

IEC announcement on the 2023 SRC Election's Registration and Nomination outcomes

Friday, 30th June 2023

Background

The Unisa IEC ran a successful election awareness campaign in May 2023 by visiting the eight Unisa regions. The IEC officially opened the nomination and registration process on 1 May 2023. This process was supposed to close on 31 May 2023, but an extension was granted until 9 June 2023 to ensure that we received enough nominations from all interested regional student structures.

A public announcement was made via SMS, posters, Unisa Radio, the Unisa corporate website and myUnisa regarding the registration process.

There was a positive response in the number of applications received. In total, we received 41 applications from the 8 regions.

Election qualifying clauses of the Electoral Policy

Section 2.7 – Student organisations willing to participate in the election must register with the IEC and provide the following:

2.7.3. a handwritten list of registered students with their student numbers and signatures appended in supporting the student organisation to participate in the election. The list must contain a minimum of 100 student names and student numbers in support of the organisation.

Section 2.8 – The IEC will authenticate all nominations received from participating student organisations. No student may support the nomination of more than one student organisation.

Where students have supported the nomination of more than one organisation, such nominations will be deemed to be defective and should be returned to the appropriate student organisation for rectification.

Outcome of the verification process

During the verification process, the IEC discovered several discrepancies from all the applications ranging from invalid student numbers, unregistered students, students who have supported more than one structure (in violation of section 2.8 of the Electoral Policy) and students not eligible as they are registered for short courses and for non-degree purposes.

After the verification process was concluded, it was discovered that none of the 41 applicants met the threshold of 100 eligible handwritten signatures. All the structures were short of the threshold of 100 eligible signatures.

Grace period

Normally a grace period of five days is allowed to enable the applicants to supplement their information by providing the outstanding signatures. In this case, we do not have sufficient time to accommodate the grace period. Doing so would interfere with the election calendar, thereby making it impossible for the IEC to conclude the project within the stipulated time.

Implications of the outcome of the verification process

- All the 41 applicants were affected.
- If we grant the grace period, there is no guarantee that the applicants will get the necessary information within 5 days (this would also affect the election calendar).
- With all these, we cannot have a ballot for both regional SRCs and the NSRC.
- The IEC will not be able to deliver an SRC within the stipulated timeframe.

Decision of the IEC to deviate from policy.

With all these challenges, the IEC deemed it fit to make a special concession.

The IEC consulted the stakeholders, including the Office of the Registrar, the Dean of Students and auditors, and requested the Management Committee of the University (Mancom) to approve its request to deviate from the provision of sections 2.7.3 and 2.8 of the Electoral Policy and allow all the applicants to contest the election.

It was submitted that this decision is not going to aggrieve anyone, as all the applicants were affected as they failed to meet the threshold.

In line with the provision of section 5.7. of the Electoral Policy, among other responsibilities, the IEC is.

- to oversee the process of elections and to manage all aspects pertaining to elections.
- to create an environment conducive for free and fair elections and to ensure the highest possible voter participation in the elections.

Generally, an electoral management body like the IEC has implied administrative powers that enables it to make resolutions and decide on matters it may face. In the matter between *Kham and others and the Electoral Commission and others*, the Electoral Court held that "based on the principle of legality, it is expected of the Commission that the measures provided for in the applicable legislation must show a rational relationship between the legislative scheme used and the achievement of a legitimate governmental purpose" (par 70). The court further referred to a Constitutional Court case of *Clairison* where it was held that "when a functionary is entrusted with discretion, the weight to be attached to particular factors, or how far a particular factor affects the eventual determination of the issue, is a matter for the functionary to decide". What is important is for the functionary to act in good faith, reasonably and rationally.

The IEC's decision to deviate from the Electoral Policy is well informed, rational and reasonable, and is made in good faith as well as in the best interest of the project.

Mancom outcome on the IEC request

The Management Committee of the University supported and approved our submission, as it was found to be rational, reasonable and in the best interest of the election project, taking into account the role and importance of the SRC in the governance structures of the university.

Outcome of the registration and nomination process.

We have received a total number of 41 applications across all the 8 regions.

There were late applications outside the granted application period and the IEC wrote to the structures and informed them that their applications would not be entertained as they fell outside the permitted application time.

Two structures from Limpopo and Tshwane were disqualified, as the IEC found them to be in violation of the Electoral Code of Conduct.

Only 39 structures remained with valid applications.

In light of all the above, the following structures have been accepted to contest the 2023 Unisa SRC Election and will today receive confirmation letters to contest the 2023 SRC Election.

REGIONAL BALLOT 39 ORGANISATIONS

EASTERN CAPE	JOHANNESBURG	KWAZULU NATAL	LIMPOPO	MIDLANDS	MPUMALANGA	TSHWANE	WESTERN CAPE
<ol style="list-style-type: none"> 1. BUSA 2. EFFSC 3. SASCO 4. ULSA 	<ol style="list-style-type: none"> 1. Action SA Students Chapter 2. ANCYL 3. EFFEC 4. SASCO 5. UAT 6. ULSA 	<ol style="list-style-type: none"> 1. ANCYL 2. EFFSC 3. SASCO 4. ULSA 	<ol style="list-style-type: none"> 1. ANCYL 2. EFFSC 3. SASCO 4. SCO 5. ULSA 	<ol style="list-style-type: none"> 1. ANCYL 2. EFFSC 3. SASCO 4. ULSA 	<ol style="list-style-type: none"> 1. EFFSC 2. PASMA 3. SASCO 4. ULSA 	<ol style="list-style-type: none"> 1. ANCYL 2. ASSA 3. CEDUSA 4. EFFSC 5. FYFSC 6. SASCO 7. ULSA 8. UNISA'S Vision 9. USDF 	<ol style="list-style-type: none"> 1. EFFSC 2. SASCO 3. ULSA
4	6	4	5	4	4	9	3

NATIONAL BALLOT 4 ORGANISATIONS

NATIONAL
1. ANCYL
2. EFFSC
3. SASCO
4. ULSA
4

The Electoral Liaison Committee will now be established in line with section 6 of the Electoral Policy.

This Committee will include all qualified structures and other relevant stakeholders, and it will serve as a consultative platform for all stakeholders to share ideas in order to have a successful election.

From 5 July 2023, the IEC will visit all 8 regions for voter education, manifesto presentations and political debates live with Unisa Radio in preparation for the August election. All the qualifying structures are requested to prepare their manifestos. All qualifying structures will be granted an opportunity to present their organisations to the general students in an attempt to convince them to vote for their structures. The manifesto presentations and political debates are scheduled as follows:

- 6 July 2023 – Rustenburg
- 7 July 2023 – Polokwane
- 10 July 2023 – Mbombela
- 12 July 2023 – Durban
- 14 July 2023 – Umthata
- 17 July 2023 – East London
- 21 July 2023 – Cape Town
- 3rd August 2023 – Johannesburg
- 2nd August 2023 - Tshwane

It is the responsibility of structures to call their constituencies to come in numbers to make this programme a success. The IEC will also send e-mails and SMSs inviting general students to these events.