

**ORGANIC ACT ON
ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES
AND INSTALLATION OF SENATORS
B.E. 2550¹**

BHUMIBOL ADULYADEJ, REX.
Given on the 6th Day of October B.E. 2550;
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have an Organic Act on

Election of Members of the House of Representatives and Installation of Senators;

This present Organic Act contains certain provisions on the restriction of a person's rights and liberties as Section 29, combined with Section 31, Section 33, Section 41, Section 45 and Section 72 of the Constitution of the Kingdom of Thailand authorize thereto by virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of
the National Legislative Assembly, as follows:

Section 1 This Organic law is called the "Organic Act on Election of Members of the House of Representatives and Installation of Senators, B.E. 2550".

Section 2 This Organic Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3 The followings shall be repealed:

(1) the Organic Act on Election of Members of the House of Representatives and Senators, B.E. 2541 (1998 A.D.);

(2) the Organic Act on Election of Members of the House of Representatives and Senators (Number 2), B.E. 2542 (1999 A.D.);

(3) the Organic Act on Election of Members of the House of Representatives and Senators (Number 3), B.E. 2543 (2000 A.D.).

Section 4 In this Organic Act:

¹ Corresponding to the year 2007 of the Christian Era.

“voter” means a person having the right to vote for the election of Members of the House of Representatives or Senators, as the case may be;

“candidate” means a candidate for the election of Members of the House of Representatives or Senators, as the case may be;

“nominee” means a person who has been nominated for the selection of Senators;

“election day” means the day designated as the day of election as prescribed by the Royal Decree on the Election of Members of the House of Representatives or Senators, as the case may be;

“selection day” means the day designated as the beginning day of the selection of Senators as prescribed by the Notification of the Election Commission;

“Selection Committee” means the Selection Committee of Senators as prescribed by the provisions of the Constitution;

“constituency” means a locality designated as a constituency for the election of Members of the House of Representatives on a constituency basis or a proportional basis or a constituency for the election of Senators, as the case may be;

“polling station” means an area designated for voting purpose;

“polling place” means a place designated for voting purpose and shall include a specified area surrounding the polling place;

“Changwat” includes Bangkok Metropolitan Administration;

“Group of Changwat” means a group of Changwat as prescribed by the Notification of the Election Commission for the purpose of the election of Members of the House of Representatives on a proportional basis;

“Amphoe” includes Khet and Khing-Amphoe;

“Tambon” includes Khwaeng;

“Changwat Central Office” includes the Office of Bangkok Metropolitan Administration;

“Amphoe Office” includes Khet Office and Khing-Amphoe Office;

“municipality” includes Pattaya City;

“municipality office” includes the Pattaya City Office.

CHAPTER I

ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

PART I

GENERAL PROVISIONS

Section 6 In a general election of Members of the House of Representatives, the Election Commission shall hold the following elections:

(1) an election of Members of the House of Representatives on a constituency basis whereby the voter shall cast the number of votes corresponding to the number of Members of the House of Representatives in such constituency;

(2) an election of Members of the House of Representatives on a proportional basis whereby the voter shall cast a vote for political parties having prepared their lists of candidates in each constituency, provided that he or she casts a vote in favor of any single political party.

Section 7 After the promulgation of the Royal Decree on a general election of Members of the House of Representatives, the Election Commission shall publish in the Government Gazette the particulars relating to the election as follows:

(1) the date of an application for candidacy in the election on a constituency basis which shall commence not later than twenty days as from the date the Royal Decree coming into force and the period of application shall not be less than five days;

(2) the date of submission by a political party of a party list of candidates in the election on a proportional basis which shall be the day before the date of an application for candidacy in the election of Members of the House of Representatives on a constituency basis under (1) and the period of application shall not be less than five days;

(3) the number of Members of the House of Representatives of each Changwat in the election on a constituency basis and the number of constituencies of each Changwat in the election on a constituency basis of which the details on an Amphoe or an area within each constituency must be specified for an election on a constituency basis;

(4) the determination of constituencies in the election on a proportional basis with details on Changwat within each group of Changwat.

In the case where there is a promulgation of a Royal Decree on an election of Members of the House of Representatives to fill the vacancy of Members of the House of Representatives on a constituency basis, the provisions of (1) shall apply *mutatis mutandis*.

Section 8 In holding a general election of Members of the House of Representatives, if the Election Commission is of the opinion that there appears convincing evidence that the election does not proceed in an honest and fair manner, the Election Commission shall announce the results for elected candidates within seven days as from the election day. In the case where the Commission suspects that there has been a dishonest and unfair practice in any constituency, the Election Commission have to possibility not to announce the results of election for such constituency but it shall conduct an investigation and make a decision within thirty days from the election day, provided that the announcement of the results of election does not affect the operations carried out by the Election Commission under *Chapter I: Election of Members of the House of Representatives, Part X: Proceedings for an election not conducted in an honest and fair manner* and *Part XI: Election Petition*.

Section 9 In the case where the Election Commission orders a new election, the Election Commission shall have the power to issue Notifications reducing or extending the period of time or refrain from some proceedings on such election provided for by this Organic Act, as appropriate for the purpose of an expedient, fair and honest proceedings of the election.

PART II

CONSTITUENCY, POLLING STATION AND POLLING PLACE

Section 10 The Election Commission shall proceed to the designation of constituencies for the election on a constituency basis for every Changwat for the purpose of notifying the people thereof in advance.

The designation of constituencies under paragraph one must be carried out according to the provisions of the Constitution. Each constituency must comprise of contiguous areas and have a comparable number of voters as prescribed by the following rules:

(1) A number of Amphoe shall form a constituency by taking into consideration their adjacent and contiguous nature, the convenience of the voters, the fact that they had been in the same constituency. If the combination of Amphoe in this manner causes the number of voters to be excessive or insufficient, a Tambon shall be detached from an Amphoe in order to meet a sufficient number of voters to form a constituency. There shall not be a combination or detachment of certain part of a Tambon.

(2) In the case where the designation of constituencies under (1) causes the number of voters in each constituency not to be comparable or the loss of nature of the same community, the Election Commission shall proceed to the designation of constituencies by taking into consideration the nature of community in which the voters regularly communicate in the manner of a unique or nearby community or communities and in which communication and transports are convenient, resulting in the most comparable numbers of voters.

After the designation of constituencies, the Election Commission shall notify such designation in the Government Gazette, provided that the modification of boundary of a constituency is authorized specifically in the case of change of the number of Members of the House of Representatives elected on a constituency basis in a Changwat.

In the case of a general election of Members of the House of Representatives, the Election Commission shall notify the designation of constituencies for that election by taking into account constituencies already notified under this Section except in the case where it is necessary to modify boundary of a constituency under paragraph three.

In an election to fill the vacancy of a Member of the House of Representatives during the term of the House of Representatives, the constituency of the position of the Member of the House of Representatives having become vacant in the general election shall apply. The provisions of paragraph three in relation to the change of boundary of a constituency shall not apply during the term of the House of Representatives.

Section 11 The Election Commission shall proceed to the designation of constituencies for the election on a proportional basis according to the provisions of the Constitution for the purpose of notifying the people thereof in advance.

The constituencies under paragraph one shall combine a number of Changwat. There shall not be a separation or combination of certain part of a Changwat. Each constituency must comprise of contiguous areas and have a comparable number of voters by taking into consideration the convenience of the voters.

After the designation of constituencies for an election on a proportional basis, the Election Commission shall notify such designation in the Government Gazette, provided that the modification of boundary of a constituency is authorized specifically in the case of change of the number of voters in Changwat, causing the number of voters in each group of Changwat not to be comparable.

In the case of a general election of Members of the House of Representatives, the Election Commission shall notify the designation of constituencies in an election on a proportional basis by taking into account constituencies already notified under this Section.

Section 12 When an election of Members of the House of Representatives is held, the Election Committee of constituency appointed by the Election Commission under Section 15 shall designate polling stations in each constituency by taking into consideration the convenience of the voters.

The designation of polling stations under paragraph one shall be as follows:

(1) The area of each Moo Ban shall be a polling station except in the case where there are few voters for which two Moo Ban may be combined into a single constituency. For an area of a municipality, Bangkok Metropolitan Administration, or a densely populated area, it may be determined that a community perimeter, road, lane or Soi be used as a boundary of a polling station; and

(2) A number of approximately eight hundred voters shall be used as a criterion to designate a polling station. If the Election Commission is of the opinion that it would be inconvenient or unsafe for voters to go to cast a vote, it may determine a higher number of voters or designate an additional polling station with a lower number of voters.

A notification specifying polling stations shall be made not less than twenty days before the election day by posting up such notification at Changwat Central Office, Amphoe Office, Municipal Office, Tambon Administrative Organization Office, Phuyai-Ban Office, and a place in a densely populated area as appropriate and, where it is necessary, an outline map showing the boundary of polling stations shall also be provided.

A change of boundary of a polling station may be made by giving notice of not less than ten days before the election day or of a lesser period in case of riot, flood, fire, *force majeure* or another case of necessity. In the latter case, the provisions of paragraph three shall apply *mutatis mutandis*.

Section 13 In designating a polling station under Section 12, the Election Committee of constituency appointed under Section 15 by the Election Commission shall also designate polling places of each polling station and the provisions of section 12 paragraph three and paragraph four shall apply *mutatis mutandis* to the Notification specifying polling places and changing polling places.

The polling place under paragraph one shall be a place that is easily accessible by the public for polling and shall have signs posted to show its perimeter in accordance with the geographical conditions of the locality.

In any locality, if it is for the convenience or safety of voters, a polling place outside the polling station may be provided but it must be located near the polling station.

Section 14 A voting in an election of Members of the House of Representatives on a proportional basis shall be organized at the polling station and polling place designated for an election of Members of the House of Representatives on a constituency basis.

PART III

ELECTION OFFICIALS

Section 15 In each election of Members of the House of Representatives, the Election Commission shall have the power to appoint persons to be the following election officials:

(1) an Election Director of constituency having the duties relating to the application for candidacy of the election on a constituency basis and other necessary activities in compliance with this Organic Act;

(2) an Election Committee of constituency consisting of not less than five members having the duties relating to the designating of polling stations, polling places, the making of a voter roll, the addition and the deletion of names of the voters in the constituency including the duties to supervise the polling, the vote-counting and the announcement of the result of the vote-counting.

The appointment of an Election Director of constituency and an Election Committee of constituency shall be in accordance with the rules and method prescribed by the Election Commission as published in the Government Gazette.

For the purpose of election proceedings, the Election Commission shall have the power to appoint, or entrust an Election Director of constituency or an Election Committee of constituency to appoint, a sub-committee or a group of persons or any person to assist in the election proceedings as may be appropriate.

