

PART 2

ANNEXURE “A”

CPUT SRC Election Regulations

1 FOREWORD

1.1 Elections provide Students with an opportunity to choose their leadership. Elections also foster Students’ faith in democratic principles and practices. These Election Regulations provide a legal framework for the planning and management of the Student Representative Council (SRC) elections at the Cape Peninsula University of Technology (CPUT). The Election Regulations focus on the process before, during and after voting, and on the roles and responsibilities of the various officials and participants. All stakeholders must familiarise themselves with the Election Regulations to ensure a credible, free and fair election, encourage broader participation by Students and consolidate and deepen democracy.

1.2 For the purpose of these Election Regulations, the definitions in the SRC Constitution will apply.

2 ELECTORAL SYSTEM

2.1 Elections shall be conducted at two levels, with each level having a unique electoral system, the levels are as follows:

2.1.1 Central level; and

2.1.2 Local or Campus level.

- 2.2 Seats at the central level will be allocated in proportion to the percentage of votes that a participating Student Organisation obtains during the election.
- 2.3 At the local or campus level, the candidates are individually nominated and individually elected by a simple majority on a First-Past-The-Post basis.

3 INDEPENDENT ELECTORAL AGENCY

- 3.1 The office of the Dean of Students in consultation with CSRC shall, in the month of August, appoint an Independent Electoral Agency (IEA) to manage the election process to ensure a credible, free, fair and transparent election.
- 3.2 The IEA shall appoint a Chief Electoral Officer.

4 CHIEF ELECTORAL OFFICER

- 4.1 The Chief Electoral Officer (CEO) shall be responsible for the management of the election of members of the CPUT SRC and ensure that the election process is credible, free and fair. This will require strategic planning, efficient management and detailed record-keeping of the election process and activities.
- 4.2 The CEO shall:
- 4.2.1 manage the election in accordance with the Election Regulations;
 - 4.2.2 compile and publish an election timetable, approved by the Electoral Commission (EC) within seven (7) Days of his/her appointment;
 - 4.2.2.1 The SRC President, failing him/her, the Dean of Students, and after consultation with the appointed IEA, shall proclaim the election date by 31 August of the current year.
 - 4.2.3 be responsible for oversight of all election material and through EC specifically for:
 - 4.2.3.1 providing online nomination forms;
 - 4.2.3.2 ensuring that sufficient election equipment is available for online elections;

- 4.2.3.3 ensuring that all election material is electronically and securely stored by the IEA for a period of six months post elections for auditing purpose;
- 4.2.3.4 preparing and distributing election nomination forms;
- 4.2.3.5 opening and closing the nomination process following a timetable approved by the EC.
- 4.2.3.6 compiling and publishing a complete list of the candidates and Student Organisations contesting the SRC elections;
- 4.2.3.7 postponing the election should the circumstances not be conducive to credible, free and fair elections;
- 4.2.3.8 calling for a new election if circumstances arise which may substantially and negatively affect the outcome of the election and render the elections not free and fair;
- 4.2.3.9 submitting the results of SRC elections to the Dean of Students within twenty-four (24) hours after the automatic online counting of votes;
- 4.2.3.10 declaring the results of the elections for each campus at a predetermined time and place;
- 4.2.3.11 performing the duties necessary for the effective organisation of the election, including:
 - 4.2.3.11.1 liaising with all stakeholders;
 - 4.2.3.11.2 overseeing the marketing of the election on each campus;
 - 4.2.3.11.3 monitoring the conduct of all stakeholders;
 - 4.2.3.11.4 ensuring the integrity of the nomination process, assessing objections to nominations and ruling on objections;

- 4.2.3.11.5 managing the presentation of Student Organisation / candidate manifestos;
- 4.2.3.11.6 supervising and directing the functions of the polling officers;
- 4.2.3.11.7 monitoring activities at the polling stations;
- 4.2.3.11.8 considering all objections in line with elections processes equitable way;
- 4.2.3.11.9 keeping a diary in which all pertinent information and decisions are recorded until the election is completed;
- 4.2.3.11.10 declaring the election credible, free and fair;
- 4.2.3.11.11 compiling a report on the election;
- 4.2.3.11.12 recruiting and training polling officials;
- 4.2.3.11.13 presenting a report on the elections, including financial statements, to the Dean of Students within twenty (20) Days after the constituting of the CSRC and LSRC.

