

ELECTION OF MEMBERS OF LOCAL ASSEMBLIES OR LOCAL ADMINISTRATORS ACT,  
B.E. 2562 (2019)

---

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 15<sup>th</sup> Day of April B.E. 2562;

Being the 4<sup>th</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on election of members of local assemblies or local administrators;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 27, section 33, section 34 and section 37 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in ensuring that the installation of members of local assemblies or local administrators proceeds in accordance with governance principles and in an anti-corruption manner and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

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

---

\* Translation by Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand. – Tentative Version – subject to final authorisation by the Office of the Council of State.

**Section 1.** This Act is called the “Election of Members of Local Assemblies or Local Administrators Act, B.E. 2562 (2019)”.

**Section 2.**<sup>1</sup> This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The following shall be repealed:

(1) the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002);

(2) the Election of Members of Local Assemblies or Local Administrators Act (No. 2), B.E. 2546 (2003);

(3) the Election of Members of Local Assemblies or Local Administrators Act (No. 3), B.E. 2554 (2011).

**Section 4.** In this Act:

“local government organisation” means a *Changwat* administrative organisation, a municipality, a *Tambon* administrative organisation, the Bangkok Metropolitan Administration, the Pattaya City and any other local government organisation established by law;

“local assembly” means the assembly of a *Changwat* administrative organisation, the assembly of a municipality, the assembly of a *Tambon* administrative organisation, the assembly of the Bangkok Metropolitan Administration, the assembly of the Pattaya City and the assembly of any other local government organisation established by law;

“local administrator” means President of a *Changwat* administrative organisation, a mayor, President of a *Tambon* administrative organisation, Governor of the Bangkok Metropolitan Administration, Mayor of the Pattaya City and any other local administrator or a committee of executives of any other local government organisation established by law;

“chief local official” means the administrative chief of a *Changwat* administrative organisation, the administrative chief of a municipality, the administrative chief of a *Tambon* administrative organisation, the Permanent Secretary of the Bangkok Metropolitan Administration, the administrative chief of the Pattaya City and the chief of officials or chief of government officials of any other local government organisation established by law;

---

<sup>1</sup> Published in Government Gazette, Vol. 136, Part 50a, dated 16<sup>th</sup> April 2019.

“Election Commission” means the Election Commission under the organic law on the Election Commission;

“election ombudsman” means the election ombudsman under the organic law on the Election Commission;

“*Changwat* election director” means the *Changwat* election director under the organic law on the Election Commission;

“*Amphoe Chief Official*” also includes Director of *Khet* Office and the administrative chief of an *Amphoe* who is the chief of a minor *Amphoe*;

“security official for a polling place” means a person appointed to perform the duty of providing security at a polling place under this Act;

“person entitled to vote” means a person entitled to elect members of a local assembly or local administrators;

“candidate” means a candidate in an election of members of a local assembly or local administrators;

“elected person” means a person elected as a member of a local assembly or local administrator;

“election” means an election of members of a local assembly or local administrators;

“election date” means the day fixed as the date for an election of members of a local assembly or local administrators;

“constituency” means a locality prescribed as a constituency for an election of members of a local assembly or local administrators;

“polling station” means a locality prescribed for casting votes by persons entitled to vote at any particular polling place;

“polling place” means a place prescribed for casting votes and shall also include the prescribed vicinity thereof;

“*Changwat*” also includes Bangkok Metropolis;

“*Amphoe*” also includes *Khet* and Minor *Amphoe*;

“*Tambon*” also includes *Khwaeng*;

“*Changwat* Hall” also includes the Bangkok Metropolitan Administration Hall;

“*Amphoe Hall*” also includes a *Khet Office* and a *Minor Amphoe Hall*.

**Section 5.** In the case where the Election Commission entrusts a local government organisation to be in charge of holding an election, the holding of the election shall be in accordance with this Act.

In the case where the Election Commission holds an election by itself or entrusts any other State agency which is not a local government organisation to hold an election on its behalf, the holding of the election shall be in accordance with this Act except that, in respect of duties and powers of a local government organisation, local government officials or local officials and employees of a local government organisation, it shall be the duties and powers of the Election Commission or such other State agency or officials of the Office of the Election Commission or of such other State agency or any other person, as the case may be, as prescribed by the Election Commission.

In the execution of paragraph two, the local government organisation shall provide assistance and facilities in the holding of the election as requested by the Election Commission or the other State agency which holds the election.

**Section 6.** In the case where this Act does not provide otherwise, any writing or document which is required to be notified, submitted or furnished to any particular person shall be deemed to have been duly notified, submitted or furnished under this Act if it has been notified, submitted or furnished to such person at the domicile or address evidently recorded in the register under the law on civic registration, and in the case where this Act requires publication or dissemination for general public information, it shall be deemed that publication or dissemination on an information technology system or any other system or by any other means conveniently accessible by the general public is a due pursuit of this Act.

In the case where this Act empowers the Election Commission to make the determination or issue an order on any matter, if no procedure therefor is specifically provided, the Election Commission shall conduct it by issuing Rules, Notifications or Orders, as the case may be, and such Rules, Notifications or Orders, if applicable to persons in general, shall come into force upon their publication in the Government Gazette and shall also be disseminated for general public information in accordance with paragraph one. In this regard, if any Rule, Notification or Order specifies processes therefor, the Election Commission must also clearly specify a period of time to be pursued for each process.

**Section 7.** A member of the Election Commission, the Secretary-General of the Election Commission, an election ombudsman, a *Changwat* election director or an official in charge of the election and also a competent official, who performs duties under this Act or the law, Rules, Notifications or orders of the Election Commission or performs any act in accordance with orders of the Court in connection with an election under this Act shall be protected against civil, criminal or administrative liability if the act is performed in good faith.

**Section 8.** Any trial and decision of the Court of Appeal and the Regional Court of Appeal under this Act shall be in accordance with the Rule of the general assembly of the Supreme Court as published in the Government Gazette, under which it shall be specified that trial must be conducted in an expeditious and fair manner. In this regard, the competent Court of First Instance in the constituency in question may be specified to receive motions for referral to the Court of Appeal or the Regional Court of Appeal for decision or may be specified to conduct evidence inquiries or other necessary proceedings on behalf of the Court of Appeal or the Regional Court of Appeal.

In the performance of duties of the Court of Appeal and the Regional Court of Appeal in connection with an election under this Act, judges constituting a quorum of judges and persons entrusted by a quorum of judges to perform duties are entitled to meeting allowances or remuneration, as the case may be, in accordance with the Rule prescribed by the Administrative Commission of Courts of Justice under the law on administrative organisation of Courts of Justice.

**Section 9.** The President of the Election Commission shall have charge and control of the execution of this Act and shall have the power to issue Rules, Notifications or Orders of the Election Commission in the execution of this Act.

## CHAPTER I

### GENERAL PROVISIONS

---

**Section 10.** A person entitled to vote shall be entitled to cast a vote for a number of candidates not exceeding that of members of a local assembly or local administrators allowed for the constituency.

In an election, vote casting shall be carried out by direct suffrage and secret ballot.

**Section 11.** An election shall be held within forty-five days as from the date of the expiration of the term of office of members of a local assembly or local administrators or

within sixty days as from the date of vacation of office of members of a local assembly or local administrators on any ground other than the expiration of the term of office except that, in the case of members of a local assembly, if less than one hundred eighty days remain in the term of office, the holding of an election may be omitted.

In the case of an election of a local administrator to fill a vacancy, membership of the elected person shall commence as from the election date and such person shall hold office only for the remaining term of the assembly of the local government organisation.

The Election Commission may issue an order for reducing or extending the period of time required for the holding of an election under paragraph one as is necessary upon occurrence of special circumstances, provided that reasons for such order shall also be indicated.

**Section 12.** When there arises a case in which an election is required to be held, the election director of the local government organisation under section 25 shall, with the approval of the *Changwat* election director, issue a Notification calling for an election, wherein the following matters shall at least be specified:

- (1) the election date;
- (2) the dates fixed for the recruitment of candidacy in the election, provided that the opening date therefor shall not be later than ten days as from the date of the Notification calling for an election and not less than five days shall be fixed for the recruitment of candidacy;
- (3) the place for the recruitment of candidacy in the election;
- (4) the number of members of the local assembly to be elected in each constituency or local administrators to be elected in the constituency;
- (5) the number of constituencies, with particulars as to *Amphoes* or *Tambons* or territorial areas falling within constituencies;
- (6) evidence in support of the application for candidacy in the election.

The specification under paragraph one shall be in accordance with rules, procedures and conditions prescribed by the Election Commission.

The Notification under paragraph one shall be posted at the office of such local government organisation and such other places as the election director of the local government organisation deems appropriate.

**Section 13.** The Central Register Director under the law on civic registration shall have the duty to prepare, from the register of persons entitled to vote under the organic law on the

Election Commission, a list of persons entitled to vote for each polling station and ensure its factual accuracy.

**Section 14.** Subject to section 75, a local government organisation shall bear all expenses to be incurred in an election except expenses of the Election Commission and the *Changwat* election director.

In the case where any local government organisation has insufficient incomes for funding expenses to be incurred in an election under paragraph one, the Council of Ministers shall, at its consideration, allocate funding for such local government organisation as is necessary.

**Section 15.** In the interest of ensuring that an election under this Act shall proceed in an orderly, honest and fair manner, in addition to the duties and powers of the Election Commission as provided in the Constitution and the organic law on the Election Commission, the Election Commission shall have the power to issue Rules on procedures and periods of time for the conduct of any matter insofar as they are not contrary to or inconsistent with this Act, provided that such Rules shall not have the effect of precluding rights of, or inflicting penalty on, any person and shall come into force upon their publication in the Government Gazette.

**Section 16.** In the case where the Election Commission orders a new election, the Election Commission shall have the power to issue a Notification requiring reduction or extension of periods of time or omission of proceedings in connection with the election as provided in this Act specifically for such election, as may be appropriate for the conduct of the new election in an expeditious, honest and fair manner.

**Section 17.** In an election of members of a local assembly or local administrators of any local government organisation under this Act, the Election Commission shall announce results of such election within thirty days as from the election date when its preliminary examination reveals a reasonable cause to believe that the election has proceeded in an honest and fair manner.

In the case where there is a reasonable cause to believe that the election fails to proceed in an honest or fair manner, the Election Commission shall, irrespective of whether a complaint has been made by any person or not, completely conduct an investigation or inquiry and announce results of the election or hold a new election or take other necessary action, as the case may be, expeditiously but not later than sixty days as from the election date.

In the case under paragraph two, if it is an election of members of a local assembly, when results of the election are announced and more than one half of, but not less than five,

members of the local assembly are elected, where there arises any need to convene a meeting of such local assembly, it may be convened and the local assembly may perform duties. In the meantime, it shall be deemed that the local assembly consists of existing members.

The announcement of results of the election under paragraph one and paragraph two shall not preclude the duty and power of the Election Commission to conduct investigations or inquiries or give decisions when there is a reasonable cause to believe that the election has failed to proceed in an honest or fair manner.

**Section 18.** In the case where there is an order or decision demanding a local administrator, the President or Vice President of a local assembly or a member of a local assembly to vacate office on any ground whatsoever, when the Election Commission has taken action in holding a new election or an election to fill the vacancy, although the order or decision demanding the vacation of office is subsequently invalidated by a judgment or order of the Court, such judgment or order of the Court shall have no prejudice to the election already held by the Election Commission.

## CHAPTER II

### CONSTITUENCIES, POLLING STATIONS AND POLLING PLACES

---

**Section 19.** Subject to section 20, constituencies for an election of members of a local assembly shall be determined in accordance with the rules as follows.

