

**ORGANIC ACT ON THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES,
B.E. 2561 (2018)**

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Given on the 12th Day of September B.E. 2561;

Being the 3rd Year of the Present Reign.

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

Whereas it is expedient to have the organic law on the election of members of the House of Representatives;

Whereas this Organic 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 Organic Act lie in facilitating the election of members of the House of Representatives to proceed in an honest and fair manner and, in this regard, the enactment of this Organic 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.

Section 1. This Organic Act is called the “Organic Act on the Election of Members of the House of Representatives, B.E. 2561 (2018)”.

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version –subject to final authorisation by the Office of the Council of State.

Section 2.¹ This Organic Act shall come into force after the expiration of ninety days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) insofar as it deals with the election of members of the House of Representatives;

(2) the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators (No. 2), B.E. 2554 (2011);

(3) the Notification of the National Council for Peace and Order No. 57/2557 Re: Continuance of Applicability of Certain Organic Acts, dated 7th June 2014, only insofar as it deals with the election of members of the House of Representatives.

Section 4. In this Organic Act:

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

“member” means a member of the Election Commission under the organic law on the Election Commission and shall also include the President of 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;

“officials in charge of the election” means the election director of a constituency, the chairperson and members of the election committee of a constituency, the chairperson and members of the committee of a polling station, security officials and persons appointed to assist work performance in an election;

“person entitled to vote” means a person entitled to vote in an election of members of the House of Representatives;

“candidate” means a candidate in an election of members of the House of Representatives;

¹ Published in Government Gazette, Vol. 135, Part 68a, dated 12th September 2018.

“election date” means the day fixed by the Notification of the Commission to be the election date;

“election” means an election of members of the House of Representatives;

“constituency” means a locality prescribed as a constituency for an election of members of the House of Representatives on a constituency basis;

“polling station” means a locality prescribed for casting votes;

“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*;

“*Tambon*” also includes *Khwaeng*;

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

“*Amphoe* Hall” also includes Khet Office;

“municipality” also includes Pattaya City and any other local administrative organisation established by law as a special form of a local administrative organisation;

“Fund” means the Political Parties Development Fund under the organic law on political parties;

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

“Secretary-General” means Secretary-General of the Election Commission under the organic law on the Election Commission.

Section 5. In the case where this Organic 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 Organic 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 Organic 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 Organic Act.

In the case where this Organic Act empowers the Commission or to make the determination or issue an order on any matter, if no procedure therefor is not specifically provided, the Commission shall conduct the same by issuing Rules, Notifications or Orders, as the case may be,

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and such Rules, Notifications or Orders, if applicable to persons in general, shall be published in the Government Gazette and shall also be published in accordance with paragraph one. In this regard, if any Rule, Notification or Order specifies processes for action, the Commission must also clearly specify a period of time to be pursued for each process.

Section 6. For the purpose of the execution of this Organic Act, the Commission shall have the power to lay down Rules on the performance of duties of officials in charge of the election and prescribe any other necessary rules and procedures insofar as they are not contrary to or inconsistent with, or they are not specifically provided in, this Organic Act.

Section 7. In the performance of duties of the Commission under this Organic Act, during the period as from the date on which the Royal Decree calling for an election comes into force through the date on which the election result is announced, if there arise an urgent need for a meeting of the Commission, the Commission shall have the power to meet by an electronic means and, in this regard, each member may be present at a different place and the Secretary-General shall cause audio and video recording to be undertaken for evidential purposes, in accordance with the rules and procedures prescribed by the Commission.

Section 8. Any trial and decision of the Supreme Court under this Organic 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 Supreme Court for decision or may be specified to conduct evidence inquiries or other necessary proceedings on behalf of the Supreme Court.

In the performance of duties of the Supreme Court in connection with an election under this Organic Act, judges attending a general assembly of the Supreme Court, 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 Rules prescribed by the Administrative Commission of Courts of Justice under the law on administrative organisation of Courts of Justice.

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Section 9. In holding an election, the Commission shall promote and encourage participation by community councils under the law on community councils, communities and general members of the public in providing clues or information to the Commission in order to facilitate the election to proceed in an honest and fair manner.

The promotion, encouragement and provision of clues or information under paragraph one shall be in accordance with the rules and procedures prescribed by the Commission. In this regard, there shall also be at least measures for protecting providers of clues or information against danger and measures for confidentiality in favour of providers of clues or information.

Clues or information provided to the Commission by councils, communities or persons under paragraph one may not, in any respect, be used for taking legal proceedings against providers of such clues or information unless the same is known by the providers to be false.

Section 10. The President of the Election Commission shall have charge and control of the execution of this Organic Act.

CHAPTER I GENERAL PROVISIONS

Section 11. Upon issuance of a Royal Decree calling for a general election, the Commission shall take action as follows:

- (1) holding an election of three hundred fifty members of the House of Representatives on a constituency basis;
- (2) taking action for acquiring, in total, one hundred fifty members of the House of Representatives based on a party list of each political party, in accordance with the rules and procedures provided in this Organic Act.

Section 12. Within five days as from the date on which a Royal Decree calling for a general election comes into force, the Commission shall make the Notification, to be published in the Government Gazette, prescribing the following in connection with the election:

- (1) the date fixed for the election;

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(2) the date fixed for the recruitment of candidacy in the election on a constituency basis, provided that the opening date therefor shall not be later than twenty-five days as from the date on which the Royal Decree calling for a general election comes into force and not less than five days shall be fixed for the recruitment thereof;

(3) the number of members of the House of Representatives on a constituency basis for which each *Changwat* is eligible and the number of constituencies on a constituency basis of each *Changwat*, with particulars as to *Amphoes* and territorial areas falling within constituencies;

(4) venues at which political parties may submit lists of candidates on a party-list basis.

In the case of issuance of a Royal Decree calling for a by-election, the provisions in (1) and (2) shall also apply *mutatis mutandis*.

Section 13. In a general election, a political party which sends candidates shall, prior to the closing of the recruitment of candidacy for the election, notify to the Commission names of not more than three persons who, upon its resolution, are to be nominated to the House of Representatives for approving appointment as Prime Minister and the Commission shall publish the names of such persons together with the name of such political party for general public information.

When the political party has made the notification of the name of any person under paragraph one, such person or such political party may make withdrawal thereof or amendment thereto only in the case where such person is deceased or disqualified or is under any prohibition, provided that this shall be made prior to the closing of the recruitment of candidacy for the election.

The selection of names of persons under paragraph one shall be in accordance with the organic law on political parties.

A political party may elect not to make nomination of persons under paragraph one.

Section 14. The nomination of persons under section 13 shall be in accordance with the rules as follows:

(1) there shall be a letter of consent of the nominated person, with such particulars as prescribed by the Commission;

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(2) the nominated person shall possess such qualifications for, and shall not be under such prohibitions from, taking ministerial office as provided in the Constitution and has never made a letter of consent under (1) for any other political party in such election.

In the case where the nomination of any person fails to be conducted in accordance with paragraph one, it shall be deemed that the nomination of such person has not been made.

Section 15. In the case where an inevitable cause of necessity, not being the case under section 102, prevents a general election from being held nationwide simultaneously on the date prescribed in the Notification of the Commission under section 12 (1) and the Commission has passed a resolution, with the votes of not less than two-thirds of the total existing members, that continuance of the election on the originally fixed date will be conducive to unfairness or disorder, the Commission may issue a Notification prescribing a new election date, provided that the election shall be held within thirty days as from the day on which such cause ceases to exist.

In the case where the cause under paragraph one occurs when the poll is in progress, the Commission may order cancellation of the election and issue a Notification prescribing a new election date.

The calculation of the age of a person entitled to vote and the age of a candidate shall be made on the basis that it shall run through the election date fixed by the Commission under section 12 (1).

Section 16. In a general election or a by-election, if the Commission orders a new election prior to the announcement of the election result, the Commission shall have the power to issue a Notification prescribing the election date and order reduction or extension of periods of time or omission of proceedings in connection with the election as provided in this Organic Act specifically for such election, as may be appropriate and necessary for the conduct of the election in an expeditious, honest and fair manner.

In the case of a new election under paragraph one, it shall be deemed that original candidates who have full qualifications and are not under prohibitions retain the status as candidates for the election to be held *de novo* without need for recruiting candidacy again, unless there remains no original candidate.

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Section 17. In the case where this Organic Act does not provide otherwise, any lawsuit or any motion in connection with action by the Commission in holding an election or causing an election to be held, which is not performed directly by virtue of the Constitution, shall be filed with the Supreme Administrative Court within seven days as from the date on which a ground for the lawsuit or the motion occurs, but provisional measures or means under the law on the establishment of administrative courts and administrative court procedure shall not apply thereto.

Trial and the rendering of judgments or orders of the Supreme Administrative Court under paragraph one shall be in accordance with the Rule of the general assembly of judges of the Supreme Administrative Court as published in the Government Gazette, provided that the same shall be prescribed in a manner ensuring that trial shall proceed in an expeditious and fair manner. In this regard, a judgment or an order of the Supreme Administrative Court shall have no prejudice to any conduct of the election or any other action carried out before the Supreme Administrative Court renders the judgment or order.

In the performance of duties of the Supreme Administrative Court in connection with an election under this Organic Act, judges attending a general assembly of judges of the Supreme Administrative Court, 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 Rules prescribed by the Administrative Commission of Administrative Courts under the law on the establishment of administrative courts and administrative court procedure.

Trial by the Supreme Administrative Court under this section shall be completed not less than seven days prior to the election date and, in the case where the Supreme Administrative Court fails to render a judgment or order, trial shall be terminated and action shall be taken in pursuit of orders of the Commission.

CHAPTER II

OFFICIALS IN CHARGE OF THE ELECTION

Section 18. In each election, the Commission shall have the power to appoint persons as officials in charge of the election, as follows:

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(1) one election director of a constituency, with the duties to take action in connection with the recruitment of candidacy for the election on a constituency basis and perform necessary acts in connection with the election in the execution of this Organic Act;

(2) not less than three members of the election committee of a constituency, with the duties in connection with the determination of polling stations and polling places, the preparation of lists of persons entitled to vote, the addition and deletion of names of persons entitled to vote in the constituency and the supervision of vote casting, vote counting and the announcement of the vote counting result.

The appointment and vacation of office of the election director of a constituency and members of the election committee of a constituency shall be in accordance with the rules and procedures prescribed by the Commission.

For the purpose of conducting an election, the Commission shall have the power to appoint, or entrust the election director of a constituency or the election committee of a constituency to appoint, a sub-committee, a group of persons or any person to assist the performance of work in the election, as is reasonable.

In matters falling within the duties and powers of the election director of a constituency or the election committee of a constituency, the Commission may issue the Rule empowering the election director of a constituency or the election committee of a constituency to entrust the sub-committee, the group of persons or the person under paragraph three to perform duties on his or its behalf. In such case, any act, notification or submission performed towards the entrusted person shall be deemed to be the act, notification or submission performed towards the election director of a constituency or the election committee of a constituency.