Section 16 The Election Committee of constituency shall appoint persons to be the following election officials:

(1) a Director of polling station having the duties to facilitate, support and give advice in the verification of documents and the performance of duties of the Election Committee of the polling station, including security officers as prescribed by the order of the Election Commission;

(2) a Committee of polling station consisting of not less than nine members having the duties on the vote-casting in a polling place and the vote-counting in each polling station.

The Election Committee of constituency shall appoint State officials to provide security and support for the performance of duties of the Director of polling station and the Committee of polling station.

Section 17 The Committee of polling station under section 16 (2) shall consist of a Chairman and not less than eight members appointed among eligible voters in that constituency.

In the case where there are less than nine members of the Committee of polling station under paragraph one, the Election Committee of constituency shall appoint a voter or voters in such constituency to be a member or members of the Committee of polling station to meet the number of members of the Committee of polling station prescribed in Section 16 (2).

On the election day, at the time when the vote-casting is commenced, if less than nine members of the Committee of polling station come to perform their duties, the present Election Committee of such polling station shall appoint a voter or voters in such constituency to be a member or members to meet the number of nine members. In the case where none of the members of the Committee of polling station comes to perform duties, the Election Committee of constituency shall appoint other persons to be members of the Committee of polling station performing their duties in the polling station under the rules and procedure prescribed by the Election Commission.

Section 18 The political parties nominating their members to stand for election in any constituency and requesting to submit their representatives to observe the vote-casting and the vote-counting in a polling place shall submit a letter of nomination of their representatives to the Election Committee of constituency not less than fifteen days before the election day. One representative per polling place can be appointed.

The representative appointed under paragraph one must remain in the location prepared at the polling place from which he or she can observe the performance of duties. The representative shall comply with the regulations of the Election Commission.

In the case where there is a violation of the provisions of paragraph two, the Committee of polling station shall order the dismissal of the representative. The security officer of the polling place shall ensure the execution of such order.

Section 19 Unless specifically provided under this Organic Act, the Election Commission shall have the power to prescribe the procedure on the performance of duties of an Election Director of constituency, an Election Committee of constituency, a Director of polling station, a Committee of polling station and security officers.

Section 20 A member of the Election Commission, the Secretary-General of the Election Commission, an Election Director of Changwat, an Election Commissioner of Changwat, an Election Director of constituency, a member of an Election Committee of constituency, a Director of polling station, a member of the Committee of polling station, a security officer or a person appointed to assist in an election proceedings shall not deliberately fail to perform or be dishonest to his or her duties, or commit any other act to obstruct the compliance with law, notification, rule or the order of the Election Commission or the order of the court relating to an election under this Organic Act.

In the case where the person under paragraph one performs his or her duties in accordance with law, notification, rule or the order of the Election Commission or the order

of the court relating to an election in good faith, he or she shall have immunity and shall not be liable for any civil or criminal liability.

Section 21 In performing the duties in accordance with this Organic Act, the following persons shall be officials under the Penal Code:

(1) Election Commissioners, the Secretary-General of the Election Commission, Election Directors of Changwat, Election Commissioners of Changwat;

(2) Election Directors of constituency, members of Election Committees, Directors of polling station, members of Committees of polling station, security officers and persons appointed to assist in election proceedings.

The persons under (2) shall be officials under the Penal Code as from the date of appointment through the date of the termination of their duties.

Section 22 The remuneration of Election Directors of constituency, members of Election Committees of constituency, Directors of polling station, members of Committees of polling station, security officers and persons appointed to assist in election proceedings shall be prescribed by the Election Commission.

PART IV

VOTERS AND VOTER ROLLS

1. VOTERS

Section 23 A voter must have the qualifications and must not be under any prohibition under the Constitution and shall have the duty to vote in an election.

Section 24 In an election, any voter who may fail to exercise the right to vote for a reasonable cause must notify the person appointed by the Election Commission to each constituency of the cause of such failure within seven days before or after the election day. But if the voter has a reasonable cause not to do such notification within seven days before the election day, he or she shall proceed to the notification as prescribed by the regulation of the Election Commission.

In notifying the cause of failure to exercise the right to vote in an election under paragraph one, the voter shall make it in writing and may entrust any person to submit it to

the Election Commission on his or her behalf or send such written explanation by registered mail.

If the person appointed by the Election Commission considers that the cause of failure which has been notified is not reasonable, he or she shall forthwith notify the voter within three days as from the day of the notification.

The voter notified under paragraph three shall have the right to appeal to the Election Commission of Changwat within thirty days as from the election day.

The notification, the deliberation over the cause of failure and the appeal thereof under paragraph one, paragraph three or paragraph four shall be prescribed by the Election Commission as published in the Government Gazette. In this regard, the Election Commission shall predefine detailed reasons of the failure to exercise the right to vote as guidelines in support of the deliberation by the person appointed by the Election Commission.

The Election Commission or the person appointed by the Election Commission shall post up the list of the persons receiving notification, the places and method of notification at Changwat Central Office, Amphoe Office, Municipal Office, Tambon Administration Organization Office, Phuyai-Ban Office and at a densely populated area which it considers to be appropriate.

Section 25 If the period of sixty days after the election day has elapsed, the person appointed by the Election Commission under Section 24 paragraph one shall publish the name of any voter who failed to exercise the right to vote and did not notify the cause of failure under section 24 or notified it but it was not reasonable.

In the case where the publication under paragraph one contains error or inaccuracy, the interested person shall file a petition with the Election Commission of Changwat which shall proceed to the modification as prescribed by the rules and procedure of the Election Commission.

Section 26 In the case where a voter fails to exercise the right to vote in an election without notifying the appropriate cause of such failure or has notified the cause but it is not reasonable or is a person whose name is published under Section 25, such person shall be deprived of the followings:

(1) the right to petition an election of Members of the House of Representatives and Senators;

(2) the right to be a candidate in an election and to be nominated for the selection of Members of the House of Representatives, Senators, local administrators or members of the local assembly;

(3) the right to be a candidate in an election of Khamnan or Phuyai-Ban under the law on local administration.

Section 27 The deprivation of rights under Section 26 shall be for a period as from the election day on which such voter fails to exercise the right to vote to the election day on which such voter attends therefor, whether in an election of Members of the House of Representatives, Senators or local administrators or members of the local assembly.

To appeal against the deprivation of rights, the voter shall file a petition with the Election Commission of Changwat by presenting evidence according to which he or she has exercised his or her right to vote in the previous election. The Election Commission of Changwat shall consider the petition and issue an order within fifteen days as from the date of the petition.

The rules and procedure on the filing and the hearing of petition under paragraph two shall be prescribed by the Election Commission.

Section 28 The persons having or not having exercised their rights to vote who have notified the reasonable cause of necessity shall be entitled to the right of support from the People's Political Development Fund.

2. VOTER ROLLS

Section 29 After the promulgation of the Royal Decree on election of Members of the House of Representatives, an Election Committee of constituency or the person appointed by the Election Commission shall prepare a roll of voters for each polling station and post it up at Changwat Central Office, Amphoe Office, Municipal Office, Tambon Administrative Organization Office, Phuyai-Ban Office, an appropriate densely populated area and a polling place or a nearby place not less than twenty days before the election day and shall also notify the names of voters on the house register to a head of household not less than fifteen days before the election day.

Section 30 A voter or a head of household who finds that his or her name or the name of a person who has been listed on the house register has not been included in the roll of voters for the polling station in which he or she or that person is eligible to be a voter, shall have the right to file an application to add the name in the roll with the Election Committee of constituency or the person appointed by the Election Commission not less than ten days before the election day.

After the reception of the application under paragraph one, the Election Committee of constituency or the person appointed by the Election Commission shall examine all evidence

and, if being of the opinion that the applicant or the person whose name appears on the house register is eligible, the order that the name of the person under the application be forthwith added to the roll of voters shall be issued. If the Election Committee of constituency or the person appointed by the Election Commission is of the opinion that the applicant or the person whose name appears on the house register is ineligible, it or he or she shall dismiss the application and notify the applicant of the dismissal together with the reason therefor within three days from the date of receiving the application.

After having received the notice under paragraph two, the applicant shall have the right to file a motion, without any court fee, not less than five days before the election day with the Changwat Court within whose jurisdiction he or she has domicile, or with the Civil Court for the applicant who has domicile in Bangkok Metropolitan Administration. The court shall decide whether the name of the applicant shall be listed in the roll of voters.

After having received the motion under paragraph three, the court shall forthwith proceed with the examination thereof. The order of the court shall be final and the court shall forthwith inform the Election Committee of constituency or the person appointed by the Election Commission of the order to ensure that it shall be executed accordingly. In the case where the roll of voters has been posted up before the court order is received, the Election Committee of constituency shall make the amendment to every copy of the roll of voters accordingly.

Any act done in compliance with the previous order of the Election Committee of constituency prior to receiving the order of the court deciding otherwise shall be valid under the law.

Section 31 Any voter who is of the opinion that the roll of voters under Section 29 contains the name of a disqualified person shall have the right to file a motion with the Election Committee of constituency or the person appointed by the Election Commission not less than ten days before the election day for the deletion of the name of such person from the roll of voters.

If, after deliberation, the Election Committee of constituency or the person appointed by the Election Commission deems it expedient either to delete the name of such person or to dismiss the motion, it shall issue an order deleting the name or dismissing the motion, as the case may be. Such order shall be notified to such person and the head of the household and the provisions of Section 30 paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

If any head of the household is of the opinion that the name of a person not being actually listed in his or her house register has appeared in the roll of voters under the said house register and brings the house register to prove that the name of such person is not listed in his or her house register, the Election Committee of such constituency or the person appointed by the Election Commission or the Committee of such polling station, as the case may be, shall issue an order deleting the name of such person from the roll of voters.

Section 32 In the case where there is a trial against any voter to be disfranchised and the voter has been disfranchised by a final judgment, when the Election Commission is notified of such judgment, it shall record such disfranchisement in the register and the election committee of a constituency shall forthwith post up the notice of disfranchisement by the order of the court at the Municipal Office or Amphoe Office.

In the case where the roll of voters has already been posted up, the Election Committee of constituency shall announce the deletion of the name of such person under paragraph one from every copy of the roll of voters, and the provisions of Section 30 paragraph five shall apply *mutatis mutandis*.

Section 33 No person shall make or allow any person to make an addition of a name of any person in his or her house register for the purpose of a dishonest election.

It shall be presumed that there was an addition of a name of a person in a house register for the purpose of a dishonest election if there appears any of these following cases:

(1) an addition of more than ten persons not having the same family name as the head of the household in a house register for the purpose of giving the right to vote to such persons in an election held within two years as from the date of the addition;

(2) an addition of a person in a house register and such person has not effectively moved in that house;

(3) an addition of a person in a house register without the consent of the head of the household.

PART V

CANDIDATES AND CANDIDACY

1. CANDIDATES

Section 34 A person having the right to be a candidate in an election of Members of the House of Representatives on a constituency basis or a proportional basis must have qualifications and must not be under the prohibitions for a candidate in an election of Members of the House of Representatives in accordance with the provisions of the Constitution.

