



THE STUDENT ELECTORAL  
COMMISSION 2022

# Explanatory note

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## PREAMBLE

We, the Officials of the Electoral Commission bind ourselves to the principles outlined in the Student Bill of Rights, the Student Electoral Act and the provisions in the Stellenbosch University Student Constitution.

We acknowledge our responsibility to facilitate the participation of students in the democratic processes recognised by the Student Constitution.

We further commit ourselves to being a body that advocates for the progressive realisation of the rights enshrined in the Student Bill of Rights.

Our Code of Conduct is subject to the provisions of the Constitution of the Republic of South Africa, 1996, the Higher Education Act, the Statute of Stellenbosch University, and the Student Constitution. We accept this as our binding internal regulatory framework.

## FOUNDING PROVISIONS

### **1 The Electoral Commission is founded on the following values:**

- (1) Transparency.
- (2) Accountability.
- (3) Participation.
- (4) Integrity.
- (5) Responsiveness.
- (6) Efficacy; and
- (7) Impartiality.

### **2 Vision**

To be a pre-eminent leader in electoral precision by sustainably fostering a participatory student electoral democracy through vibrant and transparent student leadership elections.

### **3 Mission**

The Electoral Commission is an independent body that safeguards free and fair elections across Stellenbosch University student leadership structures. The Electoral Commission does this through the participation of students and candidates in the electoral processes which embody the values of the University.

### **4 The nature of the Electoral Commission**

- (1) The Electoral Commission is established by the Student Constitution as an autonomous student electoral regulatory body and grants it all the powers necessary for that function.
- (2) The Electoral Commission functions in partnership with the Division for Student Affairs to facilitate the elections of all student leadership bodies.
- (3) The Electoral Commission ensures that all student structures lead by students who are elected by their peers conduct their elections in a manner that reflects the spirit and purport of the Student Electoral Act.

### **5 Constitutional mandate**

The Student Constitution assigns the Electoral Commission a mandate to –

- (1) To actively promote the rights of students contained in CHAPTER 2 of the SU Student Constitution, and specifically the right, under section 13, to vote in and stand for elections in the Students' Representative Council.
- (2) Ensure that every student who is eligible to vote in an election does so only once and that each student who makes reasonable attempts will be able to vote if it is practically feasible.
- (3) Promulgate binding election regulations in addition to the Student Electoral Act.
- (4) Ensure that all bodies that fall within its jurisdiction conduct student leadership elections in a free, fair, credible, and orderly manner.
- (5) Manage the elections of the Students' Representative Council.
- (6) Monitor, audit and oversee the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Faculty Student Committees, House Committees,

Society Executive Committees, and the constituent bodies of the Tygerberg Student Council.

- (7) Investigate complaints relating to the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Faculty Student Committees, House Committees, Society Executive Committees and the constituent bodies of the Tygerberg Student Council, and to intervene in those elections should any irregularity be discovered.

## **6 The Tygerberg Election Committee**

- (1) The Tygerberg Election Committee is led by the Tygerberg Election Convenor who is appointed in terms of section 124(1) of the Student Constitution.
- (2) The Tygerberg Election Committee functions in cooperation with and under the supervision of the Electoral Commission.
- (3) The Tygerberg Election Committee ensures that SRC elections run smoothly on the Tygerberg Campus.
- (4) The Electoral Commission delegates the following powers to the Tygerberg Election Committee:
  - (a) To manage the elections of the Tygerberg Student Council. Including the election of the Chairperson and Executive of the Student Council.
  - (b) To monitor, audit and investigate student leadership elections of the Tygerberg student leadership structures that fall within the jurisdiction of the Electoral Commission.
  - (c) To promulgate, subject to ratification by the Rules Committee, any binding election regulations for Tygerberg student leadership elections.
- (5) The Tygerberg Election Convenor serves as an Ex-officio Member of the Electoral Commission.

## STRUCTURE OF THE ELECTORAL COMMISSION

### 7 Composition

The Electoral Commission consists of the following Officials–

- (1) The Electoral Commissioner(s) as appointed by the SRC.
- (2) The Electoral Commission Assistants as appointed by the Electoral Commissioners.
- (3) The Tygerberg Election Convenor, as appointed by the Tygerberg Student Council.

### 8 Jurisdiction

The Electoral Commission's jurisdiction is very wide, the Constitution restricts the application of the powers of the Electoral Commission based on the tier level of the structure concerned. Accordingly, the following tier levels define which structures fall within the jurisdiction of the Electoral Commission –

- (1) Tier one (1) –
  - (a) Structures: The Students' Representative Council.
  - (b) Involvement: Organise, Manage, Convene, Preside over caucuses, Monitor, Investigate & intervene.
  - (c) Responsibility shared with: N/a
  - (d) Regulation capacity: Exclusively regulated by the Commission through its binding rules and election regulations.
- (2) Tier two (2) –
  - (a) Structures: Academic Affairs Council Exec, Military Academy Student Captain, Prim Committee Exec, Senior Prim Committee Exec, Societies Council Exec & Tygerberg Student Council Exec.
  - (b) Involvement: Preside over caucuses, Monitor, Investigate & intervene.
  - (c) Responsibility shared with: Election Committees of the various bodies who organise and convene the elections.



