

**SOUTH AFRICAN MEDICAL
ASSOCIATION TRADE UNION**



ELECTION POLICY

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1. INTRODUCTION

- 1.1 The SAMATU's development, reputation and stability must be maintained as a priority of all office bearers and/or officials. The intention of this policy is ensure that members are treated fairly and are provided fair representation, for all who qualify as per this policy, and any other relevant policy of SAMATU, to be considered for office bearer and/or official positions and work to eliminating of discriminating on the grounds of race, gender, disability, age, religion, sexual orientation and any form of unfair discrimination.

2. OBJECTIVES

The purpose of this Policy is to ensure that SAMATU's elections are equal, fair, well co-ordinated, effectively managed and responsive to the needs of the members. Thus, the need for this Election Policy aims:

- 2.1. That the most competent officials and office bearers, who are fit for the specific purpose is elected.
- 2.2 To appointed officials and office bearers must protect, consolidate, strengthen and reaffirm that the constitutional structures of SAMATU and shall be the only legitimate organizational structures to openly discuss and pronounce on officials and office bearers. This approach will promote a culture of transparency in election.
- 2.2. To guard against those who want to bring SAMATU into disrepute.
- 2.3. To defend and uphold the democratic principles when electing leadership at all levels.
- 2.4. To guard against fraud, misrepresentation, bias and discrimination within SAMATU.
- 2.5. To regulate the involvement of staff members on matters relating to this policy. Staff members shall not be eligible for election to any official or office bearer position and their role shall be limited to administrative functions as directed by their job performance or given specific tasks by the Secretariat.

3. REQUIREMENTS FOR THE ELECTION OF LEADERSHIP

The following shall be the requirements for election of office bearer and officials at all levels:

3.1 Shop Steward: A member can be eligible for election as a Shop Steward., actively participated in SAMATU and in good standing with the organisation.

3.2 Local: A member can be eligible for election as a Branch Executive Committee member after serving as a Shop Steward in SAMATU and is in good standing with the organisation.

3.3 Provincial: A member can be elected as a Provincial Office Bearer (POB) when he/she meets the following requirements:

3.3.1 After he/she has been an active participating member of SAMATU and is in good standing ; OR

3.3.2 Having actively participated as a Shop Steward

OR

3.3.4. National: A member can be elected as a National Office Bearer when he/she meets the following requirements:

3.3.4.1 After he/she has been a member of SAMATU for a period not less than 8 (eight) years and is in good standing.

- 3.3.4.2 Having actively participated in a leadership structure of SAMATU at a branch, provincial or national level

4. ELECTORAL PROCESS

4.1. Branch levels:

4.1.1 Elections of Shop Stewards shall be conducted by the Branch Executive Committee(BEC).

4.1.2 Any member of the PEC or NEC may be delegated to oversee the election of Shop Stewards in any branch.

4.2. Provincial & National Levels:

SAMATU will approach a well-accredited electoral institution to conduct elections during the Provincial and National Congresses. The electoral institution shall, as part of its responsibilities:

- 4.2.1. Conduct nominations for the Provincial and National office bearers;
- 4.2.2. Prepare ballots;
- 4.2.3. Conduct voting for the Provincial and National office bearers;
- 4.2.4. Count and tabulate votes;
- 4.2.5. Declare the election process and the results; and
- 4.2.6. Prepare a final election report.

4.3 Legal Framework

4.3.1 The election shall be conducted on the basis of this policy and in-line with the provisions of SAMATU's Constitution.

4.4. Voting Method

- 4.4.1. The election shall be conducted on the basis of the first-past-the-post system (FPTP). In terms of this system, a candidate who receives the highest number of votes for a particular portfolio shall be declared the winner of the election or elected.
- 4.4.2. The voting shall be by means of a secret ballot and on the basis of one-person one vote. Each voter is to be issued with one ballot for each position.
- 4.4.3. On each ballot issued, the voter shall be required to vote for one person only by placing a mark [tick or cross] next to the candidate of their choice. Any ballot with more than one mark, ballot indicating the identity of the voter, one that is not an official ballot or where the ballot is marked in such a way as to make it impossible to determine the voter's choice, shall be considered to be spoilt ballot and shall not form part of the official determination of the results.