Section 35 Any person who wishes to stand for an election shall have the right to stand for only one political party and simply stand for either an election on a constituency basis or a proportional basis. He or she shall be candidate in only one constituency.

In the case where the Election Director of constituency or the Election Commission finds that a person applies for a candidacy by violating the provisions of paragraph one, the Election Director of constituency or the Election Commission shall not declare such person as a candidate under Section 37 or Section 43, as the case may be, and such person shall have the right to file a petition with the Supreme Court within seven days as from the date of the application for candidacy. The provisions of Section 39 or Section 44, as the case may be, shall apply *mutatis mutandis*. In the case where there is a violation of provisions of paragraph one after the date of the application for candidacy, the provisions of Section 40 or Section 45, as the case may be, shall apply *mutatis mutandis*.

2. CANDIDACY ON A CONSTITUENCY BASIS

Section 36 In the case of candidacy on a constituency basis, a candidate of each political party who has the right to stand for an election in any constituency shall submit an application to the Election Director of such constituency at the place provided by the Election Director of such constituency within the period of the application. All candidates of a political party, in a number equivalent to the number of Members of the House of Representatives of such constituency, shall submit the application at the same time.

In submitting the application under paragraph one, the candidate shall present the certification of candidacy issued by the leader of the political party, pay the fee of five thousand Baht each and file all evidence of candidacy as prescribed by the Election Commission.

In the case where more than one candidate submit the application at the same time and they cannot agree on the respective order of their application submitting, the drawing of lots shall be made between or among those candidates arriving at the same time to determine the respective order of application submitting of candidate or candidates of each political party.

The Election Commission shall publish in the Government Gazette the details relating to evidence of candidacy and method of application.

Section 37 After the Election Director of constituency has received the application of candidates of any political party, he or she shall record the acceptance thereof as evidence and issue a receipt to the applicants following the respective order of application submitting

under Section 36 and the Election Director of constituency shall examine the evidence of application, qualifications and the prohibitions of the candidate and make inquiry as to the eligibility of the candidate, which shall be completed within seven days from the closing date for the application. If the applicant is eligible, the notice of acceptance of his or her candidacy shall be posted up at Changwat Central Office, Amphoe Office, Municipal Office, Tambon Administrative Organization Office, Phuyai-Ban Office, and the polling place or nearby place for which the candidate stands.

The notice under paragraph one shall contain the name, photograph, name of political party and the allocated number for vote-casting of the candidate. The rules and procedure thereof shall be prescribed by the Election Commission.

Section 38 After the Election Director of constituency has issued a receipt to a candidate under Section 37, the candidate is not authorized to withdraw his or her candidacy and the fee is vested to a Fund for Development of Political Parties in accordance with the Organic Act on Political Parties.

The candidate under paragraph one shall not re-submit the application in such constituency or another constituency.

Section 39 Any applicant whose name does not appear as a candidate in the notice of the Election Director of constituency under Section 37 shall have the right to file a motion with the Supreme Court within seven days as from the date of the notice of list of eligible candidates, exempt from any fee for the court proceedings. When the Supreme Court passes a decision, it shall promptly inform the Election Director of constituency and the election director of the constituency shall promptly comply with the court order. If the court orders the acceptance of the application, the name of that person shall be notified under Section 37, but it shall not affect any act done prior to the receipt of the court order.

In the trial and adjudication under paragraph one, the President of the Supreme Court, with the approval of a general meeting of the Supreme Court, shall have the power to issue rules as published in the Government Gazette, for an expedient and fair trial, and such trial shall be completed by not less than one day before the election day. It may be determined that a Court of First Instance having jurisdiction within a constituency be the recipient of a motion to be thereafter forwarded to the Supreme Court for trial or that the Court of First Instance takes evidence or conducts other necessary proceedings in lieu of the Supreme Court.

Section 40 Prior to the election day, if there is evidence that a candidate who lacks the qualifications to exercise, or is under any prohibition in exercising his or her right to be a candidate, the Election Director of the constituency shall promptly conduct an investigation and inquiry. If the election director considers that the candidate lacks the qualifications to exercise, or is under the prohibitions in exercising his or her right to be a candidate, the Election Director shall file a motion with the Supreme Court for a trial and adjudication to revoke the candidacy of such person.

In a trial and adjudication under paragraph one, the President of the Supreme Court, with the approval of a general meeting of the Supreme Court, shall have power to issue rules as published in the Government Gazette, for an expedient and fair trial. It may be determined that a Court of First Instance having jurisdiction within a constituency be a recipient of a motion to be thereafter forwarded to the Supreme Court for trial or that the Court of First Instance takes evidence or conducts other necessary proceedings in lieu of the Supreme Court.

On the election day, if it appears that no motion has been filed with the Supreme Court under paragraph one or a motion has been filed but the Supreme Court has not yet passed a decision, the trial shall be terminated and the election shall proceed in accordance with the notice of applications for candidacy in force on the election day.

3. CANDIDACY ON A PROPORTIONAL BASIS

Section 41 In the case where any political party wishes to submit a party list for candidacy in an election of Members of the House of Representatives on a proportional basis, that political party shall prepare a party list in accordance with the following rules:

(1) the political party which nominates any person shall receive evidence of explicit consent from that person who shall be a member of that only political party;

(2) in preparing the party list, ten names of candidates shall be arranged in the numerical order.

Section 42 In the case of the candidacy on a proportional basis, the leader of the political party or any person who is entrusted by him or her shall submit the party list prepared by the political party under Section 41 to the Election Commission on the determined date and time together with the written consent of the candidates, pay the fee of five thousand Baht for each candidate, file all evidence of consideration of candidacy according to the provisions of Section 97 (2) of the Constitution and all evidence of candidacy prescribed by the Election Commission.

The Election Commission shall publish in the Government Gazette the details of evidence of candidacy and method of submitting the party list.

Section 43 When the Election Commission has received the party list under Section 42, the Election Commission shall examine such evidence of candidacy, qualifications and the prohibitions of the candidates. If the Election Commission is of the opinion that they are correct, the list of the political parties and candidates of political party for each constituency

on a proportional basis shall be posted up explicitly at the place determined under Section 37 and the provisions of Section 38 shall apply *mutatis mutandis*.

Section 44 In the case where the name of any person does not appear as a candidate in the list published by the Election Commission under Section 43, such person shall have the right to file a motion with the Supreme Court within seven days as from the date of the publication of the list of candidates for the election and the provisions of Section 39 shall apply *mutatis mutandis*.

Section 45 Prior to the election day, if it appears that any candidate on a proportional basis does not have a qualification or is under a prohibition to stand for an election, the Election Commission shall forthwith proceed to an inquiry and investigation and the provisions of Section 40 shall apply *mutatis mutandis*.

4. THE CANDIDATES' ALLOCATED NUMBERS AT AN ELECTION ON A PROPORTIONAL BASIS AND A CONSTITUENCY BASIS

Section 46 In a general election of Members of the House of Representatives, each political party submitting a party list shall be allocated an identity number for a vote-casting at an election by respective order of submitting the party lists. This number shall remain the same in every constituency for the election on a proportional basis.

In the case where more than one political party submit party lists at the same time and they cannot agree on the order of identity number, the drawing of lots shall be made between or among those political parties.

Section 47 In a general election on a constituency basis, the candidate shall be allocated the identity number for a vote-casting at an election by respective order of submitting the candidacy following the number of the receipt of application under Section 37, provided that candidates from the same political party shall receive consecutive and respective numbers.

Section 48 In the case of an election on a constituency basis to fill the vacancy of Members of the House of Representatives, the provisions of Section 47 shall apply *mutatis mutandis*.

PART VI

ELECTORAL EXPENDITURE AND MEANS OF ELECTION CAMPAIGNS

Section 49 The electoral expenditure and the means of election campaigns for the election of Members of the House of Representatives in any constituency shall be in accordance with the provisions of this Part and the Organic Act on Political Parties.

The means of election campaigns for the election of Members of the House of Representatives under paragraph one shall apply:

(1) From the ninetieth day before the day of the expiration of the term of the House of Representatives to the election day in the case of a general election due to the expiration of the term of the House of Representatives;

(2) From the day of the promulgation of the Royal Decree on Election of Members of the House of Representatives until the election day in the case of an election as a result of any cause other than (1).

Section 50 In each election of Members of the House of Representatives, the Election Commission shall issue a Notification determining the electoral expenditure as follows:

(1) the amount of the expenditure of each candidate in an election on a constituency basis;

(2) the amount of the expenditure of a political party in an election on a proportional basis in a proportional election constituency. In the case where a candidate on a party list of any political party has paid any amount of expenses for the purpose of an election, such amount shall be included in the expenditure of the political party.

When an election of Members of the House of Representatives is to be held, to determine of the amount of expenditure in an election under paragraph one, the Election Commission shall consult the leaders of political party under the Organic Act on Political Parties in accordance with the rules and procedure prescribed by the Election Commission.

A candidate or a political party shall not pay in an election an amount exceeding the amount of expenditure determined under paragraph one. Such expenditure shall include all money or any other property paid or promised to pay by any person on behalf of the candidate or the political party or offered to be used for the purpose of the election campaigns without remuneration with the consent of such candidate or political party. In the case of offering for use of property, the calculation shall be carried out in accordance with the rate of normal rent or remuneration in such locality.

The expenditure provided by the Organic Act on Political Parties as the expenditure relating to an election shall also be added to the expenditure of a candidate or a political party under this paragraph.

Upon the announcement of the results of a general election, the Election Commission shall convene a meeting to consult the leaders of political party to determine the amount of expenditure of a candidate or a political party to be in force in the next general election within three months from the day on which all the Members of the House of Representatives are elected following the aforesaid general election.

Section 51 The candidate shall appoint any person as appropriate and the political party shall appoint any person having knowledge in accountancy to be a treasurer of the candidate or the political party, having responsibility of preparing and certifying income and expenditure accounts of the candidate or the political party in such election.

The preparation of income and expenditure accounts by the treasurer shall be in accordance with the rules and procedure prescribed by the Election Commission as published in the Government Gazette.

Section 52 Within ninety days as from the date of the announcement of the result of election, each candidate and the political party nominating candidates on a proportional basis shall submit income and expenditure accounts prepared by the treasurer and certified by the candidate or the leader of the political party, as the case may be, to the Election Commission. The income and expenditure accounts shall at least contain the particulars on all the paid expenses and the outstanding payment including the relevant accurate and complete evidence.

After the verification of the particulars of expenses by the Election Commission under paragraph one, the Election Commission shall announce the result of such verification of expenses in accordance with the rules and procedure prescribed by the Election Commission.

In the case where there is a petition that any candidate or any political party has paid in an election exceeding the amount of expenditure prescribed by the Election Commission, such particulars of expenses and the relevant evidence shall be kept until the Election Commission has completed the procedure.

