

## Checklist for governing body elections

### January until March

1. Succession planning – identify candidates who are willing to stand for possible election to the new governing body.
2. Finalise matters – determine any outstanding matters and address these as far as practically possible prior to the election of the new governing body.
3. Use the FEDSAS governing body support tool to check whether all the required documents and structures are ready for handover to the new governing body.
4. Introduction, advertising and marketing of the election among parents, staff and learners.
5. Compose an election team consisting of educators, non-educators and parents.
6. Draft a voters' roll for parents – approach parents who do not yet appear on the voters' roll. It is vitally important for the voters' roll to be as complete as possible – use the admissions register as basis for the voters' roll, and determine which parents are not reflected on it.
7. Finalise the voters' roll for educators, non-educators and the representative council of learners (RCL).
8. Apply in time for the Provincial Head of Department's approval for the chosen mode of election in terms of the provincial regulations.
9. If the full-day election or electronic election is to take place alongside another school activity, finalise the arrangements for the school activity.
10. Order enough copies of the FEDSAS pocket statutes for each member of the incoming governing body to have one.
11. Book the school's place at the FEDSAS governing body training.

### March until the election

12. Continue marketing the election.
13. The principal should provide the parents with the notice of the election mode, as received from the electoral officer. Such notice shall contain the date, time and venue of the election and must be distributed in accordance with the way and within the time frame as stipulated by the provincial regulations.
14. The school must inform the electoral officer of the approved election mode before notices are sent to parents.
15. Ensure that the voting venue is properly equipped. In the event of an electronic election, the electronic voting system must operate efficiently and correctly and the necessary security measures must be in place.
16. Ensure that suitable ballot boxes are provided and / or the arrangement has been made for the electronic election.
17. Assist the electoral officer in finalising ballot papers and / or the sharing of the link for the electronic election.
18. Hand the voters' rolls for parents, educators, non-educators and RCL to the electoral officer.

### Following the election

19. The school principal is expected to convene the first governing body meeting within the period prescribed in the provincial regulations following the announcement of the election result.
20. Elect new office-bearers and appoint the FEDSAS representative.
21. The principal should provide the district director with the new office-bearers' details.
22. Send correspondence to all parents in which the result of the governing body election is announced.
23. Amend the signing powers at the bank, if needed.
24. Attend the FEDSAS governing body training.

25. Change the school's contact details on the FEDSAS website in order to reflect the new members' information.
26. Ensure that every member of the governing body has the school's access code and password in order to be able to make full use of the FEDSAS webpage.

**FEDSAS Support and Legal services  
2023**

## **Obstacles for governing body elections**

### **1. Who qualify as parents for purposes of governing body elections?**

Consult and peruse the comprehensive legal opinion, [The Definition of Parent in terms of the South African Schools Act](#), in this regard.

### **2. The voters' roll and voter registration**

Parents – The national guidelines and most provincial regulations stipulate that the school's admissions register must serve as the basis for the voters' roll for parents.

“The voters' roll for parents must be based on the school admissions register. Eligible voters are those persons appearing in the admissions register as parents, or who can furnish proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote.”

“Electoral officers should follow the principles of inclusion, transparency and democracy rather than exclude potential voters.”

FEDSAS members are strongly encourage to prepare the most complete voters' roll possible prior to voting day. This must be dealt with early on – the principal is responsible for handing the voters' roll to the electoral officer. However, parents whose names do not appear on the voters' roll must be afforded the opportunity to vote if they are able to furnish sufficient proof that they qualify as “parents”. (Sufficient proof – the learner's birth certificate, a court order in terms of section 23 of the Children's Act, or an undertaking to the school as envisaged in the definition of “parent” in the Schools Act.) Urge all parents to take along proof of their identity even if their names do appear on the voters' roll (valid South African ID, passport or such other legal identity document) and to furnish such proof when they go to vote in order to avoid any unnecessary disputes.

Educators and non-educators – The voters' roll for educators and non-educators consist of staff appointed at the school in terms of the Employment of Educators Act, the Schools Act or the Civil Service Act.

Representative council of learners – The voters' roll consists of all the names of learners serving on the RCL.

### **3. When does the new governing body officially take over?**

A school governing body's term of office is three years. The exiting governing body ceases to function the moment when the incoming governing body's election result is announced or as soon as three years expire, whichever happens first. If the three-year term expires prior to the next election, there simply is no governing body (consult the judgement in *Stutterheim High School v. MEC Eastern Cape*).

The new governing body does not take over only when new office-bearers are elected or the first meeting is held.

#### **4. Quorum – how is it calculated?**

The quorum is calculated based on the number of names recorded on the voters' roll. The names of parents who do not appear on the voters' roll, yet pitch for the election must therefore be added to the voters' roll.

Remember, if the quorum is not met at the first election, the election must be rescheduled and a quorum will not be required for the second election.

#### **5. Proxy votes**

National – “Proxy votes are not allowed”.

Also consult your provincial regulations.

#### **6. Grade R**

Keep in mind that where Grade R is part of the public school, grade R learners' parents may also vote and their names should therefore also appear on the voters' roll.

#### **7. Disputes**

##### **The national guidelines:**

1. All disputes that arise during the governing body election are first referred to the electoral officer.
  - The electoral officer must resolve all disputes and complete the election. The electoral officer's decision is final.
  - If the dispute cannot be resolved, the electoral officer must still continue with the election, complete the process and then refer the dispute to the relevant district electoral officer within seven days following the election. The dispute must be resolved within 14 days of receipt.
2. If a dispute arises after the election only, it must be referred to the relevant district electoral officer. The dispute must be finalised within 14 days of receipt.

3. If a complainant is aggrieved at the district electoral officer's decision, he/she has seven days to appeal to the MEC, who is required to take a decision within 30 days.

In this regard, remember the principle that all internal remedies first need to be exhausted before application may be made to the court to take a decision on review.

However, consult the processes in terms of the provincial regulations, as these may vary between provinces.