

**ORGANIC ACT ON THE ACQUISITION OF SENATORS,
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 acquisition of senators;

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 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 acquisition of senators to proceed in an honest, fair and orderly manner, thereby contributing to public interest 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.

* 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 1. This Organic Act is called the “Organic Act on the Acquisition of Senators, B.E. 2561 (2018)”.

Section 2.¹ This Organic Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) the 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 acquisition of senators;

(2) 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 acquisition of senators.

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;

“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;

“competent official” means the official or employee of the Office and shall include the Government official, official or employee of a State agency or the person appointed or entrusted by the Commission, a member or the Selection Director for performing activities under this Organic Act or as entrusted by the Commission;

“candidate” means a person applying for the selection into the office of a senator;

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

“selection date” means the day fixed by the Notification of the Commission to be the date for the selection of senators at the *Amphoe* level, the *Changwat* level or the national level, as the case may be;

“Selection Director” means the Selection Director at the *Amphoe* level, the Selection Director at the *Changwat* level or the Selection Director at the national level, as the case may be;

“selection place” means the place determined by the Selection Director as the venue for the selection of senators at the *Amphoe* level, the *Changwat* level or the national level, as the case may be;

“*Changwat*” also includes Bangkok;

“*Amphoe*” also includes *Khet*;

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

“*Amphoe* Hall” also includes *Khet* Office;

“old-aged person” means a person of sixty years of age upwards.

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 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, 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.

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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 persons in charge of the selection 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 the selection of senators comes into force through the date on which the selection result is announced, if there arises 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 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 the selection 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.

Section 9. The President of the Election Commission shall have charge and control of the execution of this Organic Act.

CHAPTER I

CANDIDATES AND APPLICATION FOR SELECTION

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Section 10. Subject to section 15 paragraph two, classification of groups under section 11 is intended to enable every person who possesses the qualifications under section 13 and who is under no prohibitions under section 14 to exercise the right to apply for the selection into the office of a senator in any particular group.

Section 11. The Senate consists of two hundred senators selected amongst persons who have common knowledge, expertise, experience, careers, characters or interests or who work or have formerly worked in a variety of areas of the society in each of the following groups:

(1) the public administration and security group, which covers persons formerly serving as Government officials, State officials or the like;

(2) the law and justice administration group, which covers persons who serve or have formerly served as judges, public prosecutors, policemen, legal practitioners or the like;

(3) the educational group, which covers persons who serve or have formerly served as teachers, instructors, researchers, educational establishment administrators, educational personnel or the like;

(4) the public health group, which covers persons who serve or have formerly served as doctors of all types, medical technologists, public officers, nurses, pharmacists or the like;

(5) the occupational group involving rice farming, herbaceous plants or the like;

(6) the occupational group involving plantation, forestry, livestock, fishery or the like;

(7) the group of officials or employees of a person that is not a Government agency or State agency, labourers or the like;

(8) the group of persons engaging in occupations involving the environment, town and country planning, immovable property and public utilities, natural resources, energy or the like;

(9) the group of persons engaging in small and medium enterprises under the law on such particular matter or the like;

(10) the group of persons engaging in undertakings other than those under (9);

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(11) the group of persons engaging in businesses or occupations involving tourism, which covers tourism business operators, tour guides, hotel business operators or personnel or the like;

(12) the group of industry operators or the like;

(13) the occupational group involving science, technology, communications, innovation development or the like;

(14) the women's group;

(15) the group of the elderly, persons with disability or infirmity, ethnic groups, other identity groups or the like;

(16) the group involving arts, cultures, music, performance and entertainment, sportsmen or the like;

(17) the group involving civil society, non-governmental organisations or the like;

(18) the group of mass communication, authors of literary works or the like;

(19) the group of professionals, freelance workers or the like;

(20) any other group.

The like characters under paragraph one shall be as prescribed in the Notification of the Commission.

A person who possesses the qualifications under section 13 and who is under no prohibitions under section 14 has the right to apply in any other group under (20).

Section 12. The selection of senators shall be made upon issuance of a Royal Decree

Within five days as from the day on which the Royal Decree calling for the selection of senators comes into force, the Commission shall publish in the Government Gazette particulars as to the selection as follows:

(1) the dates fixed for the selection at the *Amphoe* level, the *Changwat* level and the national level,

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(2) the dates fixed for recruiting candidacy, provided that the opening date therefor shall not be later than fifteen days as from the date on which the Royal Decree calling for the selection of senators comes into force and that not less than five days and not more than seven days shall be fixed for recruiting candidacy.

The date for the selection at the *Amphoe* level shall be fixed to take place not later than twenty days as from the end of the application period, while the date for the selection at the *Changwat* level shall be fixed to take place not later than seven days as from the date for the selection at the *Amphoe* level and the date for the selection at the national level shall be fixed to take place not later than ten days as from the date for the selection at the *Changwat* level, provided that the same date shall be fixed for the selection at each level throughout the Kingdom.

Section 13. A candidate shall have the qualifications as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than forty years of age on the date of application for the selection;
- (3) having knowledge, expertise and experience or working in the area to which the application relates for not less than ten years;
- (4) also possessing any of the following qualifications:
 - (a) being born in the *Amphoe* for which the application is intended to be made for the selection;
 - (b) having his name listed in the household register in the *Amphoe* where he intends to apply for the selection for a consecutive period of not less than two years up to the date of application for the selection;
 - (c) having worked in the *Amphoe* where he intends to apply for the selection for a consecutive period of not less than two years up to the date of application for the selection;
 - (d) having formerly worked, or having his name formerly listed in the household register, in the *Amphoe* where he intends to apply for the selection, as the case may be, for a consecutive period of not less than two years;

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(e) having studied in an educational institution situated in the *Amphoe* where he intends to apply for the selection for a consecutive period of not less than two academic years.

The provisions of (3) shall not apply to women, the elderly, persons with disability or infirmity, members of an ethnic group and members of any other identity group who apply in the groups under section 11 (14) and (15).

Section 14. A candidate shall not be under the following prohibitions:

- (1) being addicted to narcotics;
- (2) being a bankrupt or having previously been a dishonest bankrupt;
- (3) being an owner or shareholder of any newspaper or mass media business;
- (4) being a 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 date for the selection at the *Amphoe* level 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 under the prohibition from holding a political position;

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

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

(17) 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;

(18) 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;

(19) being a Government official;

(20) being or having previously been a member of the House of Representative, unless membership thereof has terminated for not less than five years up to the date of the application for selection;

(21) being a member of a political party;

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(22) being or having previously been a holder of any position in a political party unless the holding of the position in the political party has terminated for not less than five years up to the date of the application for selection;

(23) being or having previously been a minister unless the ministership has terminated for not less than five years up to the date of the application for selection;

(24) being or having previously been a member of a local assembly or a local administrator unless the holding of office as a member of a local assembly or a local administrator has terminated for not less than five years up to the date of the application for selection;

(25) being an ascendant, a spouse or a child of a person holding office as a member of the House of Representatives, a senator, a political official, a member of a local assembly or a local administrator, a person applying for the selection into the office of a senator on the same occasion or a holder of any position in the Constitutional Court or an independent organ;

(26) having previously been a senator under the Constitution.