(1) In the case of an election of members of the assembly of the Bangkok Metropolitan Administration, a *Khet* shall be deemed as a constituency. If any *Khet*, as evidenced in the civic census announced in the year preceding the year of the election, has more than one hundred fifty thousand inhabitants, the Election Commission shall divide such *Khet* into constituencies by reference to the number of members of the assembly of the Bangkok Metropolitan Administration to be elected, provided that the number of inhabitants in each constituency shall be closely apportioned.

(2) In the case of an election of members of the assembly of a *Changwat* administrative organisation, the area of an *Amphoe* shall be deemed as a constituency. In the case where any *Amphoe* is eligible for more than one member, the area of the *Amphoe* shall be divided into the same number of constituencies as that of members for which such *Amphoe* is eligible.



(3) In the case of an election of members of the assembly of a *Tambon* municipality, the area of the municipality shall be divided into two constituencies. In the case of an election of members of the assembly of a town municipality, the area of the municipality shall be divided into three constituencies. In the case of an election of members of the assembly of a city municipality or an election of members of the assembly of the Pattaya City, the area of the municipality or the area of the Pattaya City shall be divided into four constituencies. The number of members of the assembly of a municipality shall be equal in every constituency.

(4) In the case of an election of members of the assembly of a *Tambon* administrative organisation, the area of a *Muban* shall be deemed as a constituency, unless otherwise provided by the law on *Tambon* assemblies and *Tambon* administrative organisations.

(5) In the case of an election of members of the assembly of any other local government organisation, the area of such local government organisation shall be deemed as a constituency, unless otherwise provided by the law establishing such local government organisation.

**Section 20.** The division of constituencies shall be made in a manner that the number of inhabitants in each constituency shall be most closely apportioned and the boundary of each constituency shall be adjoining except that in the case where territorial conditions of the local government organisation make it impossible to divide constituencies in a manner ensuring adjoining boundaries, constituencies may have non-adjacent boundaries to the extent necessary.

In the determination of constituencies, a street, cul-de-sac, alley, intersection, canal or river may be used as a boundary line of a constituency.

The division of constituencies under paragraph one and paragraph two shall be in accordance with rules and procedures prescribed by the Election Commission.

**Section 21.** For the purpose of the division of constituencies under section 20, the Central Register Director under the law on civic registration shall have the duty to notify details of the number of inhabitants of each *Changwat*, *Amphoe*, *Tambon*, *Muban*, municipality, *Tambon* administrative organisation and each of other local government organisations to the Election Commission for information within twenty days as from the day on which the Central Register Director announces the number of inhabitants of the entire country.

In the case of a change of the area of a *Changwat*, the area of an *Amphoe*, the area of a *Tambon*, the area of a *Muban*, the area of a municipality, the area of a *Tambon* administrative organisation or the area of a local government organisation, the Permanent

Secretary for Interior shall have the duty to notify it to the Election Commission within seven days as from the date of the change.

**Section 22.** In the case of an election of a local administrator, the area of the local government organisation concerned shall be taken as a constituency.

**Section 23.** The election director of the local government organisation shall determine polling stations and polling places to be available for each constituency.

The determination of polling stations and polling places under paragraph one shall be made not less than twenty-five days prior to the election date. In this regard, it shall be made by Notification posted at the office of such local government organisation and other places as deemed appropriate, with a brief map indicating boundaries of polling stations and polling places as well.

Alteration of the boundary of a polling station or a polling place may be made by Notification not less than ten days prior to the election date except that in the case of a riot, flood, fire, *force majeure* or any other cause of necessity, the Notification of alteration may be made less than ten days prior to the election date and the provisions of paragraph two shall also apply *mutatis mutandis*.

**Section 24.** In the determination of polling stations under section 23, regard shall be had to inhabitants' convenience in communication for exercising the right to vote, in accordance with the rules as follows.

(1) The area of a *Muban* shall be taken as the boundary of a polling station. In the case where any particular *Muban* has a small number of persons entitled to vote, two *Mubans* upwards may be merged to constitute the same polling station. In the area of a municipality, the area of the Pattaya City, the area of the Bangkok Metropolitan Administration or the area of a heavily populated community, the boundary of a polling station may be determined by reference to a street, cul-de-sac, alley, intersection, canal or river.

(2) There shall be approximately one thousand persons entitled to vote for each polling station, but if it is considered that such number prevents convenience or safety, on the part of persons entitled to vote, in their attendance for the purpose of vote casting, the determination may be made to the effect of having additional polling stations with a smaller number of persons entitled to vote than the said number.

A polling place under section 23 shall be a place which allows convenient access by general members of the public, with a notice board or any other mark indicating its boundary,

in accordance with the nature of the locality and geographical landscape, and in the interest of convenience of persons entitled to vote or safety of persons entitled to vote, the election director of the local government organisation may determine a polling place to be located outside the boundary of a polling station provided that it shall be in close proximity to such polling station.

### CHAPTER III

#### CONDUCT OF AN ELECTION

---

**Section 25.** When an election of members of the local assembly or local administrators of any local government organisation is required to be held, the chief local official of such local government organisation shall be the election director of the local government organisation, with the duties and powers as follows:

- (1) to recruit candidacy in the election;
- (2) to determine polling stations and polling places;
- (3) to appoint and organise training for officials in charge of the election;
- (4) to examine a list of persons entitled to vote and take action in adding or removing names of persons entitled to vote;
- (5) to perform activities in connection with vote casting, vote counting and announcement of vote counting results;
- (6) to perform other necessary activities in connection with the election.

The pursuit of activities under (2), (3) and (4) shall be with the approval of the election committee of the local government organisation.

In the case where it appears that the chief local official of any local government organisation has interests in matters involving a candidate in the election or there exist circumstances reasonably believed to be likely to give rise to lack of honesty or fairness in the election or there exists any other cause of necessity, the Election Commission may instead appoint the administrative chief of the *Changwat*, *Amphoe Chief Official* or the administrative chief of the *Amphoe* as the election director of the local government organisation.

For the purpose of performing duties under paragraph one or paragraph three, the election director of the local government organisation may appoint or entrust persons or groups of persons for assisting the performance of duties.

The pursuit of activities under paragraph one and paragraph four shall be in accordance with the Rule prescribed by the Election Commission.

The local government organisation which holds the election shall have the duty to provide materials and equipment pertinent to the election and support the holding of the election by the election committee of the local government organisation as well as the election director of the local government organisation, as provided in this Act.

**Section 26.** In an election of members of the local assembly or local administrators of a local government organisation, the Election Commission shall appoint an election committee of the local government organisation from government officials and other State officials who perform duties in the *Changwat* in which constituencies are founded or in the area of the *Amphoe* in which such local government organisation is situated. In this regard, not more than two persons entitled to vote who have a domicile in the area of such *Changwat* or *Amphoe*, as the case may be, and who are not Government officials or other State officials may also be appointed, provided that appointment shall not be made from local government officials or local officials or employees of the local government organisation, unless it is the appointment for the purpose of serving as secretary and assistant secretaries of such committee.

Rules and procedures for appointment and the number of the election committee of the local government organisation under paragraph one shall be in accordance with the Rule prescribed by the Election Commission.

In making the appointment under paragraph one, the Election Commission may entrust the *Changwat* election director to sign the order for such appointment on its behalf.

**Section 27.** The election committee of a local government organisation has the duties and powers as follows:

(1) to recommend and approve the determination of polling stations, polling places and the appointment of officials in charge of the election by the election director of the local government organisation;

(2) to examine and approve a list of persons entitled to vote and the addition or removal of names of persons entitled to vote;

(3) to supervise and administer the election, vote casting, vote counting and the announcement of vote counting results;

(4) to determine places for collecting results of votes and collect results of votes of every polling station and report results of the election to the *Changwat* election director;

(5) to perform any activity as provided in this Act or other laws or as entrusted by the Election Commission.

For the purpose of performing duties under paragraph one, the *Changwat* election director shall have the power to appoint or entrust the election committee of the local government organisation to appoint sub-committees or persons or groups of persons for assisting the performance of work in the election, as is reasonable.

**Section 28.** Not less than twenty days prior to the election date, the election director of the local government organisation shall, with the approval of the election committee of the local government organisation, appoint persons entitled to vote as officials in charge of the election, as follows:

(1) not less than five persons as members of the polling station committee, with the duties in connection with vote casting at polling places and vote counting of each polling station;

(2) at least two security officials for a polling place for performing the duty of providing security and supporting the performance of duties of the polling station committee.

Rules and procedures for the appointment, training and performance of duties of officials in charge of the election under paragraph one shall be as prescribed by the Election Commission.

In the case where a member of the election committee of the local government organisation or an election ombudsman finds that any member of the polling station committee or any security official for a polling place has performed or neglected the performance of the duty or has performed any act likely to prevent the election from proceeding in an honest or fair manner or cause it to proceed unlawfully, the member of the election committee of the local government organisation or the election ombudsman shall notify it to the election director of the local government organisation for considering a change of the member of the polling station committee or the security official for the polling place as it may be deemed appropriate.

**Section 29.** Prior to the election date, if the number of members of the polling station committee is deficient, the election director of the local government organisation shall appoint persons under section 28 as members of the polling station committee to fulfill the required number.

On the election date, if members of the polling station committee are, at the opening time fixed for vote casting at the election, present for performing the duty in the deficient

number, the members of the polling station committee so present for performing the duty may, where the number of the present members is not below one half of the appointed members of the polling station committee, perform the duty, and the members of the polling station committee who are present for performing the duty at that time shall report it to the election director of the local government organisation for appointing persons under section 28 as members of the polling station committee additionally in order to fulfill the required number before the vote counting in the election.

In the case under paragraph two, if no member of the polling station committee is present for performing the duty or less than one half of its members are present, the election director of the local government organisation shall appoint persons under section 28 as members of the polling station committee for performing the duty at such polling station.

Rules, procedures and conditions for the appointment of members of the polling station committee under paragraph two and paragraph three shall be as prescribed by the Election Commission.

**Section 30.** When there is an election in any local government organisation, such local government organisation shall provide local Government officials or local officials or employees of the local government organisation for assisting and facilitating the performance of duties of the election director of the local government organisation and the election committee of the local government organisation.

In the case where any local government organisation has insufficient local Government officials or local officials or employees of the local government organisation for the performance of work in connection with the election under paragraph one, the election director of the local government organisation or the election committee of the local government organisation may make a request to the *Changwat* Governor for issuing an order requiring Government officials, officials or employees of a Government agency, State agency, State enterprise or local administration who perform duties in such *Changwat* to assist the performance of work in connection with the election.

The Government officials, officials or employees who are ordered under paragraph two shall have the duty to perform as entrusted by the election director of the local government organisation or the election committee of the local government organisation.

**Section 31.** In addition to the duties as provided in this Act or as entrusted or directed by the Election Commission, the *Changwat* Governor, *Amphoe* Chief Official and

administrative or police officials under the Criminal Procedure Code shall have the duty to keep order and security in an election.

The Commissioner-General of the Royal Thai Police, *Changwat* Governor or *Amphoe* Chief Official shall provide officials for keeping order in the election as requested by the election director of the local government organisation.

**Section 32.** In the case of the commission of an offence under this Act, the person who finds the commission of the offence shall notify it to the administrative or police official or the official keeping order in the election or the security official for a polling place.

If the person who finds the commission of the offence under paragraph one is the official in charge of the election under section 28 or the official keeping order in the election, such official shall proceed to lodge a complaint or take action within duties and powers.

In the case where the official keeping order in the election or the security official for a polling place finds the commission of an offence under this Act on the election date or receives its notification supported by reliable evidence and the offender remains present in the vicinity of the polling place, the official keeping order in the election or the security official for the polling place shall have the power to arrest the offender and put the offender in custody for referral to the inquiry official for further proceedings. This instance shall be deemed as the case of finding the commission of a flagrant offence.