5 ELECTORAL COMMISSION (EC)

5.1 Composition of the Electoral Commission

5.1.1 The CEO shall establish an EC.

5.1.2 The EC shall comprise of the CEO, the President of the CSRC and his/her deputy, subject to clause 5.1.3 of this Annexure, all Student Development Officers, members appointed by each respective Student Organisation contesting the elections, and observer members (who shall not be entitled to vote) appointed by Student Organisations respectively in respect of each Campus at which the Student Organisation in question is recognised as an Affiliate Student Organisation in terms of

this Constitution. For these purposes, the secretaries (or other responsible officers) of the respective Student Organisations must notify the CEO (in writing and setting out the full name, contact details and student registration number) of the members of the respective Student Organisations appointed to the EC.

- 5.1.3 If the President of the CSRC and/or his/her deputy is a candidate in the elections, the CSRC must appoint an alternative representative or representatives, who are not candidates in the elections.
- 5.1.4 The purpose of the EC shall be to supervise the elections and serve as a consultative body for resolving disputes.
- 5.2 Powers of the Electoral Commission and Conduct of Student Organisations and Candidates During Election Period
 - 5.2.1 The Electoral Commission shall be entitled to adopt and amend from time to time a Code of Conduct for Candidates Eligible for Elections. Any previously adopted Code of Conduct for Candidates Eligible for Elections shall remain in force until amended or replaced with a new Code of Conduct for Candidates Eligible for Elections.
 - 5.2.2 Candidates eligible for contesting elections are bound by the Code of Conduct for Candidates Eligible for Elections as well as these Election Regulations.
 - 5.2.3 The Code of Conduct formulated by the Electoral Commission must ensure that Candidates are prohibited from engaging in the following conduct:
 - 5.2.3.1 venturing within a two-meter radius of any voting material at any time during the election except to cast their own votes;
 - 5.2.3.2 electioneering within the demarcated areas of the polling stations;
 - 5.2.3.3 canvassing or loitering within 10 meters of the demarcated area of the voting booths;
 - 5.2.3.4 intimidating or act violently towards other candidates and voters; and

- 5.2.3.5 encouraging or inviting their supporters or any other student or persons to perform any act prohibited in this section or the Code of Conduct for Candidates Eligible for Elections.
- 5.2.3.6 Candidates are responsible for any misconduct by their supporters.
- 5.2.3.7 A candidate may be disqualified from contesting elections if the candidate:
 - 5.2.3.7.1 uses or erects advertising material that contains sexist, racist or defamatory remarks, illustrations or images;
 - 5.2.3.7.2 obstruct or interfere with the Electoral Officers in the performance of their duties;
 - 5.2.3.7.3 intimidates, harasses or acts violently towards other candidates or voters; or
 - 5.2.3.7.4 engages in any form of unlawful and fraudulent activities in connection with the elections.
- 5.3 Any rules contained in the Code of Conduct for Candidates Eligible for Elections or any other Code of Conduct inconsistent with section 5.2 of this Annexure are of no force or effect to the extent that they are inconsistent with section 5.2 of this Annexure.
- 5.4 Any person or candidate who infringes the Code of Conduct for Candidates Eligible for Elections and/or the provisions of section 5.2 of this Annexure will be subject to disciplinary action.
- 5.5 Eligibility
 - 5.5.1.1 In order to contest the CSRC or LSRC elections a student shall: not be a student in his/her first year of registration as a full-time student of the University; have been promoted to the following year of study ;
 - 5.5.1.2 be registered full time for at least 50 % of credits for the relevant semester/year;
 - 5.5.1.3 Have obtained an average mark of sixty percent (60 %) across all the

subjects for which the student was registered in the previous academic year ;

5.5.1.4 in respect of first –year full time post graduate students , have obtained an average mark of sixty percent (60 %) across all the subjects for which the student was registered in the previous academic year ;

5.5.1.5 In respect of none – first year full –time post graduate students , the Director of the Centre of Post Graduate Studies needs to confirm that a nominated student has made sufficient progress in line with the requirements of the Higher Degrees Committee in their previous post graduate academic year.