Section 19. The election committee of a constituency shall appoint persons entitled to vote as officials in charge of the election, as follows:

(1) five members of the committee of a polling station, with the duties in connection with the vote casting at a polling place and the voting counting of each polling station, provided that in the case where any polling station has more than eight hundred persons entitled to vote, additional members of the committee of the polling station may be appointed in accordance with the rules prescribed by the Commission;

(2) at least one security official appointed from State officials for the purposes of providing security services and facilitating the performance of duties of the committee of a polling station.

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The appointment and training of the committee of a polling station and security officials shall be in accordance with the rules and procedures prescribed by the Commission. In this regard, the training may be, in the interest of a spare, provided to a greater number of persons possessing the qualifications under paragraph one than the number representing actual use, provided that it shall not be greater than the number prescribed by the Commission.

In the case where the election committee of a constituency or the election ombudsman finds that any member of the committee of a polling station or any security official has acted in violation of this Organic Act or has performed any act likely to prevent the election from proceeding in an honest and fair manner or cause it to proceed unlawfully, the election committee of a constituency or the election ombudsman shall immediately report it to the Commission or a member and the Commission or the member shall have the power to order a change of the member of the committee of a polling station or the security official as it may be deemed appropriate. In the case where it is concerned with the performance of work by a State official, the election ombudsman shall have the power to give warning in the interest of correct performance. In the absence of remedial action in response to the warning, it shall be expeditiously reported to the Commission or the member.

In the case where a member finds the act under paragraph three, the member shall have the power to order a change of the member of the committee of a polling station or the security official as he may deem appropriate. In this regard, in the case where it is considered that such act or omission is that of a State official, the member shall have the power to order discontinuance, suspension or modification or order any particular act as he may deem appropriate. If it is an act of a person who is not a State official, the member shall have the power to order the administrative or police official or the senior administrative or police official to take action within the duties and powers or order the *Changwat* election director to record circumstances of the act and gather evidence for further proceeding as is necessary or, in the case of inevitable necessity, may order the discontinuance or suspension of the conduct of the election in certain or all polling stations in the constituency in which such act or omission is found and expeditiously report it to the Commission, in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 20. Prior to the election date, if the number of members of the committee of a polling station is deficient for any reason whatsoever, the election committee of

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the constituency shall appoint persons possessing the qualifications under section 19 as members of the committee of the polling station in order to fulfill the required number.

Section 21. On the election date, if members of the committee of a polling station are, at the opening time fixed for vote casting, present for performing the duty in the deficient number, the members of the committee of the polling station 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 committee of the polling station, perform the duty, and the members of the committee of the polling station who are present for performing the duty at that time shall report it to the election committee of the constituency for appointing persons possessing the qualifications under section 19 as members of the committee of the polling station additionally in order to fulfill the required number before the vote counting.

In the case where less than one half of members of the committee of a polling station are present for performing the duty, the members of the committee of the polling station who are present for performing the duty at that time shall report it to the election committee of the constituency for appointing persons possessing the qualifications under section 19 as members of the committee of the polling station in order to fulfill the required number expeditiously.

In the case where no member of the committee of a polling station is present for performing the duty, the election committee of the constituency shall appoint persons possessing the qualifications under section 19 as members of the committee of the polling station for performing the duty at such polling station.

The appointment and performance of duties of the committee of a polling station shall be in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 22. In the case where there is evidence justifying the belief that, or there is a reasonable cause to suspect that, any official in charge of the election lacks efficiency in the performance of duties or neglects duties or refuses to perform duties, the Commission shall have the power to order such person to vacate the performance of duties and report it to the Commission.

Section 23. A member, the Secretary-General, an election ombudsman, a *Changwat* election director or an official in charge of the election shall not avoid the performance

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of duties, dishonestly perform duties or carry out any other act preventing the execution of laws, Rules, Notifications or orders of the Commission or orders of the Court in connection with elections under this Organic Act.

A member, the Secretary-General, an election ombudsman, a *Changwat* election director or an official in charge of the election, who performs duties under this Organic Act or the law, Rule, Notification or order of the Commission or performs any act in accordance with an order of the Court in connection with elections shall be protected against civil, criminal or administrative liability if the act is performed in good faith.

Section 24. In the performance of duties under this Organic Act, the following persons shall be officials under the Penal Code:

(1) a member, the Secretary-General, an election ombudsman and a *Changwat* election director;

(2) an official in charge of the election.

The person under (2) shall be the official under the Penal Code as from the date of appointment up to the end of the work in the course of duties.

Section 25. Remuneration of officials in charge of the election shall be as prescribed by the Commission.

CHAPTER III ELECTION MANAGEMENT

Part I

Number of Members, Constituencies, Polling Stations and Polling Places

Section 26. The determination of the number of members of the House of Representatives for which each *Changwat* shall be eligible and the division of constituencies shall be made in accordance with the following procedures:

(1) reference shall be made to the number of inhabitants throughout country, as evidenced in the census announced in the year preceding the year of the election, divided by the number of three hundred fifty members of the House of Representatives; the resultant number shall be deemed to be the number of inhabitants per one member;

(2) in any *Changwat* with inhabitants below the number of inhabitants per one member under (1), there shall be one member of the House of Representatives in such *Changwat* and the area of that *Changwat* shall be deemed to be the constituency;

(3) in any *Changwat* with more inhabitants than the number of inhabitants per one member, there shall be, in such *Changwat*, an additional member of the House of Representatives for every number of inhabitants representing the number of inhabitants per one member;

(4) upon obtaining the number of members of the House of Representatives of each *Changwat* under (2) and (3), if the number of members of the House of Representatives fails to reach three hundred fifty, any *Changwat* with the largest fraction from the calculation under (3) shall have an additional member of the House of Representatives and the addition of members of the House of Representatives in accordance with such procedure shall be made in favour of any *Changwat* with the fraction from such calculation in next respective order until the number of three hundred fifty is obtained;

(5) in any *Changwat* in which more than one member of the House of Representatives shall be elected, the area of that *Changwat* shall be divided into constituencies in the number equal to that of members of the House of Representatives for which it is eligible, provided that the division shall be made in the manner that the boundary of each constituency shall be adjoining and the number of inhabitants in each constituency shall be closely apportioned.

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Section 27. The Commission shall carry out the division of constituencies for an election on a constituency basis for all *Changwats* for the purpose of public information in advance. This shall be pursued in accordance with the rules provided in section 26 and the division shall be made in the manner that the boundary of each constituency shall be adjoining and the number of inhabitants in each constituency shall be closely apportioned. In this regard, the following rules shall be complied with:

(1) various *Amphoes* shall be merged into a constituency, having regard to adjoining neighbouring areas, convenience in communication and the fact that particular areas used to fall within the same constituency, provided that if a merger of *Amphoes* in this manner results in the number of inhabitants being too large or too small, *Tambons* of *Amphoes* shall be segregated to enable the attainment of such sufficient number of inhabitants as to constitute a constituency but a segregation or merger shall not be made of only some part of a *Tambon*;

(2) in the case where the determination of boundaries under (1) results in the number of inhabitants in each constituency failing to be closely apportioned or failing to represent, in essence, the same community, the division of constituencies shall be made by reference to the nature of communities in a manner enabling such regular interactions amongst inhabitants as to constitute the same or similar community and enabling their convenient communication, provided that attempts shall be made to attain the most closely apportioned number of inhabitants;

(3) political parties and the people shall be given opportunities to participate in the expression of opinions for assisting the consideration as to the division of constituencies under (1) and (2), in accordance with the rules and procedures prescribed by the Commission.

Section 28. Upon the division of constituencies, the Commission shall publish it in the Government Gazette and such constituencies shall be used until the next general election is held.

In the case where constituencies are re-determined and such redetermination results in a change in boundaries of constituencies, any act lawfully carried out prior to the redetermination thereof shall be valid.

Section 29. In the case where a new general election is to be held, the Commission shall primarily rely on the constituencies previously determined and published and

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make revision thereof in accordance with the rules under section 27 and the provisions of section 28 shall also apply *mutatis mutandis*.

Section 30. At least twenty-five days prior to the election date, the election committee of a constituency shall determine polling stations to be available for each constituency and a polling place of each polling station, in accordance with the rules as follows:

(1) the boundary of a village shall be the boundary of a polling station except that in the case where the number of persons entitled to vote is small, two adjoining villages upwards may be merged to constitute the same polling station and, with respect to areas in a municipality or the Bangkok Metropolitan Administration or a heavily populated community, the boundary of a polling station may be determined by reference to the boundary of the community, a street, cul-de-sac, alley, canal or river, having regard to convenience in communication for exercising the right to vote of persons entitled to vote;

(2) there shall be approximately one thousand persons entitled to vote for each polling station, but if it is considered that such number prevents feasibility or safety, on the part of persons entitled to vote, in their attendance for the purpose of voting casting, the number of persons entitled to vote may be determined to the effect that that it shall be greater than the said number or to the effect that there shall be additional polling stations with the smaller number of persons entitled to vote than the said number;

(3) a polling place shall be a place which allows persons entitled to vote convenient access for the purpose of casting votes and is suitable, of a reasonable size and located in a central area of the polling station, with a notice board or any other mark indicating its boundary, in accordance with such nature of the locality and geographical landscape as to facilitate the voting casting of persons entitled to vote; if in any particular locality it is considered to be convenient for persons entitled to vote or to facilitate safety of persons entitled to vote, a polling place may be determined, by Notification, to be located outside the boundary of a polling station provided that it shall be close to such polling station.

The determination of polling stations and polling places shall be displayed at polling places or in areas close to polling places.

Any 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 may be made less than

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ten days prior to the election date and the provisions of paragraph two shall also apply *mutatis mutandis*.

Part II

Persons Entitled to Vote

Section 31. A person having the following qualifications is a person entitled to vote and has the duty to exercise the right to vote freely and with prime regard being paid to national interests:

- (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 not less than ninety days up to the election date.

Section 32. A person under any of the following prohibitions on the election date shall be a person who is 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 or not 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.

Part III

Notification of Causes Preventing the Exercise of the Right to Vote

Section 33. 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 appointed by the Commission for each constituency 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

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necessity, the notification shall be given as prescribed by the Commission. In this regard, the notification of such cause shall not preclude such person's right to enter an appearance for voting.

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, on his behalf, the same to the person appointed by the Commission or send such written explanation of the cause by registered post or make the notification by an electronic means.

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

Section 34. At the expiration of sixty days as from the election date, the person appointed by the Commission under section 33 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 33 or with giving the notification of the cause thereof which is not a justifiable 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 Commission under section 33 for correction thereof, in accordance with the rules and procedures prescribed by the Commission.

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Section 35. 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 justifiable cause, shall be subject to restrictions of such rights as follows:

(1) the right to submit an application for challenging an election of members of the House of Representatives;

(2) 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;

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

(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 political 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 on the establishment of local government organisations.

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 and 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 such new election, provided that the remaining period of the previous restriction of rights, if any, shall terminate.

Part IV

Lists of Persons Entitled to Vote

Section 36. Upon the Notification fixing any election date, the election committee of a constituency or the person entrusted by the Commission shall, not less than twenty-five days prior to the election date, prepare a list of persons entitled to vote for each polling station and publish it at a polling place or an area close to a polling place or a place allowing public convenience in its examination and shall notify a list of persons entitled to vote, as listed in the

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household register, to householders not less than twenty days prior to the election date, as prescribed by the Commission.