**Section 33.** In the case where the Election Commission, the *Changwat* election director, a candidate, a person entitled to vote, a security official for a polling place or the official keeping order in the election notifies the commission of an offence under this Act to the inquiry official or in the case where the inquiry official has the knowledge of the commission of an offence under this Act, the inquiry official shall forthwith conduct the inquiry without any complaint or accusation being required to be made by any person.

**Section 34.** In the case where there appears the fact that a political official, member of the House of Representatives, senator, local administrator, member of a local assembly or any other State official unlawfully carries out any act in contravention of the duties and powers, which amounts to intimidation against any candidate, or carries out any act causing favourable or adverse effects on any candidate, the Election Commission or a member of the Election Commission or the *Changwat* election director or the election committee of the local government organisation entrusted by the Election Commission shall have the power to order discontinuance or suspension of such act.

The member of the Election Commission who finds the act under paragraph one shall have the power to suspend such act and report it to the Election Commission for information.

**Section 35.** In the performance of duties under this Act, an election ombudsman, the *Changwat* election director, the election director of a local government organisation, a member of the election committee of a local government organisation, the chairperson of a polling station committee, a member of a polling station committee, a security official for a polling place and a person appointed for performing duties under this Act shall be officials under the Penal Code.

**Section 36.** Remuneration of a member of the election committee of a local government organisation, the election director of a local government organisation, *Amphoe* Chief Official, a member of a polling station committee, a security official for a polling place and a person appointed for performing duties under this Act shall be as prescribed by the local government organisation in accordance with the remuneration schedule or the principal standard for remuneration payment prescribed by the Election Commission, having regard to duties, powers, responsibilities and workload discrepancy, in the conduct of elections, of each type of or each local government organisation.

**Section 37.** The Election Commission shall be responsible for the publication, the control of publication and the determination of methods of delivery of ballot cards. In this instance, local government organisations shall be responsible for expenses incurred in the publication and delivery of ballot cards, in accordance with the Rule prescribed by the Election Commission.

#### CHAPTER IV

##### PERSONS ENTITLED TO VOTE AND THE LIST OF PERSONS ENTITLED TO VOTE

---

**Section 38.** A person having the following qualifications is a person entitled to vote:

(1) being of Thai nationality, provided that a person who has acquired Thai nationality by naturalisation must hold Thai nationality for not less than five years;

(2) being not less than eighteen years of age on the election date;



(3) having his name listed in a household register in the constituency for a consecutive period of not less than one year up to the election date; and

(4) having other qualifications as provided by the law establishing the local government organisation.

In the case of a transfer of a person in a household register from one constituency to another constituency within the same local government organisation, which causes the person to have his name listed in a household register in the constituency for a consecutive period of less than one year up to the election date, such person shall have the right to cast a vote in the constituency in which he last had his name listed in a household register for a period of not less than one year.

**Section 39.** A person of the following descriptions on the election date is a person prohibited from exercising the right to vote:

- (1) being a Buddhist monk, Buddhist novice, member of the clergy or priest;
- (2) being under revocation of the right to vote, whether the case in question is final or not;
- (3) being detained by a warrant of the Court or by a lawful order;
- (4) being of unsound mind or of mental infirmity;
- (5) being of other descriptions as provided by the law establishing the local government organisation.

**Section 40.** If, in any election, a person entitled to vote is unable to exercise the right to vote on account of a reasonable cause, such person shall notify the cause preventing the exercise of the right to vote to the person designated by the Election Commission within seven days prior to the election date or within seven days as from the election date. But, if it cannot be notified within seven days prior to the election date on account of a cause of necessity, the notification shall be given as prescribed by the Election Commission. In this regard, the notification of such cause shall not preclude such person's right to vote.

The person entitled to vote shall give the notification of the cause under paragraph one in writing or by any other means for explaining such cause. In this regard, such person may entrust any other person to submit it, on his behalf, to the person appointed by the Election Commission or send the written explanation of such cause by registered post or give the notification by an electronic means.

In the case where the person designated by the Election Commission under paragraph one is, after consideration, of the opinion that the cause notified by the person entitled to vote is not a reasonable cause, it shall be notified to the person entitled to vote within three days as from the date of receipt of the notification.

The person entitled to vote who is notified under paragraph three has the right to appeal to the *Changwat* election director within thirty days as from the election date.

The notification of causes, electronic means for giving the notification of causes, the person for receiving the notification of causes, places for receiving the notification of causes, the consideration of the notification of causes and the appeal shall be in accordance with rules and procedures prescribed by the Election Commission. In prescribing such matters, regard shall also be had to the facilitation of public convenience. In this regard, the Election Commission shall also prescribe details of causes preventing persons entitled to vote from exercising the right to vote in order that they can serve as guidance for considerations to be made by the person appointed by the Election Commission.

**Section 41.** At the expiration of sixty days as from the election date, the person appointed by the Election Commission under section 40 paragraph one shall publish names of persons who have failed to exercise the right to vote without giving the notification of the cause thereof under section 40 or with giving the notification of the cause thereof which is not a reasonable cause.

In the case where the publication of the names under paragraph one contains any factual error or discrepancy, the interested person shall submit an application to the *Changwat* election director or the person appointed by the Election Commission under section 40 for correction, in accordance with rules and procedures prescribed by the Election Commission.

**Section 42.** Any person entitled to vote, who has failed to exercise the right to vote without giving the notification of the cause preventing it or with giving the notification of the cause thereof which is not a reasonable cause, shall be subject to restrictions of such rights as follows:

(1) the right to candidacy in an election into a post of a member of the House of Representatives or a member of a local assembly or a local administrator or candidacy in the selection into a post of a senator;

(2) the right to candidacy in an election of a *Kamnan* and a *Poo Yai Ban* under the law on local administration;

(3) the right to participate in a petition for removing a member of a local assembly or a local administrator under the law on casting votes for the removal of members of local assemblies or local administrators;

(4) the right to hold a post of a political official under the law on political officials organisation and a post of a political parliamentary official under the law on parliamentary officials organisation;

(5) the right to hold a post of a deputy local administrator, a secretary to a local administrator, an assistant secretary to a local administrator, a chief adviser to a local administrator, an adviser to a local administrator or a member of a committee of advisers to a local administrator under the law establishing a local government organisation;

(6) the right to hold a post of a secretary to the President of a local assembly, an assistant secretary to the President of a local assembly or a secretary to Vice President of a local assembly under the law establishing a local government organisation.

The restriction of rights under paragraph one shall be for each period of two years as from the election date on which the person entitled to vote fails to exercise the right to vote. If, in the next election, such person fails to exercise the right to vote again, the period of the restriction of rights with respect to this subsequent occasion shall commence as from the date of failure to exercise the right to vote in the new election, and the remaining period of the previous restriction of rights, if any, shall terminate.

**Section 43.** Upon the Notification calling for an election, the election director of the local government organisation shall examine the list of persons entitled to vote of each polling station from the list of persons entitled to vote under section 13 to ensure factual accuracy and publish it openly at the *Changwat* Hall or the *Amphoe* Hall located in the constituency concerned, the office of the local government organisation concerned, polling places or the vicinity thereof and other places deemed appropriate not less than twenty-five days prior to the election date and notify the list of persons entitled to vote to householders not less than fifteen days prior to the election date.

In the case where the election director of the local government organisation finds that the preparation of the list of persons entitled to vote has an error or there is a reasonable cause to believe that the name of any person has unduly been transferred into a household register for the benefit of the election, whether such incidence is found before or after the publication of the list of persons entitled to vote, the election director of the local government organisation shall expeditiously report it to the election committee of the local government

organisation. If the election committee of the local government organisation considers that such case is a reality, it may order correction or removal of the name of such person from the list of persons entitled to vote.

The list of persons entitled to vote openly published under paragraph one shall not indicate civic identification numbers of persons entitled to vote, while the list of persons entitled to vote prepared for use by officials in identifying persons making an appearance for exercising the right to vote shall also indicate civic identification numbers of persons entitled to vote.

**Section 44.** Any person entitled to vote or any householder who considers that he or a person whose name is listed in his household register is not listed in the list of persons entitled to vote shall notify it in writing to the election director of the local government organisation not less than ten days prior to the election date.

When the election director of the local government organisation has received the written notification under paragraph one, examination of evidence shall expeditiously be conducted. If it is considered that the notifier or the person whose name is listed in the household register is a person entitled to vote, the election director of the local government organisation shall, with the approval of the election committee of the local government organisation, expeditiously add the name of such person to the list of persons entitled to vote and notify it to the notifier and the householder. But, if it is considered that the notifier or the person whose name is listed in the household register is not a person entitled to vote, the election director of the local government organisation shall report it to the election committee of the local government organisation and notify it to the notifier and the householder within three days as from the date of receipt of the written notification. In the case where the election committee of the local government organisation considers that the notifier or the person whose name is listed in the household register is a person entitled to vote, it shall order the addition of the name of such person to the list of persons entitled to vote and expeditiously notify it to the election director of the local government organisation. In this regard, the election director of the local government organisation shall comply with the order of the election committee of the local government organisation and expeditiously notify it to the notifier or householder.

**Section 45.** Any person entitled to vote who considers that a person whose name is listed in the list of persons entitled to vote published under section 43 paragraph one is a person not entitled to vote shall have the right to submit, not less than ten days prior to the

election date, a request to the election director of the local government organisation for removal of the name of such person not entitled to vote from the list of persons entitled to vote.

When the election director of the local government organisation considers that the person whose name is listed in the list of persons entitled to vote is a person not entitled to vote, the election director of the local government organisation shall, with the approval of the election committee of the local government organisation, order removal of the name of such person from the list of persons entitled to vote and notify it to the person making the request. If the election director of the local government organisation considers that the person whose name is listed in the list of persons entitled to vote is a person entitled to vote, the election director of the local government organisation shall report it to the election committee of the local government organisation and also notify it to the person making the request within three days as from the date of receipt of the request. In the case where the election committee of the local government organisation considers that the person whose name is listed in the list of persons entitled to vote is a person not entitled to vote, it shall order the removal of the name of such person from the list of persons entitled to vote and the provisions of section 44 paragraph two shall also apply *mutatis mutandis*.

If any householder considers that the list of persons entitled to vote contains the name of any other person whose name is not listed in his household register, when the householder or the person entrusted by the householder produces his household register indicating that the name of such person is not listed therein, the election director of the local government organisation or the polling station committee, as the case may be, shall expeditiously order the removal of the name of such person from the list of persons entitled to vote and notify it to the householder or the person entrusted by the householder.

In the case under paragraph two or paragraph three, if the person whose name is removed from the list of persons entitled to vote produces evidence indicating that he is a person entitled to vote and submits an objection to the name removal to the election committee of the local government organisation, the election committee of the local government organisation shall expeditiously conduct factual examination and give a decision thereon. The decision of the election committee of the local government organisation shall be final for such election.

**Section 46.** In the case where the Court renders a judgment requiring revocation of the right to vote of any person and the Election Commission has the knowledge of such judgment, the Election Commission shall notify it to the election director of the local government organisation for recording it in the list of persons entitled to vote and the Election Commission

shall, when the case becomes final, notify it to the election director of the local government organisation for recording it or revising the original record in consistency with such final judgment.

**Section 47.** In the case where there is a removal of the name of any person from the list of persons entitled to vote under section 43 paragraph two or section 45 paragraph two or paragraph three or an addition of the name of any person to the list of persons entitled to vote under section 44 paragraph two or in the case where the Court renders a final judgment requiring revocation of the right to vote of any person under section 46, the election director of the local government organisation shall also notify it to the Central Register Director under the law on civic registration for correcting the list of persons entitled to vote under section 13 to ensure correctness.

**Section 48.** A person shall not carry out a transfer of any person into a household register for the undue benefit in an election.