Section 15. A person who intends to apply for the selection into the office of a senator shall, in person, submit an application together with supporting documents and evidence and pay an application fee of two thousand five hundred Baht.

Each candidate shall be entitled to apply for the selection for only one group amongst those under section 11 and for only one *Amphoe* and, upon submission of the application, may not withdraw the application.

A candidate is entitled to apply for the group under section 11 (20) although such person has common knowledge, expertise, experience, career, characters or interests or works or has formerly worked in any other area in any other group.

The application form, nomination letter form, application procedures, application period, application venue, candidate sequencing and application fee payment methods shall be in accordance with the Rule prescribed by the Commission.

The application form shall at least contain a statement by which a candidate certifies that he possesses the qualifications under section 13 and is under no prohibitions under section 14.

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The application venue shall be designated to be within the territory of the *Amphoe* for which the selection is to be made.

Section 16. Supporting documents and evidence for the application consist of:

(1) documents or evidence indicating that the candidate possesses common knowledge, expertise, experience, career, characters or interests or works or has formerly worked in any of the areas under section 11, as prescribed by the Commission;

(2) statements introducing the candidate of the length not exceeding that prescribed by the Commission;

(3) other documents or evidence as prescribed by the Commission.

A candidate shall enter a signature, in certification of accuracy and authenticity of the documents and evidence under paragraph one, on every copy and page thereof. In the case where a signature may not be entered, certification of accuracy and authenticity shall be made in accordance with the procedure prescribed by the Commission.

Documents or evidence under (1) shall bear a signature of at least one witness in attestation that the person concerned is actually of such descriptions and shall be accompanied by a copy of a national identification card of the witness who has entered the signature for such attestation purpose.

In prescribing the requirement under (2), regard shall be had to ease of dissemination in the interest of the candidate's awareness, and the requirement under (3) shall be prescribed in a manner not imposing unreasonable burdens on the candidate.

Section 17. In the case where a cause of necessity in a specific area prevents the recruitment of candidacy within the period of time or on the dates specified on account of a riot, flood, fire, *force majeure* or any other cause of necessity, the Commission shall have the power to, by Notification, direct that recruitment of candidacy be made by other means or fix additional dates for the recruitment of candidacy.

Section 18. The Commission or the competent official shall not disclose names of candidates and the number of candidates in each group until the expiry of the period for the recruitment of candidacy.

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The provisions of paragraph one shall not apply to the case where the Commission or the competent official takes action in examining information concerning a candidate, whether the examination is carried out within the Office or entrusted to any other State agency, provided that in any event disclosure or any act shall not be carried out in a manner allowing persons who have no duty in such examination to know names or the number of candidates in each group until the expiry of the period for the recruitment of candidacy.

Section 19. The selection at the *Amphoe* level may be made even though the availability of candidates fails to fill all the groups under section 11.

Section 20. In the case where it is apparent to the Selection Director at the *Amphoe* level that, for any reason whatsoever, any candidate is disqualified or is under any prohibition or has applied for more than one group or one *Amphoe* or has made a misrepresentation in an application or supporting documents or evidence, the Selection Director at the *Amphoe* level shall order a refusal to accept the application. In the case where the application has been accepted, the application of such person shall be void and the Selection Director who has discovered the matter shall order the deletion of such person's name from a list of candidates and report it to the Commission.

The person whose name is deleted from the list of candidates under paragraph one shall have no right to make the selection and shall have no right to be selected, but this shall have no prejudice to the recruitment of candidacy or the selection previously carried out.

In the case where the incidence under paragraph one appears during the selection at any level before the announcement of the result thereof, it shall be deemed that such candidate has performed any act with a view to preventing the selection from proceeding in an honest and fair manner and the Commission shall order temporary suspension of such person's right to candidacy in an election for a period not exceeding one year, while proceeding concerning the selection shall be as directed by the Commission, as it may deem appropriate. The order and direction of the Commission shall be final.

When the Commission issues an order under paragraph three, it shall file a motion with the Supreme Court for an order of revocation of such person's right to candidacy in an election.

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Section 21. Within five days as from the expiry of the period for the recruitment of candidacy, the Selection Director at the *Amphoe* level shall publish, for general public information, a list of candidates who possess qualifications and are under no prohibitions in every separate group in the area of the *Amphoe*, which shall at least indicate careers and ages of candidates, and shall also publish the same at the *Changwat* Office of the Election Commission, the *Changwat* Hall and the *Amphoe* Hall.

The publication of a list of candidates under paragraph one shall be in accordance with the rules and procedures prescribed by the Commission.

Section 22. In the case where the Selection Director at the *Amphoe* level issues an order for a refusal to accept the application of any person or issues an order for deletion of the name of any candidate, such person has the right to file with the Supreme Court a motion for an objection thereto within three days as from the date of the publication of the list of candidates or the date on which the Selection Director orders the deletion of the name, as the case may be.

The trial and decision of the Supreme Court under paragraph one shall be completed not less than one day prior to the selection date. Upon arrival of the selection date, if the Supreme Court has not yet given a decision, the selection shall be proceeded with. For this purpose, it shall be deemed that there are candidates only as apparent in the list of candidates published by the Selection Director at the *Amphoe* level. In such case, the decision of the Supreme Court shall have no prejudice to the selection previously carried out.

Section 23. In the case where the name of a candidate is deleted from the list of candidates before the selection at the *Changwat* level or the national level is carried out, such person has the right to file with the Supreme Court a motion for an objection thereto within three days as from the date on which the Selection Director orders the deletion of the name, and the provisions of section 22 paragraph two shall also apply *mutatis mutandis*.

CHAPTER II

PERSONS IN CHARGE OF THE SELECTION

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Section 24. For the purpose of the selection of senators, there shall be the following committees for assisting work performance of, and giving advice, providing facilities and reporting problems or obstacles in connection with the selection of senators to, the Commission:

(1) the national committee, with the Commission serving as the national committee;

(2) the *Changwat* committee, consisting of, for any other province, the *Changwat* Governor and, for Bangkok, the Permanent-Secretary for the Bangkok Metropolitan Administration, as Chairperson, three Heads of *Changwat* government agencies or personnel in State-owned higher educational institutions and two qualified members in the area of the *Changwat* who are not State officials and are not members or officials of a political party or candidates or persons whose ascendants, children, spouses or relatives are candidates for the selection in the area of that *Changwat*, as members, and the *Changwat* election director as a member and secretary;

(3) the *Amphoe* committee, consisting of Head of *Amphoe*, as Chairperson, three Heads of *Amphoe* government agencies and two qualified members in the area of the *Amphoe* who are not State officials and are not members or officials of a political party or candidates or persons whose ascendants, children, spouses or relatives are candidates for the selection in the area of that *Amphoe*, as members, and an official of the Office or a Government official of the *Amphoe* appointed by the *Changwat* election director as a member as secretary.