Section 53 Neither candidate nor any person shall commit any act to induce a voter to cast a vote for him or her or another candidate or any political party or to abstain from voting for any candidate or political party by the following means:

(1) providing, giving, offering, promising to give or preparing to give properties or any other benefits which can be calculated in money value to any person;

(2) giving, offering or promising to give money, properties or any other benefits whether directly or indirectly to a community, association, foundation, temple, education institution, asylum or any other institution;

(3) campaigning for an election by organizing an entertainment or other fair;

(4) treating or promising to treat any person;

(5) cheating, compelling, threatening, using influence to slandering or inducing the misunderstanding in the popularity of any candidate or political party.

An offense under (1) or (2) shall be an offense under the Anti-Money Laundering Act and the Election Commission shall have the power to submit such offense to the Anti-Money Laundering Office.

Section 54 Neither person nor any political party shall ask for or accept properties or any other benefits with a view to applying or not to applying for a candidacy in an election provided that such act is profitable to another candidate or political party in an election and that the election does not proceed in an honest and fair manner.

Neither person nor any political party shall apply for a candidacy in an election or nominate its members to stand for election in such a way that helps any other person or political party circumvent the compliance with rules under Section 88.

Section 55 No person shall provide the vehicle to bring a voter to a polling place for an election or to take a voter back from a polling place without paying normal fares or wages, to induce or control the voter to cast a vote for any candidate or political party.

The polling place under paragraph one shall also mean the polling place prepared for the vote-casting under Section 95, Section 96 and Section 97.

The provisions in this Section shall not apply in the case where the vehicle is provided by a State agency to facilitate a voter or voters.

Section 56 No person not being of Thai nationality shall support an election campaign or commit any act for the benefit of an election in a manner favorable or unfavorable to any candidate or political party except when such act is committed to support a government service or committed honestly in an ordinary course of business of such person.

Section 57 No State official shall, by exercising the function unlawfully, commit any act to be favorable or unfavorable to a candidate or a political party.

The unlawful exercise of function under paragraph one shall not include the performance of duty in an ordinary course of position of such State official or the advice or the assistance in an election of a candidate or a political party which is not relevant to the performance of duties, regardless of whether such act may be favorable or unfavorable to any candidate or political party.

In the case where there appears convincing evidence of any violation of the provisions of paragraph one, the Election Commission shall, if being of the opinion that any act may be favorable or unfavorable to any candidate or political party, have the power to order such

State official to cease or suspend the act thereof. For this purpose, the Election Commission shall notify the superior or the supervisor of such official to order that such official shall vacate the office temporarily or shall attach to any Ministry, Sub-Ministry, Department, Changwat central office or Amphoe office inside or outside the constituency or to prohibit such person to enter into any constituency.

Section 58 No person shall make an election campaign by any means, whether it may be favorable or unfavorable to any candidate or political party, from 18:00 o'clock of the day before the election day to the end of the election day.

Section 59 The Election Commission shall determine the rules governing the operations of the State to support an election in the following matters:

(1) providing places for posting up notices and a posters relating to the election in the area of a public place owned by the State, sufficiently and equally for the purpose of an election campaign, to every candidate;

(2) publishing and circulating documents relating to the election and candidates to voters;

(3) providing places for candidates to run an election campaign equally. In this connection, the State may provide any entertainment or other activity to persuade the voters to attend such election campaign but such provisions shall not be engaged in supporting a particular candidate;

(4) prescribing rules and time for a political party to run an election campaign through the radio and television broadcasting or to be on air through the radio and television broadcasting which shall afford equal opportunities to every political party;

(5) State supports in other activities as prescribed by the Election Commission.

To assure the good order of an election, the Election Commission shall determine and publish regulations relating to the practice or prohibitions to be observed during an election in the Government Gazette.

Section 60 Under Section 59, no candidate, political party or person shall post up any notice and poster relating to an election at a public place owned by the State or at a private place, run an election campaign through the radio or television broadcasting or perform other activities which the Election Commission prescribes that it shall be supported by the State.

There shall not be any notice or poster relating to an election whose dimension or number does not comply with the rules prescribed by the Election Commission.

PART VII

VOTE-CASTING

Section 61 The ballot box shall be perceptibly seen its inside, and shall be sealed to prevent an unlawful opening of the ballot box or insertion of ballot paper into the ballot box after the vote-casting is completed and shall be of specific quality or specification to prevent a changing of the ballot box.

The ballot paper used to casting a vote for a Member of the House of Representatives on a constituency basis shall have a space for an entry of a mark and candidate identity numbers of not less than the total number of all candidates in such constituency as well as a space for an entry of a mark indicating the intention to cast a vote for non-voting.

The ballot paper for casting a vote for a Member of the House of Representatives on a proportional basis shall have a space for an entry of a mark and political party identity numbers of all political parties having applied for candidacy in the constituency as well as a space for an entry of a mark indicating the intention to cast a vote for non-voting. It may also include an emblem of political party.

The ballot paper used to cast a vote for a Member of the House of Representatives on a constituency basis and the one for a Member of the House of Representatives on a proportional basis shall be of distinctive difference.

The ballot box and the ballot paper shall be of such description and size as prescribed by the Election Commission.

Section 62 On the election day, the vote-casting shall be open from 8.00 o'clock to 15.00 o'clock.

Section 63 Before the vote-casting is commenced, the Committee of polling station shall count the total number of the ballot papers of such station and shall post up a notice of the total number of the ballot papers at the conspicuous place. When the vote-casting is commenced, the Committee of polling station shall publicly open the ballot box for the voters present at the polling place to see that the ballot box is empty and shall then close the ballot box in accordance with the procedure prescribed by the Election Commission and shall record such proceedings by having not less than two voters present at the polling place at that time to affix their signatures thereto unless there is no voter at the polling station.

Section 64 During polling hours, a voter who intends to cast a vote shall identify himself or herself to the Committee of polling station by producing his or her identity card, expired identity card or any other card or evidence issued by the a Government or State's

agency, having a photograph which can identify himself or herself and displaying his or her identity number.

When a member of the Committee of polling station has examined the name in the voter roll, he or she shall loudly read the name and family name of such person. If no voter, candidate or person raises an objection, he or she shall remark it in the voter roll by noting the card number and the issuing State's authority thereof and shall subsequently order the voter to sign or has his or her fingerprint taken in the voter roll. The member of the Committee of polling station shall then write down on the counterfoil of the ballot paper the numerical order of the voter in the voter roll and order the voter to sign or has his or her fingerprint taken in the said counterfoil as evidence in accordance with the procedure prescribed by the Election Commission. The member of the Committee of polling station shall then give the ballot paper to the voter for the purpose of vote-casting.

In the case where there is an objector or a member of the Committee of polling station suspects that the voter present is not a person named in the voter roll, the Committee shall have power to investigate and make a decision whether the person being objected or suspected is a person named in the voter roll. And in the case where the Committee of polling station passes a decision that the person being objected or suspected is not a person named in the voter roll, the committee shall record such decision and sign their names thereon.

Section 65 The voter having his or her name in the voter roll of a polling station shall cast a vote in that polling station. Such voter shall cast a vote in that single polling station.

Section 66 The voter appointed to perform his or her duties in a polling station other than the polling station where he or she has the right to cast a vote in the same constituency have the possibility to cast a vote in the polling station where he or she performs his or her duties or in a polling place as prescribed in Section 95.

Section 67 The vote-casting shall be made by marking a cross in a space for an entry of a mark of the number of a candidate or a political party on the ballot paper. In the case where a voter intends to cast a vote for non-voting, the voter shall mark a cross in the space for indicating the intention to cast a vote for non-voting in the ballot paper.

Section 68 For the purpose of facilitating the disabled or the elderly in casting a vote, the Election Commission shall provide facilitation or assistance on the vote-casting specifically for the disabled or the elderly under the supervision of the Committee of polling station. Such facilitation or assistance shall however allow the disabled or the elderly to cast a vote himself or herself and shall proceed in a manner to preserve the direct and secret nature of the vote-casting.

Section 69 When the voter has marked a cross in the ballot paper, he or she shall fold the ballot paper in order not to allow other people acknowledge his or her vote in favor of any candidate or political party or non-voting. The voter shall then put such ballot paper in the ballot box himself or herself before a member of the Committee of polling station.

Section 70 Any person who knows that he or she has no right to vote or to cast a vote in such constituency shall not try to cast a vote or cast a vote by producing the identity card or other evidence not issued for him or her or which is counterfeited to the Committee of polling station.

Section 71 No voter shall use other paper which is not a ballot paper in accordance with Section 61 to cast a vote or use a ballot paper which is not the ballot paper which he or she has received after producing the identity card in accordance with Section 64 to cast a vote.

No voter shall take a ballot paper out of the polling place.

Section 72 No person shall intentionally mark a sign as a remark by any means on the ballot paper.

Section 73 No voter shall use any tool or device to photograph the ballot paper which he or she has used to cast a vote.

Section 74 No person shall insert a ballot paper into a ballot box without an authorization or commit any act in the voter roll to deviate the number of persons actually present to cast a vote or to increase the actual number of ballot papers.

Section 75 No person shall show the ballot paper which he or she has used to cast a vote in order to inform other people that he or she has casted a vote or has not casted vote for any person without legally having the power thereto.

Section 76 No person shall, without legally having the power thereto, commit any act to prevent a voter from casting vote or to obstruct or delay a voter from going to the polling place, entering the place for casting a vote or reaching such place within the polling time.

Section 77 No voter shall require, accept or consent to accept money, any property or other benefit for his or her own or for other persons to vote or to abstain from voting for any candidate or political party.

Section 78 In the case where the polling at any polling station could not be made because of the riot, flood, fire, *force majeure* or another case of necessity, if such event has occurred prior to the election day, the Committee of polling station shall determine a new polling place where the voters shall be able to cast a vote conveniently. If the new polling place cannot be determined, the Committee of polling station shall announce the cancellation of vote-casting in such station and shall forthwith report such incident to the Election Commission.

In the case where an incident under paragraph one occurs on the election day, the Committee of constituency or the Committee of polling station shall announce the cancellation of the vote-casting in such station and report such incident to the Election Commission urgently.

The Election Commission shall forthwith determine a new polling day of such polling station or decide differently in accordance with the rules and procedure prescribed by the Election Commission.

In carrying out the action under paragraph three, if the Election Commission is of the opinion that it cannot act in such a way to comply with the provisions of Section 8, it shall provide a new vote-casting for such polling station as appropriate without having to conform to the time limit as prescribed in paragraph three.

Section 79 When the closing time of the vote-casting is reached, the committee of a polling station shall announce the closing of the vote-casting and stop to distribute any ballot paper and shall mark the remaining ballot papers as non-used in accordance with the procedure prescribed by the Election Commission. In the case where there is a voter who wishes to cast a vote and has been in the area of the polling place prior to the closing time of the vote-casting but he or she has not yet received the ballot paper, the member of the Committee of polling station shall give the ballot paper to that voter. And when such voter finishes casting the vote, the Committee of polling station shall seal the slot to insert the ballot papers of the ballot box.

