

Agreement Among Lesotho Political Parties Regarding the Electoral Law Bill

Agreements 9 March 2011

UN House, Maseru...Lesotho

1. Proportionality through a Mixed Member Proportional electoral system is enshrined
 - a. Article. 104, Schedule.3, and Const. article 57(1)
 - i. No change to bill needed.
2. Pre-electoral alliances are precluded and candidates may not stand for two political parties.
 - a. Article 47 (4d), 7, 8
 - i. No change to 47 (4d 7 and 8) needed.
 - ii. Add in 'office bearers' to 47 (8c)
3. A single vote shall be introduced, counted once in constituencies and counted once for the purposes of Proportional Party List seat allocation.
 - a. Articles 55, 104, Schedule.1 (form 5)
 - i. No change to bill needed.

(Minority dissenting view in favour of Two Votes acknowledged– BNP and BDNP).

4. For the purposes of Proportional Party List seat allocation independent candidates in constituencies shall be treated as if they were a political party.
 - a. Article 104 (3)
 - i. Change required. New article 104 (3)
"For the purposes of Proportional Party List seat allocation independent candidates in constituencies shall be treated as if they were a national political party. Independent candidates shall submit a single name on their party list."
5. There shall be no threshold of candidates to be run in the constituencies for a party to be eligible for party list seat compensation.
 - a. Article 47 (1a)
 - i. Change required. Remove 47 (1a) and renumber.
6. A deposit of M200 shall be paid for constituency candidates that are run. There will a deposit of M8,000 for the party list of candidates.
 - a. Article 41 (2c) and 47 (4e)
 - i. Change required. New article 41 (2c)
"accompanied by the prescribed deposit of M200 paid in the prescribed manner."
Amend article 47 (4e) to show M8,000

7. One of the causes of the cancellation of the registration of a political party shall NOT be their failure to contest national assembly or by-elections.
 - a. Article 27 (2a&b).
 - i. Change required. Delete 27 (a&b) and renumber.
8. Oath of Office not Secrecy
 - a. Article 53 (2) wording to be corrected.
9. Consulting on recruitment of IEC staff to be done with PSC
 - a. Article. 114 (1) Remove "Ministers of Public Service and finance."
10. Article 64 (2). This will be repeated in code of conduct.
11. Who can petition the court on electoral issues?
 - a. Article 126/127. A political party must have the capacity to petition the court on behalf of its candidates, if they have won seats or not.
 - i. High Court must have jurisdiction on PR seats.
12. Gender balance on party lists
 - a. Article 47 (2b&c)
13. Gender quota on the party list

(Minority dissenting view in favour of one-third– BNP and BDNP, PFD)
(ABC asks form time to consider)

Related Issues

14. Voter Education
 - a. Resources will be made available for a voter education campaign to make voters aware of the change in the MMP election system - i.e., each voter being given a single ballot rather than two ballots as in 2002-2007.
15. Campaign Financing – Consolidated Fund (IEC)
 - a. The UN, Government of Lesotho, Foreign missions and International Organisations will endeavor to increase the size of the Consolidated Fund, distributed by the IEC, and disbursed to contesting political parties.