The person with the power to make appointment, the appointment and the method for acquiring members under (2) and (3) shall be in accordance with the rules prescribed by the Commission. With respect to Bangkok, the Commission may require that officials of the Bangkok Metropolitan Administration holding any particular positions be appointed in lieu of Heads of *Changwat* government agencies under (2) and Heads of *Amphoe* government agencies under (3).

A person who is an *ex officio* member or Head of a government agency or a member of personnel in a State-owned higher educational institution under (2) or (3), as the case may be, shall not be a person whose ascendant, child, spouse or relative is a candidate for the selection in the area of such particular *Changwat* or *Amphoe*.

In the case where it is apparent to the Commission that any particular member under (2) or (3) has a situation under paragraph three or there is a reasonable cause to suspect

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that such person will result in the selection failing to proceed in an honest and fair manner, the Commission shall have the power to appoint a holder of any other position or any other person as a member instead, as it may deem appropriate.

Members of the committees under paragraph one and competent officials shall be officials under the Penal Code.

Section 25. In proceeding with the selection of senators, the Secretary-General shall be the Selection Director at the national level while the member and secretary under section 24 (2) shall be the Selection Director at the *Changwat* level and the member and secretary under section 24 (3) shall be the Selection Director at the *Amphoe* level.

Section 26. When the Royal Decree calling for the selection of senators comes into force, the Selection Director shall cause the selection of senators to proceed under this Organic Act and as prescribed by the Commission, in accordance with the rules and procedures prescribed by the Commission.

Section 27. For the purpose of the performance of duties of the Selection Director at the *Changwat* level or the Selection Director at the *Amphoe* level, the Commission shall have the power to appoint persons domiciled in the *Changwat* or *Amphoe* for which the selection is to be made, as the case may be, as competent officials for assisting the performance of work of the Selection Director at the *Changwat* level or the Selection Director at the *Amphoe* level. In this regard, the Commission may delegate its power to the committees under section 24 (2) and (3) to make appointment on behalf of the Commission, in accordance with the rules, procedures and conditions prescribed by the Commission.

In the selection at all levels, the Commission has the power to appoint or entrust the Central Register Director under the law on civic registration for the purpose of taking action or rendering assistance in connection with the selection.

In the selection at the national level, the Commission shall have the power to appoint competent officials for assisting the performance of work of the Selection Director at the national level.

The performance of work of competent officials under paragraph one, paragraph two and paragraph three shall be as prescribed by the Commission.

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Section 28. In carrying out the selection of senators at the *Amphoe* level, the Selection Director at the *Amphoe* level shall have the duties and powers as follows:

- (1) to provide a candidacy recruitment place and a selection place in the area of *Amphoe*;
- (2) to cause the recruitment of candidacy to take place;
- (3) to conduct examination of qualifications and prohibitions of candidates;
- (4) to prepare a list of candidates under section 21;
- (5) to prepare documents or information for introducing all candidates for their examination and for use in the selection;
- (6) to monitor the selection, the vote counting and the reporting of vote-counting results to ensure that they shall proceed in an honest and fair manner;
- (7) to publish names of persons finally selected at the *Amphoe* level and furnish a list of persons finally selected together with documents or information under (5) to the Selection Director at the *Changwat* level;
- (8) to carry out the video and audio recording of selection processes, for evidential purposes;
- (9) to perform other duties in connection with the selection of senators as prescribed or entrusted by the Commission.

The selection place shall be the place offering convenient communication thereto and therefrom and shall also be equipped with a notice board or any other mark indicating its boundary.

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

Section 29. In carrying out the selection of senators at the *Changwat* level, the Selection Director at the *Changwat* level shall have the duties and powers as follows:

- (1) to provide a selection place in the area of *Changwat*;

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(2) to prepare separate lists of persons finally selected from the selection at the *Amphoe* level for separate groups, which shall at least indicate careers and ages of the candidates, and publish the same for general public information within three days as from the date of receipt of the lists from the Selection Director at the *Amphoe* level;

(3) to prepare documents or information for introducing persons finally selected from the selection at the *Amphoe* level for their examination and for use in the selection, provided that the documents or information as received from the Selection Director at the *Amphoe* level shall be used as a basis therefor;

(4) to monitor the selection, the vote counting and the reporting of vote-counting results to ensure that they shall proceed in an honest and fair manner;

(5) to publish names of persons finally selected at the *Changwat* level and furnish a list of persons finally selected together with documents or information under (3) to the Selection Director at the national level;

(6) to carry out the video and audio recording of selection processes, for evidential purposes;

(7) to perform other duties in connection with the selection of senators as prescribed or entrusted by the Commission.

The provisions of section 28 paragraph two and paragraph three shall also apply *mutatis mutandis*.

Section 30. In carrying out the selection of senators at the national level, the Selection Director at the national level shall have the duties and powers as follows:

(1) to provide a selection place at the national level;

(2) to prepare separate lists of persons finally selected from the selection at the *Changwat* level for separate groups, which shall at least indicate careers and ages of the candidates, and publish the same for general public information within three days as from the date of receipt of the lists from the Selection Director at the *Changwat* level;

(3) to prepare documents or information for introducing persons finally selected from the selection at the *Changwat* level for their examination and for use in the selection,

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provided that the documents or information as received from the Selection Director at the *Changwat* level shall be used as a basis therefor;

(4) to monitor the selection, the vote counting and the reporting of vote-counting results to ensure that they shall proceed in an honest and fair manner;

(5) to submit the name of and votes received by each person in each group to the Commission for announcing the selection result;

(6) to carry out the video and audio recording of selection processes, for evidential purposes;

(7) to perform other duties in connection with the selection of senators as prescribed or entrusted by the Commission.

The provisions of section 28 paragraph two and paragraph three shall also apply *mutatis mutandis*.

Section 31. The Chairperson and a member of the *Changwat* committee and of the *Amphoe* committee, the Selection Director and competent officials shall be entitled to *per diem*, remuneration and other allowances in accordance with the rules, procedures, conditions and rates prescribed by the Commission.

Section 32. A member, the Secretary-General, the Election Ombudsman, the Chairperson and a member of the *Changwat* committee or of the *Amphoe* committee, the Selection Director or a competent official who, under the obligation to perform duties under this Organic Act, shall not neglect the performance of duties, dishonestly perform duties or carry out any other act preventing the execution of laws, Rules, Notifications or orders of the Commission, the *Changwat* committee, the *Amphoe* committee or the Selection Director or orders of the Court in connection with the selection under this Organic Act.

A member, the Secretary-General, the Election Ombudsman, the Chairperson and a member of the *Changwat* committee or of the *Amphoe* committee, the Selection Director or a competent official, 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.

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CHAPTER III

SELECTION

Section 33. The selection of senators shall be by secret ballot in accordance with the procedures provided in this Organic Act.

Section 34. In the case where a cause of necessity in a specific area prevents the selection from being carried out within the period of time or on the dates specified on account of a riot, flood, fire, *force majeure* or any other cause of necessity, the Commission may fix a new date for the selection at the *Amphoe* level, the selection at the *Changwat* level or the selection at the national level, as may be necessary.