5.5.1.6 the nominee has not served a period of two full terms of office as a member of the LSRC and/or CSRC

5.5.1.7 not be serving a disciplinary penalty imposed by any disciplinary body at the University;

5.5.1.8 not serve under a Work Integrated Learning Programme for a period exceeding two months in the first semester of the academic year in which the student is in office;

5.5.1.9 not be serving a penalty as a result of a criminal conviction at the time of the election; and

5.5.1.10 have lodged a properly completed nomination form with the electoral office before the specified closing date and time.

5.5.1.11 No member of staff shall be eligible to stand for SRC elections.

5.5.2. The office of the Registrar shall conduct the screening of the academic eligibility and the disciplinary records of students who have been nominated for the SRC.

5.5.2 Candidates contesting LSRC elections

5.5.3 Any registered student of the University may contest any portfolio in the LSRC elections, provided that he/she meets the prescribed criteria.

- 5.6 Student Organisations contesting CSRC elections
- 5.6.1 Any Affiliate Student Organisation may contest any portfolio in the CSRC elections provided that such Student Organisation:
- 5.6.1.1 has disclosed on the nomination form the names of individual Students complying with the prescribed criteria; and
 - 5.6.1.2 has been recognised in terms of the Constitution for at least six (6) months prior to the elections.
- 5.6.2 Inclusivity Principle
- 5.6.3 The EC must put in place measures to accommodate students with special needs in the election process.
- 5.6.4 The Disability Unit of the University will provide software and other resources as available to the University from time to time, subject to the policies and approved budgets in force as at the relevant time.

6 **NOMINATIONS**

- 6.1 Every Student Organisation or Student wishing to contest a portfolio in the CSRC or LSRC elections shall submit a completed nomination form.
- 6.1.1 For every candidate and each person listed by a Student Organisation, the following shall be submitted with the nomination form:
- 6.1.2 acceptance of the nomination; and
 - 6.1.3 for each independent candidate so nominated, the names and signatures of at least fifty (50) registered Students of the University supporting the nomination.
 - 6.1.4 Completed nomination forms shall be delivered by hand, by the independent candidate or the authorised representative of the Student Organisation to a designated point and at a specified time, as determined by the EC.

7 **SCREENING AND VALIDATION OF CANDIDATES' NOMINATIONS**

- 7.1 The IEA must establish, as soon as possible after the appointment of the IEA, a pre-screening system for students who wish to contest elections in order to determine on a preliminary basis whether such students are eligible. The IEA must ensure that sufficient notice of the pre-screening process is provided to students.
- 7.2 Nomination verification process shall be conducted in two phases.
- 7.2.1 The First Phase - The office of the CEO will scrutinise all nominations in order to determine whether:
- 7.2.2 with regard to independent candidates, the nomination is supported by fifty (50) signatures of nominators who must be eligible voters;
- 7.2.3 with regard to all Student Organisations and independent candidates, the nomination forms include acceptance of the nomination; and
- 7.2.4 all other required documents have been submitted;
- 7.2.5 Organisations should be allowed to submit up to 2 times the number of candidates required to fill the vacant portfolios for vetting. The vetted list would constitute a 'pool' from which to deploy.
- 7.3 The Second Phase - The second phase of screening will be conducted by the Office of the Registrar of CPUT to determine whether:
- 7.3.1 To be eligible for election, a student must:
- Full –time undergraduate students
- 7.4.1.1 not be a student in his/her first year of registration as a full-time student of the University;
- 7.4.1.2 be advancing or promoted to the following year of study ;
- 7.4.1.3 be registered full time for at least 50 % of credits for the relevant semester/year;
- 7.4.1.4 Have obtained an average mark of sixty percent (60 %) across all the subjects for which the student was registered in the previous academic year ;
- 7.4.1.5 in respect of first –year full time post graduate students, have obtained an average mark of sixty percent (60 %) across all the subjects for which the student was registered in the previous academic year;
- 7.4.1.6 In respect of none – first year full –time post graduate students, the Director of the Centre of Post Graduate Studies needs to confirm that a nominated student has made sufficient

progress in line with the requirements of the Higher Degrees Committee in their previous post graduate academic year.