In the following cases, it shall also be presumed that a transfer in question is a transfer of a person into a household register for the undue benefit in an election, unless it is considered by the Election Commission as a transfer with reasonable justification:

(1) a transfer of at least five persons not having the same surname as that of the householder into a household register in order for such persons to be entitled to vote in an election to be held within two years as from the date of the transfer into the household register;

(2) a transfer of a person into a household register when such person has no actual residence;

(3) a transfer of a person into a household register without consent of the householder.

The provisions of paragraph two (1) shall not apply to State agencies, educational

institutions, places of business or any other places prescribed in the Notification of the Election Commission which have carried out transfers of their officials, students or employees or persons prescribed in the Notification of the Election Commission into their household register, in accordance with rules and conditions prescribed by the Election Commission.

CHAPTER V  
CANDIDATES IN AN ELECTION

---

**Section 49.** A person possessing the following qualifications has the right to candidacy in an election:

(1) being of Thai nationality by birth;

(2) in the case of candidacy in an election into the post of a member of a local assembly, being not less than twenty-five years of age up to the election date while, in the case of candidacy in an election into the post of a local administrator, being of such age as provided by the law establishing the local government organisation;

(3) having his name listed in the household register in the area of the local government organisation where he intends to be a candidate in the election, on the date of application for candidacy, for a consecutive period of not less than one year up to the date of application for candidacy;

(4) possessing other qualifications as provided by the law establishing the local government organisation.

**Section 50.** A person of any of the following descriptions shall have no right to candidacy in an election:

(1) being addicted to narcotics;

(2) being a bankrupt or having previously been a dishonest bankrupt;

(3) being an owner or shareholder of any newspaper or mass media business;

(4) being a person who is prohibited from exercising the right to vote under section 39 (1), (2) or (4);

(5) being under temporary suspension of the right to candidacy in an election or being under revocation of the right to candidacy in an election;

(6) being sentenced by a judgment to imprisonment and detained by a warrant of the Court;

(7) having been discharged for a period of less than five years up to the election date after being imprisoned, except for an offence committed through negligence or a petty offence;

(8) having been ordered to leave the Government service, a State agency or a State enterprise by reason of corruption in office or any deemed corrupt practice or malfeasance in the Government service;

(9) having been sentenced by a final judgment or order of the Court to the effect that the property shall vest in the State by reason of unusual wealthiness or having been sentenced by a final judgment to imprisonment by reason of the commission of an offence under the law on anti-corruption;

(10) having been convicted, by a final judgment, of an offence of malfeasance in governmental office or judicial office or an offence under the law on offences of officials in State organisations or agencies or an offence relating to property committed dishonestly under the Penal Code or an offence under the law on loans involving public fraud, the law on narcotics insofar as it deals with being the producer, importer, exporter or trader, the law on gambling insofar as it deals with being a gambling dealer or gambling-palour owner, the law on anti-human trafficking or the law on money laundering control insofar as it deals with money laundering;

(11) having been convicted, by a final judgment, of election fraud;

(12) being a Government official holding a permanent position or receiving a permanent salary;

(13) being a member of the House of Representatives, a senator, a member of a local assembly or a local administrator;

(14) being an official or employee of a Government agency, a State agency, a State enterprise or a local administration or being any other State official;

(15) being a judge of the Constitutional Court or a holder of a position in an independent organ;

(16) being under the prohibition from holding a political position;

(17) having previously vacated office by reason that the Supreme Court or the Supreme Court's Criminal Division for Holders of Political Positions has rendered a judgment that such person has circumstantially become unusually wealthy or committed corruption in office or intentionally performed the duty or exercised the power contrary to the provisions of the Constitution or law or gravely violated or failed to comply with an ethical standard;

(18) being convicted, by a final judgment, of an offence under this Act, whether penalty is inflicted or not, provided that the period of less than five years up to the election date has elapsed as from the discharge from the penalty or the conviction, as the case may be;



(19) having previously been removed from the office of a member of the House of Representatives, senator, member of a local assembly or local administrator under the provisions of the Constitution of the Kingdom of Thailand or the law casting votes for the removal of members of local assemblies or local administrators, as the case may be, when the period of less than five years up to the election date has elapsed as from such removal;

(20) being under the restriction of the right to candidacy in an election into the post of a member of a local assembly or a local administrator under section 42 or under the organic law on the election of members of the House of Representatives;

(21) having previously had the right to vote revoked and the period of less than five years has elapsed as from the date of termination of the revocation thereof up to the election date;

(22) being a candidate in an election into the post of a member of the House of Representatives or in a selection into the post of a senator or being a candidate in an election into the post of a member of a local assembly or local administrator of the same local government organisation or any other local government organisation;

(23) having previously vacated any office in a local government organisation on account of having direct or indirect interests in a contract or undertaking concluded or to be concluded with or for such local government organisation or having direct or indirect interests in a contract or undertaking concluded or to be concluded with or for any other local government organisation, when there are circumstances indicative of reciprocity or personal favour facilitation and the period of less than five years has elapsed as from the date of vacation of office up to the election date;

(24) having previously been ordered to vacate any office in a local government organisation on account of intentional failure to comply with the law, official regulations or rules or resolutions of the Council of Ministers, thereby seriously prejudicing official interests and the period of less than five years has elapsed as from the date of vacation of office up to the election date;

(25) having previously been ordered to vacate any office in a local government organisation on account of a neglect of or omission from performance in accordance with the duties and powers or unlawful discharge of duties and powers or a behaviour in violation of public order or welfare or a behaviour in a manner causing prejudice to official dignity or the local government organisation or official service and the period of less than five years has elapsed as from the date of vacation of office up to the election date;

(26) being of other descriptions provided by the law establishing the local government organisation.

**Section 51.** In applying for candidacy in an election, a candidate shall submit an application to the election director of the local government organisation together with supporting evidence and the application fee as prescribed by the Election Commission.

With respect to supporting evidence under paragraph one, the applicant shall submit evidence indicating payment of personal income tax for a consecutive period of three years up to the year of the candidate's application, except that the candidate is a person who has not made payment of personal income tax, in which case the candidate shall make written confirmation of non-payment thereof together with reasons therefor.

The application fee under paragraph one in any local government organisation shall become the income of such local government organisation and, in any event, such local government organisation is under no obligation to return the said application fee to any person.

**Section 52.** When the election director of the local government organisation has received an application, the election director of the local government organisation shall examine the application, documents, evidence and the application fee in order to find out whether they are complete. If incompleteness is found, all documents, evidence and the application fee shall forthwith be returned to the candidate.

In the case where the examination by the election director of the local government organisation reveals that the candidate has completely furnished the application, documents, evidence and the application fee, the election director of the local government organisation shall issue to such candidate a document evidencing receipt of the application for candidacy in order of the submission thereof and shall prepare its duplicate for an evidential purpose.

The election director of the local government organisation shall examine correctness of the candidate's application under paragraph two and examine such person's eligibility for candidacy in the election, When the election director of the local government organisation considers that it is correct and such person is eligible for candidacy in the election, the election director of the local government organisation shall, within seven days as from the closing date of the candidacy recruitment, publish a list of candidates openly at polling places or the vicinity thereof or other places as may be deemed appropriate.

The publication of the list of candidates under paragraph three shall contain candidates' names, surnames, photographs and personal numbers to be used for vote casting, in

accordance with the Rule prescribed by the Election Commission. In this regard, the qualifications and prohibitions under section 49 and section 50 shall also be posted at the said places.

The publication of the list of candidates under paragraph three does not preclude the Election Commission's power to take action under section 56.

**Section 53.** When the election director of the local government organisation has issued a document evidencing receipt of the application for candidacy to the candidate under section 52 paragraph two, the candidate may not withdraw the application for candidacy.

**Section 54.** Any person shall not demand, accept or agree to accept money, property or any other benefit capable of calculation into monetary value for himself or any other person in return for his applying for candidacy in an election.

Any person shall not give, offer to give, promise to give or prepare to give property or any other benefit capable of calculation into monetary value to any person in return for such person's or any other person's application for candidacy in an election

**Section 55.** Any candidate whose name is not listed in the publication under section 52 shall have the right to submit a motion to the Election Commission within three days as from the date of publication of the list of candidates. In this regard, the Election Commission shall expeditiously give a decision thereon and the election director of the local government organisation, the local government organisation and agencies concerned shall take action in pursuit of such decision.

For the purpose, and in the interest of expediency, of receipt of motions and the decision in the case under paragraph one, the Election Commission may authorise a group of persons to make preliminary consideration and decision for proposal to the Election Commission in accordance with the Rule prescribed by the Election Commission.

**Section 56.** When it is apparent to the Election Commission or the election director of the local government organisation, or when it is notified by any person, that any candidate is not eligible for candidacy in the election, the Election Commission shall expeditiously give decision thereon. If it is so apparent or it is so notified not less than twenty days prior to the election date, the Election Commission shall give decision thereon not less than ten days prior to the election date, and if there is reasonable evidence that such candidate is not eligible for candidacy in the election, the Election Commission shall order removal of the name of such person from the list of candidates.

The provisions of section 55 paragraph two shall also apply to the proceedings under paragraph one *mutatis mutandis*.

An appeal against the decision of the Election Commission under paragraph one shall be made to the Court of Appeal or the competent Regional Court of Appeal. The decision of the Court of Appeal or the Regional Court of Appeal shall be final. Such appeal shall have no effect of terminating or suspending the election and the Court of Appeal or the Regional Court of Appeal shall complete its decision prior to the election date.

**Section 57.** Personal numbers for candidates shall be determined in order of their presence for submission of applications. If candidates are simultaneously present and may not agree, the determination shall be made by drawing lots amongst the candidates with simultaneous presence.

When candidates' personal numbers have been determined under paragraph one, they may not be altered for any reason whatsoever.

The determination of candidates' personal numbers and the lot drawing shall be in accordance with rules and procedures prescribed by the Election Commission.

**Section 58.** Any candidate who intends to send his representative to be stationed at polling places shall, not less than seven days prior to the election date, submit a written instrument of appointment of representatives to the election director of the local government organisation, provided that one representative shall be appointed for each place.

**Section 59.** A representative of a candidate shall be at the venue which is provided at a polling place and allows the sight of the performance of work and shall not serve as a member of the polling station committee or have any contact with ballot cards or any conversation with a member of the polling station committee or any other representative in a manner causing an obstacle to the election.

A representative of a candidate may protest when the representative considers that a member of the polling station committee performs in violation of law. In such case, the member of the polling station committee shall record such protest.

If a representative of a candidate carries out an act causing an obstacle to the election and, after warning by a member of the polling station committee, disobediently continues the act, the polling station committee has the power to order the representative of the candidate to leave the polling place.

## CHAPTER VI

EXPENSES INCURRED IN AN ELECTION AND CAMPAIGN PROCEDURES OF CANDIDATES IN AN ELECTION

---

**Section 60.** The *Changwat* election director shall, by Notification, determine an amount of candidates' expenses to be incurred in an election, in accordance with rules, procedures and periods of time prescribed by the Election Commission.

The determination of expenses under paragraph one shall, for all time, be in force until new determination is made, and in the case where the Election Commission considers that such expenses are not appropriate, the Commission Election has the power to order the *Changwat* election director to, by Notification, determine them anew to ensure appropriateness. The new determination of expenses shall not apply to the election which is in progress or which will take place within one hundred eighty days as from the date of the Notification making the new determination of expenses.

A candidate shall not spend a greater amount of expenses in an election than that prescribed under paragraph one or paragraph two, as the case may be. Such amount of expenses shall include all money paid or agreed to be paid by any other person for the candidate and property brought for use or given gratuitously by any other person for the purposes of election campaigns of the candidate with the knowledge or consent of the candidate. In the case where property is brought for use, the calculation shall be made by reference to a normal rate of rent or remuneration in the locality concerned.