Section 35. In the case where an inevitable cause of necessity, not being the case under section 34, prevents the selection at the *Amphoe* level, the *Changwat* level or the national level 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 selection on the originally fixed date will be conducive to unfairness or disorder, the Commission may issue a Notification prescribing a new selection date

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

Section 36. A candidate may carry out personal introduction in accordance with the procedures and conditions prescribed by the Commission.

Other persons who are not candidates shall, in assisting candidates in the introduction, observe the procedures and conditions under paragraph one.

Section 37. When the selection under section 40, section 41 or section 42 is in progress, a person who is not a candidate shall not enter a selection place unless such person has the duty in connection with the selection or is granted permission by a member, the Selection

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Director at the national level, the Selection Director at the *Changwat* level or the Selection Director at the *Amphoe* level, as the case may be.

When the vote counting result has been announced, a candidate or a preliminarily selected person who is not entitled to make the selection or to be selected shall leave the selection place.

Section 38. When the selection under section 40, section 41 or section 42 is in progress, any candidate shall not bring or use any device or equipment usable for communication or video or audio recording or any other equipment determined by the Commission into or in the selection place and the vicinity thereof as prescribed by the Selection Director at the national level, the Selection Director at the *Changwat* level or the Selection Director at the *Amphoe* level, as the case may be.

The provisions of paragraph one shall not apply to a candidate who is a person of disability or physical infirmity who is in need of the device or equipment under paragraph one in the interest of obtaining and perceiving information as to the selection or the voting, with the permission of a member, the Selection Director at the national level, the Selection Director at the *Changwat* level or the Selection Director at the *Amphoe* level, as the case may be, provided that regard shall also be had to the facilitation under section 57.

Section 39. A person shall not carry out any act preventing or deterring a person entitled to make the selection from entering the selection place or reaching the selection place within the time specified for the selection.

Section 40. The selection at the *Amphoe* level shall be conducted out as follows.

(1) A candidate shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all candidates are present or when the time under (1) has elapsed, the Selection Director at the *Amphoe* level shall cause candidates of each group to gather in the same group at a place specified by the Selection Director at the *Amphoe* level.

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(3) A candidate in each group shall cast a vote for selecting not more than two persons in the same group and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) Upon completion of the voting of any particular group, the Selection Director at the *Amphoe* level shall cause the vote counting of such group to be conducted openly.

(5) The first five persons who receive respectively highest votes shall be preliminarily selected persons of each group. In the case where the equality of votes received by persons in any order results in more than five persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group. In the case where less than five persons have received votes, only the persons who have received votes shall be selected persons.

(6) In the case where any person who has been selected under (5) is not present at the selection place when the selection at the next stage is in progress, such person shall lose the right to make the selection and to be selected and it shall be deemed that there are selected persons under (5) at the existing number.

(7) In the case where, in any group, there are not more than five candidates or there are not more than five persons who have appeared for the purpose of identification under (1), candidates in such group are not required to make the selection amongst themselves and it shall be deemed that all candidates who have appeared for the purpose of identification in that group are preliminarily selected persons for such group.

(8) In the case where there is no candidate in any group, the selection for such group shall be omitted and such omission shall have no prejudice to the selection for other groups.

(9) Upon obtaining preliminarily selected persons of each group, the preliminarily selected persons of each group shall agree as to the person who shall draw lots under (10). If such agreement fails to be reached, the decision shall be made by drawing lots.

(10) Arrangements shall be made in order for groups to be divided into not more than four divisions of an equal number of groups, provided that where equal division cannot be made, groups shall be divided into divisions rounded up to the closest number and that each division shall consist of not more than five groups but not less than three groups, and the person

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under (9) of each group shall draw lots for determining the division in which his group is to be placed.

(11) Preliminarily selected persons of each group shall select preliminarily selected persons in other groups which are in the same division, on the basis that each person is entitled to select one preliminarily selected person in each of other groups in the same division. At this stage, a preliminarily selected person of the same group shall select neither a person of the same group nor himself.

(12) Upon completion of the selection under (11), the Selection Director at the *Amphoe* level shall cause the vote counting to be conducted openly. The first three persons who receive respectively highest votes of each group shall be the persons finally selected at the *Amphoe* level for such group for the purpose of further proceeding in the selection at the *Changwat* level. In the case where the equality of votes received by persons in any order results in more than three persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group, and in the case where less than three persons have received votes, only the persons who have received votes shall be selected persons.

(13) The Selection Director at the *Amphoe* level shall furnish a list of selected persons under (12) to the Selection Director at the *Changwat* level together with the documents or information under section 28 (5) within the day following the selection date at the *Amphoe* level for further proceeding.

The proceedings under paragraph one shall be in accordance with the rules and procedures prescribed by the Commission. In this regard, in any *Amphoe* where there are candidates for not more than five groups, arrangements towards divisions under (10) upon completion of the selection under (3) shall be omitted and each group shall select one candidate in each of other groups, provided that candidates of the same group shall neither select a person of the same group nor himself.

Section 41. The selection at the *Changwat* level shall be conducted as follows.

(1) A person selected at the *Amphoe* level shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an

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appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all persons selected at the *Amphoe* level are present or when the time under (1) has elapsed, the Selection Director at the *Changwat* level shall cause the persons selected at the *Amphoe* level of each group to gather in the same group at a place specified by the Selection Director at the *Changwat* level.

(3) A person selected at the *Amphoe* level in each group shall cast a vote for selecting not more than two persons in the same group and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) Upon completion of the voting of any particular group, the Selection Director at the *Changwat* level shall cause the vote counting of such group to be conducted openly.

(5) The first five persons who receive respectively highest votes shall be preliminarily selected persons of each group. In the case where the equality of votes received by persons in any order results in more than five persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group. In the case where less than five persons have received votes, only the persons who have received votes shall be selected persons.

(6) In the case where any person who has been selected under (5) is not present at the selection place when the selection at the next stage is in progress, such person shall lose the right to make the selection and to be selected and it shall be deemed that there are selected persons under (5) at the existing number.

(7) In the case where, in any group, there are totally not more than five persons selected at the *Amphoe* level or there are not more than five persons who have appeared for the purpose of identification under (1), the persons selected at the *Amphoe* level in such group are not required to make the selection amongst themselves and it shall be deemed that all persons selected at the *Amphoe* level who have appeared for the purpose of identification in that group are preliminarily selected persons for such group.

(8) In the case where no person is selected at the *Amphoe* level in any particular group, the selection for such group shall be omitted and such omission shall have no prejudice to the selection for other groups.

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(9) Upon obtaining preliminarily selected persons of each group, the preliminarily selected persons of each group shall agree as to the person who shall draw lots under (10). If such agreement fails to be reached, the decision shall be made by drawing lots.

