

**ELECTORAL CODE OF CONDUCT FOR SRC ELECTION
CANDIDATES**

OF THE

UNIVERSITY OF THE FREE STATE

2016

UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



ELECTORAL CODE OF CONDUCT

Preamble:

This Code of Conduct subscribes to and is subject to the Constitutional Principles of the Republic of South Africa as articulated in the Constitution (Act 108 of 1996) and subsequent constitutional legislation. The founding provisions of human dignity, the achievement of equality and the advancement of human rights and freedoms form the basis of this code of conduct.

The purpose is to promote a code of conduct for the election of SRC members in an impartial, unbiased and orderly fashion.

1. Aims of the code

The aim of this Code is to promote conditions at the University of Free State:

- 1.1. That are conducive to conducting free and fair student representative council elections;
- 1.2. Where a climate of democratic respect prevails during the student council elections, and in which electioneering is conducted without fear of coercion, intimidation or retribution;
- 1.3. Where election campaigns¹ may be conducted freely and debates take place openly during the entire elections period (from the closing date for nominations until results of the election are announced);
- 1.4. Where the human dignity of all participants is respected.

2. PROMOTION AND PRESERVATION OF THE CODE

All registered students of the University of the Free State are bound by this Code and must strive to promote its aims. Candidates are expected to lead by example, to

¹ Campaigning shall be defined as: Any solicitation of votes through communication via public or private, distribution of flyers, posting of posters, banners, use of internet resources and the distribution of any campaign materials.

promote the code specifically amongst any and all individuals assisting in terms of compliance with the Code.

Every candidate bound by this Code must;

- 2.1. Promote the purpose of the Code when campaigning
- 2.2. Publicise the Code widely in all campaigning; and
- 2.3. Promote and support all efforts by the bodies tasked with managing the elections in an independent and unbiased manner and ensure free and fair elections.

3. COMPLIANCE WITH CODE AND ELECTORAL LAWS

Once a candidate meets the eligibility requirements he or she explicitly agrees to abide by this Electoral Code, and recognises that the Independent Elections Agency at Bloemfontein campus (IEA), and the Independent Electoral Commission (IEC), have the authority to enforce this Electoral Code of Conduct.

Every eligible candidate standing for either an elective or an ex-officio position must:

- 3.1. Comply with this Code and take all reasonable steps to ensure that his or her representative and supporters to comply with this Code and any applicable electoral laws;
- 3.2 The penalty for any contravention or non-compliance will be an official warning or any punitive measure deemed necessary by the IEA/IEC which may include disqualification of the candidate.

4. PUBLIC COMMITMENT

4.1. Every candidate has the right:

- 4.1.1. To freely express their beliefs and opinions.
- 4.1.2. To challenge and debate the beliefs and opinions of others.
- 4.1.3. To publish and distribute election and campaign materials including, notices and advertisements as approved by the IEA or IEC.
- 4.1.4. To hold authorised public meetings.
- 4.1.5. To travel to and attend authorised public meetings.

4.2. It is expected of candidates to publicly condemn any action that may undermine the free and fair conduct of elections.

4.3. During the elections, election material used and approved by the IEA may not be removed.

4.4. If unauthorised removal takes place, the guilty person will be fined and should it be found that the guilty person was working on the instruction of a candidate, the candidate will be disqualified.

4.5. Every candidate must accept the result of an election subject to Annexure B of the SRC constitution.

4.6. Any appeal or challenge contemplated against the results of an election must follow due process, as laid down by the IEA.

5. ROLE OF MEDIA

Every candidate:

5.1. Must respect the role of the media before, during and after an election conducted in terms of this Code;

5.2. May not prevent access by members of the media to public meetings; and

5.3. Must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threats or physical assault by any of her or his supporters.

5.4. Any media representative or news organisation needs to register itself with communication and brand management and must be easily identifiable with press tags obtained from the IEA.

6. PROHIBITED CONDUCT

6.1. No candidate may use language or act in a way that may;

6.1.2. Provoke violence during the elections period; or

6.1.3. Provoke the intimidation of other candidates and students; or

6.1.4. Encourage the publication of false allegations and/or use hate speech during the course of campaigning in respect of other candidates, the University, its employees or members of either the Independent Elections Agency (IEA) or the Independent Elections Commission (IEC).

- 6.2. Furthermore, no candidate may;
- 6.2.1 Induce or reward to another person to attend or not to attend a public meeting;
 - 6.2.2 Carry or display arms or weapons;
 - 6.2.3 Unreasonably prevent any other person's access to voters for the purpose of voter education, or canvassing support for a candidate;
 - 6.2.4 Discriminate directly or indirectly in connection with an election activity on the grounds listed in section 9 (3) of the Constitution of South Africa².
 - 6.2.5 Deface or unlawfully remove or destroy the placards, posters or any other election materials of a candidate;

6.3. A candidate shall be liable and maybe found guilty of **hate speech as stipulated in section 10 of Act 4 of 2000**, ³whether by means of.

- 6.3.1 Posters,
- 6.3.2 Slogans,
- 6.3.3 Social media posting or comments
- 6.3.4 Statements or comments during public meetings,
- 6.3.5 During campaigning and by way of any other means

² These include: Race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

³ Section 10: Prohibition of hate speech

- 1) Subject to the proviso in section 12, no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to-
 - a) Be hurtful;
 - b) Be harmful or to incite harm;
 - c) Promote or propagate hatred.

Section 12: Prohibition of dissemination and publication of information that unfairly discriminates

No person may-

- a) Disseminate or broadcast any information;
- b) Publish or display any advertisement or notice, that could reasonably be construed or reasonably be understood to demonstrate a clear intention to unfairly discriminate against any person: Provided that *bona fide* engagement in artistic creativity, academic and scientific inquiry, fair and accurate reporting in the public interest or publication of any information, advertisement or notice in accordance with section 16 of the Constitution, is not precluded by this section.

7. RIGHTS

7.1. With this code the IEA and IEC affirms the rights of candidates and voters in the elections to freedom of speech and freedom of choice.

7.2. The IEA and IEC affirm, in particular, the right of candidates in the elections to freedom of expression, which includes:

7.2.1. To express divergent opinions;

7.2.2. To freely recruit support from voters;

7.2.3. To distribute IEA or IEC approved and stamped election and campaign materials;

7.2.4. To publish and distribute approved notices and advertisements;

7.2.5. To put up approved banners, posters and stickers; and

7.2.6. To conduct election campaigns in all legal ways.

7.3. All approved elections materials of candidates must also contain the words “SRC Elections” including the dates for the SRC Elections, **Monday 26 September 2016 and Tuesday 27 September 2016** for the Bloemfontein campus, as contained in the election schedule.

7.4. The IEA and IEC also affirms, the rights of student voters during the course of the campaigning to:

7.4.1. Engage in debate and contest the views of others in keeping with the values and principles of the University.

7.4.2. Cast their votes for the candidate of their choice freely and in a secret ballot.

8. Campaign Finance Rules: Fundraising and expenses in a campaign.

8.1 All candidates will receive an equal number of IEA and IEC approved campaign posters. Candidates may add posters at their own expense, which posters do not conflict with the provisions of this electoral code of conduct.. All posters should be placed at UFS designated areas as designated by UFS facilities management.

NB. Posters placed outside designated areas may be removed by campus Protection Services.

Enforcement

Any infringement of this Code will render the offender liable to disciplinary action by the University in terms of the SRC Constitution and any other applicable University institutional rules and regulations.

Name of candidate

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Date