Lists of persons entitled to vote under paragraph one shall not indicate civil identification numbers of persons entitled to vote.

Lists of persons entitled to vote as prepared for official use for the purpose of verification of persons appearing at polling places for exercising the right to vote shall also indicate civil identification numbers of persons entitled to vote.

Section 37. In the case where any person entitled to vote or any householder considers that he or a person listed in his household register is not included in a list of persons entitled to vote of a polling station for which he or such person should be listed as a person entitled to vote, such person entitled to vote or such householder shall have the right to submit to the election committee of a constituency a request for the addition of names not less than ten days prior to the election date.

Upon receipt of the request under paragraph one, the election committee of the constituency shall examine evidence and, if it considers that the requester or the person listed in the household register is a person entitled to vote, shall expeditiously order the requested addition of names to the list of persons entitled to vote. If the election committee of the constituency considers that the requester or the person listed in the household register is not a person entitled to vote, it shall dismiss the request and notify it to the requester within three days as from the date of receipt thereof, provided that reasons therefor shall also be provided.

Upon receipt of the notification under paragraph two, the requester has the right to file a motion with the *Changwat* Court of his domicile or, for the person domiciled in Bangkok Metropolis, with the Civil Court, not less than five days prior to the election date without being required to pay Court fees for proceedings, in order for the Court to decide whether to demand the requested addition of names to the list of persons entitled to vote or not.

Upon receipt by the Court of the motion under paragraph three, the Court shall conduct proceedings expeditiously. An order of the Court shall be final and the Court shall notify its order to the election committee of the constituency for the execution of the order as soon as possible and, in the case where lists of persons entitled to vote have been published prior to receipt of the order of the Court, the election committee of the constituency shall take action in correcting all lists of persons entitled to vote to ensure accuracy thereof.

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Any act performed in the execution of an order of the election committee of the constituency prior to receipt of an order of the Court shall be legally valid.

Section 38. In the case where any person entitled to vote considers that a list of persons entitled to vote as published under section 36 contains a name of a person who is not entitled to vote or where any householder considers that a list of persons entitled to vote contains a name of any other person in his household register, such person entitled to vote or such householder has the right to submit, not less than ten days prior to the election date, a request to the election committee of a constituency for removal of the name of such person not entitled to vote from the list of persons entitled to vote.

When the election committee of the constituency, after consideration, deems it appropriate to remove the name of the person not entitled to vote from the list of persons entitled to vote or deems it appropriate to dismiss the request, it shall make an order for removal of the name of such person or for dismissal of the request, as the case may be, and shall notify the order to such person or the householder, and the provisions of section 37 paragraph three, paragraph four and paragraph five shall also apply *mutatis mutandis*.

Section 39. In the case where the Court renders a judgment requiring revocation of the right to vote of any person, the Office shall, although the judgment is not yet final, prepare a list of persons who are under revocation of the right to vote and record the revocation of such persons' right to vote and, in the case where a list of persons entitled to vote has been published, the Office shall give a notice thereof to the election committee of a constituency for withdrawing the names of persons who are under revocation of the right to vote by the order of the Court by crossing out such names from the list of persons entitled to vote, with an accompanying note that such persons are under revocation of the right to vote by the order of the Court.

In the case under paragraph one, the Office of the Judiciary shall notify such judgments to the Office for making amendment to the list of persons entitled to vote accordingly.

Section 40. A person shall not carry out or allow an unlawful transfer of any person into his household register for the purpose of an election.

In the following cases, it shall be presumed that a transfer in question is an unlawful transfer of a person into a household register for the purpose of an election:

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(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 without any justifiable cause;

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

CHAPTER IV

CANDIDATES AND APPLICATION FOR CANDIDACY IN AN ELECTION

Part I

Candidates in an Election

Section 41. A person possessing the following qualifications has the right to candidacy in an election of members of the House of Representatives:

- (1) being of Thai nationality by birth;
- (2) being not less than twenty-five years of age up to the election date;
- (3) being a member of any, and only one, political party for a consecutive period of not less than ninety days up to the election date, except that in the case where a general election takes place as a consequence of the dissolution of the House of Representatives such ninety-day period shall be reduced to thirty days;

(4) a candidate in an election on a constituency basis shall also possess any of the following qualifications:

- (a) having his name listed in the household register in the *Changwat* where he intends to be a candidate in the election for a consecutive period of not less than five years up to the date of application for candidacy;

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(b) being born in the *Changwat* where he intends to be a candidate in the election;

(c) having studied in an educational institution situated in the *Changwat* where he intends to be a candidate in the election for a consecutive period of not less than five academic years;

(d) having served in the official service or performed duties in a State agency, or having had his name listed in the household register in the *Changwat* where he intends to be a candidate in the election, as the case may be, for a consecutive period of not less than five years.

Section 42. A person under any of the following prohibitions shall have no right to candidacy in an election of members of the House of Representatives:

- (1) being addicted to narcotics;
- (2) being a bankrupt or having been a dishonest bankrupt;
- (3) being an owner or shareholder of any newspaper or mass media business;
- (4) being a Buddhist monk, Buddhist novice, member of the clergy or priest;
- (5) being under revocation of the right to vote, whether the case in question is final or not;
- (6) being of unsound mind or of mental infirmity.
- (7) being under temporary suspension of the right to candidacy in an election or being under revocation of the right to candidacy in an election;
- (8) being sentenced by a judgment to imprisonment and detained by a warrant of the Court;
- (9) having been discharged for a period of less than ten years up to the election date after being imprisoned, except for an offence committed through negligence or a petty offence;
- (10) 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;
- (11) 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;

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(12) 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;

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

(14) being a Government official holding a permanent position or receiving a permanent salary except a political official;

(15) being a member of a local assembly or a local administrator;

(16) being a senator, or having been a senator whose membership has terminated for not more than two years;

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

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

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

(20) having vacated office by reason that the Constitutional Court has rendered a decision that such person has made a proposal or submission of a motion or committed any act which howsoever resulted in direct or indirect involvement by members of the House of Representatives, senators or members of a committee in the use of budgetary appropriations;

(21) having 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.

Part II

Application for Candidacy in an Election on a Constituency Basis

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Section 43. A candidate for an election on a constituency basis shall be a person who is sent by his political party as its candidate in the election and selected in accordance with the procedure prescribed in the organic law on political parties, provided that candidacy may not be applied for more than one constituency and such person shall not be listed in a list of candidates on a party-list basis.

Section 44. The election director of a constituency shall publish procedures and places for the recruitment of candidacy within three days as from the day on which the Commission fixes the election date. In case of inevitable necessity, procedures or places for the recruitment of candidacy may be changed. All this shall be in accordance with the rules prescribed by the Commission. In this regard, the recruitment of candidacy for each constituency in the same *Changwat* may be prescribed to the effect that it shall take place at the same place.

Section 45. In applying for candidacy in an election on a constituency basis, an intending candidate shall submit an application as provided under section 44 within a period of time therefor, with the following documents and evidence:

(1) a certificate of candidacy for the election on a constituency basis issued by the leader of a political party, with a representation that action has been taken correctly and completely as required by the organic law on political parties, in accordance with the form prescribed by the Commission;

(2) evidence indicating payment of personal income tax for a consecutive period of three years up to the year of the intending candidate's application, except that the intending candidate is a person who has not made payment of personal income tax, in which case the intending candidate shall make written confirmation of non-payment thereof together with reasons therefor;

(3) an application fee of ten thousand Baht each;

(4) other documents and evidence as prescribed by the Commission to the extent necessary for the conduct of the election.

The Office shall prepare information on evidence under (2) and make public disclosure thereof for general publicity.

Section 46. It shall be the duty of the election director of a constituency to examine an intending candidate's application in order to find out whether the documents and

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evidence under section 45 have been correctly and completely furnished or not. If incorrectness or incompleteness is found, all the documents and evidence shall be returned to such intending candidate.

In the case where the intending candidate has furnished the documents and evidence under section 45 correctly and completely, the election director of the constituency shall issue to such intending 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 and publish, within seven days as from the closing date of the candidacy recruitment, a list of candidates openly at polling places or areas close to polling places or other places as may be deemed appropriate.

The publication under paragraph two shall at least contain candidates' names, surnames and photographs, political parties of their affiliation and candidates' personal numbers to be used for vote casting.

Section 47. In the case where a cause of necessity in a specific area prevents the recruitment of candidacy in an election under section 45 on account of a riot, flood, fire, *force majeure* or any other cause of necessity in a constituency, the Commission shall have the power to fix, by Notification, additional dates for the recruitment of candidacy. For this purpose, it may be specified that the recruitment of candidacy shall be carried out in another locality.

The provisions of section 16 shall also apply to the election management in a constituency under this section *mutatis mutandis*.

Section 48. In applying for candidacy in an election, a candidate shall be ascribed a personal number in respective order corresponding to the number of the document evidencing receipt of the application for candidacy issued by the election director of a constituency under section 46.

In the case where several persons are simultaneously present for submitting applications and the order of submission thereof may not be agreed upon, it shall be decided by drawing lots amongst the candidates with simultaneous presence.

When a candidate's personal number has been ascribed, it may not be altered for any reason whatsoever.

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Section 49. In the case where the election director of a constituency refuses to take any person's application or refuses to declare any person as a candidate under section 46, such person shall have the right to file a motion with the Supreme Court within seven days as from the date of the refusal of the application or the date of the publication of a list of candidates, as the case may be, without being required to pay Court fees for proceedings. The trial and decision by the Supreme Court shall be completed not less than three days prior to the election date and, when the Supreme Court has given a decision howsoever, the Court shall notify it to the election director of the constituency for taking further proceeding in pursuit of the decision expeditiously, without prejudice to action performed before the knowledge of the Court's decision.

Section 50. When the election director of a constituency has issued a document evidencing the application for candidacy to a candidate under section 46, the candidate or the political party may withdraw the application or change the candidate only in the case where the candidate is deceased, disqualified or falls under prohibitions and it shall be made before the recruitment of candidacy in the election is closed, provided that all this shall be in accordance with the rules and procedures prescribed by the Commission.

Section 51. In the case where any person entitled to vote or any candidate considers that a person listed in a list published by the election director of a constituency under section 46 is not eligible for applying for candidacy in the election, such person entitled to vote or such candidate shall have the right to submit a motion to the Commission within seven days as from the date of publication of the list of candidates. Upon any decision thereon by the Commission, such decision shall be notified to the election director of the constituency for further proceeding in pursuit of the decision expeditiously, in accordance with the rules and procedures prescribed by the Commission, without prejudice to action performed before the knowledge of the decision of the Commission.

In the case where the Commission gives a decision for revoking the application for candidacy of any person, such person shall have the right to file an appeal against such decision with the Supreme Court within three days as from the date of revocation thereof, and in the case where the Supreme Court has not yet given a decision thereon prior to the election date, trial shall be terminated and the election shall be conducted in pursuit of the order of the Commission.