(10) arrangements shall be made in order for groups to be divided into not more than four divisions of an equal number of groups, provided that where equal division cannot be made, groups shall be divided into divisions rounded up to the closest number and that each division shall consist of not more than five groups but not less than three groups, and the person under (9) of each group shall draw lots for determining the division in which his group is to be placed.

(11) Preliminarily selected persons of each group shall select candidates in other groups which are in the same division, on the basis that each person is entitled to select one candidate in each of other groups in the same division. At this stage, a preliminarily selected person of the same group shall select neither a person of the same group nor himself.

(12) Upon completion of the selection under (11), the Selection Director at the *Changwat* level shall cause the vote counting to be conducted openly. The first two persons who receive respectively highest votes of each group shall be the persons finally selected at the *Changwat* level for such group for the purpose of further proceeding in the selection at the national level. In the case where the equality of votes received by persons in any order results in more than two persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group, and in the case where less than two persons have received votes, only the persons who have received votes shall be selected persons.

(13) the Selection Director at the *Changwat* level shall furnish a list of selected persons under (12) to the Selection Director at the national level together with the documents or information under section 29 (3) within the day following the selection date at the *Changwat* level for further proceeding.

The proceedings under paragraph one shall be in accordance with the rules and procedures prescribed by the Commission. In this regard, in any *Changwat* where there are persons selected at the *Amphoe* level, from all *Amphoes* into the *Changwat* level, for not more than five groups, arrangements towards divisions under (10) upon completion of the selection under (3) shall be omitted and each group shall select one candidate in each of other groups,

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provided that candidates of the same group shall select neither a person of the same group nor himself.

Section 42. The selection at the national level shall be conducted as follows.

(1) A person selected at the *Changwat* level shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all persons selected at the *Changwat* level are present or when the time under (1) has elapsed, the Selection Director at the national level shall cause the persons selected at the *Changwat* level of each group to gather in the same group at a place specified by the Selection Director at the national level.

(3) A person selected at the *Changwat* level in each group shall cast a vote for selecting not more than ten persons in the same group and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) Upon completion of the voting of any particular group, the Selection Director at the national level shall cause the vote counting of such group to be conducted openly.

(5) The first forty persons who receive respectively highest votes shall be preliminarily selected persons of each group. In the case where the equality of votes received by persons in any order results in more than forty persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group. In the case where less than forty persons have received votes but the number of such persons stands at twenty upwards, the preliminarily selected persons of such group shall exist at such number, but if less than twenty persons have received votes, the Selection Director at the national level shall cause persons who are not selected and who remain present at the selection place to cast a vote once again for making the selection amongst themselves in order to acquire twenty persons.

(6) In the case where any person who has been selected under (5) is not present at the selection place when the selection at the next stage is in progress, such person shall lose the right to make the selection and to be selected and it shall be deemed that there are selected persons at the existing number.

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(7) Upon obtaining preliminarily selected persons of each group, the preliminarily selected persons of each group shall agree as to the person who shall draw lots under (8). If such agreement fails to be reached, the decision shall be made by drawing lots.

(8) Arrangements shall be made in order for groups to be divided into not more than four divisions of an equal number of groups, provided that where equal division cannot be made, groups shall be divided into divisions rounded up to the closest number and that each division shall consist of not more than five groups but not less than three groups, and the person under (7) of each group shall draw lots for determining the division in which his group is to be placed.

(9) Preliminarily selected persons of each group shall select candidates in other groups which are in the same division, on the basis that each person is entitled to select not more than five candidates in each of other groups in the same division. A preliminarily selected person of the same group shall select neither a person of the same group nor himself.

(10) Upon completion of the selection under (9), the Selection Director at the national level shall cause the vote counting to be conducted openly and report the vote counting result to the Commission.

Upon receipt by the Commission of the report under (10), a minimum period of five days shall be awaited. Upon the lapse of such time, the Commission shall, if it considers that the selection has proceeded in a correct, honest and fair manner, publish the result of the selection under (10) in the Government Gazette. In this regard, the persons who receive highest votes in the first order to the tenth order in each group shall be selected as senators from such group, whilst the persons who receive votes in the eleventh order to the fifteenth order of each group shall be placed in a list of spare persons of such group and the matter shall be notified to the Secretariat of the Senate.

The ordering under paragraph two in respect of persons who receive equal votes in any order shall be made by drawing lots.

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

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Section 43. In the case where the Commission requires the voting counting to be conducted mechanically or electronically, if it is conducted openly, it shall be deemed that the vote counting is conducted openly.

Section 44. In the case where the candidate at the *Amphoe* level or the person entitled to make the selection at the *Changwat* level or the national level considers that activities in connection with the selection by the Commission, the Selection Director or the competent official have been conducted unlawfully, such person shall have the right to file with Supreme Court a motion for an objection thereto within three days as from the date of the issuance of the order concerned and the provisions of section 22 paragraph two shall also apply *mutatis mutandis*.

Section 45. In the case where the number of senators in any group is deficient by reason of a vacancy of office or by any reason other than the termination of the term of the Senate, the President of the Senate shall, by publication in the Government Gazette, elevate persons in the list of spare persons for that group for taking office as senators in respective order and such persons shall be in office only for the remaining term of the Senate. While such persons have not yet taken office, the Senate shall consist of only existing senators.

In the case where it is required to elevate persons in the list of spare persons of any group for taking office as senators under paragraph one but no one in the list of spare persons remains by any reason, the President of the Senate shall, by drawing lots, make the determination as to the elevation of persons in the list of spare persons in any other group in which there remain persons in the list of spare persons and then proceed to elevate such persons for taking office as senators under paragraph one. Such drawing lots shall be effective only with respect to the elevation made on such occasion.

In the case where all groups have no remaining person in the list of spare persons for the purpose of elevating persons for taking office as senators under paragraph two, the Senate shall consist of existing senators but in the case where there remain senators in the smaller number than one half of the total number of senators and the remaining term of office of the Senate is more than one year, action shall be taken for selecting senators to fill the vacancies within sixty days as from the day on which the Senate has remaining senators in the smaller

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number than one half of its total number. In such case, the persons so selected shall be in office only for the remaining term of the Senate.

Section 46. The Commission shall order deletion of the name of a person from a list of spare persons upon;

- (1) his death;
- (2) his resignation;
- (3) his being disqualified under section 13 or being under prohibitions under section 14;
- (4) the presence of evidence justifying the belief that the person in the list of spare persons in any particular group commits any act, or connives at any other person's act, which prevents the selection from proceeding in an honest and fair manner;
- (5) a decision of the Supreme Court under section 62 paragraph three.

The order under paragraph one shall be published in the Government Gazette and it shall be deemed that the list of spare persons contains only remaining persons.

Section 47. In the case under section 46 (4) and in the case where there is evidence justifying the belief that any person in the list of spare persons resigns with the intent to enable the person in the next order to be elevated for taking office as a senator or there is evidence justifying the belief that the person in the next order or any other person has given or promised to give property or any other benefit to a senator or a person in the list of spare persons in return for resignation, the Commission shall file a motion with the Supreme Court for ordering revocation of such person's right to candidacy in an election.