- (d) Regulation capacity: Regulated by the Election Committees and Binding Election regulations and directives from the Commission.
- (3) Tier three (3) –
  - (a) Structures: Faculty Student Committees, Society Executive Committees, House Committees, Tygerberg Student Council constituent bodies.
  - (b) Involvement: Monitor, Oversight, Investigate & intervene.
  - (c) Responsibility shared with: Election Committees.
  - (d) Regulation capacity: Regulated by Election Committees and binding Election regulations issued by the Commission.

## OFFICIALS OF THE ELECTORAL COMMISSION

### 9 The Office bearers

The Electoral Commission is composed of the following portfolio Officials –

- (1) The Chief Electoral Officer of the Electoral Commission.
- (2) The Chairperson of the Electoral Commission.
- (3) The Tygerberg Election Convenor.
- (4) The Director of Electoral Administration.
- (5) The Director of Electoral Regulations.
- (6) The Director of Election Marketing and Campaigns.
- (7) The Director of Finance and Logistics; and
- (8) The Director of Compliance and Oversight.

### AUTHORITY AND DUTIES

### 10 POWERS

- (1) The Electoral Commission has the power to –
  - (a) Promulgate binding election regulations in addition to the Student Electoral Act.

- (b) Take legislative and other measures to ensure that all bodies that fall within its jurisdiction conduct student leadership elections in a free, fair, credible, and orderly manner.
  - (c) Manage the elections of the Students' Representative Council.
  - (d) To preside over the elections of the Executive Committees of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, and the Societies Council.
  - (e) Monitor, audit and oversee the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Military Academy Student Council, Faculty Student Committees, House Committees, Society Executive Committees, and the constituent bodies of the Tygerberg Student Council.
  - (f) Investigate complaints relating to the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, The Military Academy Student Council, Faculty Student Committees, House Committees, Society Executive Committees, and the constituent bodies of the Tygerberg Student Council, and to intervene in those elections should any irregularity be discovered.
  - (g) Write reports with binding remedial action on the outcome of an investigation.
  - (h) Fulfil any other function that the Student Constitution assigns to it.
  - (i) Compile, amend and manage the Electoral Commission budget.
  - (j) Ensure the enforcement of the Student Electoral Act.
  - (k) To determine the validity of an election.
  - (l) To adopt and rules, regulations, constitutions, or code of conduct that regulates the activities, functions, and powers of the Electoral Commission.
- (2) The Electoral Commission may delegate any of its powers to any structure established by this Code or any Official of the Electoral Commission.

## 11 Duties and responsibilities

- (1) The Electoral Commission Officials are responsible for –
  - (a) Ensuring that the Electoral Commission is adequately represented in all relevant spaces.
  - (b) The public relations management of the Electoral Commission.
  - (c) Ensuring that there are sufficient trainings that seek to equip student leadership election committee with the skills that are necessary for the competent execution of their duties.
  - (d) Ensuring that there are sufficient opportunities for election candidate training as deemed appropriate by the Electoral Commission.
  - (e) Providing guidance and support to student leadership election committees.

## 12 Duties of the Officials

- (1) The Chief Electoral Officer is the principal operations leader of the Electoral Commission and is at least responsible for –
  - (a) Ensuring that the Electoral Commission adopts a Code of Conduct.
  - (b) Holding all Officials of the Electoral Commission accountable.
  - (c) Writing the final Electoral Commission Report.
  - (d) Handling any disciplinary matter within the Electoral Commission.
  - (e) Coordinating the Electoral Commission's business and liaising with all relevant stakeholders, including the Chairpersons of all s3 Bodies.
  - (f) Ensuring that all necessary protocols are in place for elections.
  - (g) Serving as the Presiding Officer at General SRC election caucuses.
  - (h) Oversight over the activities of Electoral Commission and the Officials of the Electoral Commission.
  - (i) Approving the budget of the Electoral Commission.
- (2) The Chairperson is the executive leader of the Electoral Commission and is at least responsible for –
  - (a) Convening all meetings of the Electoral Commission.
  - (b) Serving as the spokesperson of the Electoral Commission.
  - (c) Accounting to all relevant bodies on behalf of the Electoral Commission.