All money spent by other persons in election campaigns for a candidate, when the candidate has the knowledge of the acts concerned, shall be deemed to be the amount of expenses spent with the knowledge or consent of the candidate under paragraph three, unless the candidate notifies to the *Changwat* election director, within three days as from the date of the knowledge of the said acts, that the candidate has not consented to such acts. In this regard, the *Changwat* election director shall take action as the *Changwat* election director deems appropriate to prevent further election campaigns by such persons.

**Section 61.** The calculation of expenses of a candidate for each election shall be made on the basis of actual expenses incurred in the election during the periods of time as follows:

(1) in the case of an election on account of the expiration of the term, the calculation shall be made of expenses incurred as from one hundred eighty days prior to the date of the expiration of the term up to the election date;

(2) in the case of an election to fill a vacancy, the calculation shall be made of expenses incurred as from the date of the vacancy up to the election date.

In the case where there is a reasonable cause for the purpose of ensuring that an election shall be conducted or managed in an honest and fair manner, the Election Commission may extend the periods of time under paragraph one.

The Election Commission shall, by Notification, announce types of expenses in an election as guidance for candidates and general members of the public. Such Notification shall be made up to date.

**Section 62.** Within ninety days as from the election date, a candidate shall submit to the *Changwat* election director an account of incomes and expenses in the election, together with relevant evidence, and ensure their factual correctness and completeness.

The *Changwat* election director shall cause the account of incomes and expenses under paragraph one to be posted at the office of the *Changwat* Office of the Election Commission, the office of the local government organisation concerned and other places as deemed appropriate.

Details of and procedures for the preparation of the account of incomes and expenses under paragraph one shall be in accordance with rules and procedures prescribed by the Election Commission and published in the Government Gazette.

**Section 63.** When any candidate has submitted an account of incomes and expenses in an election incorrectly or incompletely or when the *Changwat* election director has a reasonable cause to suspect or receives notification supported by reasonable evidence that any candidate has spent expenses in an election in a greater amount than that determined by the Notification of the *Changwat* election director, the *Changwat* election director shall carry out and complete fact findings within one hundred twenty days as from the date of the expiration of the time for submission of the account of incomes and expenses in an election or within one hundred eighty days as from the date of the occurrence of the reasonable cause for suspicion or receipt of the notification, as the case may be. If the *Changwat* election director considers that such candidate has carried out the said act, the *Changwat* election director shall notify it to the inquiry official for taking further legal proceedings expeditiously.

The *Changwat* election director shall report the proceeding under paragraph one to the Election Commission within seven days as from the date of the knowledge of the fact finding result.

In the execution of paragraph one, in the case where such candidate is a finally elected person, if the Election Commission considers that such person has carried out the alleged act, the Election Commission shall file a motion to the Court of Appeal or the Regional Court of Appeal for ordering revocation of the right to vote of such person and order a new election to fill the vacancy, provided that this shall not prejudice business performed in the course of such person's duty prior to the date of the order of the Court of Appeal or the Regional Court of Appeal. In this instance, the Court of Appeal or the Regional Court of Appeal shall consider the matter and issue an order within one hundred eighty days as from the date of receipt of the motion. The order of the Court of Appeal or the Regional Court of Appeal shall be final.

In the case where the *Changwat* Governor or *Amphoe* Chief Official has a reasonable cause to suspect, with convincing evidence, that any candidate has spent expenses in an election in a greater amount than that determined by the Notification of the *Changwat* election director, the *Changwat* Governor or *Amphoe* Chief Official shall notify it to the *Changwat* election director for taking further proceeding under paragraph one.

**Section 64.** In the interest of fairness and orderliness, a candidate may carry out election campaigns within periods of time as follows:

(1) in the case of an election on account of the expiration of the term or the expiration of the age limit, election campaigns may be carried out as from one hundred eighty days prior to the date of the expiration of the term or the expiration of the age limit up to 18.00 o'clock of the date preceding the election date;

(2) in the case of an election on account of the dissolution of the assembly or the deemed dissolution of the assembly, election campaigns may be carried out as from the date of the dissolution of the assembly or the date of the deemed dissolution of the assembly up to 18.00 o'clock of the date preceding the election date;

(3) in the case of an election on account of a vacancy by a cause other than the expiration of the term or the expiration of the age limit, election campaigns may be carried out as from the date of the vacancy up to 18.00 o'clock of the date preceding the election date;

(4) in the case of an order for a new election, election campaigns may be carried out as from the date of the order for a new election up to 18.00 o'clock of the date preceding the election date;

(5) in the case of an order for fresh vote casting, election campaigns shall be carried out by any person unless it is otherwise determined by a resolution of the Election Commission, having regard to honesty and fairness.

**Section 65.** Any candidate or any person shall not perform any act, by the following means, in order to induce a person entitled to vote to cast a vote for himself or for any other candidate or refrain from casting a vote for candidates or in order to solicit an act of not electing any person as a member of a local assembly or local administrator:

(1) procuring, giving, offering to give, promising to give or preparing to give property or any other benefit capable of calculation into monetary value to any person;

(2) giving, offering to give or promising to give money, property or any other benefit, whether directly or indirectly, to a community, association, foundation, temple or any other religious place, educational institution, support centre or any other institute;

(3) conducting a campaign by organising performances or entertainment events;

(4) giving a treat or agreeing to give a treat to any person;

(5) exerting a deceit, compulsion, threat or threatening influence, insulting by a false statement or enticing a misunderstanding in popularity of any candidate.

A member of a local assembly and a local administrator shall not perform an act under paragraph one unless it is performed in accordance with the duties and powers provided by law. In the case where a local government organisation, local administrator or administrative chief of a local government organisation approves any new project or activity which is of the description under paragraph one within ninety days prior to the date of the expiration of the term of office or prior to the resignation of office of the local administrator, as the case may be, it shall be deemed that such local government organisation, local administrator or administrative chief of the local government organisation performs an act violating the prohibition under paragraph one, unless such project or activity is, in essence, the alleviation of grievance from a natural disaster or public disaster or is a continuous project or activity regularly performed or is a project performed in accordance with a resolution of the Council of Ministers.

The declaration of policies or the pursuit of directions for resolving problems in accordance with the duties and powers of a local government organisation by the application of its budgetary appropriation shall not be deemed to be the case under (1) or (2), unless it is a campaign in connection with policies which are inconsistent with the duties and powers of the local government organisation.



In the case where the Election Commission has a reasonable cause to suspect that any local government organisation carries out any prohibited act under paragraph one or paragraph two, the Election Commission shall consider the matter and give decision thereon. When the Election Commission decides that the pursuit of the act amounts to such prohibition, the Election Commission shall order such local government organisation to take action as is appropriate in the case.

An offence under (1) or (2) shall be deemed to be a predicate offence under the law on anti-money laundering and the Election Commission shall have the power to refer the matter to the Anti-Money Laundering Office to pursue proceedings in accordance with its duties and powers.

**Section 66.** In the interest of orderliness, honesty and fairness of election campaigns, the Election Commission may prescribe prohibitions in election campaigns by candidates.

When the Election Commission has prescribed prohibitions under paragraph one, a candidate shall not carry out or consent to any election campaigns which amount to such prohibitions.

Any candidate who has any number of campaign assistants shall notify the *Changwat* Office of the Election Commission of details as to campaign assistants and duties as well as remuneration of campaign assistants, in accordance with procedures prescribed by the Election Commission

The remuneration under paragraph three shall also be included in the calculation of expenses incurred in an election.

**Section 67.** A candidate shall not provide vehicles for carrying persons entitled to vote to polling places for the purpose of an election or from polling places or provide persons entitled to vote with transportation to or from polling places for casting votes without paying usual fares or remuneration.

Any person shall not carry out an act under paragraph one with a view to inducing or commanding persons entitled to vote to cast votes for or against any candidate.

The provisions of this section shall not apply to the provision by a State agency of vehicles for convenience of persons entitled to vote, as prescribed by the Election Commission.

**Section 68.** A person who is not of Thai nationality shall not take part in providing assistance in an election or perform any act for the purpose of an election in a manner causing favourable or adverse effects on a candidate, except that the act is *bona fide* performed by such person for assisting governmental service as officially requested or in the course of his normal occupation.

**Section 69.** A State official shall not exploit his official office or duties for performing any act causing favourable or adverse effects on a candidate unless it is an act performed in accordance with the duties and powers.

In the case where there is evidence justifying the belief that violation of the provisions of paragraph one occurs, the Election Commission shall have the power to order the State official to discontinue, suspend or rectify such act. In the case where it is necessary, the Election Commission shall inform the superior to order such State official to vacate duties for the time being or to be relocated to a Ministry, Sub-ministry, Department, *Changwat* Hall or *Amphoe* Hall or to refrain from entering a constituency until vote counting results are announced.

**Section 70.** Any person shall not carry out election campaigns by any means causing favourable or adverse effects on a candidate from 18.00 o'clock of the date preceding the election date up to the end of the election date.

**Section 71.** Posters or notice boards in connection with election campaigns may be posted or displayed only at places, and shall be of the size and in the number not exceeding that, prescribed by the Election Commission or the person entrusted by the Election Commission.

**Section 72.** The Election Commission shall have the duty to promote, support and disseminate to members of the public who are persons entitled to votes data on an election for their information and in the interest of their exercising the right to vote extensively.

**Section 73.** In the case where an election campaign is carried out by an electronic means and it appears, in any way, to the Election Commission that such election campaign violates or fails to be in compliance with this Act or orders, Rules or regulations of the Election Commission, the Election Commission shall have the duty to bring the facts to the notice of general members of the public forthwith and have the power to order persons concerned to correct, alter or delete the data immediately.

**Section 74.** Upon the Notification determining polling places under section 23, a person shall not cause any printed matter, poster or any other article to be posted or displayed

within a polling place unless it is carried out in pursuit of an order of the election director of the local government organisation for the purpose of providing convenience to persons exercising the right to vote in accordance with the Rule prescribed by the Election Commission.

In the case where a printed matter, poster or any other article has been posted or displayed within a polling place prior to or on the election date in violation of paragraph one, the polling station committee shall destroy or conceal it or take it out of the polling place.

## CHAPTER VII

### VOTE CASTING

---

**Section 75.** In the case where the Election Commission requires vote casting to be carried out by any method other than by the use of ballot cards for an election, expenses to be incurred in the procurement or provision of equipment or tools for such vote casting shall be borne by the Election Commission. In this regard, the Election Commission may also demand costs of the use of such equipment or tools from the local government organisation which uses them in the election at the rate prescribed.

Vote casting by any other method under paragraph one shall be in accordance with rules and procedures prescribed by the Election Commission.

**Section 76.** Vote casting shall be carried out by the following means:

- (1) vote casting by the use of ballot cards;
- (2) vote casting by any method other than by the use of ballot cards.

Vote casting by a method under (2) shall be in accordance with rules, procedures and conditions prescribed by the Election Commission, provided that such method is capable of preventing election fraud more efficiently and conveniently than vote casting by ballot cards and is value for money and must allow ease of access by the public.

In the case where the Election Commission requires vote casting to be carried out under (2), the provisions of section 81, section 83, section 85, section 86, section 88 and section 89 shall not apply.

**Section 77.** Ballot boxes and ballot cards shall be of such descriptions as prescribed by the Election Commission. In prescribing descriptions of ballot boxes, the Election

Commission shall have regard to ballot boxes already made available by the local government organisation in order that such ballot boxes may be put into continued use.

**Section 78.** On the election date, vote casting shall be open as from 08.00 o'clock up to 17.00 o'clock. But, in the case where it is deemed appropriate for the purpose of ensuring orderliness of the election, the Election Commission may otherwise prescribe the time for vote casting for any particular local government organisation, provided that the time for vote casting shall be not less than seven hours.