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Section 52. Prior to the election date, if the election director of a constituency, after examination, considers that any candidate is not eligible for applying for candidacy in the election by reason of being disqualified for or falling under prohibitions from the exercise of the right to candidacy in an election, the election director of the constituency shall file a motion with the Supreme Court for a withdrawal of the name of such person from the published list of candidates.

On the election date, if it appears that the Supreme Court has not yet given a decision thereon, the election shall be held in accordance with the published list of candidates as in force on such date.

Section 53. Prior to the announcement of the election result, if the election director of a constituency, after examination, considers that any candidate is not eligible for applying for candidacy in the election by reason of being disqualified for or falling under any prohibition from the exercise of the right to candidacy in the election and such candidate obtains votes in such order as to entitle him to be elected, the matter shall be referred to the Commission for decision thereon. In the case where the Commission gives a decision that such incidence has occurred with respect to such candidate, the Commission shall order an annulment of the election in such constituency and order a new election to be held. In such case, the votes obtained by each candidate shall be discarded for the purpose of the calculation under section 128.

In the case under paragraph one, if the candidate who is disqualified or falls under the prohibition fails to obtain votes in the order which entitles him to be elected, the votes obtained by such candidate shall be discarded for the purpose of the calculation under section 128.

In the case under paragraph one or paragraph two, if such candidate knows that he is not eligible for candidacy in the election, the Commission shall order a temporary suspension of the right to candidacy in the election and further proceeding shall be taken under section 138.

Section 54. In the case where the incidence under section 53 is found after the announcement of the election result and the person in question is elected, the Commission shall file a motion with the Constitutional Court for a decision thereon.

In the case under paragraph one, if such candidate has known that he is not eligible for candidacy in the election and has concealed or failed to disclose such true fact, it shall be deemed that the election in that constituency has not proceeded in an honest and fair manner and the Constitutional Court shall order revocation of such person's right to candidacy in an

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election and, when a new election takes place, the provisions of section 131 shall also apply *mutatis mutandis*.

Upon receipt by the Constitutional Court of the matter for consideration, if there is a reasonable cause to suspect that the alleged incidence has occurred with respect to the member of the House of the Representatives against whom the allegation has been made, the Constitutional Court shall order such person to discontinue the performance of duties until the Constitutional Court gives a decision.

Section 55. A political party which sends candidates shall, if it intends to send its representatives to be stationed at polling places for observing the voting casting and the vote counting, submit a written instrument of appointment of its representatives to the election committee of a constituency not less than fifteen days prior to the election date, provided that one representative shall be appointed for each polling place.

A representative of a political party under paragraph one shall be at the venue, provided at a polling place, which allows the sight of the performance of work and shall comply with the requirements set by the committee of a polling station.

In the case of any act in violation of the provisions of paragraph two, the committee of the polling station shall order such representative of the political party to leave the polling place and the security official at the polling station shall take action in pursuit of the order.

The performance of work of representatives of political parties shall be in accordance with the rules and procedures prescribed by the Commission.

Part III

Application for Candidacy in an Election on a Party-List Basis

Section 56. Any political party which sends candidates on a constituency basis shall have the right to send candidates on a party-list basis on the condition that each party shall have one party list containing not more than one hundred fifty names, in accordance the following rules:

(1) party-list candidates shall be selected in accordance with the procedure provided in the organic law on political parties;

(2) a political party may nominate any person upon such person's written consent, provided that such person shall be a member only of the political party which makes the nomination;

(3) a party list shall be prepared in accordance with the form prescribed by the Commission, whereby names of candidates shall be listed in numerical order;

(4) names in the party list of a political party shall not duplicate those nominated by any other political party and shall not duplicate those of candidates on a constituency basis.

In the preparation of a party list under paragraph one, members of a political party shall also participate in the consideration, having regard to availability of candidates from different regions and equality between men and women, as provided in the organic law on political parties.

Section 57. For the purpose of application for candidacy in an election on a party-list basis, a political party shall submit a party list prepared by it under section 56 to the Commission before the recruitment of candidacy in an election of members of the House of Representatives on a constituency basis is closed, in accordance with the procedures and at the place prescribed by the Commission. In the case of an inevitable cause of necessity, the Commission may change the procedures and place for the recruitment.

A party list under paragraph one shall be submitted together with the following documents and evidence:

(1) letters of consent of candidates;

(2) a written representation from the political party that action has been taken correctly and completely as required by the organic law on political parties;

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(3) evidence indicating payment of personal income tax for a consecutive period of three years up to the year of the intending candidate's application, except that the intending candidate is a person who has not made payment of personal income tax, in which case the intending candidate shall make written confirmation of non-payment thereof together with reasons therefor;

(4) an application fee of ten thousand Baht each;

(5) other documents and evidence as prescribed by the Commission to the extent necessary for the conduct of the election.

The Office shall prepare information on evidence under (3) and make public disclosure thereof for general publicity.

In the case where any political party submits documents and evidence in support of the application for candidacy of any candidate in an incorrect or incomplete manner, the Commission shall have the power to refuse to accept the application for candidacy of such candidate and the Office shall notify reasons therefor to the political party, as prescribed by the Commission.

Section 58. When the Commission has accepted candidacy of party-list candidates of any political party, a list of candidates shall, within seven days as from the closing date of the candidacy recruitment, be published openly at polling places or areas close to polling places or other places as may be deemed appropriate and the provisions of section 46 paragraph three and section 47 shall also apply *mutatis mutandis*.

Section 59. In the case where the Commission refuses to accept candidacy of any person or refuses to declare any person as a candidate under section 58, such person shall have the right to file a motion with the Supreme Court within seven days as from the date of the refusal thereof or the date of the publication of a list of candidates, as the case may be, and the provisions of section 49 shall also apply *mutatis mutandis*.

Section 60. The provisions of section 51 shall also apply *mutatis mutandis* to the case where any person entitled to vote or any candidate considers that a person listed in the list published by the Commission under section 58 is not eligible for candidacy in the election.

Section 61. Prior to the election date, if the Commission considers that any candidate of any political party is not eligible for candidacy in the election by reason of being disqualified for or falling under prohibitions from the exercise of the right to candidacy in an

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election, the Commission shall file a motion with the Supreme Court for a withdrawal of the name of such person from the published list of candidates and the provisions of section 52 paragraph two shall also apply *mutatis mutandis*.

Part IV

Expenses Incurred in an Election and Campaign Procedures

Section 62. The Commission shall, by Notification and upon discussion with leaders of political parties, prescribe an amount of expenses to be incurred by each candidate on a constituency basis and by a political party in an election and the prescription of such amount shall be reviewed at least every four years to ensure consistency with needs and economic circumstances.

Expenses by a political party under paragraph one must be those to be incurred in its campaigns in accordance with the rules and conditions prescribed by the Commission. In this regard, the number of members of a political party individually sent for candidacy in an election shall not be used as a basis for the calculation.

Section 63. A candidate or a political party shall not spend a greater amount of expenses in an election than that prescribed under section 62. Such expenses shall include all money or any other property paid or supplied or agreed to be paid or supplied by any person for the candidate or the political party or brought for gratuitous use for the purposes of election campaigns with the consent of, or without objection by, such candidate or political party. 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. In this regard, the amount equally allocated by the Commission to every candidate and every political party shall not be included.

Section 64. The calculation of expenses of a candidate or a political party 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 a general election on account of the expiration of the term of the House of Representatives, the calculation shall be made of expenses incurred as from one

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hundred eighty days prior to the date fixed by the Commission for the election up to the election date;

(2) in the case of a general election on account of the dissolution of the House or a by-election, the calculation shall be made of expenses incurred as from the date of the dissolution of the House or the date on which a vacancy occurs, as the case may be, 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 Commission may extend the periods of time under paragraph one.

The Commission shall, by Notification, announce types of expenses in an election as guidance for candidates, political parties and general members of the public. Such Notification shall be updated.

Section 65. Upon the expiration of the periods of time under section 64, in the case where any political party, any holder of a position in a political party and any member of a political party who is a member of the House of Representatives or a holder of a political position gives money, property or any other benefit capable of calculation into monetary value to a person, a group of persons or a juristic person, it shall be deemed to be the expenditure in connection with an election under section 63 and shall be included in the calculation of expenses to be incurred in an election by such political party in the next election of members of the House of Representatives.

If the act under paragraph one is the act performed by a member of the House of Representatives within his constituency, it shall be deemed to be the expenditure in connection with an election under section 64 and shall be included in the calculation of expenses to be incurred by such person in the next election of members of the House of Representatives.

The provisions of paragraph one and paragraph two shall not apply to gifts made on a customary basis or upon a reasonable ground, in the amount and in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 66. In the case where it is apparent to the Commission that any person commits an act under section 65, the Commission shall instruct the Secretary-General to record it as expenditure in an election of the political party or of the person holding a position under section 65 in the next election of members of the House of Representatives and notify it to such

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political party or person. Such political party or person disagreeing with it shall have the right to submit an opposition thereto in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 67. Within ninety days as from the election date, each candidate and the leader of a political party which sends party-list candidates shall submit an account of incomes and expenses to the Commission in accordance with the form prescribed by the Commission. The account shall at least consist of all expenses which have been spent and those which remain in arrears and also relevant documents and evidence to ensure factual correctness and completeness, and the candidate or the leader of the political party, as the case may be, shall enter a signature in attestation of correctness and completeness of the account of incomes and expenses.

The Commission shall disclose an account of incomes and expenses of each candidate and each political party by publication of the same for general public information.

The Commission shall cause expenses under paragraph one to be examined in accordance with the procedures prescribed by the Commission.

In the case where it is apparent to the Commission or there is a challenge that any candidate or any political party has spent expenses in connection with an election in a greater amount than that prescribed by the Commission or it is apparent that the account of incomes and expenses is not factually correct or complete, the Commission shall expeditiously put in place an investigation or inquiry and a decision thereon, for further proceeding, and such account of incomes and expenses, documents and evidence shall be retained until the proceeding by the Commission is completed.

Section 68. In the interest of fairness and orderliness, the Commission shall prescribe methods of election campaigns to be observed by candidates and political parties. Such methods of election campaigns shall be effective within the periods of time as follows:

(1) in the case of a general election on account of the expiration of the term of the House of Representatives, they shall be permissible as from one hundred eighty days prior to the date of such expiration up to the date preceding the election date;

(2) in the case of a general election on account of the dissolution of the House or a by-election, they shall be permissible as from the date of the dissolution of the House or the date on which a vacancy occurs, as the case may be, up to the date preceding the election date;

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(3) in the case where a new election is ordered to be held, they shall be permissible as from the date of the order for a new election up to the date preceding the election date;

(4) in the case where vote casting is ordered to be done *de novo*, no campaigns shall be carried out by any person unless it is otherwise determined by a resolution of the Commission, having regard to honesty and fairness.

Section 69. Any candidate, political party or person shall not carry out election campaigns via radio broadcasting or television broadcasting unless it is a sponsored activity under section 81.

Section 70. Election campaigns may be carried out by electronic means in accordance with the rules, procedures and conditions prescribed by the Commission but a person shall not carry out election campaigns, whether in a manner causing favourable or adverse effects on any candidate or political party, from 18.00 o'clock of the date preceding the election date up to the end of the election date.