- (d) Assigns special projects and responsibilities to all the Officials.
  - (e) Presiding over the election caucuses of the *ex officio* members of the SRC.
  - (f) Presiding over the election of the Chairperson of the SRC.
  - (g) Ensuring that the Electoral Commission fulfils its constitutional mandate
- (3) The Tygerberg Election Convenor is an *ex officio* member of the Electoral Commission and is at least responsible for –
- (a) Representing the interests of Tygerberg constituencies at Electoral Commission meetings.
  - (b) Advising the Electoral Commission.
  - (c) Performing all the delegated duties and powers of the Electoral Commission on the Tygerberg campus.
- (4) The Director of Electoral Administration is the principal administrator of the Electoral Commission and is at least responsible for –
- (a) Serving as the secretary of the Electoral Commission.
  - (b) Serving as the organiser of all election related events including caucuses and training.
  - (c) Managing the internal correspondence of the Electoral Commission.
  - (d) Coordinating all the administrative processes of the elections of *ex officio* members of the SRC.
  - (e) Deputising the Electoral Commissioner(s) and may exercise any function that is delegated to them by the Chief Electoral Officer or Chairperson.
  - (f) Correspondence addressed to the Electoral Commission.
  - (g) External correspondence on behalf of the Electoral Commission to other student leadership structures.
  - (h) The Maintenance of all Electoral Commission records.
  - (i) Preparing the Elections timetable.
- (5) The Director of Electoral Regulations is the policy officer of the Electoral Commission and is at least responsible for –
- (a) Drafting election regulations on behalf of the Electoral Commission.
  - (b) Serving as the Chairperson of the Rules Committee.
  - (c) Creating all election templates and frameworks for student leadership

- elections.
- (d) Ensuring that conflicting election regulation and policies are aligned.
  - (e) Advising student leadership structures on election regulations.
- (6) The Director of Elections Marketing and Campaigns is the media coordinator of the Electoral Commission and is at least responsible for –
- (a) Designing and developing the paraphernalia of the Electoral Commission.
  - (b) Managing the email account, website, and social media pages of the Electoral Commission.
  - (c) Creating all election campaign material for the Electoral Commission.
  - (d) Ensuring that election committees comply with the relevant branding guidelines and that there is uniformity in the branding of the Electoral Commission.
  - (e) Advises the Director of Electoral Regulations on the development of election campaigning guidelines
  - (f) Working on enhancing the visibility of the Electoral Commission on campus, social media, and other virtual platforms.
- (7) The Director of Election Finance and Logistics is the resources manager of the Electoral Commission and is at least responsible for –
- (a) Drafting the budget of the Electoral Commission.
  - (b) Ensuring that the financial resources of the Electoral Commission are used in a transparent, responsible, and sustainable manner.
  - (c) Advising the Director of Electoral Regulations on the Formulation of policies that ensure the transparent, responsible, and sustainable use of the Electoral Commission's financial resources, and ensuring the implementation of such policies after they are approved by the Rules Committee.
  - (d) Preparing a financial report at the end of the term of the Electoral Commission.
  - (e) Coordinating all the technical support required by the Electoral Commission including the voting platforms that will be used by the relevant structures.
- (8) The Director of Compliance and Oversight is the investigative officer of the

Electoral Commission and is at least responsible for –

- (a) Ensuring that student leadership structures comply with election regulations.
- (b) Performing the monitory, auditing and oversight functions of the Electoral Commission.
- (c) Investigating all election complaints.
- (d) Drafting the reports with remedial action on all matters related to the investigative and oversight functions of the Electoral Commission.
- (e) Advising the Electoral Commission on the validity of a disputed election.
- (f) Ensuring that the Electoral Commission is represented in all matters before the Student Court.
- (g) Providing legal advise to the Electoral Commission and its Officials.

## ELECTION MANAGEMENT

### 13 Election regulations

- (1) The Electoral Commission may promulgate any binding election rules, regulations or directives that must be complied with by all student leadership structures within its jurisdiction.
  - (a) Election regulations must be developed by the Rules Committee.
  - (b) Election regulations must first be circulated within the Electoral Commission for comments before they are promulgated by the Rules Committee.
  - (c) Election regulations take effect on the day after they have been published by the Rules Committee.
  - (d) Election regulations are deemed to have been duly promulgated when they have been sent to the student leadership structures responsible for their implementation.

### 14 Student leadership election complaints

- (1) The Electoral Commission may receive and investigate any complaint relating to an election of any student leadership body within its jurisdiction.
- (2) The Rules Committee must ensure that a complaints procedure for disputed elections is developed and published.

- (3) The Rules Committee must ensure that an investigation framework for disputed elections is developed and published.
- (4) Any student who believes that a complaint has not been resolved by the Director of Compliance and Oversight must submit their complaint to the Chairperson for re-evaluation.

Thank you

Yanga Keva  
Chief Electoral Officer & Chairperson