**Section 79.** Before vote casting is open, the polling station committee shall count all ballot cards of such polling station and display the number of ballot cards at an open place and, on arrival of the time for vote casting, the polling station committee shall open ballot boxes at an open place, make it apparent to persons entitled to vote who are present at such polling place that the ballot boxes are empty ballot boxes and close the ballot boxes in accordance with the method prescribed by the Election Commission and shall take a record of the conduct of such activities. Such record shall also be signed by not less than two persons entitled to vote who are present at the polling place at that time unless there is no person entitled to vote at the polling place.

**Section 80.** While vote casting is open, a person entitled to vote, who intends to cast a vote, shall present his civic identification card or any other card or evidence issued officially or issued by a State agency and bearing a photograph and the civic identification number of the holder to a member of the polling station committee and the member of the polling station committee shall give a ballot card to such person for casting a vote.

A civic identification card which has expired may be used for the purpose of identification under paragraph one.

Processes and procedures for the verification of the identification shall be as prescribed by the Election Commission.

**Section 81.** In casting a vote, a cross shall be affixed in the box provided for a candidate's personal number on a ballot card and, in the case where a person entitled to vote decides not to vote for any candidate, the person entitled to vote shall affix a cross in the box marked "Not Intending to Vote for Anyone".

**Section 82.** For convenience of disabled persons, persons of infirmity or old-aged persons in vote casting, the Election Commission or the person entrusted by the Election

Commission shall specifically provide facilities for vote casting of such persons or make available assistance in vote casting within the supervision of the polling station committee. Such assistance shall be rendered in a manner allowing such persons to cast a vote personally in accordance with their determination, except that where the physical nature prevents disabled persons, persons of infirmity or old-aged persons from affixing a mark on a ballot card, another person or a member of the polling station committee shall carry it out on their behalf upon their consent and in accordance with their determination. Such conduct shall be deemed to be vote casting by direct suffrage and secret ballot.

In the case where the Election Commission deems appropriate, the Election Commission may require that a polling place be specifically provided for disabled persons, persons of infirmity or old-aged persons. For this purpose, such persons shall be allowed to be registered for exercising the right to vote at such place and, upon registration, shall not have the right to vote at the polling station in respect of which their names are listed in the household register.

The provision of facilities under paragraph one, the provision of polling places and the registration for the exercise of the right under paragraph two shall be in accordance with rules and procedures prescribed by the Election Commission. In effecting registration in accordance with the procedures prescribed by the Election Commission, regard shall also be had to convenience of persons intending to be registered.

**Section 83.** When a person entitled to vote has affixed a cross on a ballot card, the ballot card shall be folded to prevent others from acquiring the knowledge as to the candidate for whom the vote is cast or the candidate against whom the vote is cast and the ballot card shall be inserted into a ballot box in person in the presence of a member of the polling station committee or, in the case under section 82, a member of the polling station committee may render assistance in its insertion into a ballot box, provided that it shall be carried out in the presence of the person entitled to vote.

**Section 84.** A person, with the knowledge that he is a person not entitled to vote, shall not attempt to cast a vote or cast a vote.

**Section 85.** Any person entitled to vote shall not, for the purpose of vote casting, use any card other than the ballot card received from a member of the polling station committee.

Any person shall not take ballot cards from a polling place unless it is an act carried out in accordance with the duties and powers.

**Section 86.** Any person shall not, by any means, intentionally affix on a ballot card any mark other than a mark for casting a vote.

**Section 87.** While casting a vote, any person shall not use any device or equipment for taking a photograph of a ballot card with a view to allowing the sight of a mark entered for vote casting in a polling booth.

**Section 88.** Any person shall not insert a ballot card into a ballot box without lawful authority or carry out any act towards a list of persons entitled to vote for the purpose of falsely indicating that a person has been present for casting a vote or carry out any act causing the number of ballot cards to exceed the actual number.

**Section 89.** Any person entitled to vote shall not present to another person a ballot card on which a vote has been cast with a view to allowing that other person to acquire the knowledge as to the candidate for or against whom the vote is cast.

**Section 90.** Any person shall not carry out any act without lawful authority with a view to preventing a person entitled to vote from exercising his right or obstructing or deterring a person entitled to vote from travelling to a polling place or reaching such place within the time allowed for vote casting.

**Section 91.** Any person shall not supply, distribute or give money, property or any other benefit to a person entitled to vote for enticing failure to make an appearance for casting a vote or carry out an act for preventing a person entitled to vote from making an appearance for casting a vote.

Any person having in possession, without a reasonable cause, civic identification cards of two or more persons entitled to vote from the date notified for an election to be held up to the day following the election date shall be deemed to have committed the act under paragraph one.

**Section 92.** Any person entitled to vote shall not demand, accept or agree to accept money, property or any other benefit for himself or any other person in return for casting a vote for or against any candidate or refraining from casting a vote for any candidate.

**Section 93.** In the case where vote casting at any polling station is prevented by a riot, flood, fire, *force majeure* or any other cause of necessity, the election director of the local government organisation shall, if such cause occurs prior to the election date, determine a new

polling place conveniently reachable by persons entitled to vote for the purpose of vote casting. But, if a new polling place may not be determined, the election director of the local government organisation shall, by Notification, cancel vote casting at such polling station and report it to the *Changwat* election director and the Election Commission expeditiously.

In the case where the cause under paragraph one occurs on the election date, whether vote casting has begun or not, the polling station committee shall, by Notification, cancel vote casting at such polling station and report it to the election director of the local government organisation, the *Changwat* election director and the Election Commission expeditiously.

Upon the Notification of the cancellation of vote casting under paragraph one or paragraph two, the election director of the local government organisation shall, with the approval of the *Changwat* election director, hold new vote casting for such polling station within fifteen days as from the date on which the holding of new vote casting is possible. For this purpose, the new vote-casting date shall be determined, by Notification, not less than three days in advance and shall be reported to the Election Commission expeditiously. If it is necessary, the election may be held at a polling place situated outside such polling station.

In the execution of paragraph three, if the Election Commission considers that the holding of the election is unable to be accomplished within the time provided in section 11, the Election Commission may extend the period of time as deemed appropriate.

The proceeding under paragraph one and paragraph two shall be in accordance with rules and procedures prescribed by the Election Commission.

**Section 94.** In the case where there exists an inevitable cause of necessity giving rise to inability to hold an election on the date determined by the *Changwat* election director, the Election Commission may determine a new election date, provided that it shall not be later than thirty days as from the date on which such cause ceases to exist.

**Section 95.** Upon arrival of the time at which vote casting is closed, the polling station committee shall announce the closure of vote casting, close ballot boxes' holes, discontinue any supply of ballot cards and affix a mark on remaining ballot cards as those unusable for vote casting and prepare particulars as to the total number of ballot cards, the number of persons present for their identification and receipt of ballot cards and the number of remaining ballot cards and make them known to people present at the polling place.

In the case where, upon arrival of the time at which vote casting is closed, persons entitled to vote who intend to cast a vote have entered an appearance at the polling place for

the purpose of exercising the right to vote prior to the closure of vote casting but have not yet identified themselves or received a ballot card, the polling station committee shall allow such persons to identify themselves and supply them with a ballot card for exercising the right to vote and shall, upon completion of vote casting by persons entitled to vote, proceed in accordance with paragraph one.

The proceeding under paragraph one and paragraph two shall be in accordance with rules and procedures prescribed by the Election Commission.

**Section 96.** As from the time at which vote casting is open up to the time at which vote casting is closed, any person shall not, without lawful authority, open, destroy, damage, transform, render useless or take away ballot boxes.

The provisions of paragraph one shall also apply *mutatis mutandis* to ballot boxes storing ballot cards after vote counting and also ballot cards and documents as well as evidence pertinent to the election as prepared by the polling station committee, unless it is an act in accordance with the Rule prescribed by the Election Commission.

## CHAPTER VIII

### VOTE COUNTING AND ANNOUNCEMENT OF ELECTION RESULTS

---

**Section 97.** Upon completion of vote casting, the polling station committee shall proceed to conduct the vote counting of each polling station, provided that it shall be conducted at polling places of each polling station and openly and postponement or deferment of vote counting shall not be made.

In conducting vote counting under paragraph one, votes from ballot cards on which an intention not to vote for anyone is declared shall also be counted.

**Section 98.** The Election Commission shall issue the Rule on rules and procedures for vote counting by polling station committees.

**Section 99.** Any person shall not carry out any act causing the number of ballot cards at a vote counting place to depart from their actual number.

**Section 100.** In conducting vote counting, if it is considered, by the majority decision of the polling station committee, that any ballot card is a foul card, the foul card shall be segregated and, in any event, shall not be counted into cast votes.



The following ballot cards shall be deemed to be foul cards:

(1) a forged card;

(2) a card bearing any mark entered thereon with a view to its noticeability or bearing any statement entered thereon other than a mark entered for the purpose of vote casting, except that it is lawfully performed by a member of the polling station committee;

(3) a card not affixed with any mark for the purpose of vote casting;

(4) a card affixed with marks for the purpose of casting votes for a greater number of members of a local assembly or local administrators for which such constituency is eligible;

(5) a card incapable of ascertainment as to the candidate for whom a vote is cast, except that it is the “Not Intending to Vote for Anyone” option;

(6) a card affixed with a mark for the purpose of casting a vote for a candidate and affixed with a mark in the “Not Intending to Vote for Anyone” box;

(7) cards of the description prescribed by the Election Commission as foul cards.

A member of the polling station committee shall affix an endorsement on foul cards as “Foul” and not less than three members of the polling station committee shall affix the signatures thereon.

**Section 101.** A member of the polling station committee shall not intentionally count ballot cards, read ballot cards, count votes or sum up votes in an election in distortion from the truth or perform any act to cause a ballot card to be defective or damaged or to be a foul card or perform any act towards a foul card with a view to turning it into a valid card or prepare an election report in distortion from the truth.

**Section 102.** Upon completion of vote counting at the polling place, the polling station committee shall openly announce the vote counting result of such polling station, the total number of available ballot cards, the number of ballot cards used and the number of ballot cards remaining from vote casting and forthwith report the vote counting result to the election committee of the local government organisation for summing up vote counting results of all polling stations in such constituency and the election committee of the local government organisation shall then announce the vote counting results of the constituency and report them to the *Changwat* election director expeditiously.

The announcement of vote counting results, the reporting of vote counting results and the procedures and period of time for retention and destruction of ballot cards and

documents as well as evidence relating to an election shall be in accordance with the Rule prescribed by the Election Commission.

**Section 103.** If vote counting at any polling station cannot be conducted on account of a riot, flood, fire, *force majeure* or any other cause of necessity, the polling station committee shall, by Notification, cancel vote counting for such polling station and report it to the election committee of the local government organisation, the *Changwat* election director and the Election Commission expeditiously in order that the *Changwat* election director shall proceed to fix the date and place for vote counting, provided that it shall not be later than three days as from the date on which such cause ceases to exist. But, in the case where ballot cards are defective or lost or further vote counting will result in dishonesty or unfairness, the Election Commission may order fresh vote casting for such polling station as is appropriate in the case.

**Section 104.** In the case where foul cards under section 100 are forged cards, the polling station committee shall segregate the forged cards and report the incident to the election committee of the local government organisation and the *Changwat* election director for referring the matter to the Election Commission for consideration and taking action.