Section 48. 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 49. Procedures for voting shall be as prescribed by the Commission.

Section 50. Any person entitled to make the selection shall not, for the purpose of casting votes, use any card other than the ballot card under section 48.

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Section 51. Any person entitled to make the selection shall not take a ballot card from the selection place.

Section 52. Any person shall not intentionally affix a mark on a ballot card with a view to its conspicuousness by any means.

Section 53. 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 make the selection 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 54. Any person entitled to make the selection shall not use any device or equipment for taking a photograph of the ballot card in which he has cast a vote.

Section 55. Any person entitled to make the selection 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 person for or against whom the vote is cast.

Section 56. The following ballot cards shall be deemed to be foul cards and shall not be counted into votes:

- (1) a forged card;
- (2) a card bearing any mark entered thereon with a view to its noticeability or bearing any statement entered thereon other than a mark entered for the purpose of vote casting, except that it is lawfully performed by a person in charge of the selection;
- (3) a card not affixed with any mark for the purpose of vote casting;
- (4) a card incapable of ascertainment as to the person for whom a vote is cast;
- (5) a card on which a vote is cast for the person not entitled to be selected;
- (6) a card on which votes are cast for more persons than the prescribed number;
- (7) a card on which more than one vote are cast for any person;
- (8) cards of the description prescribed by the Commission as foul cards.

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Section 57. For convenience, in the selection, of candidates or persons entitled to make the selection who are disabled persons, persons of infirmity, old-aged persons or persons encountering difficulty in exercising the right to make the selection, the Selection Director shall also provide facilities for the selection by disabled persons, persons of infirmity, old-aged persons or persons encountering difficulty in exercising the right to make the selection. In this regard, this may be carried out by allowing other persons or persons entrusted by the Selection Director to carry out the act on their behalf upon their consent and in accordance with their determination.

CHAPTER IV

SUPERVISION OF THE SELECTION IN ASSURANCE OF HONEST AND FAIR PROCEEDING

Section 58. 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.

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's selection when it is not concerned with the performance of duties, even though the act in question causes favourable or adverse effects on any candidate.

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.

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 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 *Changwat* or *Amphoe* or to refrain from entering the area of any particular *Changwat* or *Amphoe*.

Section 59. Prior to the announcement of the selection result, if there is a reasonable ground to believe that the selection has failed to proceed in an honest and fair

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manner, the Commission shall have the power to order that the selection be discontinued, suspended, rectified, changed or cancelled and order that the selection be conducted *de novo* or the vote counting be conducted *de novo*.

In the exercise of the power under paragraph one, each member who finds the commission of an offence in the area of any particular *Amphoe* or *Changwat* shall exercise the power with respect to the selection in the area of such *Amphoe* or *Changwat*, in accordance with the rules, procedures and conditions prescribed by the Commission.

Any Election Ombudsman and Selection Director who finds the act under paragraph one has the duty to report the incidence to the Commission or a member forthwith.

Section 60. Prior to the announcement of the selection result, if there is evidence justifying the belief that any candidate has committed any act, or has connived at any act committed by any other person, which has prevented the selection from proceeding in an honest and fair manner, the Commission shall order temporary suspension of such person's right to candidacy in an election for a period not exceeding one year. The order of the Commission shall be final.

Upon issuance of an order under paragraph one, the Commission shall file a motion with the Supreme Court for ordering revocation of such person's right to candidacy in an election.

Section 61. 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 candidate or a person entitled to make the selection to cast a vote, or not to cast a vote, for any person, the Commission shall have the power to order seizure or attachment of such money, property or other benefit of such person *pro tempore* until the Court renders a judgment or an order.

Section 62. When the Commission has announced the selection result under section 42 paragraph two, if there is evidence justifying the belief that any candidate or person has committed an act constituting selection fraud or has connived at such act committed by any other person, the Commission shall, provided that such act has prevented the selection from proceeding

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in an honest and fair manner, 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.

Upon the Supreme Court's order accepting the motion for consideration, if the person against whom the allegation is made is a senator, such person shall cease to perform duties until the Supreme Court decides that such person has not committed the offence. Upon the Supreme Court's decision that such person has committed the offence, such person's membership of the Senate shall terminate as from the date of cessation of the performance of duties.

The provisions of paragraph one shall also apply to the alleged person who is in the list of spare persons and the Commission shall, upon the Supreme Court's decision that such person has committed the offence, order deletion of such person's name from the list of spare persons and the provisions of section 46 paragraph two shall also apply *mutatis mutandis*.

Section 63. When the Commission has announced the selection result under section 42 paragraph two, if it is apparent to the Commission that any senator is disqualified under section 13 or is under prohibitions under section 14, the Commission shall, without delay, refer the matter to the Constitutional Court for decision.

CHAPTER V OBJECTION

Section 64. A candidate at the *Amphoe* level or the person entitled to make the selection at the *Changwat* level or the national level has the right to file a motion for raising an objection that the selection at the *Amphoe* level, the *Changwat* level or the national level to which his candidacy or entitlement to make the selection relates, as the case may be, has failed to proceed in an honest and fair manner or has proceeded unlawfully with the Commission within three days as from the selection date at such level, and the Commission shall give a decision thereon expeditiously. If the Commission considers that there is no ground for suspecting that the selection has failed to proceed in an honest and fair manner or has proceeded unlawfully, the Commission shall order dismissal of the motion and the selection shall be further conducted. In the case where the Commission considers that there is evidence justifying the belief that the selection has failed to

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proceed in an honest and fair manner or has proceeded unlawfully, the Commission shall take action under section 59 paragraph one. The decision of the Commission shall be final.

CHAPTER VI

PENALTIES

Section 65. In investigations or inquiries, if it appears that the provision of information, the giving of clues or the giving of testimonies 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 testimonies or statements given, 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 66. 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 an order or judgment of the Court of Appeal or the Supreme Court.

Section 67. Any person who applies for the selection for more than one group or for more than one *Amphoe*, which is the failure to comply with section 15 paragraph two, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty

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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 68. Any member or competent official who violates section 18 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 69. Any person who violates section 32 paragraph one or section 58 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 70. Any person who fails to comply with the procedures or conditions prescribed by the Commission under section 36 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both and the Court shall order revocation of such person's right to vote for a term of five years.

Any person, not being a candidate, who assists a candidate in the personal introduction without complying with the procedures or conditions under section 36 shall be liable to the same penalty as provided in paragraph one.

Section 71. Any person who violates section 37 or section 38 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

If the act under paragraph one is carried out with a view to creating disorder in the selection place, the offender shall be liable to double penalty and the Court shall order revocation of such person's right to vote for a term of five years.

Section 72. Any person who violates section 39, section 50, section 51, section 52 or section 53 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.

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Section 73. Any person entitled to make the selection who violates section 54 or section 55 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 74. Any person who, knowing that he is not entitled to apply for the selection by any reason whatsoever, has applied for the selection 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 selected as a senator, the Court shall also order such person to return emolument and any other benefits acquired on account of taking such office to the Secretariat of the Senate.