The committee of a polling station shall prepare a statement concerning the total number of ballot papers, the number of persons present and receiving ballot papers, and the number of the remaining ballot papers and the statement shall be signed by every member of the committee performing their duties at that time and then announce them to the voters present at such place.

Section 80 During the period of time when the ballot box intended for the vote-casting is opened until it is closed or after the ballot box is sealed following the closing of the vote-casting, no person shall open to destroy, damage, transform or nullify or carry away the ballot box or the ballot papers or the relevant documents and evidence in relation to the election which the Committee of polling station has prepared without legally having the power thereto.

PART VIII

THE VOTE-COUNTING AND THE ANNOUNCEMENT OF THE RESULTS OF ELECTION

Section 81 Subject to the provisions of Section 85, the vote-counting shall in one time be publicly carried out at the polling place. There shall not be any adjournment or deferment of the vote-counting.

For the purpose of a public and fair vote-counting in accordance with the provisions of the Constitution, the Election Commission shall prescribe in the Government Gazette the detailed procedure of the vote-counting.

Section 82 The ballot paper on which a voter marks a cross indicating the intention to cast for non-voting shall be counted. The number of such paper or papers shall be announced.

If an invalid ballot paper appears in the vote-counting, such invalid ballot paper shall be separated and in any case it shall not be counted as a vote.

The following ballot papers shall be deemed as invalid ballots:

(1) a counterfeit ballot paper;

(2) a ballot paper without any mark of vote-casting;

(3) the ballot paper for an election on a constituency basis on which there is a mark of vote-casting for the number of candidates exceeding the number of Members of the House of Representatives of that constituency or the ballot paper for an election on a proportional basis which contains more than one mark of vote-casting for political party;

(4) the ballot paper on which the vote-casting does not inform which candidate in an election on a constituency basis or which political party in an election on a proportional basis has received the vote;

(5) the ballot paper on which a mark of vote-casting was made for a candidate in the election of Members of the House of Representatives on a constituency or proportional basis along with the mark indicating the intention to cast for non-voting;

(6) the ballot paper which contains the particulars as prescribed by the Election Commission.

The Committee of polling station shall endorse the ballot paper under this Section as “invalid” as well as specify the ground of the invalidity, i.e. whether the ballot paper is invalid in accordance with any sub-Section above, and shall affix not less than three signatures thereto.

The provisions of paragraph three shall not apply to an invalid ballot paper under Section 102 and Section 110 paragraph one.

Section 83 No member of the Committee of polling station shall intentionally count ballot papers or votes in an election or sum up the votes incorrectly, commit an act in any manner whatsoever, without legally having the power thereto, to damage the ballot papers, make the ballot papers dilapidated or invalid, commit an act in any manner whatsoever to an invalid ballot paper to be valid, read the ballot papers incorrectly, or make a false election report.

Section 84 When the vote-counting at the polling place is completed, the Committee of polling station shall publicly announce the result of the vote-counting in such polling station, the total number of the ballot papers, the number of the used ballot papers, the number of the remaining ballot papers from the cast and shall make a report of the vote-counting to the Election Committee of constituency forthwith.

When the Committee of polling station has announced the result of the vote-counting, it shall put the relevant documents and objects in the ballot box of each type of election as follows:

- (1) the ballot papers which have been counted, the ballot papers with the non-voting mark and invalid ballot papers, each category of ballot papers shall be put in a transparent bag;
- (2) the form on which all statistics on ballots have been written down;
- (3) the report of the vote-counting;
- (4) the announcement of the result of the vote-counting.

When documents and objects under paragraph two have been put away, the Committee of polling station shall close the ballot box and lock it with a key or other device, the sealing wax shall then be placed on the keyhole. The ballot box shall then be tied and fastened with rope. The knot on which the sealing wax is placed shall be on the side of the ballot box. Other procedure may also be used to ensure that the ballot box cannot be opened.

The announcement of the result of the vote-counting, the report of result of the vote-counting, the procedure on preservation of ballot papers and the method on preservation of documents and evidence shall be in accordance with the rules prescribed by the Election Commission.

Section 85 If the vote-counting at any polling place cannot be carried out or completely achieved due to riot, flood, fire, *force majeure* or another case of necessity, or to preserve security, the Committee of polling station shall announce the cancellation of the vote-counting for such polling station and forthwith report the incident to the Election Committee of constituency, the Election Committee of Changwat and the Election Commission in order to allow the Election Committee of Changwat to urgently determine the date, the time and the place intended for the vote-counting unless otherwise determined by the Election Commission. The preservation of the ballot papers, the ballot box and documents relating to the election as well as the method to re-count votes shall be under the rules and procedure prescribed by the Election Commission.

Section 86 In the case where the result of the vote-counting reveals that the number of voters is not consistent with the number of ballot papers used in the vote-casting, the Committee of polling station shall forthwith proceed to the re-counting. If the latter again reveals the inconsistency, this inconsistency shall be reported to the Election Committee of

constituency with reasons and the ballot box and device shall be sent to the Election Committee of constituency or the person appointed by the Election Committee of constituency.

When the Election Committee of constituency receives the report under paragraph one, it shall notify the Election Commission for a consideration of an order of a re-counting or a new election in such polling station. If, in such polling station, the number of voters does not affect the results of election in that constituency, the Election Commission shall not order a new election. The provisions under this Section do not prevent the Election Commission from instituting legal proceedings against the offender under this Organic Act.

Section 87 When the collect of results of election from all polling stations in one constituency has been carried out, the Election Committee of constituency shall announce the result of the vote-counting for the candidates in the election on a constituency basis and then forthwith report the result of the vote-counting to the Election Committee of Changwat and the Election Commission.

Section 88 In any constituency, if, on the election day, the number of candidate or candidates standing for an election on a constituency basis is equivalent to or less than the total number of Members of the House of Representatives of that constituency, a candidate in such constituency is elected only when he or she receives votes of not less than twenty percent of the total number of voters in that constituency and more than the total number of ballot papers casting a non-voting. In the case where such candidate has received votes of less than twenty percent of the total number of voters in that constituency or not more than the total number of ballot papers casting a non-voting, the Election Commission shall order a new election only for the positions having received votes of less than twenty percent of the total number of voters or not more than the total number of ballot papers casting a non-voting. The provisions of Section 9 shall apply *mutatis mutandis*.

In a new election under paragraph one, if there is a number of candidate or candidates equivalent to or less than the total numbers of vacancy or vacancies to be filled, the provisions of paragraph one shall apply *mutatis mutandis*. And if any candidate has again received votes of less than twenty percent of the total number of voters or not more than the total number of ballot papers casting a non-voting, the Election Commission shall order a new election once again according to the provisions of paragraph one.

In a new election under paragraph two, if there is a number of candidate or candidates equivalent to the total number of vacancy or vacancies to be filled, the candidate or candidates who has received the largest numbers of votes shall respectively be elected only to fill the vacancy or vacancies. The Election Commission shall announce the results of election thereof within the period of time as prescribed in Section 8.

In the case where there a new election under paragraph two was held and it appears that the number of candidates is less than the number of vacancies or there is no candidate, the Election Commission shall announce an additional election of Members of the House of

Representatives in order to attain to total number of such Members. The provisions of *Part V: Candidates and Candidacy, 2. Candidacy on a Constituency basis* shall apply *mutatis mutandis*.

Section 89 Subject to the provisions of Section 88, in an election of Members of the House of Representatives, the candidate who has received the largest number of votes shall be elected. In a constituency entitled to have more than one Members of the House of Representatives, candidates in a number equivalent to the number of Members of the House of Representatives of such constituency who have received the largest numbers of votes shall respectively be elected.

In the case where candidates have received the equal number of votes, causing the order of candidates not able to be established under paragraph one, the candidates having received the equal number of votes shall proceed to the drawing of lots in order to have all Members of the House of Representatives of such constituency. Such drawing of lots shall be undertaken before the Election Committee of constituency in accordance with the procedure prescribed by the Election Commission.

Section 90 The addition of votes in an election on a proportional basis in each constituency shall be as follows:

(1) The Election Committee of constituency in an election on a constituency basis shall add altogether the casted votes for Members of the House of Representatives on a proportional basis from all polling stations of the constituency in an election on a constituency basis in order to report to the Election Committee of Changwat. In this regard, for the good order of the process of addition of votes, the Election Committee of constituency may appoint a person or a group of persons to provide help as necessary;

(2) When the Election Committee of Changwat has received the results of the election on the proportional basis from all constituencies under (1), it shall proceed to the addition of votes from those constituencies and submit the result to the Election Committee of Changwat of the constituency on the proportional basis which was appointed by the Election Commission to proceed to the addition of the results of votes on a proportional basis. That Election Committee of Changwat shall then proceed to the addition of all the votes and announce the results of such addition for that constituency. It shall promptly submit the result those results to the Election Commission.

Section 91 When the Election Commission has received the results of addition of votes on a proportional basis of each constituency on a proportional basis, it shall calculate the proportion in order to proceed to the election of Members of the House of Representatives on a proportional basis in each constituency as follows:

(1) adding altogether the received votes of all political parties having sent candidates to stand for an election in such constituency on a proportional basis;

(2) dividing the total votes under (2) by ten and the result of such division shall be deemed as the average number of votes per one member of the House of Representatives on a proportional basis;

(3) to calculate the number of members of the House of Representatives of each political party, dividing the total votes received by each political party by the average number under (2), and then the result in round number shall be deemed as the number of the elected members of such party which shall consist of the persons in respective order of names in the party list;

(4) in the case where the total number of the elected Members of the House of Representatives on a proportional basis of all political parties in a constituency on a proportional basis is less than ten, either the political party having the remaining votes after the division under (3) or the political party not having attained the number of the average votes under (2) shall obtain one Member of the House of Representatives on a proportional basis, in the respective order of largest numbers of votes, until the total number of Members of the House of Representatives is ten.

(5) in complying with (4), if the political parties have identical numbers of votes, the representatives of such political parties shall draw lots within the date and time prescribed by the Election Commission in order to attain the number of Members of the House of Representatives on a proportional basis of such constituency.

The number of the elected members of each political party calculated by the abovementioned procedure shall not be more than the number of persons on the party list prepared by such political party.

Section 92 Subject to the provisions of *Part X: Proceedings for an Election Not Conducted in an Honest and Fair Manner*, after receiving the results of the vote-counting in an election on a constituency basis under Section 87 and the calculation of the proportion to have Members of the House of Representatives on a proportional basis of each political party in each constituency under Section 91, the Election Commission shall announce which candidate or candidates have been elected Members of the House of Representatives on a constituency basis and on a proportional basis.