Upon receipt by the Election Commission of the report under paragraph one, it shall have the duty to conduct inquiries and examination forthwith. In the absence of evidence indicating that such found forged cards were not a means of election fraud or a means to cause the election to proceed in a dishonest or unfair manner, it shall order cancellation of the election of such polling station and order fresh vote casting. In the case where it is deemed appropriate, the Election Commission shall examine ballot cards of all or some of other polling stations as may be deemed appropriate. In such case, the Election Commission or a member of the Election Commission entrusted by the Election Commission may order that ballot boxes be opened for examination, provided that notice of the date on which and the time and place at which ballot boxes are to be opened shall be given to candidates, with an indication that candidates have the right to observe the action in person or by proxy. In the case where, after the examination, the Election Commission certifies that there has been no dishonest conduct or there has been no unfair incident, it shall proceed with the announcement of the vote counting result in the election.

**Section 105.** In the case where the vote counting result reveals that the number of persons present for exercising the right to vote does not correspond to that of ballot cards used for vote casting, the polling station committee shall examine accuracy thereof. If discrepancy persists, the polling station committee shall submit a reasoned report thereon to the Election

Commission for ordering, at its consideration, fresh vote counting or fresh vote casting at such polling station and notify it to the election director of the local government organisation for information and deliver ballot boxes together with articles and equipment used for the election to the election committee of the local government organisation or the person entrusted by the election committee of the local government organisation.

In the case where the Election Commission orders fresh vote counting under paragraph one, if it appears that the number of persons present for exercising the right to vote does not correspond to that of ballot cards used for vote casting, it shall be presumed that the election in such polling station failed to proceed in an honest or fair manner and the Election Commission shall also examine ballot cards of all or some of other polling stations. In this instance, the provisions of section 104 paragraph two shall also apply to the examination of such ballot cards *mutatis mutandis*.

In the case where it appears after the announcement of the election results that vote counting in any polling station or in any constituency failed to proceed in an honest or fair manner, the Election Commission shall have the power to order the opening of ballot boxes and fresh vote counting in accordance with rules and procedures prescribed by the Election Commission, provided that it shall be carried out within ninety days as from the date of the announcement of the election results.

In the case where the result of the fresh vote counting under paragraph three reveals a change in the elected person, the originally elected person shall vacate office as from the date on which the Election Commission announces the election results on the basis of the fresh vote counting and the new elected person shall hold office for the remaining term of the originally elected person.

**Section 106.** When the *Changwat* election director, upon receipt of the report of the vote counting results under section 102, considers that the election and vote counting proceeded in an honest and fair manner, the *Changwat* election director shall report it to the Election Commission for announcing the election results.

In the case where a person makes a complaint supported by reasonable evidence that the vote counting failed to proceed in an honest or fair manner, the *Changwat* election director shall report it to the Election Commission for consideration. If the Election Commission concurs with such report, it shall order fresh vote counting. The fresh vote counting shall be in accordance with rules and procedures prescribed by the Election Commission.

In the case where the *Changwat* election director has a reasonable cause to suspect, with evidence justifying the belief, that there occurs violation of section 65 or there occurs any other incident preventing the election from proceeding in an honest or fair manner, the *Changwat* election director shall report it to the Election Commission forthwith.

When the Election Commission has received the report under paragraph three or in the case where the Election Commission has a reasonable cause to suspect, with reasonable evidence, that there occurs violation of section 65 or there occurs any other incident preventing the election from proceeding in an honest or fair manner, the Election Commission shall conduct an inquiry forthwith. If the inquiry reveals the *prima facie* case, the Election Commission shall order a new election unless such violation or dishonesty or unfairness did not relate to the person obtaining votes in such order as to render him to be elected. In such case, further proceeding shall be taken in order for the offender to be punished expeditiously.

For the purpose of finding the truth, the Election Commission shall also have the duty and power to conduct inquiries covering the election in a polling station where there occurs no cause for such suspicion, as it deems appropriate.

**Section 107.** Prior to the announcement of the election results, if the Election Commission, after its investigations or inquiries, finds that there is evidence justifying the belief that any candidate has committed any act resulting in such election failing to proceed in an honest or fair manner or there is evidence justifying the belief that any candidate has instigated, aided and abetted or connived at the commission of such act by any other person or has failed to prevent continuance of such act upon the knowledge thereof, the Election Commission shall *simpliciter* order temporary suspension of such candidate's right to candidacy in an election for a period not exceeding one year as from the date of order of the Election Commission.

The order of the Election Commission under paragraph one shall be final.

In the case where it appears to the Election Commission that an act in violation of the provisions of paragraph one has occurred, by whomsoever it is committed, if the Election Commission considers that any candidate will acquire benefits from such act, the Election Commission has the power to order such candidate to prevent continuance thereof or take any action for remedying dishonesty or unfairness in question within the time prescribed. In the case where such candidate fails to take action in pursuit of the order of the Election Commission without any reasonable cause, it shall be presumed that such candidate has aided and abetted such act, unless such candidate can prove lack of connivance at the said act.

In the case where there is an order for suspension of the right to candidacy in an election under this section subsequent to the date of vote casting but prior to the date of the announcement of the election results and the candidate whose right to candidacy in an election is suspended obtains votes in such order as to render him to be elected in such constituency, the Election Commission shall order a new election.

**Section 108.** Upon taking action under section 107, the Election Commission shall file a motion to the Court of Appeal or the competent Regional Court of Appeal for consideration. In the case where the Court decides that such person has committed the wrongful act under section 107, the Court shall order revocation of the right to candidacy in an election or revocation of the right to vote of such person for a period of ten years.

When, after the announcement of the election results, there appears evidence justifying the belief that the election results have arisen from the election which failed to proceed in an honest or fair manner, the Election Commission shall file a motion to the Court of Appeal or the Regional Court of Appeal for consideration. In the case where the Court decides that the election results have arisen from the election which failed to proceed in an honest or fair manner, the Court shall order a new election for such election and order revocation of the right to candidacy in an election or revocation of the right to vote of the person committing the act preventing the election from proceeding in an honest or fair manner for a period of ten years.

Briefs of investigations or inquiries of the Election Commission shall primarily be relied on for the purpose of the consideration of the Court of Appeal or the Regional Court of Appeal under paragraph one and paragraph two and, in the interest of justice, the Court shall have the power to order any additional inquiries of facts and evidence.

Upon the Court of Appeal's or the Regional Court of Appeal's order accepting the motion under paragraph two for consideration, the local administrator or member of the local assembly, as the case may be, shall discontinue the performance of duties until the Court decides that such person has not committed the wrongful act.

In the case where the local administrator is required to discontinue the performance of duties under paragraph four, the deputy local administrator, secretary to such local administrator and advisers to such local administrator shall also discontinue the performance of duties.

The decision of the Court of Appeal or the Regional Court of Appeal shall be final.

**Section 109.** In the case where the Court of Appeal or the Regional Court of Appeal orders revocation of the right to candidacy in an election or revocation of the right to vote of any candidate or member of the local assembly or local administrator and such revocation gives rise to a new election, the Court shall, whether there is a request therefor or not, order such person to be liable for expenses incurred in the election which has caused the Court to render such order. The Court shall consider the amount of such expenses from evidence of expenses presented by the Election Commission to the Court.

The remainder of the expenses received under paragraph one after deduction of the expenses incurred by the Office of the Election Commission shall be transferred by the Office of the Election Commission to the local government organisation holding the election.

**Section 110.** Subject to section 111, in an election of a local administrator, the candidate who obtains the highest number of votes, being the higher number than that of votes cast for not electing anyone, shall be elected. In the case of an election of members of a local assembly in a constituency in which one member of the local assembly is to be elected, the candidate who obtains the highest number of votes, being the higher number than that of votes cast for not electing anyone, shall be elected. But, in a constituency in which more than one member of the local assembly is to be elected, candidates who obtain the highest number of votes in respective order in such constituency, being the higher number than that of votes cast for not electing anyone, shall be elected in accordance with the number of members of the local assembly for which such constituency is eligible.

In the case under paragraph one, if candidates obtain the equal number of votes, thereby making it impossible to achieve the respective order of elected persons under paragraph one, the candidates obtaining the equal number of votes shall, for the purpose of having elected persons in the required number for which such constituency is eligible, draw lots in the presence of the election director of such local government organisation, in accordance with procedures prescribed in the Notification of the Election Commission.

In the case under paragraph one, if no candidate is elected by reason of failure to obtain the higher number of votes than that of votes cast for not electing anyone, the *Changwat* election director shall, by Notification, call for a new election and take action in recruiting new candidates, provided that all previous candidates are not eligible for applying for candidacy in such new election to be held.

**Section 111.** In the case where the number of candidates to be elected as local administrators is equal to that of local administrators for which a given constituency is eligible or

in the case where the number of candidates to be elected as members of a local assembly is equal to or smaller than that of members of the local assembly for which a given constituency is eligible, the candidates shall be elected only when their obtained votes are not less than ten percent of the number of persons entitled to vote in such constituency and are more than votes cast for not electing anyone.

In the case where there is no elected person under paragraph one, the *Changwat* election director shall, by Notification, call for a new election and take action in recruiting new candidates, provided that all previous candidates failing to obtain the higher number of votes than that of votes cast for not electing anyone are not eligible for applying for candidacy in such new election to be held.

**Section 112.** In holding a new election under section 110 or section 111 in respect of local administrators, action shall be taken until elected persons are obtained.

In holding a new election under section 110 or section 111, in respect of members of a local assembly, if there is no elected person after a new election is held, the next election shall be omitted and it shall be deemed that such local assembly consists of the existing members until the expiration of its term unless the law establishing the local government organisation otherwise provides the number of members of its local assembly.

## CHAPTER IX

### ELECTION INSPECTION PROCEEDINGS

---

**Section 113.** A person entitled to vote or a candidate has the right to submit to the Election Commission a challenge that the election in the constituency in which he is entitled to vote or in which he is a candidate, as the case may be, has failed to proceed in an honest or fair manner or has proceeded unlawfully.

The person entitled to submit a challenge against the election under paragraph one may make submission thereof as from the date of the Notification calling for the election up to thirty days as from the date of the announcement of the election results, except that:

(1) a challenge on the ground under section 60 or section 62 shall be submitted as from the election date up to one hundred eighty days as from the date of the announcement of the election results;

(2) a challenge in connection with vote counting shall be made while vote counting remains unaccomplished or a challenge against vote summation shall be made prior to the announcement of the vote counting result at the polling station.

Upon receipt by the Election Commission of a challenge against the election, it shall conduct an investigation or inquiry forthwith for the purpose of fact finding and consider the matter as well as take action in accordance with this Chapter, as the case may be. In this regard, the submission of a challenge against the election and the consideration thereof shall be in accordance with procedures prescribed by the Election Commission.

**Section 114.** In the case where the *Changwat* election director considers that the election committee of a local government organisation or the election director of a local government organisation has acted in a manner likely to prejudice the holding of an election or likely to prevent an election from proceeding in an honest or fair manner or has failed to comply with advice or warning, the *Changwat* election director shall report it to the Election Commission or a member of the Election Commission, and the Election Commission or the member of the Election Commission may order discontinuance, suspension or rectification or order any particular act as deemed appropriate.

Upon the order of the Election Commission under paragraph one, the Election Commission shall have the power to order the election committee of the local government organisation or such election director of the local government organisation to vacate duties and responsibilities and appoint another person to perform duties in place of the election director of the local government organisation. The election committee of the local government organisation or the election director of the local government organisation that vacates duties shall hand over documents and evidence pertinent to the election and render assistance to the election committee of the local government organisation or the election director of the local government organisation newly appointed.

**Section 115.** In the case where the Election Commission orders the election committee of the local government organisation or the election director of the local government organisation to vacate duties and responsibilities under section 114 paragraph two, if the Election Commission considers it appropriate to take a disciplinary action as well, the Election Commission shall notify it to the superior of the election committee of the local government organisation or the election director of the local government organisation for proceeding with a disciplinary action.