- 7.4.1.7 the nominee has not served a period of two full terms of office as a member of the LSRC and/or CSRC
 - 7.4.1.8 not be serving a disciplinary penalty imposed by any disciplinary body at the University;
 - 7.4.1.9 not serve under a Work Integrated Learning Programme for a period exceeding two months in the first semester of the academic year in which the student is in office;
 - 7.4.1.10 not be serving a penalty as a result of a criminal conviction at the time of the election; and
 - 7.4.1.11 have lodged a properly completed nomination form with the electoral office before the specified closing date and time.
 - 7.4.1.12 No member of staff shall be eligible to stand for SRC elections.
- 7.5 The Electoral Commission shall verify the validity of all nominations for elections, and its decision shall be binding, and may only be appealed to the Dean of Students.
- 7.6 An independent candidate or student organisation whose nomination has been approved by the Electoral Commission shall be deemed to be registered for contesting the elections.
- 7.7 Once a nomination has been approved, the student organisation or independent candidate concerned shall be bound to adhere to all instructions issued by the Electoral Commission with regard to the elections.
- 7.8 No nomination form shall be accepted after the final submission date and time set by the Electoral Commission.
- 7.9 The Electoral Commission may cancel the nomination of any independent candidate or student organisation who furnishes false information with regard to a nomination.
- 7.10 If no nominations are received for a particular portfolio by the time of closing of nominations, such a portfolio will not be contested in the election but be filled by means of a by-election.

8 VOTER'S ROLL

- 8.1 A list of Students registered on each Campus shall be used as a basis to compile the official voters' roll for each campus.
- 8.2 The office of the Registrar shall provide a voter's roll of all Students who are registered either part-

time or full-time.

- 8.3 The IEA shall make the voter's roll available for inspection by Students on the official election website;
- 8.4 Any student who does not appear on the voter's roll may lodge a complaint to the Electoral Commission before the deadline for objections.
- 8.5 Alterations to the voter's roll will be made only by the Registrar in consultation with the Electoral Commission and the final voter's roll will be approved by the Registrar.

9 VOTING

- 9.1 Each registered student shall have the right to cast one vote for each portfolio of the LSRC of the Campus at which he/she is registered.
- 9.2 In order to cast a vote:
 - 9.2.1 the name of the voter must appear on the voters' roll; and
 - 9.2.2 the voter must produce a valid student card (or valid proof of registration) and valid proof of identity
- 9.3 Voting shall be by secret ballot.
- 9.4 Voting shall be conducting electronically through the online / hybrid method whereby voting shall take place by utilizing electronic devices such as cellular phone, computers, or any other devices suitable for this purpose irrespective where the voting student(s) are located at the time of voting.
- 9.5 Every voter shall be allowed to cast one online ballot in respect of each LSRC portfolio to be voted for during LSRC elections and another online ballot containing names of Student Organisations contesting the CSRC elections.
- 9.6 Each voter shall cast one vote for the candidate and/or organisation of his/her choice in respect of each portfolio of the LSRC and/or CSRC.

10 OBSERVERS

- 10.1 Every registered Student Organisation and independent candidate contesting the election is entitled to appoint an observer to witness the election process at each voting and counting station within the campus at which it is contesting elections.
- 10.2 Observers must be registered Students whose names appear on the voter's roll and who are not themselves standing for election or incumbent office-bearers of the SRC.
- 10.3 There will be no recourse if observers nominated by candidates do not arrive at the opening of the poll or do not stay until the close of the poll. The polling process will proceed regardless of observers' late arrival or non-attendance.
- 10.4 Each observer shall:
 - 10.4.1 bear an acceptable form of identification indicating that such observer is appointed by a Student Organisation or an independent candidate contesting elections at that Campus; and
 - 10.4.2 comply with any order issued by the Presiding Officer or member of the security personnel acting on instructions of the Presiding Officer.