Section 93 When the Election Commission has announced the results of election, it shall forthwith notify the results of election and the lists of names of candidates in the election on a proportional basis of all political parties to the President of the National Assembly for acknowledgement and publish them in the Government Gazette.

PART IX

VOTE-CASTING OUTSIDE THE CONSTITUENCY

Section 94 The arrangement for a vote-casting outside the constituency other than that specifically provided in this Part shall be in accordance with this Organic Act.

Section 95 In the case where a voter has received the official order to perform his or her duties outside the constituency where he or she has the right to vote or has a plan to travel outward the constituency where he or she has to exercise the right to vote or cannot exercise the right to vote on the election day at the polling place, he or she shall submit the request to exercise the right to vote before the election day to the Election Committee of constituency or the person entrusted by the Election Committee of constituency.

After examining the right to vote of the person notifying his or her intent under paragraph one and being of the opinion that he or she is eligible, the Election Committee of constituency or the person entrusted by the Election Committee of constituency shall designate a central polling place where such person can exercise the right to vote and notify a Committee of polling station where the name of such person appears on the voter roll and note on the document concerned the place for exercising his or her right to vote.

Rules and procedure for notifying the request to cast a vote under paragraph one, central polling places and the number thereof, and the date fixed for voting shall be prescribed by the Election Commission.

Section 96 A person whose name appears on the house register in an election constituency on a constituency basis for less than ninety days before the election day shall have the right to vote in an election on a constituency basis in the constituency where his or her name last appeared for not less than ninety consecutive days. Such person shall also have the right to vote in an election on a proportional basis in the Group of Changwat where his or her constituency in an election on a constituency basis is located.

The Election Commission shall have the power to determine rules, procedure and conditions to facilitate and ensure the possibility for the voter living outside the constituency of which the voter roll contains his or her name or whose name appears on the house register since less than ninety days to the election day to exercise his or her right to vote.

Section 97 In a general election of Members of the House of Representatives which is not a new election, if any voter, residing in a Changwat other than the Changwat in which his or her name appears on the house register or being a voter under Section 96, intends to exercise the right to vote in the Changwat in which he or she resides, he or she shall register for the exercise of voting right outside a constituency in accordance with the rules and procedure prescribed by the Election Commission as published in the Government Gazette.

The person registered under paragraph one shall have the right to vote outside a constituency when he or she has carried out the registration thirty days prior to the election day. Such right to vote shall be exercised in the Changwat in which such person was registered and such person shall be deprived of his or her right to vote in the original constituency in which he or she previously had the right to vote, subject to any modification to the registration. In this regard, the Election Commission shall record the registration of applications for the exercise of right thereof in the voter roll and a note of the place in which the vote is to be exercised shall also appear in the voter roll.

The person registered under paragraph one may make an application to register a modification in the Changwat where the right to vote is to be exercised, which shall take effect upon the expiration of thirty days as from the application date for modification of the registration, and the provisions of paragraph two shall apply *mutatis mutandis*. An application to register a modification shall not be made more than once in each election.

A voter having the right to vote under paragraph one shall exercise his or her right to vote for a candidate in the constituency where his or her name appears on the house register or where his or her name last appeared on the house register for at least ninety days under Section 96, as the case may be.

In a general election of Members of the House of Representatives which is a new election or a by-election, if the person registered under paragraph one had exercised his or her right to vote in a general election but failed to exercise his or her right to vote in the constituency where he or she has the right to vote in a new election or by-election, such registration shall be deemed to be a notification of reasonable grounds and he or she shall not be deprived of the rights under Section 26.

Section 98 In conducting an election under Section 97, the Election Commission shall designate a central polling place for each Changwat, except where necessary, more than one central polling place may be designated.

The procedures for the vote-casting, vote-counting, delivery of ballot papers and other necessary proceedings shall be in accordance with the rules and procedure prescribed by the Election Commission as published in the Government Gazette.

Section 99 In a general election of Members of the House of Representatives which is not a new election, a voter whose residence is outside the Kingdom may request to exercise the right to vote in the country where he or she resides.

When a request to exercise the right to vote under paragraph one has been notified, such voter shall have the right to vote as prescribed in Section 100 and Section 101.

The rules and procedure for the notification of the intent to request for the exercise of the right to vote outside the Kingdom shall be in accordance with that prescribed by the Election Commission as published in the Government Gazette.

In a general election or a by-election of Members of the House of Representatives which is a new election, if the person registered under paragraph one had exercised his or her right to vote in a general election but failed to exercise his or her right to vote in the constituency where he or she has the right to vote in a new election or by-election, such registration shall be deemed to be a notification of reasonable grounds and he or she shall not be deprived of the rights under Section 26.

Section 100 In any country where voters notify their intent to exercise the right to vote, the Election Commission or the person entrusted by the Election Commission shall provide the vote-casting in such country by providing polling places or the vote-casting by post or by providing any mean other than providing polling places by taking into consideration the situation of such country as appropriate and in accordance with the rules and procedure prescribed by the Election Commission.

Section 101 A voter who requests the exercise of the right to vote under Section 99 shall be deprived of the right to vote in a polling station of which his or her name appears on the voter roll, except where prior notice of the change was given within the time prescribed by the Election Commission.

Section 102 In the case of voting under Part IX, the Election Commission shall proceed in advance to bring the ballot papers for counting altogether on the election day, except that in the case where necessity arises in a particular locality, the Election Commission may arrange otherwise.

In the case where the ballot papers are delivered to the place for vote-counting of any constituency after the commencement of vote-counting, such ballot papers shall be deemed invalid.

In the case where the ballot papers from any place are lost or there appears convincing evidence that the election in any place was not conducted in an honest and fair manner, the Election Commission shall first pass a decision ordering that the votes from such place shall not be counted and thereafter order such ballot papers be invalid.

PART X
PROCEEDINGS FOR AN ELECTION NOT CONDUCTED
IN AN HONEST AND FAIR MANNER

Section 103 Prior to the announcement of the results of election, if the Election Commission considers that, after an investigation and inquiry, there is evidence that any candidate acted in violation of this Organic Act, a Regulation or a Notification of the Election

Commission, or the circumstances suggest that any candidate caused another person to commit such act, supported or connived at such act of another person, or knew of and did not abate such act, and if the Election Commission considers that such act is likely to cause the election to be dishonest and unfair, it shall derogate the rights of candidacy for every candidate who committed such act for a period of one year effective as from the date of the order of the Election Commission.

If there appears convincing evidence that the leader or a member of the Executive Committee of political party connives at or neglects or has known of but does not abate or rectify the act under paragraph one for the purpose of an honest and fair election, the political party shall be deemed as committing an act to obtain powers to rule the country by means not in accordance with the *modus operandi* as provided in the Constitution. In such case, the Election Commission shall, under the Organic Act on Political Parties, file a motion with the Constitutional Court in order to dissolve such political party. In the case where the Constitutional Court orders the dissolution of such political party, it shall derogate the rights of candidacy of the leader and members of the Executive Committee of such political party for a period of five years effective as from the date of the order of dissolution.

In the case where it appears to the Election Commission that there is a violation under paragraph one, regardless of the act being committed by any person, if the Election Commission considers that a candidate or political party benefited from such act, it shall have the power to order the candidate or political party to abate or proceed in any manner in order to remedy such dishonesty and unfairness within the prescribed time limit. In the case where the candidate or the political party, without reasonable grounds, fails to proceed in accordance with the order of the Election Commission, it shall be presumed that the candidate was a supporter of such act or the political party connived at such act, save the case where the candidate or the political party proves that he, she or it did not connive at such act.

The resolution of the Election Commission to derogate the right of candidacy under this Section shall be in accordance with the Organic Act on the Election Commission.

When there is an order to derogate the right of candidacy for any candidate or the Constitutional Court orders the derogation of the right of candidacy for any leader or member of the Executive Committee of political party, the institution of criminal proceedings against such candidate, leader or member of the Executive Committee of political party shall also be considered. In such case, it shall be deemed that the Election Commission is the injured person under the Criminal Procedure Code.

In the case where an order to derogate the right of candidacy under this Section is made after the election day but before the day of the announcement of the result of election and the candidate whose right of candidacy is derogated is a candidate on a constituency basis who received the a sufficient number of votes to be elected in such constituency, the Election Commission shall order a new election in order that such constituency is endowed with the required number of elected candidates.

Section 104 In the case where the Election Commission considers as appropriate, for the purpose of expediently carrying out the investigation and inquiry in an honest and fair manner, the Election Commission may appoint, in the appropriate numbers, public prosecutors, other Government officials or persons who once held an office thereof or who was once a judicial officer to constitute a committee or as many committees as necessary in order to assist the Election Commission in the examination of reports of investigation and inquiry, including the hearing of statement or evidence in lieu of the Election Commission.

In the case where the Election Commission appoints a public prosecutor or other Government official, the appointed official shall perform duties without having to obtain the approval of the personnel administration committee or the supervisor of such official, as the case may be.

The appointment, the performance of duties as well as the period of time thereof, of a committee under paragraph one shall be in accordance with the rules prescribed by the Election Commission.

The committee under paragraph one shall receive remuneration as prescribed by the Election Commission.

Section 105 There shall be an Inspection Committee consisting of persons, who are not Government officials holding a permanent position or drawing salary, who have been appointed as the Chairmen of each committee of the Law Councilors under the law on the Council of State, and who are not members of, or holders of other positions in political parties, to perform duties under this Section. In the case where a Chairman of any committee of the Law Councilors is unable to hold the position of Inspection Committee member, the members of such committee of the Law Councilors shall select a member of their committee who is not under the prohibitions to become a substitute member of the Inspection Committee. In the case where a substitute member cannot be found, this Inspection Committee shall consist of the existing members.

In the case where the Election Commission is about to pass a decision to derogate the right of candidacy from any candidate under Section 103 paragraph one, the Election Commission shall deliver its opinion together with the reports of the investigation and inquiry to the Committee under paragraph one for the latter to consider and give an opinion on the lawfulness of such opinion of the Election Commission, or on whether the Election Commission acted in fair manner. If such Committee reaches an opinion different from the opinion of the Election Commission, the Election Commission may pass a decision based on its original opinion provided that it gives reasons and publishes such decision together with the reasons and the opinion of the Committee under paragraph one in the Government Gazette.

The giving of an opinion of the Committee under paragraph two shall be done by a meeting of the Committee in which not less than two-third of the members are present, and shall be completed within five days as from the date on which the matter was received from

the Election Commission. If the Committee does not give an opinion after the expiration of five days, the Election Commission shall continue to proceed.

The Committee under paragraph one shall receive remuneration as prescribed by the Election Commission.

Section 106 In the case where it appears before the Election Commission that any person committed any act for the benefit of any candidate or political party which may cause the election to be dishonest and unfair, the Election Commission shall have the power to order such person to abate such act or order that such act be remedied under the conditions and within the prescribed time period.