CHAPTER X  
PENALTIES

---

**Section 116.** A person who commits an offence under section 126 paragraph one shall be deemed to have committed an act constituting election fraud, except in the case where he is excused from the penalty under section 126 paragraph three.

**Section 117.** Any superior or employer who, without any reasonable cause, obstructs, deters or fails to facilitate the exercise of the right to vote of his subordinate or employee, as the case may be, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

**Section 118.** Any person who, with falsity, commits any act with a view to causing others to misunderstand that any candidate acts in violation of or fails to comply with this Act shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht and the Court shall order revocation of such person's right to vote for a term of five years.

If the act under paragraph one is committed with a view to maliciously causing such candidate to have the right to vote or the right to candidacy in an election revoked or with a view to preventing the announcement of election results, the offender 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 revocation of such person's right to vote for a term of twenty years.

If the act under paragraph one subsists in giving the notification or giving statements to the Election Commission or the person entrusted by the Election Commission, the offender shall be liable to imprisonment for a term of seven to ten years and to a fine of one hundred forty thousand to two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

If the act under paragraph two or paragraph three is the act of the leader of a political party, as committed directly or in a manner instigating the commission by any other person or indicating the aiding and abetting thereof or connivance thereat, it shall be deemed that such political party commits an act harmful to national security under the organic law on political parties.

**Section 119.** A member of the Election Commission, the Secretary-General of the Election Commission, a *Changwat* election director, an election ombudsman, a member of an election committee of a local government organisation, an election director of a local government organisation or a person appointed or entrusted to take action in connection with an election under this Act who intentionally fails to perform the duty or performs an act in contravention of the duty for causing favourable or adverse effects on any candidate or dishonestly performs an act or omits an act or performs malfeasance in the discharge of the duty shall be liable to imprisonment for a term of three to twenty years and to a fine of twenty thousand to two hundred thousand Baht and the Court shall order revocation of the right to candidacy in an election.

**Section 120.** Any person who, knowing that he is disqualified or is under prohibitions from candidacy in an election, applies for candidacy in an election shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

**Section 121.** Any person who intentionally acts in any manner causing a ballot card received by him from a member of the polling station committee to be defective or damaged shall be liable to a fine not exceeding five thousand Baht and it shall not be deemed that the act amounts to an offence of mischief.

Any person who intentionally acts in any manner causing a ballot card to be defective or damaged or to become a foul card, provided that it is not the act under paragraph one and it is the act with the intent to prevent an election from proceeding in an honest or fair manner, or acts in any manner towards a foul card with a view to turning it into a valid card or makes or uses a foul card for use in casting a vote shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of ten years.

If the offender under paragraph one or paragraph two is an official in charge of the election, the offender shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

**Section 122.** From the time at which vote casting is open up to the time at which vote casting is closed, a member of the polling station committee who reveals to any person that any person entitled to vote has been present for voting or has not yet been present for voting,

with a view to causing favourable or adverse effects on any candidate shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

**Section 123.** Any person who sells, distributes, supplies or, in the course of a treat, provides spirits of any type in a constituency from 18.00 o'clock of the day preceding the election date up to 18.00 o'clock of the election date shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

**Section 124.** Any person who joins or organises any betting on election results shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the Court shall order revocation of the right to vote of the person who joins it for a term of ten years and revocation of the organiser's right to candidacy in an election.

If the act under paragraph one is an act of a candidate, the offender shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand to two hundred thousand Baht or to both and the Court shall order revocation of the right to candidacy in an election of such candidate.

**Section 125.** Any person who violates section 49 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of five years.

**Section 126.** Any person who violates section 54, section 65 (1) or (2), section 67 paragraph one, section 84, section 85 paragraph one, section 88, section 92, section 99 or section 101 shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand to two hundred thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of twenty years.

Any person who violates section 65 (3), (4) or (5) or section 69 shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand to two hundred thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of twenty years.

In the case where a violation by the violator under paragraph one is a violation of section 92, such person shall not be inflicted with the penalty and shall not be subject to revocation of the right to vote or the right to candidacy in an election if he notifies the violating

act to the Election Commission or the person entrusted by the Election Commission prior to his arrest.

In the case where the Court renders a final judgment convicting the offender under section 65 (1) or (2), the Court shall order payment of a reward for the act leading to the arrest in an amount not exceeding one half of the amount of the fine to the person providing facts leading to the arrest.

**Section 127.** Any person who violates section 60 paragraph three shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand to one hundred thousand Baht or to a fine three times the amount exceeding the expenses incurred in an election prescribed in the Notification of the *Changwat* election director, whichever is greater, or to both and the Court shall order revocation of such person's right to vote for a term of ten years.

**Section 128.** Any candidate who fails to submit an account of incomes and expenses to the Election Commission within the prescribed period of time or intentionally submits documents or evidence in an incorrect or incomplete manner as required by section 62 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of five years.

If an account of incomes and expenses submitted under section 62 is false, the candidate shall be liable to imprisonment for a term of one year to five years and to a fine of twenty thousand to one hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of ten years.

**Section 129.** Any person who:

(1) fails to comply with section 64 or fails to comply with the order of the Election Commission under section 73; or

(2) violates section 66 paragraph two, section 70 or section 74 paragraph one;

shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

**Section 130.** Any person who violates section 67 paragraph two shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred

thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of five years.

**Section 131.** Any person, not being of Thai nationality, who violates section 68 shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to two hundred thousand Baht.

**Section 132.** Any person who posts a poster or displays a notice board in connection with an election in a manner not in conformity with the requirements prescribed by the Election Commission or the person entrusted by the Election Commission under section 71 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

The fine under paragraph one shall be remitted as revenue of the local government organisation in whose territory the offence has occurred.

**Section 133.** Any person who violates section 96 or intentionally obstructs the carriage of ballot boxes or, in any manner, performs any act causing a delay in the carriage of ballot boxes shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

**Section 134.** Any person who violates section 85 paragraph two, section 86 or section 90 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of ten years.

**Section 135.** Any person who violates section 87 or section 89 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

**Section 136.** Any person who violates section 91 paragraph one shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of ten years.

**Section 137.** Any member of the election committee of a local government organisation or any election director of a local government organisation who fails to comply with

an order of the Election Commission or a member of the Election Commission given under section 114 paragraph one shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

**Section 138.** In investigations or inquiries, if it appears that the provision of information, the giving of clues or statements by any particular person connected with or taking part in the commission of an offence under this Act will be beneficial to proof of the commission of the offence by another offender who becomes a key principal and may be relied on as evidence for the determination of the commission of the offence by such offender, the Election Commission may hold such person as a witness without taking legal proceedings against him.

When the Election Commission resolves to forego legal proceedings against any particular person, the right to take a criminal action shall be extinguished except that where it appears thereafter that the person held as a witness has given false statements or failed to appear for giving testimonies or testified in a manner not corresponding to the statements or declarations previously given, the holding of such person as a witness shall terminate and the Election Commission may proceed to take legal action against such person.

Measures for holding persons as witnesses under paragraph one and for termination thereof under paragraph two shall be in accordance with rules, procedures and conditions prescribed by the Election Commission.

**Section 139.** In the case where this Act requires the Court to order revocation of the right to vote for a certain period of time or order revocation of the right to candidacy in an election, the revocation of such right shall forthwith become effective and the period of time shall commence as from the date of the Court's order or judgment unless otherwise indicated by the order or judgment of the Court of Appeal or the Regional Court of Appeal.

**Section 140.** In the case where it appears that the commission of an offence under this Act occurs in any constituency, it shall be deemed that the Election Commission or the candidate in such constituency is the injured person under the Criminal Procedure Code.

**Section 141.** Any person who commits an offence under this Act out of the Kingdom shall be punished in the Kingdom and an act of the principal, the aider and abettor or the instigator in respect of such offence, even if it is committed out of the Kingdom, shall be deemed to be committed by such principal, aider and abettor or instigator in the Kingdom.

TRANSITORY PROVISIONS

---

**Section 142.** In the first election after this Act comes into force, when the National Council for Peace and Order deems it appropriate to have an election of members of the local assembly or local administrators of any local government organisation, the National Council for Peace and Order shall notify it to the Election Commission and, when the Election Commission issues a Notification calling for an election of members of the local assembly or local administrators of such local government organisation, the following Notifications of the National Council for Peace and Order and Orders of the Head of the National Council for Peace and Order insofar as they deal with omission of elections of members of local assemblies or local administrators and the prescription of procedures for the installation of members of local assemblies or local administrators shall cease to be effective for such local government organisation:

(1) the Notification of the National Council for Peace and Order No. 85/2557 Re: Temporary Installation of Members of Local Assemblies or Local Administrators, dated 10<sup>th</sup> July 2014;

(2) the Notification of the National Council for Peace and Order No. 86/2557 Re: Temporary Installation of Members of the Assembly of the Bangkok Metropolitan Administration and Members of *Khet* Assemblies, dated 10<sup>th</sup> July 2014;

(3) the Order of the Head of the National Council for Peace and Order No. 1/2557 Re: Temporary Installation of Members of Local Assemblies or Local Administrators, dated 25<sup>th</sup> December 2014;

(4) the Order of the Head of the National Council for Peace and Order No. 22/2559 Re: Temporary Installation of Members of Local Assemblies in the Case of Dissolution of Local Assemblies, dated 4<sup>th</sup> May 2016;

(5) the Order of the Head of the National Council for Peace and Order No. 29/2559 Re: Temporary Installation of Members of Local Assemblies or Local Administrators in the Case of the Establishment of *Tambon* Administrative Organisations as Municipalities, Elevation of Status into Municipalities or Change of Status of Municipalities, dated 21<sup>st</sup> June 2016;

(6) the Order of the Head of the National Council for Peace and Order No. 64/2559 Re: Ordering Vacation of Office of the Governor of the Bangkok Metropolitan Administration and

Appointment of the Governor of the Bangkok Metropolitan Administration, dated 18<sup>th</sup> October 2016;

(7) the Order of the Head of the National Council for Peace and Order No. 6/2560  
Re: Appointment of the Mayor of the Pattaya City, dated 16<sup>th</sup> February 2017.

In the absence of the National Council for Peace and Order, the powers of the National Council for Peace and Order under paragraph one shall be the powers of the Council of Ministers.

**Section 143.** In the case where any person entitled to vote loses the rights by reason of failure to exercise the right to vote under the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) prior to the date on which this Act comes into force, such person's loss of rights shall terminate as from the date on which this Act comes into force.

**Section 144.** This Act shall have no prejudice to civil proceedings against any person liable under the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) and, for this purpose, it shall be deemed that the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) remains in force.

Any act which constitutes an offence under the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) shall be, if such act currently constitutes an offence under this Act, further proceeded with by inquiry officials, public prosecutors, the Election Commission and the Courts in accordance with the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) and, in this regard, it shall be deemed that the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) remains in force.

**Section 145.** All Rules, Notifications, requirements, Orders or resolutions of the Election Commission issued or passed under the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002) as in force on the day prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Rules, Notifications, Orders or resolutions are issued or passed under this Act.

Countersigned by:

General Prayut Chan-o-cha  
Prime Minister



Remarks: The reason of the enactment of this Act is that there are provisions in the Constitution of the Kingdom of Thailand that the members of local council shall be from the election and the local administrators shall be from the election or the approval of the local council, or in case of the special local government organization they may be from other methods, but the people's participation shall be taken into consideration. The qualifications of the eligible voters and the eligible candidates including the regulations and methods for members of local council or local administrator election shall be as prescribed by laws for which the purpose of anti-corruption as in the Constitution shall be taken into consideration. Therefore, the laws on the member of local council or local administrator election shall be amended to comply with such purpose of anti-corruption as in the Constitution. Therefore, the enactment of this Act is necessary.