

Lesotho

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b>  <b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b></p>	<p>Independent Electoral Commission (IEC) Lesotho                  Permanent                  Two commissioners and the chairperson.                  Seventy-five staff at headquarters in Maseru and 152 staff in ten districts and 80 constituencies.</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b>  <b>EMB's mandate:</b></p>	<p>Established under the Second Amendment to the Constitution of the Kingdom of Lesotho (1997).</p> <p>The EMB's mandate is to conduct national assembly elections, local government elections as well as referenda in a fair and free manner; and to register political parties. The powers and duties of the commission are prescribed in the Constitution of the Kingdom of Lesotho and in the National Assembly Electoral Act (2011). These include:</p> <ol style="list-style-type: none"> <li>a. to establish and maintain liaison and co-operation with political parties and civic groups;</li> <li>b. undertake and promote research into electoral matters;</li> <li>c. continuously review legislation and other matters relating to elections and referenda and to make appropriate documentations;</li> <li>d. promote knowledge and sound electoral practices and processes through the media and other appropriate and effective means;</li> <li>e. develop and promote the development of electoral expertise and technology in spheres of government;</li> <li>f. divide Lesotho into electoral areas and to publish the areas in the Gazette;</li> <li>g. register electors;</li> <li>h. prepare and maintain a register;</li> <li>i. prepare and maintain an elector's register for each constituency;</li> <li>j. appoint electoral officers, consultants and other persons and specify their functions;</li> <li>k. establish committees to assist and/or advise it in the performance of its functions;</li> <li>l. make regulations;</li> <li>m. appoint persons to conciliate a complaint concerning a contravention of the electoral code;</li> <li>n. appoint tribunals to hear and determine complaints concerning the contravention of the Electoral Code of Conduct;</li> <li>o. discharge such other functions as conferred upon the constitution, Electoral Act or any other law.</li> </ol>

	<b>EMB model:</b> <b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Independent The constitution stipulates: 'The Electoral Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority'.
<b>Appointment, tenure and removals</b>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p>	<p>Appointed by the King on the advice of the Council of State.</p> <p>The Independent Electoral Commission of Lesotho is appointed by the King on the advice of Council of State. In its advice to the King, the Council of State submits the names of three persons selected from a list of not less than five submitted by all political parties registered with commission. For the purpose of enabling the Council of State to select the names of persons to be submitted to the King, the council requests all registered political parties, in accordance with a procedure agreed by them, to jointly propose to the council, within a period of 30 days from the date specified by the council, a list of not less than five names.</p> <p>According to the constitution (Fourth Amendment to the Constitution) the chair of the Independent Electoral Commission should be a person of a high moral character and proven integrity, and should either qualify to hold a high judicial office or possess considerable experience and demonstrated competence in the administration of public affairs.</p> <p>Commissioners' qualifications are the same as those for the chairperson.</p> <p>The commissioners and chairperson serve an initial term of five years, which may be renewed for one additional term.</p> <p>According to the Constitution of the Kingdom of Lesotho, the chairperson or any other member of the Electoral Commission may be removed from the office by the King if the question of his/her removal from office has been referred to the tribunal and the tribunal has recommended to the King that he/she to be removed from office for the inability to exercise the functions of his/her office or for misbehaviour.</p>

	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The IEC's Secretariat is managed by the director of elections. The director of elections and all commission staff, whether permanent or temporary, are appointed by the commission.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>The tenure of senior staff is not specified. The constitution empowers the commission to employ staff on terms and conditions of employment determined by it after consultation with the Public Service Commission.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>The commission has the power to discipline any member of staff of the commission in line with disciplinary code and procedures of the commission's Human Resource Policy and Procedures, or dismiss and terminate the appointment of any member of staff of the commission appointed.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Pursuant to Section 66D of the constitution, parliament may approve all such requests as the commission may require for the purpose of fulfilling its constitutional mandate. The commission prepares its budget, and it may invest in such manner as it thinks fit such funds as it does not immediately require for the performance of its functions.</p>
	<p><b>Financial autonomy:</b></p>	<p>As for recurrent expenditure, the minister of finance has to approve the relocation of funds. For non-recurrent expenditure, the commission may re-allocate the funds.</p>
<p><b>Electoral system</b></p>	<p><b>Legal provisions for financial autonomy:</b></p>	<p>The commission operates under Government Financial Regulations.</p>
	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Lesotho is a parliamentary, constitutional monarchy with the King as Head of State. The country has a bicameral parliament consisting of two houses: the National Assembly, with 120 members who are elected by a mixed member proportional (MMP) system; and a Senate with 33 members, 22 of whom are hereditary principal chiefs while 11 are appointed by the King on the advice of the prime minister.</p>
	<p><b>Voting system:</b></p>	<p>Lesotho uses a mixed member proportional electoral system (MMP) that combines elements of FPTP and proportional representation (PR). The National Assembly has 120 members, of whom 80 are elected through FPTP while 40 are elected under PR.</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>Section 135 of the Electoral Act (2011) empowers the commission to continuously review legislation and other matters relating to elections and referenda, and to make appropriate recommendations.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>Section 137(i) and Section 195 of the Electoral Act (2011) empower the commission to make regulations.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The Electoral Act (2011) empowers the commission to appoint a tribunal to hear and determine complaints concerning the contravention of the Electoral Code of Conduct. The act also empowers the commission to resolve the complaints. In this regard, any elector of a political party registered with the commission may submit a complaint to the director of elections concerning any irregularity arising from the interpretation or application of Electoral Act. Thereafter:</p> <ul style="list-style-type: none"> <li>the director shall attempt to resolve the complaint within a prescribed period;</li> <li>if the complaint remains unresolved, the director shall refer it to a conciliator who shall investigate the complaint and attempt to resolve it;</li> <li>if the conciliator is not able to resolve the complaint within the prescribed period, the conciliator shall write a report and submit it to the commission with recommendations;</li> <li>the commission shall consider the report and make a decision;</li> <li>a complainant may appeal to the High Court against the commission's decision or lack of decision within 30 days of the complaint.</li> </ul>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>The EMB does have the power to create, promote and/or abolish staff posts. There is one woman at the commission's level out of three commissioners. There are three women out of six executive managers.</p> <p>The commissioners are responsible for policy matters. The Secretariat is headed by the director of elections, who is also chief accounting officer of the commission; there are six executive managers who assist him/her. They are responsible for:</p> <ol style="list-style-type: none"> <li>Electoral operations: This section is responsible for overall management of elections. Responsibilities include: demarcation of constituency boundaries, registration of voters, risk management and elections logistics, to mention few.</li> <li>Information communication and technology: Responsible for maintenance of electors' roll and all activities related to technology.</li> <li>Finance and procurement.</li> <li>Human resources.</li> <li>Corporate services.</li> <li>Civic and voter education.</li> </ol> <p>The commission has offices in the ten districts and 80 constituencies and they are all managed by permanent staff.</p>