



# ELECTORAL CODE OF CONDUCT

## SCHEDULE 2



## ELECTORAL CODE OF CONDUCT (Section 122)

1. The objective of this Code shall be to promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance, in which political parties activity may take place without fear or coercion, intimidation or reprisals.
2. All political parties and other persons bound by this Code shall endeavour to promote its object in order to enable free elections campaigning and open public debate to take place in all parts of Lesotho throughout the elections period.
3. Political parties and candidates further commit themselves -
  - (a) to give wide publicity of the Code;
  - (b) to promote electors education campaigns;
  - (c) to condemn violence and intimidation;
  - (d) to instruct their candidates, office-bearers, members and supporters accordingly; and
  - (e) generally, to affirm the rights of all participants in the elections:
    - (i) to express divergent political opinions;
    - (ii) to debate and contest the policies and programmes of other political parties;
    - (iii) to canvass freely for membership and support from electors;
    - (iv) to hold public meetings;
    - (v) to attend public meetings convened by others;
    - (vi) to distribute electoral literature and campaigning materials;
    - (vii) to publish and distribute notices and advertisements; and
    - (viii) to promote free electoral campaigns by all lawful means.

4. All those bound by this Code in terms of sections 122 shall, throughout the elections period, give effect to the following undertakings and stipulations:
- (a) to publicly and repeatedly condemn violence and intimidation and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
  - (b) to refrain from any action involving intimidation;
  - (c) to ensure that no arms or weapons of any kind are carried or displayed at political parties meetings or in the course of any march, demonstration or other events of a political nature.
  - (d) to refrain from publishing or repeating false, defamatory allegations concerning any person or political party in connection with elections;
  - (e) to co-operate and liaise in good faith with other political parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organised by other political parties.
  - (f) to do nothing to impede the democratic right of any political party, through its candidates, canvassers and representatives, to have reasonable access to electors for the purpose of conducting elector education, fund raisings, canvassing membership and soliciting support;
  - (g) to avoid plagiarising the symbols, colours or acronyms of other political parties and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of other political parties;
  - (h) to refrain from offering any inducement or reward to any person consideration of such person either joining or not joining any political party, attending or not attending any political parties event; voting or not voting (either at all, or any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in elections;



- (i) to refrain from abusing a position of power, privilege or influence for political purposes, including -
  - (i) incumbent governmental power such as state facilities and transport; and
  - (ii) parental, patriarchal or traditional authority.
- (j) to avoid any discrimination based on race, ethnicity, nationality, class, gender or religion, in connection with elections and political activities;
- (k) in relation to the role of women -
  - (i) to facilitate full participation by women to all public political activities on the basis of equality;
  - (ii) to ensure free access by women to all public political party meetings, facilities and venues;
  - (iii) to respect the right of women to communicate freely with political parties; and
  - (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice;
- (l) in relation to the Commission -
  - (i) to acknowledge its authority in the conduct of elections;

- (ii) to ensure the attendance and participation of political party representatives at meetings organised by or on behalf of the Commission;
  - (iii) to implement its orders and directives;
  - (iv) to facilitate its right of access through its officers or other representatives to all public political party meetings or other electoral activities;
  - (v) to co-operate in the official investigation of issues and allegations arising during elections period; and
  - (vi) to take all reasonable steps to ensure the safety of its officers and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;
- (m) to reassure electors with regard to the impartiality of the Commission, the secrecy and integrity of the ballot and furthermore, that no one will know how any other person has voted;
- (n) to take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and supporters from -
  - (i) infringing this Code
  - (ii) committing any offence under this Act or any other law:
  - (iii) committing any prescribed electoral irregularity; and
  - (iv) contravening or failing to comply with any provision of this Act.
- (o) to refrain from –
  - (i) Involving the Defence Force, Police Service, National Security Service and Correctional Service in their political activities;
  - (ii) Exerting political influence on the Defence Force, Police Service, National Security Service and Correctional Service.

- (p) the Commission shall take responsibility to ensure that candidates and political party office bearers do not-
- (i) abuse their positions for the purpose of their election campaigns
  - (ii) use government vehicles during elections period except for Ministers and other officials entitled to the use of such government vehicles.

If any political party registered with IEC contravenes the code of conduct, such party can be penalized with the following sanctions:

- (a) a formal warning
- (b) a prescribed fine
- (c) barring the political party from using media time made available by the Commission to the political party for electoral purpose for a certain period.

Barring or denying a political party its right to do the following:

- Holding public meetings, demonstrations or marches
- Entering any specified electoral districts or area for any specified electoral purpose
- Erection of placards or banners or to publish and distribute campaign literature or electoral advertising
- Cancelling of political party registered with Commission if the contravention involves violence, intimidation or gross or systematic violation of the rights of another political party, a candidate or elector and consequently its right to participate in the elections.
- Recounting of votes where it is found that a political party or candidates have fraudulently obtained votes
- Exclusion of a political party or candidates, members or supporters from a voting station that has inhibited free access to any political party registered with the commission

In the case where an office bearer, candidate, member or supporter of political party, or an independent candidate or the candidate's supporter contravenes the code such persons could result into being penalized as follows:

- (a) one or more of the penalties in (5) (a) to (d); or
- (b) banning from participating in the elections

A candidate, who is elected as Member of Parliament for a political party which has been cancelled under this sanction, shall be disqualified from Parliament.

*Note*

Any person, who realizes contravention of this code of conduct, is free to lodge a formal complaint concerning contravention of code of conduct with a prescribed form. Such case is referred to the Tribunal appointed by IEC to be dealt with.



INDEPENDENT ELECTORAL COMMISSION – NATIONAL ASSEMBLY  
ELECTORAL ACT, 2011

[SECTION 139(2)] Form 11L

## COMPLAINT IN RESPECT OF IRREGULARITIES IN THE ELECTORAL PROCESS

To the Director of Elections:

I \_\_\_\_\_  
(Name of Complainant)

Address of complainant: \_\_\_\_\_  
\_\_\_\_\_

Hereby submits a complaint concerning an irregularity \*or  
irregularities\* in the electoral process as follows:

Irregularity in the electoral process complained of:

\_\_\_\_\_  
\_\_\_\_\_

(Legitimate Interest of Complainant)

\_\_\_\_\_  
\_\_\_\_\_

(Briefly state interest in making complaint)

\_\_\_\_\_

**Signature of Complainant**

Signed at \_\_\_\_\_

this day \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_\_

\*Whichever is applicable