If a police officer is notified of or discovers an act under paragraph one, and that act constitutes an offense under this Organic Act, the police officer shall make an arrest and promptly institute legal proceedings, as well as notify the Election Commission of Changwat in order to report to the Election Commission for its consideration thereof.

Section 107 In the case where during a period of time under Section 49 there is convincing evidence that any person gave, offered to give or promised to give money or properties for the benefit of inducing a voter to vote for any candidate or political party or to abstain from voting for any candidate or political party or prepared money or properties for such conduct, the Election Commission shall have the power to provisionally seize and attach the money or properties of such person until the court issues an order.

The Election Commission shall file a motion with the Changwat Court or the Civil Court in whose jurisdiction the seizure or attachment took place within three days as from the date of seizure or attachment under paragraph one. When the Court receives the motion, it shall conduct an *ex parte* investigation to be completed within five days as from the date on which the motion was received. If the Court considers it likely that the relevant money or properties in the motion was or will be unlawfully used for an election, the court shall order the seizure or attachment of money or properties until the announcement of the results of election.

Section 108 Prior to the election day, if there is convincing evidence that an election in any polling station or in any constituency will not be conducted in an honest and fair manner due to an act of an election official or other State officials, the Election Commission shall have the power to announce the cancellation of vote-casting in such polling station or constituency and prescribe a new election day.

Section 109 When the vote-counting is completed, if there appears convincing evidence that an election in any constituency or a vote-counting was not conducted in an honest and fair manner, the Election Commission may refrain from announcing the result of the election and arrange for a new election or vote-counting in such constituency.

Section 110 Prior to the announcement of the results of election, if there appears convincing evidence that a political party, any official or member of a political party acted in

violation of this Organic Act, a Regulation or a Notification of the Election Commission or caused another person to commit such act, supported or connived at such act by another person for the benefit of a political party, and if the Election Commission considers that such act is likely to cause the election to be dishonest and unfair, the Election Commission shall have the power to announce that the ballot papers with votes in favor of such political party are invalid and not be counted as votes only for the area where such act occurred.

The Election Commission may determine a polling station or a constituency on the constituency basis as the area under paragraph one by taking into account the consequences of such action.

Section 111 After the announcement of the result of election, if there appears convincing evidence that an election in any constituency was not conducted in an honest and fair manner or that any Member of the House of Representatives or candidate acted dishonestly in order to be elected or was elected dishonestly as a result of an act of any person or political party which violates this Organic Act, a Regulation or a Notification of the Election Commission or the Organic Act on Political Parties, the Election Commission shall file a motion with the Supreme Court for consideration. In the case where the investigation by the Supreme Court reveals convincing evidence that the petition of the Election Commission is justified, the Supreme Court shall order a new election or the derogation of the right of candidacy of such Member of the House of Representatives or candidate for a prescribed period of five years and thereafter notify the President of the House of Representatives and the Prime Minister.

In the case where the Supreme Court has received the petition under paragraph one, such Member of the House of Representatives shall cease his or her performance of duties until the Supreme Court orders the dismissal of such petition and if the Supreme Court orders a new election or the derogation of the right of candidacy of Member of the House of Representatives, the membership of the House of Representatives of such Member of the House of Representatives shall terminate.

Section 112 For the purpose of the conduct of a factual investigation and inquiry on an election and the prevention of the election from being conducted in a dishonest and unfair manner, the Election Commission or an Election Commissioner entrusted by the Election Commission shall have the power as follows:

(1) to enter a dwelling place, a place or other vehicles when there appears convincing evidence of an act which violated this Organic Act, in order to examine, search, seize or attach documents, properties or other evidence, and in the case where there is reasonable cause to believe that, if delayed, the documents, properties or such evidence will be removed, hidden, destroyed or transformed from its original condition, the search may be made without a search warrant and the circumstance of the cases shall be recorded.

The powers in paragraph one shall be exercisable as from the date of the Royal Decree calling for an election to the date of announcement of the results of election and the State officials may be requested, as necessary, to assist in any proceedings.

The Election Commission may entrust an Election Commissioner of Changwat or other officials to act as a searcher provided that such person must also obtain a search warrant from the court;

(2) to require the Anti-Money Laundering Office to deliver a report of transactions of the persons likely to be connected with an election to the Election Commission or require the Bank of Thailand or a commercial bank under the law on commercial banking or other financial institutions to notify of money transfers as requested by the Election Commission.

Section 113 In the case where the Election Commission or the Supreme Court ordered the derogation of the right of candidacy of any candidate or Member of the House of Representatives, causing a new election to be held, the person whose right of candidacy was derogated shall be liable for the re-election expenditure.

PART XI

ELECTION PETITION

Section 114 A voter, candidate or political party having candidate or candidates standing for an election in a constituency shall have the right to petition the Election Commission for the reason that the election in such constituency has not been fair or legal.

The person under paragraph one may petition before the day of the announcement of the results of election or within thirty days as from that day save the petition according to the reasons under Section 50 or Section 52 which shall be made within one hundred and eighty days as from the day of the announcement of the results thereof.

When the Election Commission has received the petition, it shall promptly conduct a factual investigation and inquiry.

The procedure and the hearing of petition shall be in accordance with regulations prescribed by the Election Commission.

Section 115 In the case where the petition is filed prior to the day of the announcement of the results of election, the provisions of Section 103, Section 104, Section 105, Section 106, Section 107, Section 108, Section 109, Section 110, Section 112, Section 113 shall apply *mutatis mutandis*.

Section 116 In the case where the petition is filed prior to the day of the announcement of the results of election but the findings are concluded after that day or where the petition is filed after that day and the findings reveal convincing evidence that the election was not fair or legal and the Election Commission is of the opinion that there should be a new election in a constituency or the disfranchisement of any Member of the House of Representatives should be ordered, the provisions of Section 111 shall apply *mutatis mutandis*.

In the case where the findings reveal that an election in a polling station or constituency was conducted in an unfair or illegal manner but the Election Commission is of the opinion that there is no ground to call for a new election as it will not affect the results of the election already held, the Election Commission may order the dismissal.

The decision of the Election Commission under this Section shall be final.

CHAPTER II

ELECTION AND SELECTION OF SENATORS

PART I

ELECTION OF SENATORS

Section 117 After the promulgation of the Royal Decree on Election of Senators, the Election Commission shall notify in the Government Gazette the date of application for candidacy which shall not exceed five days as from the date the Royal Decree on Election of Senators coming into force and the period of the application shall not be less than five days.

Section 118 A person qualified to vote in an election of Senators shall have qualifications and shall not be under any prohibitions like a person qualified to vote in an election of Members of the House of Representatives in accordance with the provisions of the Constitution

Section 119 A person qualified to be a candidate for Senator shall have the qualifications and shall not be under the prohibitions to be a candidate for Senator in accordance with the provisions of the Constitution.

Section 120 In an election of Senators, the area of Changwat shall be regarded as one constituency, and one Senator shall be elected for each Changwat. A person having the right to vote shall cast for one candidate one ballot. The election shall be by direct suffrage and secret ballot.

Section 121 The provisions of Section 36, Section 37, Section 38, Section 39 and Section 40, excluding those concerning political parties shall apply *mutatis mutandis* to the candidacy of Senator.

A candidate at an election of Senator shall pay the application fee of five thousand Baht each. The application fee shall be devolved on the State.

Section 122 The provisions of *Chapter I: Election of Members of the House of Representatives, Part I: General Provisions*, specifically Section 8 and Section 9, *Part II: Constituency, Polling Station and Polling Place*, *Part III: Election Officials*, *Part IV: Voters and Voter Rolls*, *Part VI: Electoral Expenditure and Means of Election Campaigns*, excluding Section 60, *Part VII: Vote-casting*, *Part VIII: Vote-counting and Announcement of the Results of Election*, *Part IX: Vote-casting outside the Constituency*, *Part X: Proceedings*

for an Election not Conducted in an Honest and Fair Manner, Part XI: Election Petition, excluding the provisions relating to political parties, shall apply *mutatis mutandis* to the election of Senators to the extent that they are not contrary to or inconsistent with the provisions on the election of Senators as provided for in the Constitution or this Chapter.

For the purpose of the implementation of this Section, the Election Commission shall prescribe and publish in the Government Gazette the rules of procedure on an election of Senators to be in accordance with this Section.

All other provisions regarding an election of Members of the House of Representatives which apply to an election of Senators, insofar as they constitute an offense and criminal penalty to any act in an election of Members of the House of Representatives, shall apply to any act in the election of Senators, with the same penalties.

Section 123 A candidate in an election of Senators shall be able to run an election campaign to the extent that the campaign concerns the performance of duties of the Senate.

In the case where a candidate or any person has doubts about the election campaigning under this Section, the Election Commission shall forthwith rule on such doubts. The decision of the Election Commission shall be final and in accordance with the rules and procedure prescribed by the Election Commission.

Section 124 For the purpose of the election campaigning of candidates, the Election Commission shall determine the rules governing the State supports in an election in the following matters:

(1) providing places for posting up notices and a posters relating to the election in the area of a public place owned by the State, sufficiently and equally for the purpose of an election campaign, to every candidate;

(2) publishing and circulating documents relating to the election and candidates to voters;

(3) providing places for candidates to run an election campaign equally. In this connection, the State may provide any entertainment or other activity to persuade the voters to attend such election campaign but such provisions shall not be engaged in supporting a particular candidate;

(4) State supports in other activities as prescribed by the Election Commission.

The provisions of Section 59 paragraph two shall apply *mutatis mutandis*.

Section 125 The places for posting up a notice and a poster relating to the election other than those specified in Section 124 paragraph one (1) shall be in accordance with the rules prescribed by the Election Commission and the provisions of Section 60 paragraph 2 shall apply *mutatis mutandis*.

PART II

SELECTION OF SENATORS

Section 126 When there is a cause to proceed to the selection of Senators, the Election Commission shall determine and publish in the Government Gazette the selection day within thirty days as from the date of such cause.

The Election Commission shall prescribe as published in the Government Gazette the organizations from academic sector, State sector, private section, occupational sector and other sectors under Section 127 to register for the selection of Senators and to nominate to the Selection Committee the persons apt to be selected as Senators within fifteen days as from the selection day.

Section 127 An organization having the right to nominate a person to be selected as Senator must be from academic sector, State sector, private sector, occupational sector and other sectors beneficial to the performance of duties of the Senate. It must be a juristic person by law or a juristic person certified by law and established in the Kingdom for not less than three years. It must not be a profit-making or political organization.

The organization under paragraph one shall be registered in accordance with the rules and procedure prescribed by the Election Commission and shall produce evidence that it is an organization from only one sector.