4.5 Voters' roll

- 4.5.1. To ensure that only the authentic voters participate in the elections, a list of all delegates accredited to vote at Congress shall be compiled into a voters' roll. SAMATU is responsible for the compilation of an accurate voters' roll and which shall consist of member names and surnames, membership number, provincial or local nomination.
- 4.5.2. The voters' roll shall be handed over to appointed electoral commission once it has been approved and adopted by Congresses. The Voting Delegate Name Tag is to be used in order to identify the voter and to prevent double voting. During voting, the voter's name shall be crossed off the voters roll.

4.6 Nomination Phase

4.6.1. Branch

4.6.1.1. At the branch level, the nomination shall be proposed by one member in the general meeting and duly seconded by another. The nominee may declare the acceptance of the nomination after which voting and counting shall be conducted by the delegated PEC or NEC member

4.6.2. Provincial and National

4.6.2.1 All nominations shall be conducted at congress.

4.6.2.2. There shall be no restriction on the number of nominations per position and in order to eliminate or minimise frivolity in the election process, the following nomination conditions shall apply:

4.6.2.4.1. The nominee shall be proposed by one delegate and be seconded by another delegate..

4.6.2.4.2. The nominee shall declare acceptance of nomination for a position.

4.6.2.4.3. Upon closure of nominations, the electoral institution shall scrutinise all received nominations in order to test their eligibility of the nominees in terms of the constitution.. .

4.7. Voting Phase

4.7.1. Voting Days

4.7.1.1. The voting will take place at Congress.

4.7.2. Ballots

4.7.2.1 Upon completion of the nomination verification process, the electoral institution shall compile a single ballot per position.

4.7.2.2 Names on the ballot shall be arranged in alphabetical order by surname starting from letter A.

4.9. Voting Procedures

4.9.1. Voting shall be conducted according to the following procedures:

- 4.9.1.1. The voter shall be required to produce his/ her Voting Delegate Name Tag which shall bear his/ her names, identification and Province to the member of the Electoral Staff.
- 4.9.1.2. His/ her name shall be checked against the voters' roll and when found crossed off to ensure that there is no duplication of votes.
- 4.9.1.3. The voter shall be issued with ballot papers of positions contested or any other voting device so determined by Congress.
- 4.9.1.4 In the event that voting is to be conducted by paper ballot:
 - 4.9.1.4. The voter will then be ushered to the voting booths where s/he will be allowed to cast his/ her vote in complete privacy.
 - 4.9.1.5. The voter shall be shown the ballot boxes where s/he will be required to place his ballot paper (s).
 - 4.9.1.6. If a voter claims that s/he has spoiled his/ her ballot paper prior to it being lodged into the ballot box, the Electoral Officer shall issue the voter with a second set of ballot paper(s).

4.10. **Counting**

4.10.1. **Reconciliation**

- 4.10.2.1. Votes shall be counted soon after voting has been completed. SAMATU shall be responsible for setting up and secure a counting hall.
- 4.10.2.2 Before counting takes place, the authorised representative from the electoral institution shall declare the total number of votes cast based on the number of names that shall have been crossed of the voters' roll.

4.10.2.3 Thereafter, the ballot boxes shall be opened and ballot papers counted face down in order to check if they reconcile with the declared number of votes cast.

4.10.2. **Counting**

4.10.2.1. Once the procedure in 4.10.1. above is complete, votes shall be counted per position and results intermittently announced until all votes have been completed.

4.10.2.2 Votes shall be aggregated per candidate until all ballots have been counted where after the authorised representative of the electoral institution shall complete the results form. Such a form shall capture records of ballots spoilt, ballot abstentions and total number of votes cast per candidate.

4.10.3. **Recounts**

4.10.3.1. The authorised representative from electoral institution may decide to conduct a recount at any time before the declaration of the result.

4.10.3.2 S/he shall conduct a recount on receiving a written request from an observer before the declaration of the result.

4.10.3.3 Requests for a recount must be supported with reasons.

4.10.3.4 The maximum number of recounts at any election shall be limited to two, one at the request of a candidate or an observer and one at the discretion of the representative from electoral institution.