11 COUNTING

- 11.1 Votes shall be counted at the voting station at which they are cast by no later than twenty-four (24) hours after voting has ended., In exceptional circumstances, counting of votes may be adjourned or provisionally suspended with the approval of the EC in consultation with the office of the Dean of Students.
- 11.2 Ballot papers must be counted on the campus where voting took place, at secure locations which shall be identified by the EC prior to the elections.
- 11.3 Votes shall be counted in the presence of accredited party agents and/or observers, if they are present.
- 11.4 Ballot papers will be sorted, straightened, and aligned before counting.
- 11.5 Ballot papers will be individually audited.

- 11.6 Counting officers will reject a ballot paper if:
- 11.6.1 it is not an official ballot paper;
 - 11.6.2 the ballot paper reveals the identity of the voter;
 - 11.6.3 the ballot paper contains a vote cast in favour of more than one independent candidate or student organisation for a portfolio;
 - 11.6.4 the ballot paper does not contain any vote cast; or
 - 11.6.5 ballot paper is defaced so as not to reflect any vote cast for either an independent candidate or Student Organisation.
- 11.7 A decision to reject a ballot paper must be confirmed by the CEO.
- 11.8 Rejected ballot papers shall be counted and kept in a secure place, but votes brought out on such papers shall not be added to the total number of votes for an independent candidate or Student Organisation.
- 11.9 The results of all the counting will be consolidated after all the ballot boxes are counted.
- 11.10 During counting, the Presiding Officer may decide to conduct a recount at any time if he/she deem fit to do so, before the declaration of the result.
- 11.11 As soon as the EC has declared the completion of the counting of votes, all observers for candidates and student organisations contesting the elections shall sign a declaration form stating whether or not they accept the provisional election results.

12 OBJECTIONS AND APPEALS

- 12.1 Objections to the election results shall be made in writing and accompanied by evidence in support of such objection.
- 12.2 Objections shall be submitted to the EC through the election office within twenty four (24) hours of the provisional announcement of election results.
- 12.3 In the event of no objections having been received by the deadline, the results of the elections may be officially and finally announced by the EC and the elections shall be declared as free and fair.

- 12.4 An appeal against a decision of the EC shall be lodged in writing with the office of the Dean of Students within twenty-four (24) hours of pronouncement of such decision.
- 12.5 Appeals shall be considered by an Election Appeal Tribunal comprising of not less than three (3) members appointed by the Dean of Students.
- 12.6 No person shall serve concurrently on the EC and the Election Appeal Tribunal.
- 12.7 A written appeal against the ruling of the Election Appeal Tribunal may be lodged with the Office of the Vice Chancellor within 24 hours of pronouncement of the ruling. The decision of the office of the Vice Chancellor shall be final and binding.
- 12.8 The outcome of appeals shall be communicated via the EC.

13 CONDUCT OF MEMBERS OF THE ELECTION APPEAL TRIBUNAL

13.1 The Election Appeal Tribunal shall:

13.1.1 at all times act with impartiality and shall adjudicate matters without favour or bias;

13.1.2 ensure that their conduct at all times maintains the confidence of all stakeholders and avoid situations that might give rise to the reasonable perception of favouritism or partiality;

13.1.3 not initiate, permit or consider *ex parte* communications concerning a pending matter; and

13.1.4 ensure that appeal proceedings are conducted fairly and that the rights of all parties are respected.

13.2 A member of the Election Appeal Tribunal who has a conflict of interest in the matter to be considered shall recuse himself /herself.

13.3 The proceedings shall be open to the public.

13.4 The decisions of the Election Appeal Tribunal shall be made in writing and shall be accompanied by the reasons for the decision.

14 ANNOUNCEMENT OF RESULTS

14.1 The duly authorised member of the EC shall:

- 14.1.1 announce the provisional results of the elections immediately after he/she has declared the completion of the counting of votes;
- 14.1.2 announce the final election results within seven (7) Days of the completion of counting, provided that final decisions have been made with regard to objections and appeals, where relevant;
- 14.1.3 Conduct a by election in the event of a tie in results by two (2) or more candidates for any of the portfolios at local level.