Section 128 The organization under Section 127 shall have the right to nominate one person being or having been its member or performing or having performed his or her duties therein. The nominee shall have qualifications and shall not be under any prohibition in accordance with the provisions of the Constitution and shall be apt to be selected as Senator. The nominee shall pay the fee of five thousand Baht each. The application fee shall be devolved on the State. The nominee of an organization shall not be able to withdraw his or her application for the selection of Senators.

The application for the selection of Senators under paragraph one shall be in writing and shall contain at least the particulars on biography, gender, education, experience and occupation of the nominee as well as his or her written consent in the form as prescribed by the Election Commission.

Section 129 The Election Commission shall prepare the list of nominees under Section 128 in order to submit it to the Selection Committee within five days as from the selection day under Section 126.

Section 130 The Selection Committee shall deliberate over the selection of persons in accordance with the provisions of the Constitution and shall remit its decision to the Election Commission within thirty days as from the date of the receipt of the nominees for the selection of Senators from the Election Commission. The decision of the Selection Committee shall be final.

The resolution to select Senators shall be passed publicly and by the votes of more than half of the total number of members of the Selection Committee.

The Election Committee shall announce the results of the selection and notify them to the President of the National Assembly for acknowledgement. Such results shall be published in the Government Gazette.

The Office of the Election Commission shall perform as the Secretariat of the Selection Committee.

Section 131 In the case where the membership of Senators in any sector terminates prior to the expiration of the term of the Senate, such sector shall submit a list of nominees in order to proceed to the selection and the provisions of Section 128 shall apply *mutatis mutandis*.

Section 132 The remuneration and other benefits of the Selection Committee and the expenditure by a person entrusted by the Selection Committee shall be prescribed by the Election Commission.

Section 133 After the announcement of the selection of Senators, if a nominee or a member of the organization having submitted a nominee is of the opinion that the selection of Senators was conducted in an unfair and illegal manner or there appears convincing evidence that, prior to the selection, any Senator has committed an act under Section 238 of the Constitution, such person or member shall petition the Election Commission within thirty days as from the date of the announcement of the results of the selection of Senators.

When there appears convincing evidence that, in a selection of Senators, any person has committed any act in a dishonest manner in order to be selected or has been selected as a result of an act of any person which violates the rules under this Organic Act, the Election Commission shall promptly conduct an inquiry and investigation.

Section 134 When the Election Commission has conducted an inquiry and investigation under Section 133 paragraph two and is of the opinion that the selection of Senators was unfair and illegal, it shall promptly file a motion with the Supreme Court within one year as from the date of the announcement of the results of the selection of Senators for a inquiry and decision as follows:

(1) if the Supreme Court is of the opinion that any part or procedure of the selection of Senators was dishonest and unfair, it shall order that the Selection Committee re-proceed to the selection for such part or procedure and the membership of any person having been

selected as Senator as a result of such part or procedure shall terminate as from the date of the order of the Supreme Court;

(2) if the Supreme Court is of the opinion that any person having been selected as Senator committed an act which in violation of Organic Act or in the way that caused any person to act, support or connive at such act or knew of but did not abate or rectify such act, causing the selection not to proceed in an honest and fair manner, the Supreme Court shall order the disfranchisement of such person for the period of five years as from the date of the order of the Supreme Court.

Section 135 In the case where the Supreme Court conducts an inquiry for the purpose of the decision under Section 134, if the Supreme Court is of the opinion that any person committed a dishonest act causing the selection not to proceed in an honest and fair manner in favor of the selection of another person, violating the rules prescribed by this Organic Act, the Supreme Court shall order the disfranchisement of such person and also the Senator selected as a result of such act unless such Senator can prove that he or she was not involved in such act.

CHAPTER III

PENALTIES

Section 136 Any superior official or employer who obstructs or restrains or does not properly facilitate an official or employee, as the case may be, to exercise the right to vote, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 137 Any person who violates Section 20, Section 53, Section 57 paragraph one, Section 70 or Section 83 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

In the case where there was a violation of Section 53 and the court passed a final judgment sentencing the author of such violation, the court shall reward the person who had reported the information with not more than half the amount of the fee.

Section 138 Any person who violates Section 33 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 139 Any person, knowing that he or she has no right to be a candidate for an election of Members of the House of Representatives or is under the prohibitions precluding him or her to be candidate in an election, has applied or applies for candidacy in violation to Section 34, Section 35 or Section 38 paragraph two shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 140 Any person who falsely acts in order to induce another person to mistakenly believe that any candidate acted in violation of or did not act in accordance with this Organic Act shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, and the court shall order the disfranchisement for a period of five years.

If an act under paragraph one was done with a malicious intent to cause such candidate to be disfranchised or to prevent the announcement of the result of an election, he or she shall be liable to imprisonment for a term of five to ten years and to a fine of one hundred thousand to two hundred thousand Baht, and the court shall order disfranchisement for a period of ten years.

If an act under paragraph one is a notification or a statement to the Election Commission, he or she shall be liable to imprisonment for a term of seven to ten years and to

a fine of one hundred and forty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of twenty years.

If an act under paragraph two and paragraph three is an act of or caused another person to act, supported or connived at by the leader of a political party or member of the Executive Committee of political party, it shall be deemed that such political party was acting in a manner perilous to national security under the Organic Act on Political Parties.

Section 141 Any candidate or leader of political party who violates Section 50 paragraph three shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht or the triple amount of those announced by the Election Commission, whichever is higher, or to both, and the court shall order the disfranchisement for a period of five years.

Section 142 Any treasurer for election who prepared the expenditure accounts in a manner inconsistent with the rules and procedure prescribed by the Election Commission under Section 51 paragraph two, shall be liable to imprisonment for a term of not exceeding one year and to a fine of not exceeding twenty thousand Baht, and the court shall order the disfranchisement for a period of five years and such person shall be prohibited to be a treasurer for election for a period of five years.

Section 143 Any candidate or leader of political party who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted them but the evidence under Section 52 was not completed shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

If the particulars of expenses submitted under Section 52 were false, the candidate or the leader of political party shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, and the court shall order the disfranchisement for a period of five years.

Section 144 Any person who violates Section 54 shall be liable to imprisonment for a term of one to ten years or to a fine of twenty thousand to two hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of ten years.

In the case where a political party violates Section 54, the leader of political party and members of the Executive Committee of political party shall be liable to penalty prescribed under paragraph one and the offense shall be considered as a cause leading to the dissolution of the political party under the Organic Act on Political Parties.

Section 145 Any person who violates Section 55 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 146 Any person who, not being of Thai nationality, violates Section 56 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Section 147 Any person who violates Section 58, Section 60 or violates orders of the Election Commission under Section 107 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

Section 148 Any person who deliberately causes damage or destroys the ballot paper or causes the ballot paper to be invalid, or does whatever means to transform an invalid ballot paper into a valid ballot paper shall be liable to imprisonment for a term of not exceeding one year and to a fine of not exceeding twenty thousand Baht, and the court shall order the disfranchisement for a period of five years.

If the offender under paragraph one is an election official, he or she shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 149 During the opening time to vote to the closing time thereof, any member of a Committee of polling station who discloses the fact to anyone whether any voter has come to cast a vote which is favorable or unfavorable to any candidate or political party shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 150 Any person who discloses results of an opinion poll relating to a voting in an election during the period of seven days prior to the election day until the closing time of the voting shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding six thousand Baht, or to both.

Section 151 Any person who violates Section 71 paragraph one or Section 80 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 152 Any person who violates Section 71 paragraph two, Section 72, Section 74, Section 76 or Section 77 shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

In the case where the offender under paragraph one is a person who had received or consented to receive money, properties or any other benefits and he or she notified the Election Commission or a person entrusted by the Election Commission of such act before or during the election day or within seven days after the election day, such person shall not be liable to penalty and disfranchisement.

Section 153 Any candidate who violates Section 73 or Section 75 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 154 Any person who fails to comply with an order of the Election Commission under Section 106 or violates Section 112 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Any person who, not in his or her performance of duties as prescribed by law, disclosed information known to the Election Commission under Section 112 (2) shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 155 Any person who sells, distributes or provides any alcoholic drink in a constituency during the period commencing from 18.00 o'clock of the day before the election day until the end of the election day shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

The provisions under paragraph one shall also apply to the day of vote-casting under Section 95, Section 96 and Section 97.

Section 156 Any person who bets or organizes the betting for the result of an election shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 157 Any candidate who violates Section 123 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 158 In the case where the court passes a judgment sentencing any person for an offense under this Organic Act and such person acted in such manner as to prevent the election from proceeding honestly and fairly, or such person acted with a malicious intent to cause a candidate to be disfranchised or prevent the announcement of the result of an election under Section 140 paragraph two, which was the cause of the calling of a new election in any polling station or constituency, the court shall pass a judgment for such person to reimburse the expenditure of the new election. The Election Commission shall be exempt from court fees under the Civil Procedure Code.

In the case where there are several persons liable for the reimbursement of expenditure for the new election, every such person shall be liable as joint debtors.

Section 159 In the case of an offense under this Organic Act committed in any constituency, it shall be deemed that the candidate or the political party having nominated its candidates in that constituency is the injured person under the Criminal Procedure Code.

Section 160 Whoever commits an offense under this Organic Act outside the Kingdom shall be punished in the Kingdom and the act of a co-principal, a supporter or an instigator in the offense which is done outside the Kingdom shall be deemed to be committed within the Kingdom.

Section 161 Any person who knows that he or she does not have qualifications or is under any prohibition to be a candidate for the selection of Senators and consents to his or her nomination by any organization for the purpose of being selected thereof, or any person who commits any act which caused the selection of Senators not to proceed honestly and fairly shall be liable to imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

TRANSITORY PROVISIONS

Section 162 In the first general election after this Organic Act comes into force, the provisions on the electoral expenditure and means of election campaigns for the election of Members of the House of Representatives or Senators in any constituency under Section 49 and Section 122 shall be in force from the day of the promulgation of the Royal Decree on Election of Members of the House of Representatives or Senators, as the case may be, until the election day.

Section 163 Any person disfranchised under the Organic Act on Election of Members of the House of Representatives and Senators, B.E. 2541, the Organic Act on Political Parties, B.E. 2541 or the 27th Announcement of the Council for Democratic Reform under Constitutional Monarchy modifying the 15th Announcement of the Council for Democratic Reform under Constitutional Monarchy, dated 21 September B.E. 2549 shall remain disfranchised under this Organic Act.

Section 164 For any voter deprived of the right to vote because he or she has not exercised his or her right to vote under the Organic Act on Election of Members of the House of Representatives and Senators, B.E. 2541 before the date on which this Organic Act comes into force, the deprivation of such right to vote shall terminate on the date on which this Organic Act comes into force.

Section 165 Before the Supreme Court issues rules under Section 40, the rules issued under the Organic Act on Election of Members of the House of Representatives and Senators, B.E. 2541 shall remain in force until the rules under this Organic Act are issued.

Countersigned by:

General Surayud Chulanont

Prime Minister

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