In prescribing the rules, procedures and conditions under paragraph one, the Commission shall also enter into discussions with political parties and those concerned with the professions involving mass media, including newspapers, radio broadcasting, television broadcasting and electronic media.

In the case where it is apparent to the Commission that any person has carried out an act under paragraph one without complying with the rules and procedures or in violation of the conditions prescribed by the Commission under paragraph one, the Commission has the power to order correction, alteration or deletion of data within the time prescribed by the Commission.

Expenses incurred in election campaigns by electronic means under this section shall also be included in the calculation of election expenses incurred by candidates and political parties.

Section 71. The Commission may require that election campaigns by any other method than those provided in section 69, section 70, section 81 and section 83 be carried out in accordance with the rules, procedures and conditions prescribed by the Commission, having regard to parity, equality and fairness on the part of candidates and political parties.

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Section 72. A poll with a dishonest intent in a manner guiding or affecting decisions to be made in casting votes for or against any candidate shall not be conducted.

Section 73. 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 the House of Representatives:

(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, 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 candidates or political parties.

The provisions of (3) shall not apply to a candidate who makes use of his own artistic talents in the course of a campaign for himself without using performance instruments.

Offences under (1) or (2) shall be deemed to be predicate offences under the law on anti-money laundering and the Commission shall have the power to refer the matter to the Anti-Money Laundering Office to take action in accordance with its duties and powers.

Section 74. Election campaigns by a candidate and a political party shall not be contrary to or inconsistent with directions determined to form policies of the political party under the organic law on political parties.

Section 75. Any person or any political party shall not demand or accept property or any other benefit for the purpose of being a candidate or sending a candidate or not being a candidate or not sending a candidate and thereby benefiting any other candidate or political party in an election and causing an election not to proceed in an honest and fair manner.

Section 76. Any candidate shall not provide vehicles for carrying persons entitled to vote to polling places 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 Commission.

Section 77. A person who is not of Thai nationality shall not take part in election campaigns or perform any act for the purpose of an election in a manner causing favourable or adverse effects on any candidate or political party, except the act *bona fide* performed for assisting official service or in the course of his normal occupation.

Section 78. A State official shall not unlawfully exploit his official office or duties for performing any act with a view to causing favourable or adverse effects on a candidate or a political party.

The unlawful exploitation of official office or duties under paragraph one shall not include the usual performance of duties in the capacity as such State official or the provision of advice or assistance in connection with a candidate or political party's activities relating to an election when it is not concerned with the performance of duties, even though the act in question causes favourable or adverse effects on any candidate or political party.

In the case where there is evidence justifying the belief that violation of the provisions of paragraph one occurs, the Commission or a member finding the incidence shall have the power to order the State official to discontinue or suspend any act considered to cause favourable or adverse effects on any candidate or political party.

In the case under paragraph three, the Commission shall inform the superior of, or the person with the duty and power to supervise, such State official to order the State official who, in the attending circumstances, possibly causes favourable or adverse effects on any candidate or political party to vacate duties for the time being or to be relocated to a Ministry, Sub-ministry, Department, *Changwat* Hall or *Amphoe* Hall in or out of any particular constituency or to refrain from entering any particular constituency.

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Section 79. Any person shall not carry out election campaigns by any means, whether in a manner causing favourable or adverse effects on a candidate or a political party, from 18.00 o'clock of the date preceding the election date up to the end of the election date.

Section 80. In the interest of orderliness of election campaigns, the Commission shall prescribe prohibited acts to be carried out in election campaigns by candidates and political parties.

Candidates or political parties may have campaign assistants, provided that the number thereof shall not exceed that prescribed by the Commission and details as to campaign assistants and duties as well as remuneration of campaign assistants shall be notified to the Office, in accordance with the items and procedures prescribed by the Commission.

Section 81. The Commission shall have the duty to support election campaigns by candidates and political parties, in accordance with the rules and procedures prescribed by the Commission. In this regard, the Commission may also request support from other State agencies.

In lending support to election campaigns under paragraph one, the Commission may organise debates on national administration policies for political parties.

Section 82. It shall be the duty of officials or employees of the Office, election ombudsmen and police officials who are appointed for assisting work performance in an election to oversee the execution of this Organic Act. In the case where any act which is not in conformity with section 80 and section 81 is found, it shall be reported to the Commission for immediate further proceeding in accordance with the duties and powers.

Any official or employee of the Office or any police official who, with the duty under paragraph one, fails to report to the Commission without any justifiable cause shall be deemed to commit a disciplinary breach and the Commission shall refer the matter to the person competent to take disciplinary action to take proceedings against such person in accordance with his duties and powers expeditiously and also notify the result thereof to the Commission. In the case where the person who fails to perform the duty under paragraph one is an election ombudsman, it shall be deemed to constitute a neglect of duties or refusal to perform duties under the organic law on the Election Commission.

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Section 83. A candidate, a political party or any person may display posters or notice boards in connection with an election only at places prescribed by the Commission, provided that the same shall be of the size and in the number not exceeding that prescribed by the Commission. Such prescription shall also be made upon discussion with political parties.

CHAPTER V VOTE CASTING AND VOTE COUNTING

Part I Vote Casting

Section 84. Vote casting shall be carried out by means of ballot cards.

The Commission may require vote casting to be carried out by any other method if vote casting by such method is capable of preventing election fraud more efficiently and conveniently than vote casting by ballot cards and is value for money, provided that such method allows votes to be cast by direct suffrage and secret ballot.

Vote casting under paragraph one and paragraph two shall be in accordance with the rules and procedures prescribed by the Commission.

In the case where the Commission requires vote casting to be carried out by any method other than by ballot cards, the provisions of section 91, section 93, section 95, section 96, section 98 and section 99 shall not apply.

Section 85. Ballot boxes and ballot cards shall be of such description as prescribed by the Commission. Ballot boxes shall also be prescribed in a manner allowing usability of previous ballot boxes.

Section 86. On the election date, vote casting shall be open as from 08.00 o'clock up to 17.00 o'clock.

Section 87. Before vote casting is open, the committee of a polling station 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 committee of the polling station shall open ballot boxes at an open place, make it apparent to persons entitled to vote who are present

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there that the ballot boxes are empty and close the same in accordance with the method prescribed by the 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 88. While vote casting is open, a person entitled to vote, who intends to cast votes, 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 committee of a polling station and the member of the committee of the polling station shall present ballot cards to such person for casting votes.

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 Commission.

Section 89. A person entitled to vote whose name is listed in a list of persons entitled to vote of any particular polling station shall cast votes at a polling place of such polling station and shall have the right to cast votes at only one place.

Section 90. A person entitled to vote who is appointed to perform duties at a polling station other than the polling station where he is entitled to vote in the same constituency may cast votes at the polling station where he is required to perform duties. In this regard, the chairperson of the committee of the polling station shall take a record of such person's vote casting and notify it to the chairperson of the election committee of the constituency, in accordance with the procedures prescribed by the Commission.

Section 91. 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, a cross shall be affixed in the box marked "Not Intending to Vote for Anyone".

Section 92. For convenience of disabled persons, persons of infirmity or old-aged persons in casting votes, the Commission or the person entrusted by the Commission shall

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specifically provide facilities for vote casting of those persons or make available assistance in vote casting within the supervision of the committee of a polling station. Such assistance shall be rendered in a manner allowing such persons to cast votes 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 committee of a polling station 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 Commission deems it appropriate, the 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 the rules and procedures prescribed by the Commission. In regard to such registration in accordance with the procedures prescribed by the Commission, regard shall also be had to convenience of persons intending to be registered.

Section 93. 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 such ballot card shall be inserted into a ballot box in person in the presence of a member of the committee of the polling station.

Section 94. A person, with the knowledge that he is a person not entitled to vote or not entitled to cast votes at the polling station in question, shall not attempt to cast votes or cast votes by presenting to a member of the committee of the polling station a civic identification card or any other evidence which is not available for him or which is forged for the purpose of casting votes.

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Section 95. Any person entitled to vote shall not, for the purpose of casting votes, use any card other than ballot cards received from the competent official in charge of the election.

Any person entitled to vote shall not take ballot cards from a polling place.

Section 96. Any person shall not intentionally affix a mark on a ballot card with a view to its conspicuousness by any means.

Section 97. Any person entitled to vote shall not use any device or equipment for taking a photograph of the ballot card in which he has cast a vote.

Section 98. 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 votes or carry out any act causing the number of ballot cards to exceed the actual number.

Section 99. Any person entitled to vote shall not present to another person a ballot card in 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 100. 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 101. 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 votes or refraining from casting votes.

Section 102. 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 committee of the constituency 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 committee of the constituency shall, by

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Notification, cancel vote casting at such polling station and report it to the Commission expeditiously.

In the case where the cause under paragraph one occurs on the election date, the election committee of the constituency or the committee of the polling station shall, by Notification, cancel vote casting at such polling station and report it to the Commission expeditiously.

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

Upon receipt of the report under paragraph one or paragraph two, the Commission shall expeditiously consider and determine a new date for vote casting at such polling station or order otherwise in the interest of honesty and fairness in the election.

Section 103. Upon arrival of the time at which vote casting is closed, the committee of a polling station shall announce the closure of vote casting and discontinue any supply of ballot cards and affix a mark in remaining ballot cards as those unusable for vote casting. But, in the case where persons entitled to vote who intend to cast votes have entered an appearance at the polling place for the purpose of exercising the right to vote prior to the closure of vote casting when they have not yet identified themselves or received ballot cards, the committee of the polling station shall allow such persons to identify themselves and supply them with ballot cards for exercising the right to vote and shall, upon completion of vote casting by persons entitled to vote, close ballot boxes' holes made for insertion of ballot cards therein 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 accordance with the rules and procedures prescribed by the Commission.

Section 104. During the time of the opening and closure of ballot boxes placed for the purpose of vote casting or after the closure of such ballot boxes for retention thereof upon completion of the election, any person shall not, without lawful authority, open, destroy, damage, transform, render useless or take away ballot boxes or ballot cards or documents or evidence relating to the election prepared by the committee of a polling station.

Part II

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Vote Casting Prior to the Election Date

Section 105. The arrangement for vote casting prior to the election date, otherwise than specifically provided in this Part, shall be as provided in this Organic Act.

Section 106. A person whose name is listed in a household register in a constituency for an election on a constituency basis for a consecutive period of not less than ninety days up to the election date shall have the right to cast votes in the constituency in respect of which his name is last listed in the household register for a consecutive period of not less than ninety days.

If the person under paragraph one intends to exercise the right to vote prior to the election date out of his constituency, such person shall submit a request for registration to the election committee of the constituency within a period of time prescribed by the Commission and the provisions of section 107 paragraph two, paragraph three and paragraph four shall also apply *mutatis mutandis*.

Section 107. In a general election, a person entitled to vote, being officially ordered in the course of government service to perform duties out of the constituency where he is entitled to vote, or a person entitled to vote, staying out of the constituency in respect of which his name is listed in the household register, who intends to exercise his right to vote prior to the election date in the constituency or out of the constituency, as the case may be, shall submit to the election committee of the constituency a request for registration therefor within a period of time prescribed by the Commission.