4.10.4. **Declaration of the results**

4.10.4.1. As soon as possible after the count is completed, the authorised representative from the electoral institution shall declare the result to the Congress.

4.10.4.2. The final results shall not be declared if there is an objection pending. Any results made known during such an objection shall be considered to be preliminary only.

5. ELECTION OBSERVERS

- 5.1. SAMATU shall appoint election observers and who shall be entitled to witness the voting and the counting process.
- 5.2. No one, unless authorised by the senior representative from the electoral institution, is allowed to touch any ballot papers, or any other election materials. No information that may compromise the confidentiality/authenticity of the ballot may be disclosed. All observers are subject to the authority of the electoral institution during the elections. Objections against decisions of the Electoral Officer can be raised with the Electoral Tribunal in terms of clause 7 hereof.

6. ELECTION OFFENCES

In this election the following shall be considered as election offences:

6.1.1. Voting

It is an offence to:

- 6.1.1.1. Print, publish or distribute material which is likely to mislead voters in the casting of their votes.
- 6.1.1.2. Interfere with election material being delivered to electors.
- 6.1.1.3. Interfere with electors when they are marking their ballot papers.

6.1.2. Ballot Papers

It is an offence to:

- 6.1.2.1. Be in possession of an unauthorised ballot paper.
- 6.1.2.2. Erase or alter any official mark on a ballot paper or place any mark on a ballot paper which might lead persons to believe that it was an official mark.
- 6.1.2.3. Forge or deface a ballot paper.
- 6.1.2.4. Open or interfere with any ballot box or parcel of ballot papers.

6.1.3. Secrecy of the Ballot

It is an offence to:

6.1.3.1. Communicate any information which is likely to affect the secrecy of the ballot.

6.1.3.2. Induce a voter to reveal how he or she has voted.

6.1.4. Multiple Voting

It is an offence to:

6.1.4.1. Vote or attempt to vote, more than once at an election.

6.1.5. Impersonation

It is an offence to:

6.1.5.1. Impersonate a voter.

7. ELECTORAL OBJECTIONS

7.1. In the event of an objection to the electoral process an Electoral Tribunal shall be convened and shall be constituted by the Electoral institution and the Observers. Written objections shall be registered with the representative from the electoral institution as soon as possible before the final declaration of the results by one of the candidates or any ten voters. The grounds for such an objection must be clear and concise.

7.2. Powers of the Election Tribunal

The Electoral Tribunal has the power to:

- 7.2.1. Alter the result of an election;
- 7.2.2. Declare an election void;
- 7.2.3. Order a recount in terms of clause 4.10.3 hereof;
- 7.2.4. Uphold an objection in whole or in part;
- 7.2.5. Dismiss an objection in whole or in part;
- 7.2.6. Amend an objection;
- 7.2.7. Conduct a preliminary review of an objection;
- 7.2.8. Summons witnesses to appear before it;
- 7.2.9. Order the inspection of documents used in an election.

7.3. Any decisions made by the Electoral Tribunal are subject to legal challenge in a court of law.

7.4. Election Timetable

An election timetable will be drafted indicating the dates for the following:

- 7.4.1. Start of the election process;
- 7.4.2. Opening of nominations
- 7.4.3. Closure of nominations;
- 7.4.4. Completion of nomination verification;
- 7.4.5. Nomination report to the national office of the organisation;
- 7.4.6. The start of the voting;
- 7.4.7. The end of the voting
- 7.4.8. Counting;
- 7.4.9. Announcement of the results
- 7.4.10. Submission of the final report.

8. DISCIPLINARY ACTION FOR TAMPERING OR ATTEMPTING TO TAMPER WITH ELECTION VOTES

- 8.1. In the instance a member is found guilty of any of the election offences in terms of clause 6 hereof. The President shall have the discretion to charge accused member and institute proceedings against him/her in terms of the Disciplinary Policy of SAMATU.

CONTROLLED BY: COMPLIANCE OFFICER SIGNATURE:  DATE: <u>27/02/2024</u>	APPROVED BY: GENERAL SECRETARY SIGNATURE:  DATE: <u>27-02-2024</u>
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