15 SEATS ALLOCATED TO STUDENT ORGANISATIONS

The formula used to determine the number of seats allocated to Student Organisations, shall be the Droop Quota System.

16 CONSTITUTING THE SRC

16.1 LSRCs

16.1.1 LSRCs shall be constituted within five (5) Days after the final announcement of the election results.

16.1.2 The CEO or a member of the IEA delegated by him/her shall provide written notice of the date, time and place of the constituting meeting to all the candidates who were elected to the LSRC at least twelve (12) hours before the meeting. The constituting meeting shall be attended only by the newly elected LSRC members, the duly authorised SDO and the electoral staff members. The constituting meeting shall only proceed if the meeting quorate. The meeting will be quorate if attended by fifty percent plus one (50%+1) of the newly elected LSRC members. If the required quorum is not met at the beginning of the meeting, the Presiding Officer will adjourn the meeting for a period of an hour and immediately give verbal notice of the resumption time. The Presiding Officer will, in consultation with the duly authorised SDO representative, contact all newly elected LSRC members not in attendance, and advise them to attend at the agreed time. In the event of there not being a quorum at the time that the meeting is re-convened, the meeting will be postponed for a period of forty-eight (48) hours, without any vote or motion being taken. Upon the expiration of the forty-eight (48) hours, the CEO or a member of the IEA delegated by him/her shall re-convene the constituting meeting.

16.1.3 At the constituting meeting of the LSRC the relevant member of the EC shall:

16.1.3.1 confirm the name of each independent candidate to fill each portfolio of the LSRC; and

16.1.3.2 declare the LSRC duly constituted.

16.1.4 A minimum of six (6) LSRC members must have been elected for the LSRC to be constituted. If such a minimum has not been achieved, a by-election must be held to fill the vacant portfolios.

16.2 CSRC

16.2.1 The chairperson of the EC shall within ten (10) Days of the constituting of all LSRCs call a meeting to constitute the CSRC.

16.2.2 The chairperson of the EC shall provide written notice of the date, time and place of the constituting meeting to the CSRC members as elected and as nominated by student organizations, as applicable, at least twelve (12) hours before the meeting. The constituting meeting shall be attended only by the newly elected CSRC members, a Student Affairs staff member as observer, a representative of the outgoing CSRC as observer, and the EC Chairperson facilitating the meeting. The constituting meeting shall only proceed if the meeting is quorate. The meeting will be quorate if attended by fifty percent plus one (50%+1) of the newly elected CSRC members. If the required quorum is not met at the beginning of the meeting, the Presiding Officer will adjourn the meeting for a period of an hour and immediately give verbal notice of the resumption time. The Presiding Officer will, in consultation with the duly authorised SDO representative, contact all newly elected CSRC members not in attendance, and advise them to attend at the agreed time. In the event of there not being a quorum at the time that the meeting is re-convened, the meeting will be postponed for a period of forty-eight (48) hours without any vote or motion being taken. Upon the expiration of the forty-eight (48) hours, the chairperson of the EC shall re-convene the constituting meeting.

16.2.3 At the beginning of the constituting meeting, the chairperson of the EC shall declare whether or not the CSRC is constituted according to the stipulations of these Electoral Regulations and if so, that they are authorised to act according to the stipulations of the SRC Constitution.

16.2.4 The CEO shall confirm names and portfolios and then formally constitute CSRC.

17 BY-ELECTIONS

17.1 By-elections are to be held if:

17.1.1 a vacancy occurs in the CSRC or a LSRC and when it is necessary for the effective functioning of the LSRC; or

17.1.2 all portfolios are not filled during elections.

17.2 In the case of a by-election, a committee comprising the office of the Dean of Students, Faculty Committee Chairperson, Deputy President and an LSRC member (who is not a student of the Campus in question if the by-election is in respect of an LSRC) shall organise the by-election. Such committee must be approved by the Dean of Students after consultation with the CSRC.



Vice Chancellor

27.09.2024

Date