A request for registration under paragraph one, in the case of the request for the exercise of the right to vote prior to the election date in the constituency where a person entitled to vote has the right to vote, shall be submitted to the election committee of the constituency where he has the right to vote and, in the case of the request for the exercise of the right to vote prior to the election date out of the constituency where a person entitled to vote has the right to vote, may be submitted to the election committee of the constituency where he has the right to vote or where he intends to exercise the right to vote, or the Commission may require registration to be made by an electronic means in accordance with the rules and procedures prescribed by the Commission.

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If the election committee of the constituency, after its examination of the right to vote of persons requesting for the registration under paragraph one, considers that it is correct, the election committee of the constituency shall prepare a list of persons entitled to vote who intend to cast votes prior to the election date and who have been registered and shall publish, for information of general members of the public, the number of such persons requesting for exercising the right to vote prior to the election date and determine focal polling places where such persons must appear for casting votes and give the notification thereof to the committee of the constituency where such persons are listed in a list of persons entitled to vote as well as note down the places where such persons must exercise the right to vote in relevant documents. When the election committee of the constituency has registered any person, such person shall no longer have the right to exercise the right to vote at the polling station of his original eligibility in respect of such election.

A request for the exercise of the right to vote under paragraph one, locations and the number of focal polling places, the date for exercising the right to cast votes, vote casting and vote counting, the delivery of ballot cards and other necessary proceedings shall be in accordance with the rules and procedures prescribed by the Commission, provided that the date fixed for exercising the right shall be the same date for all places and fixing more than one day shall not be permitted.

The provisions of this section shall also apply *mutatis mutandis* to a person who can satisfy by evidence that on the election date he is required to perform duties at any other place out of the constituency where he has the right to vote and is thereby prevented from exercising the right to vote in the constituency where he has the right to vote.

Section 108. Any person who has been registered under section 107 and has exercised the right to vote but failed to exercise the right to vote in a new election shall be deemed to have given, by such registration, the notification of a justifiable cause and shall not be subject to the restriction of rights under section 35.

Section 109. In a general election which is not a new election, a person entitled to vote who has residence out of the Kingdom may request for registration for the purpose of exercising the right to vote, only in respect of such election, in the country of his residence.

Upon registration under paragraph one, the person entitled to vote may exercise the right to vote as provided in section 110 and section 111.

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The provisions of section 107 paragraph four and section 108 shall also apply *mutatis mutandis* except that insofar as they are concerned with the dates fixed for exercising the right to cast votes, the Commission may fix different dates for different countries as it may deem appropriate.

Section 110. In the case where a person entitled to vote has been registered for exercising the right to vote in any particular country, the Commission or the person entrusted by the Commission shall arrange for vote casting in such country. For this purpose, places for vote casting may be provided or vote casting may be allowed to be carried out by post or by any method other than the provision of places for vote casting, taking into consideration suitability for such particular country, in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 111. Upon a request for the exercise of the right to vote under section 109, such person entitled to vote shall no longer have the right to cast votes at the polling station where his name is listed in the list of persons entitled to vote for such polling station.

Section 112. Not less than three days prior to the election date, the Commission shall publish, for information of general members of the public, the number of persons registered for exercising the right to vote out of the Kingdom, provided that classification thereof shall be made by reference to countries.

Section 113. In casting votes in this Part, upon completion of vote casting, the Commission may make advance arrangement in order for ballot cards to be counted altogether on the election date except that, in the case of a cause of necessity in a particular locality, the Commission may prescribe otherwise.

In casting votes out of the Kingdom, the Commission, with the approval by the Ministry of Foreign Affairs, may require voting counting to be conducted out of the Kingdom if it can be done conveniently and expeditiously and shall incur less expenditure than that otherwise incurred in the proceeding under paragraph one, in accordance with the rules and procedures prescribed by the Commission.

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Section 114. In the case where there is evidence justifying the belief that vote casting prior to the election date or vote casting out of the Kingdom at any place has failed to proceed in an honest and fair manner or ballot cards have been delivered to a vote counting place of any constituency after vote counting has commenced or a packaging for the delivery of ballot cards has been opened and there is a reasonable cause to believe that the incidence has resulted from a dishonest or unfair act or ballot cards at any place are lost, the Commission shall have the power to give an order forbidding such vote counting. In this regard, those ballot cards shall be deemed to be foul cards.

In the case of vote counting out of the Kingdom, if there is evidence justifying the belief that vote casting at any particular place has failed to proceed in an honest and fair manner, it shall be deemed that the vote counting concerned becomes void and it shall be deemed that those cards are foul cards.

Section 115. In the case of a cause of necessity in a specific area under section 47, the Commission shall have the power to, by Notification, fix a new date for vote casting prior to the election date under section 106, section 107 and section 110 only for the constituency in question. In the case of an election under section 110, the Commission may instead entrust any person to, by Notification, fix a new date for vote casting.

In the case where the cause under paragraph one has occurred twice consecutively, the Commission or the person entrusted by the Commission shall order suspension of vote casting in respect of the vote casting prior to the election date in the constituency or out of the constituency or the vote casting out of the Kingdom in such constituency. In such case, if the person registered fails to enter an appearance for exercising the right to vote, it shall be deemed that such registration constitutes the notification of a justifiable cause and such person shall not be subject to the restriction of rights under section 35.

Part III

Vote Counting and Vote Summation

Section 116. Upon completion of the proceeding under section 103, the committee of a polling station shall open ballot boxes in the presence of members of the public who are present at the polling place and conduct vote counting.

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Section 117. Subject to section 121, vote counting shall be conducted at the polling place openly and uninterruptedly until completion thereof and postponement or deferment of vote counting shall not be made.

Vote counting shall be in accordance with the rules and procedures prescribed by the Commission. In this regard, votes cast by persons entitled to vote who have affixed a mark in the “Not Intending to Vote for Anyone” box shall also be counted.

Section 118. In conducting vote counting, foul cards, if any, shall be segregated and shall, in no event, 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 an official in charge of the election;
- (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 more than one candidate;
- (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 prescribed by this Organic Act as foul cards;
- (8) cards of the description prescribed by the Commission as foul cards.

The committee of a polling station shall affix an endorsement on the cards under this section as “Foul”, with an indication of the reason for the foulness thereof in accordance with the provisions of the particular subsection, and affix the signatures of not less than two members of the committee except that, in the case under (7), the ground of the foulness of the card shall be noted down for an evidential purpose in lieu of endorsement.

Section 119. A member of the committee of a polling station shall not intentionally count ballot cards or votes in distortion from the truth or sum up votes incorrectly or, in any manner without lawful authority, perform any act to cause a ballot card to be defective

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or damaged or to be a foul card or, in any manner, perform any act towards a foul card with a view to turning it into a valid card or read a ballot card in distortion from the truth or prepare an election report in distortion from the truth.

Section 120. Upon completion of vote counting at the polling place, the committee of a polling station shall openly announce the vote counting result of such polling station, the number of ballot cards used and the number of ballot cards remaining from vote casting and expeditiously report the vote counting result to the election committee of the constituency.

For the purpose of expediting the bringing of information on the election to the notice of the public, the Commission may take action to make available the reporting of informal results of vote counting.

The announcement of vote counting results, the reporting of vote counting results and the reporting of informal results of vote counting shall be in accordance with the rules and procedures prescribed by the Commission.

Section 121. If vote counting at any polling place cannot be conducted or cannot be completed on account of a riot, flood, fire, *force majeure* or any other cause of necessity or predicament affecting safety, the committee of the polling station shall, by Notification, avoid vote counting for such polling station and report it to the election committee of the constituency for the purpose of expeditiously fixing the date, time and place for vote counting and then report it to the *Changwat* election director as well as the Commission expeditiously. In the case of a reasonable cause, the Commission may change the date, time and place fixed by the election committee of the constituency.

When the election committee of the constituency, upon receipt of the report under paragraph one, finds that ballot cards on which votes have been cast are defective or lost, it shall report the incident to the Commission for considering whether to order fresh vote casting at the polling station in question.

The retention of ballot cards, ballot boxes and documents relating to the election and the procedures for fresh vote counting shall be as prescribed by the Commission.

Section 122. 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

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used for vote casting, the committee of the polling station shall examine accuracy thereof. If discrepancy persists, the committee of the polling station shall submit a reasoned report thereon to the Commission for considering whether to order fresh vote counting or fresh vote casting at the polling station in question and notify it to the election committee of the constituency for information and deliver ballot boxes together with articles and devices used for the election to the election committee of the constituency or the person entrusted by the election committee of the constituency.

Section 123. Upon gathering results of vote counting of all polling stations in the constituency in question, including votes obtained from vote casting conducted prior to the election date and votes obtained from vote casting conducted out of the Kingdom, the election committee of the constituency shall announce the vote counting result in respect of votes cast for candidates on a constituency basis and votes cast for not electing anyone and report the vote counting result to the *Changwat* election director as well as the Commission expeditiously.

Section 124. Upon receipt by the Commission of the vote counting result, if there is evidence justifying the belief that the election in any constituency failed to proceed in an honest and fair manner or the vote counting proceeded in an incorrect manner, the Commission may refrain from the announcement of the election result and arrange for a new election or fresh vote counting in any particular polling station or all polling stations in such constituency.

CHAPTER VI

ANNOUNCEMENT OF ELECTION RESULTS

Section 125. In an election of members of the House of Representatives on a constituency basis, 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 where several persons equally obtain the highest number of votes, the elected person shall be decided by drawing lots in the presence of the election committee of the constituency, in accordance with the rules and procedures prescribed by the Commission.

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Section 126. In a constituency where no candidate obtains the higher number of votes than that of votes cast for not electing anyone as its member of the House of Representatives, the Commission shall arrange for a new election and votes obtained by each candidate from the previous election shall be discarded in the calculation of the number of members of the House of Representatives on a party-list basis. In such case, the Commission shall take action in recruiting new candidates, provided that all previous candidates are not eligible for applying for candidacy in such new election.

In holding a new election under paragraph one, the provisions of section 16 paragraph one shall also apply *mutatis mutandis*.

Section 127. In a general election, the Commission may announce results of the election of members of the House of Representatives on a constituency basis when a preliminary examination reveals a reasonable cause justifying the belief that the results thereof have proceeded in an honest and fair manner and covered not less than ninety-five percent of all constituencies. The Commission must complete the preliminary examination and the announcement of election results expeditiously, provided that it must not be later than sixty days as from the election date.

In conducting the preliminary examination under paragraph one, the Commission shall hear and take into account reports of election ombudsmen as well as information obtained from a variety of sources.

The provisions of paragraph one shall also apply *mutatis mutandis* to the announcement of the result of a by-election.

In the case of a new election, the period of time for the announcement of the election result under paragraph one shall commence as from the date of the new election.