Section 75. Any person who certifies or acts as a witness, by entering a signature in certification of documents or evidence in support of the application despite falsity, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty 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 76. Any executive member of a political party or holder of any other position in a political party, member of the House of Representatives, member of a local assembly, local administrator or holder of a political position, who by any means performs an act assisting any candidate in being selected as a senator or preventing any candidate from being selected 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 candidacy in an election.

Any candidate who gives consent to an executive member of a political party or a holder of any other position in a political party, a member of the House of Representatives, a member of a local assembly, a local administrator or a holder of a political position for assisting him in being selected as a senator 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 candidacy in an election.

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Section 77. A person who performs any of the following acts for the purpose of inducing another person to apply for the selection into the office of a senator or withdraw the application or perform any unlawful act to cause such person to lose the right to make the selection or to be selected or for the purpose of inducing a candidate or a person entitled to make the selection to vote for or against any person 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:

- (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) conducting personal introduction by organising performances or entertainment events;
- (3) giving a treat or agreeing to give a treat to any person;
- (4) exerting a deceit, compulsion, threat or threatening influence, insulting by a false statement or enticing other persons' misunderstanding in the qualifications, knowledge and ability or reputation of any candidate.

Offences under (1) 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 for taking action in accordance with its duties and powers.

Section 78. 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 causing such candidate to have the right to vote or the right to candidacy in an election revoked or with a view to preventing the announcement of the selection 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.

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If the act under paragraph one subsists in giving the notification or giving statements to the Commission or the competent official, 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.

Section 79. Any person who demands or accepts property or any other benefit for the purpose of applying for the selection or not applying for the selection for the benefit of any candidate 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 80. 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 a person in charge of the selection, the offender shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

Section 81. Any person entitled to make the selection who demands, accepts or agrees to accept money, property or any other benefit for himself or any other person in return for selecting or refraining from selecting any person 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.

Section 82. Any person who, during the time of the opening and closure of ballot boxes placed for the purpose of making the selection or after the closure of such ballot boxes for retention thereof upon completion of the selection, without lawful authority, opens, destroys, damages, transforms, renders useless or takes away ballot boxes or ballot cards or documents or evidence relating to the selection prepared by the person in charge of the selection shall be liable to imprisonment for a term of one year to ten years and to a fine of twenty thousand to

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two hundred thousand Baht and the Court shall order revocation of such person's right to vote for a term of twenty years.

Section 83. Any person who, not being a competent official with the duty and power to retain ballot cards for the selection of senators, 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 84. Any competent official who intentionally counts ballot cards or counts votes in distortion from the truth or sums up votes incorrectly or, in any manner without lawful authority, performs any act to cause a ballot card to be defective or damaged or to be a foul card or, in any manner, performs any act towards a foul card with a view to turning it into a valid card or reads a ballot card in distortion from the truth or prepares a selection report in distortion from the truth 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 85. Any person who joins or organises any betting on selection results shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the Court shall order revocation of the right to vote of the person who joins it for a term of ten years and revocation of the organiser's right to candidacy in an election.

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

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Section 86. 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 senator and such revocation gives rise to a new selection, the Supreme Court shall, whether there is a request therefor or not, order such person to be liable for expenses incurred in the selection 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 Political Parties Development Fund under the organic law on political parties.

Section 87. Any person who discloses or disseminates the result of a poll participated by candidates or persons making the selection in connection with vote casting between seven days preceding the selection date and the time at which the selection 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 88. In the case where it appears that the commission of an offence under this Organic Act occurs in the area of the selection place, it shall be deemed that the candidate is the injured person under the Criminal Procedure Code.

Section 89. 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 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 90. In the initial period, the Senate shall consist of two hundred fifty senators appointed by the King at the recommendation by the National Council for Peace and Order. The selection and appointment shall be conducted in accordance with the rules and procedures as follows.

(1) There shall be the Senators Selection Committee appointed by the National Council for Peace and Order from not less than nine but not more than twelve qualified persons

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who possess knowledge and experience in various areas and who are of political impartiality, to be in charge of selecting persons suitable for being senators in accordance with the rules and procedures as follows:

(a) the Commission shall put in place the selection of two hundred senators in accordance with the procedures provided in section 91, section 92, section 93, section 94, section 95 and section 96, provided that this shall be completed not less than fifteen days prior to the date on which the first election of members of the House of Representatives is held under the organic law on the election of members of the House of Representatives, and shall prepare a list of names for submission to the National Council for Peace and Order, whereby selected persons shall be classified in accordance with groups and means of application;

(b) the Senators Selection Committee shall select not more than four hundred persons who possess knowledge and ability appropriate and beneficial for the performance of duties of the Senate and the national reform in accordance with the procedures prescribed by the Senators Selection Committee and submit a list of names to the National Council for Peace and Order, provided that this shall be completed no later than the period of time provided in (a);

(c) the National Council for Peace and Order shall make the selection of the selected persons under (a) from the list of names received from the Commission under section 98 and shall make the selection of persons from the list of selected names under (b) in order to obtain one hundred ninety four selected persons and in order that there shall finally be two hundred fifty selected persons when coupled with persons holding office as Permanent-Secretary for Defence, Supreme Commander, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commander-in-Chief of the Royal Thai Air Force and Commissioner-General of the Royal Thai Police, and shall select fifty names of spare persons from the list of selected persons under (b), provided that this shall be completed within three days as from the date of the announcement of results of the first election of members of the House of Representatives under the organic law on the election of members of the House of Representatives.

(2) The provisions of section 14 (23) insofar as they are concerned with the previous holding of office as Minister shall not apply to persons holding office as senators who are selected

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under (1) (b) and the provisions of section 14 (19) shall not apply to persons selected as senators *ex officio*.

(3) The National Council for Peace and Order shall submit the list of two hundred fifty persons selected under (1) (c) to the King for further appointment and the Head of the National Council for Peace and Order shall countersign it.

(4) The term of the Senate under this section shall be five years as from the date of the appointment by the King. The status as a senator commences as from the date of the appointment by the King. In the case of any vacancies, persons in the list of spare persons under (1) (c) shall be elevated to become replacing senators in respective order. In this regard, the President of the Senate shall take action and countersign the appointment by the King. A senator holding office *ex officio* shall also vacate the office as a senator upon vacation of the office held at the time of being appointed as a senator and action shall be taken for appointing a new holder of such office as an *ex officio* senator to fill the vacancy. Senators who are appointed to fill vacancies shall hold office for the remaining term of the Senate.

(5) Pending the royal appointment of persons in the list of spare persons as senators to fill vacancies under (4) or where, for any reason whatsoever, no one remains in the list of spare persons or there is no holder of office to which the *ex officio* senator relates, the Senate shall consist of existing senators.

(6) When the term of the Senate terminates under (4), there shall be conducted the selection of senators under this Organic Act.

