

PRESS RELEASE



Office of the Election Commission of Thailand
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ECT Clarifies the Distinction Among “Being Named in an Inquiry File,” “Being a Respondent,” and “Being Formally Charged” are distinct procedural stages.

The Office of the Election Commission (OECT) wishes to provide clarification to ensure a proper understanding among the public and the media regarding cases in which the lists of Senators or other persons appear in investigation and inquiry files concerning the selection of Senators. The ECT emphasises the need to distinguish among **“being named in an investigation and inquiry file,” “being a respondent,” and “being notified of an allegation,”** as these constitute different procedural stages and carry distinct legal implications.

Pursuant to the Regulations of the Election Commission on Investigation, Inquiry, and Adjudication B.E. 2561 (2018), as amended up to (No. 5) B.E. 2566 (2023), when a petition concerning the selection of Senators is submitted alleging that a candidate or any person may have violated or failed to comply with laws relating to the selection of Senators, the person named in the petition shall be designated as a “respondent” and the matter shall proceed to the fact-finding and evidence-gathering process.

If the evidence provides sufficient grounds to establish that the respondent may have violated or failed to comply with the laws relating to the selection of Senators, the respondent **shall be formally notified** of the allegations in accordance with the procedures prescribed by law, pursuant to Clause 54 of the Regulations of the Election Commission on Investigation, Inquiry, and Adjudication B.E. 2561 (2018), as amended up to (No. 5) B.E. 2566 (2023).

Where the examination of the facts and evidence establishes that an allegation is unsubstantiated, or that there is insufficient evidence to establish that a violation of or failure to comply with the laws relating to the selection of Senators has occurred, the matter may be disposed of or the petition dismissed in accordance with the procedures and criteria prescribed by law and the relevant regulations, without the need to formally notify the respondent of the allegations.



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Note: The key distinctions may be summarised as follows:

1. Being named in an inquiry file → This may refer to information, facts, documents, or evidence relevant to the matter under examination. It does not mean that the person is a respondent or has committed an offence.

2. Being a respondent → This is a procedural status assigned during the examination of an allegation and does not constitute a determination that the person has committed an offence, pursuant to the Regulations of the Election Commission on Investigation, Inquiry, and Adjudication B.E. 2561 (2018), as amended up to (No. 5) B.E. 2566 (2023).

3. Notification of allegations → This is a procedural step that allows the respondent to be informed of the allegations and to exercise their right to provide an explanation, submit evidence, and contest the allegations. It does not constitute a determination that the person has committed an offence.

The Office of the Election Commission of Thailand urges caution in disseminating information concerning persons whose names appear in inquiry files. Such information should be considered in light of the person's procedural status and the stage of the investigation and inquiry process in each case. The mere appearance of a person's name in an inquiry file should not be taken as a conclusion that the person is a respondent or has committed an offence.

Further information is available on the website of the Office of the Election Commission of Thailand at www.ect.go.th or contact the Election Commission Hotline at 1444.



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