Section 128. In the case where election results have been announced for all constituencies, the number of party-list members of the House of Representatives obtainable by each political party which sends party-list candidates shall be calculated in accordance with the following procedures, provided that four decimals shall be used in the case of any fraction:

(1) total votes throughout the country as obtained by all political parties sending party-list candidates from the election on a constituency basis shall be divided by five hundred, which represents the total number of members of the House of Representatives;

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(2) total votes throughout the country as obtained by each political party from the election on a constituency basis in all constituencies shall be divided by the result under (1); the resultant number shall be deemed to be the number of members of the House of Representatives for which such political party is preliminarily eligible and, upon the calculation under (5), (6) or (7), if any, the resultant number shall be deemed to be the number of members of the House of Representatives for which such political party is eligible;

(3) the total number of elected members of the House of Representatives on a constituency basis as obtained by such political party in all constituencies shall be deducted from the number of members of the House of Representatives for which a political party is eligible under (2); the result shall be the number of party-list members of the House of Representatives for which such political party is preliminarily eligible;

(4) subject to (5), the number of party-list members of the House of Representatives for which political parties are eligible shall be allocated to the extent that the total number reaches one hundred fifty, whereby the allocation shall be made to a political party by reference to the result under (3) on the basis of a round number first and, if the number of one hundred fifty remains unfulfilled, the political party which has the largest fraction from the calculation shall be allocated an additional party-list member of the House of Representatives in such respective order as to enable the number of one hundred fifty to be completely reached, provided that in the case of equal fractions, the proceeding under (6) shall be pursued;

(5) if any political party has persons elected as members of the House of Representatives on a constituency basis in the number equal to or higher than the number of members of the House of Representatives for which it is eligible under (2), such political party shall have members of the House of Representatives in the number obtained from the election on a constituency basis without being eligible for the allocation of party-list members of the House of Representatives and the total number of party-list members of the House of Representatives shall be *pro rata* allocated to political parties which have the smaller number of members of the House of Representatives on a constituency basis than the number of members of the House of Representatives for which such political parties are eligible under (2), provide that this must not result in any of such political parties having members of the House of Representatives in the number greater than the eligible number under (2);

(6) if, in the allocation under (5), it appears that the number of party-list members of the House of Representatives fails to reach one hundred fifty, the political party which has the largest fraction from the calculation shall be allocated an additional party-list member of the

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House of Representatives in such respective order as to enable the number of one hundred fifty to be completely reached; in the case where equality of remaining fractions in respect of each political party prevents the fulfilment of the number of one hundred fifty from the allocation of party-list members of the House of Representatives, average votes obtained by each political party per one member of the House of Representatives for which it is eligible shall be taken into account to the effect that if any political party achieves greater average votes per one member of the House of Representatives for which it is eligible than those achieved by other political parties, such political party shall be allocated an additional party-list member of the House of Representatives and in the case of further equality of such average votes, the determination shall be made by drawing lots;

(7) in the case where it appears from the calculation under (5) that all political parties have party-list members of the House of Representatives in an aggregate number exceeding one hundred fifty, the number of party-list members of the House of Representatives shall be adjusted, whereby the calculation shall be made by reference to the ratio at which all political parties shall be allocated party-list members of the House of Representatives in the aggregate number not exceeding one hundred fifty and, for this purpose, the number of party-list members of the House of Representatives for which each political party is eligible shall be multiplied by one hundred fifty and divided by the result of the addition of one hundred fifty and the number of party-list members of the House of Representatives in the part exceeding one hundred fifty, provided that the requirements under (4) shall also apply *mutatis mutandis* to the calculation;

(8) upon ascertainment of the number of party-list members of the House of Representatives of each political party, candidates in respective order of the sequence numbers in such political party's list of party-list members of the House of Representatives shall be elected as members of the House of Representatives.

In the case where a candidate on a constituency basis is deceased after the closing date for the recruitment of candidacy but prior to the closing time for vote casting on the election date, votes cast for such candidate shall also be included in the calculation under (1) and (2).

Provided that the proceedings under (1) to (8) shall be as prescribed by the Commission.

Section 129. In the case where the announcement of election results has not yet covered all constituencies but has covered ninety-five percent of total constituencies, the number of

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party-list members of the House of Representatives to be allocated to political parties which send party-list candidates shall be calculated in accordance with the following procedures:

(1) the number of members of the House of Representatives on a constituency basis in respect of which election results are to be announced shall be divided by three hundred fifty, which represents the total number of members of the House of Representatives on a constituency basis;

(2) the result under (1) shall be multiplied by five hundred, which represents the total number of members of the House of Representatives; the emerging result shall be the total number of members of the House of Representatives in respect of which election results are to be announced, provided only a round number shall be reckoned;

(3) the number of members of the House of Representatives on a constituency basis in respect of which election results are to be announced shall be subtracted from the result under (2); the emerging result shall be the number of party-list members of the House of Representatives to be allocated to political parties.

Upon obtaining the result under paragraph one, the calculation shall be made in accordance with the procedures provided in section 128 for the purpose of allocating the number of party-list members of the House of Representatives to each political party, except that in the case under section 128 (7), the number of one hundred fifty shall be replaced by the number of party-list members of the House of Representatives to be allocated under paragraph one.

When election results are additionally announced, the calculation shall be conducted *de novo* in accordance with the procedures under paragraph one and paragraph two and the number of party-list members of the House of Representatives shall be allocated in a manner correctly corresponding to the result of such calculation on every occasion of additional announcement of election results, unless a period of one year has elapsed as from the date of the general election.

In the case where fresh calculation under this section results in a decline in the number of party-list members of the House of Representatives of any political party, party-list members of the House of Representatives of such political party who are listed at the end of the list shall vacate office in respective order.

Any party-list member of the House of Representatives of any political party who vacates office under paragraph four shall be deemed to retain the status of a candidate bearing the same sequence number in such political party's list.

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Section 130. In a general election, if a new election must be held in certain constituencies or certain polling stations prior to the announcement of election results or the election remains unfinished, votes from the election on a constituency basis in the constituencies in which such incidence has occurred shall not be included in the calculation of the number of members of the House of Representatives for which each political party is eligible and the number of party-list members of the House of Representatives to which each political party is allocated.

The provisions of paragraph one shall also apply *mutatis mutandis* to the case where a candidate is under temporary suspension of the right to candidacy in an election under section 132.

Section 131. Within one year after the date of a general election, if any new election on a constituency basis must be held by reason that the election in the constituency in question has not proceeded in an honest and fair manner, the number of party-list members of the House of Representatives shall be calculated *de novo*, whereby votes obtained from the election which provides a ground for the new election shall not be included in the calculation and the calculation procedures under section 129 and section 130 shall also apply *mutatis mutandis*.

Within one year after the date of a general election, if, when it appears that any candidate has committed an act constituting election fraud and such person is not elected, votes obtained by such candidate have been included in the calculation for allocating party-list members of the House of Representatives to the political party of such person's affiliation, a calculation for finding out the number of party-list members of the House of Representatives of each political party shall be conducted *de novo*, whereby votes obtained by such candidate shall not be included in the calculation and the provisions of section 129 paragraph four and paragraph five shall also apply *mutatis mutandis*.

Any by-election of a member of the House of Representatives by any reason whatsoever after the lapse of one year as from the date of a general election shall not prejudice the calculation of the number of members of the House of Representatives for which each political party is eligible under section 128.

The provisions of paragraph three shall also apply *mutatis mutandis* to the case where a by-election is to be held by any reason other than those under paragraph one prior to the lapse of one year as from the date of a general election.

CHAPTER VII

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PROCEEDINGS FOLLOWING AN ELECTION FAILING TO PROCEED
IN AN HONEST AND FAIR MANNER

Section 132. Prior to the announcement of results of an election, if the Commission, after its investigation or inquiry, 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 and 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 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 the Commission's order and in the case where votes obtained by such person place him in such order as to result in his being elected, the Commission shall order that the election be annulled and a new election be held.

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

If, in the case of the act of the person under paragraph one, there is evidence justifying the belief that the leader of the political party or the executive committee of the political party has had connivance thereat or neglected it or, upon the knowledge thereof, failed to prevent or rectify it in order for the election to proceed in an honest and fair manner, the Commission shall file a motion with the Constitutional Court for a dissolution of such political party. In the case where the Constitutional Court orders a dissolution of such political party, the Constitutional Court shall also order revocation of the right to candidacy in an election of members of the executive committee of such political party.

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

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Upon the Constitutional Court's order for the revocation of the right of candidacy in an election of any member of the executive committee of a political party, the Commission shall also consider criminal proceedings against such candidate or member of the executive committee of the political party. In this regard, it shall be deemed that the Commission is the injured person under the Criminal Procedure Code.

In the case of 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 result and the candidate whose right to candidacy in an election is suspended is a candidate in the election on a constituency basis who obtains votes in such order as to render him to be elected in such constituency, the Commission shall order a new election in order that the required number of elected persons allowed for such constituency can be fulfilled.

Any election ombudsman or official in charge of the election who finds the act under paragraph one has the duty to report it forthwith to the Commission or a member.

Section 133. if, upon the announcement of the election result, there is evidence justifying the belief that the election in any constituency has failed to proceed in an honest and fair manner without it being apparent that the act concerned is that of the elected person, the Commission shall file a motion with the Supreme Court for consideration. In the case where the Supreme Court decides that such election has failed to proceed in an honest and fair manner, the Court shall order that a new election be held in such constituency and membership of the member of the House of Representatives elected from such constituency shall terminate as from the date of the decision of the Court and the Commission shall take action for a new election to be held expeditiously and the provisions of section 138 paragraph two, paragraph three and paragraph four shall also apply *mutatis mutandis*.

Section 134. In the case where the Commission deems it appropriate for the purpose of facilitating speediness and fairness of an investigation or an inquiry, the Commission may appoint the appropriate number of prosecution officials, Government officials or other State officials or persons who previously became such Government officials or other State officials to constitute one or more committees as may be necessary for assisting the Commission in examining briefs of investigation or inquiry and hearing explanations or evidence on behalf of the Commission.

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The appointment, the performance of duties, the duration for the performance of duties and remuneration of the committee under paragraph one shall be as prescribed by the Commission.

Section 135. In the case where it is apparent to the Commission that any person has committed any act which, for the benefit of any candidate or political party, may prevent the election from proceeding in an honest and fair manner, the Commission shall have the power to issue an order requiring such person to discontinue the act or an order requiring rectification of the act on the conditions and within a period of time prescribed.

If the act under paragraph one is reported by any person to the police official or the police official finds it and such act constitutes an offence under this Organic Act, the police official shall make an arrest and take legal proceedings expeditiously and report it to the Commission for considering further action.

Section 136. In the case where there is evidence justifying the belief that any person has given, offered to give, promised to give or prepared to give money, property or any other benefit in order to induce a person entitled to vote to cast a vote for any candidate or refrain from casting a vote for any candidate or cast a vote for not electing any candidate, the Commission shall have the power order seizure or attachment of money or property of such person *pro tempore* until the Court renders a judgment or an order.

The Commission shall, within three days as from the date of the seizure or attachment under paragraph one, file a motion with the *Changwat* Court or the Civil Court under jurisdiction of which the seizure or attachment falls. Upon its receipt of the motion, the Court shall conduct and complete an *ex parte* inquiry within five days as from the receipt thereof. If the Court considers that the money or property to which the motion relates is likely to have been used or to be used for the election unlawfully, the Court shall issue an order for seizure or attachment of such money or property until the election result is announced.

The provisions of this section do not preclude the power of a person in the capacity as a senior administrative or police official under the organic law on the Election Commission to conduct seizure or attachment under the Criminal Procedure Code.

