 4.2 Only students who meet the eligibility criteria as prescribed in Section 9 of the SRC Constitution may be nominated to contest the elections
- 4.3 The EC shall announce the opening of the nomination period, stating the closing date and procedure for nominating candidates
- 4.4 Nominations shall be open for a minimum of five (5) days
- 4.5 Nomination forms and all other requirements and procedures, related to elections will be made available online
- 4.6 A student wishing to contest the elections shall submit his/her complete application online with a manifesto not exceeding 250 words.
- 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 After the closing of nominations, the EC shall publish the preliminary list of candidates.
- 4.10 Disqualified nominees who wish to appeal their disqualification may lodge their appeal online within twenty four (24) hours of the publication of the preliminary list.
- 4.11 Any registered student who wishes to object to the candidature of anyone within the preliminary list may submit online such objection within twenty four (24) hours of the publication of preliminary list giving full reasons with substantiation.
- 4.12 The EC shall consider the appeals and objections within two (2) days and, if necessary, publish a second list of nominations. In the absence of objections to new inclusions to the list within

twenty four (24) hours of its publication, the list shall be automatically regarded as the final list

- 4.13 If insufficient nominations are received, the EC may extend the period for nominations for a further period not exceeding forty eight (48) hours.

SECTION 5: CAMPAIGNING

- 5.1 All qualifying nominees shall be required to attend a workshop to prepare them for the process of campaigning.
- 5.2 Once the final list of candidates is published, candidates will be allowed to run their campaigns within the existing rules of the university, and subject to candidates observing the values of fairness, respect for others and integrity.
- 5.3 Candidates may distribute election posters and marketing material on campus. Such material may only be distributed strictly at designated areas as determined by the university.
- 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 online manifesto presentations
- 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 an online complaint supported by evidence on campaign misconduct with the EC
- 5.7 Candidates who violate the above provisions may be disqualified from standing.

SECTION 6: VOTING

- 6.1 Any student who meets the eligibility criteria as prescribed in Section 9.6 of the SRC Constitution may vote.
- 6.2 The registration details of students on the university information management system shall constitute a voters roll
- 6.3 All voting shall be conducted online
- 6.4 Voting is strictly private and confidential. It is prohibited to collude, coerce, and to steal the online identity of voters.
- 6.5 Each student shall have the right to cast votes for the permitted maximum of candidates for their campus.
- 6.6 Voting shall take place for 72 hours starting at 8:00 on the first day of voting
- 6.7 Voters shall log-on to the advertised voting links using their students' details.

SECTION 7: CANDIDATES' AGENTS

- 7.1 Candidates contesting the elections shall have the right to appoint two agents to help improve communication between the candidate and the EC.
- 7.2 An agent shall be a student who has not been found guilty of any disciplinary infraction and is not standing for election.
- 7.3 Candidates must register their agents online
- 7.4 Agents may not interfere with the electoral process.
- 7.5 Agents may lodge complaints or bring irregularities to the attention of the Chief Electoral Officer or his/her representatives
- 7.6 Agents and candidates must comply with orders given by the Electoral Staff
- 7.7 The absence of agents shall not invalidate proceedings. The onus is on candidates to ensure the presence of their agents.

SECTION 8: COUNTING OF VOTES

- 8.1 Counting of votes shall be done electronically as the voting occurs.

SECTION 9: OBJECTIONS AND APPEALS

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

SECTION 10: DECLARATION AND ANNOUNCEMENT OF RESULTS

- 10.1 An independent auditing company appointed by the EC must submit an audit result on the integrity of the systems and credibility of the elections within twenty four (24) hours to the EC.
- 10.2 The EC shall announce the provisional results and percentage poll attained as soon as possible after the counting of votes.
- 10.3.1 The EC shall announce the final results within forty eight (48) hours of the resolution of objections and/or appeals against the provisional results
- 10.3.2 Allocation of seats:
- 10.3.3 Candidates contesting elections shall be ranked according to the number of votes received
- 10.3.4 In the case of Durban, the top eight candidates shall be members of the SRC
- 10.3.5 In the case of Midlands, the top seven candidates shall be members of the SRC
- 10.3.6 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 11: VACANCIES

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

SECTION 12: CONSTITUTING THE NEW SRC

- 12.1 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 as stated in Section 5 of the SRC Constitution.
- 12.2 The Chief Electoral Officer shall convene a portfolio allocation meeting within ten (10) academic days after the final election results have been published
- 12.3 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
- 12.4 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
- 12.5 Nominations for any portfolio shall need to be seconded. There shall be no limit to the number of candidates nominated for a portfolio

Voting shall be by secret ballot and all candidates shall have the right to vote, including those who have been nominated
- 12.6.1 Each candidate shall have one vote in respect of each position available on the SRC
- 12.7 A candidate shall require simple majority of all votes cast in order to be elected to a position
- 12.8.1 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

- 12.9 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
- 12.10 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 13: 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.

13.1 Purpose of the Code

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

13.1.1.1 Tolerance of democratic political activity, and

13.1.1.2 Free political campaigning and open public debate.

13.2 Promotion of the Code

13.2.1 Every candidate must :

13.2.1.1 Promote the purpose of the Code when electioneering

13.2.1.2 Publicise the Code widely in any election campaign, and

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

13.3 Compliance with the Code and Institutional Regulations

13.3.1 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 agents and supporters.

13.4 Public Commitment

13.4.1 Every individual must:-

13.4.1.1 Publicly acknowledge that everyone has the right:

13.4.1.2 To freely express their political beliefs and opinions

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

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

13.4.1.5 To lawfully erect banners, billboards, placards and posters, except places prohibited by the university regulations

13.4.1.6 To canvass support for any candidate

13.4.1.7 To hold public meetings

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

13.4.1.9 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 EC whose decision shall be final and binding.

13.5 Role of the Candidate

13.5.1 Every candidate must:

13.5.1.1 Recognize the authority of the Commission in the conduct of the election

13.5.1.2 Assure the voters of the Commission's impartiality

13.5.1.3 Give effect to any lawful direction or instruction of the Commission or officer of the Commission or the Chief Electoral Officer (CEO)

13.5.1.4 Establish and maintain effective lines of contesting the election

13.5.1.5 Co-operate with any investigation of the Electoral Commission.

13.6 Prohibited Conduct

13.6.1 No individual may:

- 13.6.1.1 Use language or act in a way that may promote violence during any election campaigning or intimidate candidates or voters
- 13.6.1.2 Publish false or defamatory allegations against any candidate
- 13.6.1.3 Discriminate on the grounds of race, ethnicity, gender, class, sexual orientation or religion in connection with an election or political activity.
- 13.6.2 No person may offer inducement or reward to another person
 - 13.6.2.1 To join or not to join any campaigning activity
 - 13.6.2.2 To attend or not to attend a public meeting
 - 13.6.2.3 To refuse nomination as a candidate or to withdraw as a candidate
 - 13.6.2.4 To carry or display arms or weapons
 - 13.6.2.5 To unreasonably prevent any other person access to voters for the purpose of voter education, recruitment or canvassing support for a candidate
 - 13.6.2.6 To deface or unlawfully remove or destroy placards, posters or any other election materials of another candidate
 - 13.6.2.7 To abuse a position of power or privilege to influence the conduct or outcome of an election.

13.7 Offences and penalties

- 13.7.1 Any person who contravenes the provisions of this Code, after having signed and agreed to it, is guilty of an offence
- 13.7.2 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. This does not preclude the university taking further disciplinary steps against such offender.

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.