Section 137. Prior to or on the election date, when the Commission has conducted an investigation or an inquiry and finds an act giving rise to a reasonable ground to

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believe that the election has failed to proceed in an honest and fair manner or each member finds any act or omission likely to prevent the election from proceeding in an honest and fair manner or cause it to proceed unlawfully, the Commission or the member shall have the power to order that the election be discontinued, suspended, changed or cancelled and order that a new election be held or vote counting be conducted *de novo* in certain or all polling stations, provided that action by the member shall be in accordance with the rules, procedures and conditions prescribed by the Commission.

Section 138. Upon taking action under section 132 or after the announcement of the election result, if there is evidence justifying the belief that any candidate or person has committed an act constituting election fraud or has connived at such act committed by any other person, the Commission shall file a motion with the Supreme Court for ordering revocation of the right to candidacy in an election or revocation of the right to vote of such person.

Briefs of the investigation or inquiry of the Commission shall primarily be relied on for the purpose of the consideration of the Supreme Court and, in the interest of justice, the Court shall have the power to order any additional inquiries of facts and evidence.

Upon the Supreme Court's order accepting the motion for consideration, if the person against whom the allegation is made is a member of the House of Representatives, such person shall cease to perform duties until the Supreme Court decides that such person has not committed the offence.

In the case where the Supreme Court decides that the person under paragraph one has committed the offence to which the allegation relates, the Supreme Court shall revoke the right to candidacy in an election or revoke the right to vote of such person and, in the case where such person is a member of the House of Representatives, such person's membership shall terminate as from the date of cessation of the performance of duties and the Commission shall cause a by-election to be held.

Section 139. In the case where the Supreme Court orders revocation of the right to candidacy in an election or orders revocation of the right to vote of any candidate or member of the House of Representatives and such revocation gives rise to a new election, the Supreme 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 Supreme Court to render such order. The Supreme

Court shall consider the amount of such expenses from evidence of expenses presented by the Commission to the Court.

The money acquired under paragraph one shall be remitted to the Fund.

Section 140. A person entitled to vote, a candidate or a political party which sends a candidate for an election has the right to submit to the Commission a challenge that the election in the constituency in which he is entitled to vote or for which he is a candidate or for which the political party sends the candidate for the election, as the case may be, has failed to proceed in an honest and 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 on which the Commission, by Notification, fixes the election date up to thirty days as from the date of the announcement of the election result, except that:

(1) a challenge on the ground under section 63 or section 67 shall be submitted as from the election date up to one hundred eighty days as from the date of the announcement of the election result;

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

Upon receipt by the 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 the procedures prescribed by the Commission.

CHAPTER VIII PENALTIES

Section 141. A person who is inflicted with the penalty under section 158 or section 166 shall be deemed to have committed an act constituting election fraud.

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Section 142. Any superior or employer who obstructs or deters or fails to reasonably 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 year or to a fine not exceeding forty thousand Baht or to both.

Section 143. 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 Organic 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 cause 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 the election result, 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 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 or of the executive committee of a political party, as committed directly or in a manner instigating the commission by any other person or revealing connivance thereat, it shall be deemed that such political party commits an act undermining national security under the organic law on political parties.

Section 144. Any person who intentionally acts in any manner causing a ballot card to be defective or damaged or to become a foul card or acts in any manner towards a foul card with a view to turning it into a valid card 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 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

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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 145. Any person who, not being an official in charge of the election with the duty and power to retain ballot cards, unduly has or possesses ballot cards, whether they are ballot cards made available by the Office or not, 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 such person's right to vote for a term of ten years.

In the case where the offender under paragraph one is a State official, the offender shall be subject to additional penalty by one half and the Court shall order revocation of such person's right to candidacy in an election.

Section 146. From the time at which vote casting is open up to the time at which vote casting is closed, a member of the committee of a polling station 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 or political party 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 147. 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.

The provisions of paragraph one shall also apply to the date for vote casting under section 106 and section 107.

Section 148. Any person who joins or organises any betting on election results shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the Court shall order 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 or a political party, the offender shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty

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thousand to two hundred thousand Baht or to both and the Court shall order revocation of the right to candidacy in an election of the candidate or the leader of the political party, as the case may be.

Section 149. Any person who violates section 23 paragraph one or section 78 paragraph one 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 150. Any person who violates section 40 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 151. Any person who, knowing that he is not eligible for candidacy in an election by reason of being disqualified or being under prohibitions from exercising the right to candidacy in an election of a member of the House of Representatives, has applied for candidacy in an election or has made a letter of consent to his being nominated by a political party for candidacy in an election on a party-list basis 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.

In the case where the offender under paragraph one is a person elected as a member of the House of Representatives, the Court shall also order such person to return emolument and any other benefits acquired on account of his taking such office to the Secretariat of the House of Representatives.

Section 152. Any candidate who violates section 43 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 153. Any candidate who, with falsity, makes a written confirmation of non-payment of personal income tax under section 45 or section 57 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht

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

Section 154. Any person who violates section 63 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 expenses prescribed by the Commission, 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.

In the case where a political party commits an offence under paragraph one, it shall be liable to a fine of two hundred thousand to two million Baht or to a fine three times the amount exceeding expenses prescribed by the Commission, whichever is greater.

In the case where a political party commits an offence under paragraph two, if the leader of the political party, the Secretary-General of the political party or the treasurer of the political party connives at the commission thereof, such person shall be liable and subject to revocation of the right to vote as provided in paragraph one.

Section 155. Any candidate or leader of a political party who fails to submit an account of incomes and expenses to the Commission within the prescribed period of time or intentionally submits documents or evidence in an incorrect or incomplete manner as required by section 67 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 67 is false, the candidate or the leader of a political party 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 156. Any person who:

- (1) violates section 69, section 70 or section 79;
- (2) carries out election campaigns by an electronic means in a manner which is not in accordance with the rules, procedures or conditions prescribed by the Commission under section 70;

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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 157. Any person who violates section 72 or discloses or disseminates the result of a poll in connection with vote casting between seven days preceding the election date and the time at which vote casting is closed shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding six thousand Baht or to both.

Section 158. Any person who violates section 73 (1) or (2), section 75, section 76 or section 94 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 the Court renders a final judgment convicting the offender under section 73 (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.

In the case where a political party commits an offence under section 75, the leader of the political party or a member of the executive committee of such political party, who connives at the commission of the offence shall be liable to the penalty as provided in paragraph one and the Court shall order revocation of the right to vote of the leader of such political party or the member of the executive committee of such political party and the incidence shall be deemed to constitute a ground for dissolution of such political party under the organic law on political parties.

Section 159. Any person who violates section 73 (3), (4) or (5) 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 and the provisions of section 158 paragraph two shall also apply.

Section 160. Any person who violates section 74 or carries out election campaigns in any manner with a view to causing general members of the public to believe or misunderstand that the subject matters constitute policies of the political party under section 74 shall be liable to imprisonment for a term of one year to ten years or to a fine of twenty thousand to two

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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.

Section 161. Any person, not being of Thai nationality, who violates section 77 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 162. Any candidate, political party or person who or which displays posters or notice boards in connection with an election in a manner not in conformity with the requirements prescribed by the Commission under section 83 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 163. Any person who violates section 95 paragraph one or section 104 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 164. Any person who violates section 95 (2), section 96, section 98, section 100 or section 101 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 such person's right to vote for a term of ten years.

In the case where the violator under paragraph one is a person who accepts or agrees to accept money, property or any other benefit, such person shall not be inflicted with the penalty and shall not be subject to revocation of the right to vote if he notifies such act to the Commission or the person entrusted by the Commission prior to his arrest.

The provisions of paragraph two shall also apply *mutatis mutandis* to the violator under paragraph one who is held as a witness as the Commission deems appropriate.

Section 165. Any person who violates section 97 or section 99 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

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Section 166. Any member of the committee of a polling station who violates section 119 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.

Section 167. In investigations or inquiries, if it appears that the provision of statements or the giving of clues or information by any particular person connected with or taking part in the commission of an offence under this Organic 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 Commission may hold such person as a witness without taking legal proceedings against him.

When the Commission resolves to forego legal proceedings against any particular person, the right to take 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 given or the clues or information notified, the holding of such person as a witness shall terminate and the 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 the rules, procedures and conditions prescribed by the Commission.

Section 168. In the case where this Organic 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 order or judgment of the Court of Appeal or the Supreme Court.

Section 169. In the case where it appears that the commission of an offence under this Organic Act occurs in any constituency, it shall be deemed that the candidate or the political party that sends its candidate for the election in such constituency is the injured person under the Criminal Procedure Code.

Section 170. Any person who commits an offence under this Organic Act out of the Kingdom shall be punished in the Kingdom and an act of the principal, the aider and abettor or the

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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 171. In the initial period, there shall be enacted a Royal Decree calling for a general election within ninety days as from the date on which this Organic Act and the organic law on the acquisition of senators come into force and the Election Commission shall fix the election date, which shall not be later than one hundred fifty days as from the date on which this Organic Act and the said organic law come into force.

Section 172. In the initial period, for the purpose of computing the time for recruiting candidacy in an election, in the case where persons have jointly applied for registration of a political party and made payment of the initial fund or the political party subscription fee, if the political party registrar thereafter effects the registration of such political party, it shall be deemed that the persons who have jointly made the application therefor become members of such political party as from the date of submission of the application for the registration thereof.

Section 173. In the first general election after the date on which this Organic Act comes into force, the periods of time for the computation of election expenses and for methods of election campaigns in respect of an election of members of the House of Representatives under section 64 and section 68 shall run as from the date on which the Royal Decree calling for an election of members of the House of Representatives comes into force up to the election date.

Section 174. Any person whose right to vote is revoked under the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) or the Organic Act on Political Parties, B.E. 2550 (2007) shall be deemed to have the right to vote revoked under this Organic Act.

Section 175. In the case where any person entitled to vote loses the right by reason of failure to exercise the right to vote under the Organic Act on the Election of Members

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of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) prior to the date on which this Organic Act comes into force, such person's loss of right shall terminate as from the date on which this Organic Act comes into force.

Section 176. When this Organic Act comes into force, the Election Commission shall hold a meeting for discussing with leaders of political parties for the purpose of prescribing election expenses of political parties and candidates in the first general election after the date on which this Organic Act comes into force.

Section 177. This Organic Act shall have no prejudice to civil proceedings against any person liable under the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) and, for this purpose, it shall be deemed that the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) remains in force.

Any act which constitutes an offence under the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) shall be, if such act currently constitutes an offence under this Organic Act, further proceeded with by inquiry officials, public prosecutors, the Election Commission and the Courts in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) and, in this regard, it shall be deemed that the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) remains in force.

Section 178. All Rules, requirements, Notifications, Orders or resolutions of the Election Commission issued or passed under the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, B.E. 2550 (2007) as in force on the date prior to the date on which this Organic Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with the Constitution or this Organic Act until Rules, requirements, Notifications, Orders or resolutions are issued or passed under this Organic Act.

Countersigned by:

General Prayut Chan-o-cha

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Prime Minister

Office of the Council of State

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