Section 91. In the initial period, for the purpose of the proceeding under section 90 (1) (a), there shall be ten groups under section 11 paragraph one, consisting of:

(1) the public administration and security group, which covers persons formerly serving as Government officials, State officials or the like;

(2) the law and justice administration group, which covers persons who serve or have formerly served as judges, public prosecutors, policemen, legal practitioners or the like;

(3) the educational and public health group, which covers persons who serve or have formerly served as teachers, researchers, educational establishment administrators,

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educational personnel, doctors of all types, medical technologists, public officers, nurses, pharmacists or the like;

(4) the occupational group involving agriculture, herbaceous plants, rice farming, plantation, crop farming, forestry, livestock, fishery or the like;

(5) the group of officials or employees of a person that is not a Government agency or State agency, labourers, professionals, freelance workers or the like;

(6) the group of persons engaging in occupations involving the environment, town and country planning, immovable property and public utilities, natural resources, energy, science, technology, communications, innovation development or the like;

(7) the group of persons engaging in small and medium enterprises under the law on such particular matter, persons engaging in other undertakings, persons engaging in businesses or occupations involving tourism, which covers tourism business operators, tour guides and hotel business operators or personnel, industry operators or the like;

(8) the group involving women, the elderly, persons with disability or infirmity, ethnic groups, other identity groups, civil society, non-governmental organisations or the like;

(9) the group involving arts, cultures, music, performance and entertainment, sportsmen, mass communication, authors of literary works or the like;

(10) any other group.

The like characters under paragraph one shall be as prescribed in the Notification of the Commission.

A person who possesses the qualifications under section 13 and who is under no prohibitions under section 14 has the right to apply in any other group under (10).

Section 92. In the initial period, a candidate in each group under section 91 may apply by the following means:

(1) submitting an application in person;

(2) submitting an application in person, which is also accompanied by a letter of nomination of the candidate from the agency under section 93.

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Each candidate shall be entitled to apply for the selection for only one group amongst those under section 91 and by only one means under paragraph one and shall be entitled to apply for only one *Amphoe* and, upon submission of the application, may not withdraw the application.

Any person who applies for the selection for more than one group, by more than one means or for more than one *Amphoe*, which is the failure to comply with paragraph two paragraph two, shall be liable to the same penalty as that provided in section 67.

Section 93. An agency which has been a juristic person under Thai law for not less than three years without any profit-sharing object or pursuing any political activities and which has continually carried out activities in accordance with its objects and an agency established by law are entitled to nominate a person who is or was its member or a person who performs or formerly performed duties in such agency for a period of time prescribed by the Commission, being the person possessing the qualifications and not being under any prohibitions under the Constitution and this Organic Act, for application for the selection into the office of a senator, provided that each agency may recommend one person in each *Changwat* and the *Amphoe* shall also be indicated, and when the nomination has been made, the name of the nominated person may not be withdrawn or changed.

The agency under paragraph one shall be registered in accordance with the rules and procedures prescribed by the Commission and only one group under section 91 may be chosen.

The nomination of persons under paragraph one shall be made by a resolution of the board having the duties and powers in the administration of the agency concerned. In the case where such agency has no board, the person who has the duties and powers in its administration shall make the nomination instead. The nomination shall be made in writing containing biodata, with an indication of the gender, knowledge, expertise, experience and occupational area of the nominated person and shall be accompanied by the letter of consent of the nominated person. All this shall be as prescribed by the Commission.

In the case where the agency under paragraph one makes the nomination or certifies documents or evidence in support of the application despite falsity, such nomination or certification of such documents or evidence shall be void and the Commission shall publish it for general public information.

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Section 94. The selection at the *Amphoe* level shall be conducted out as follows.

(1) A candidate shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all candidates are present or when the time under (1) has elapsed, the Selection Director at the *Amphoe* level shall cause candidates of each group and of each means of application to gather, in the same group and by reference to the same means of application, at a place specified by the Selection Director at the *Amphoe* level.

(3) A candidate who is in each group and resorts to the same means of application as arranged under (2) shall cast a vote for selecting not more than two persons who are in the same group and who resort to the same means of application and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) Upon completion of the voting of any particular group and with respect to any particular means of application, the Selection Director at the *Amphoe* level shall cause the vote counting of such group and with respect to such means of application to be conducted openly. The first three persons who receive respectively highest votes of each group and with respect to each means of application shall be selected persons at the *Amphoe* level for such group and with respect to such means of application, for the purpose of further proceedings in the selection at the *Changwat* level. In the case where the equality of votes received by persons in any order results in more than three persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group and with respect to such means of application, and in the case where less than three persons have received votes, only the persons who have received votes shall be selected persons.

(5) In the case where, in any group and with respect to any means of application, there are not more than three candidates or there are not more than three persons who have appeared for the purpose of identification under (1), it shall be deemed that all candidates who have appeared for the purpose of identification are selected persons for such group and for such means of application without proceeding with the selection.

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(6) In the case where there is no candidate in any group and with respect to any means of application, the selection for such group and with respect to such means of application shall be omitted and such omission shall have no prejudice to the selection for other groups and with respect to other means of application.

(7) In the case where, in any group and with respect to any means of application, the number of persons not receiving any vote accounts for not less than ten percent of the number of candidates who have made personal identification in such group and with respect to such means of application, it shall be presumed that, provided that there are not less than three such persons, there has occurred conspiracy in the selection and it shall be deemed that the selection has not proceeded in an honest and fair manner. The Selection Director at the *Amphoe* level shall cause candidates in such group and with respect to such means of application to make the selection *de novo* amongst themselves and, in this instance, persons who have not received any vote shall lose the right to make the selection and to be selected and shall leave the selection place.

(8) The Selection Director at the *Amphoe* level shall furnish a list of selected persons under (4) and (5) to the Selection Director at the *Changwat* level together with the documents or information under section 28 (5) within the day following the selection date at the *Amphoe* level for further proceeding.

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

Section 95. The selection at the *Changwat* level shall be conducted as follows.

(1) A person selected at the *Amphoe* level shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all persons selected at the *Amphoe* level are present or when the time under (1) has elapsed, the Selection Director at the *Changwat* level shall cause the persons selected at the *Amphoe* level, who are in the same group and who have resorted to the same means of application, to gather at a place specified by the Selection Director at the *Changwat* level.

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(3) A person selected at the *Amphoe* level under (2) shall cast a vote for selecting not more than two persons who are in the same group and who have resorted to the same means of application and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) Upon completion of the voting of any particular group and with respect to any particular means of application, the Selection Director at the *Changwat* level shall cause the vote counting of such group and with respect to such means of application to be conducted openly. The first four persons who receive respectively highest votes of each group and with respect to each means of application shall be selected persons at the *Changwat* level for such group and with respect to such means of application, for the purpose of further proceeding in the selection at the national level. In the case where the equality of votes received by persons in any order results in more than four persons receiving highest votes, such persons having received equal votes shall draw lots amongst themselves in order to determine persons to be finally selected in such group and with respect to such means of application, and in the case where less than four persons have received votes, only the persons who have received votes shall be selected persons.

(5) In the case where, in any group and with respect to any means of application, there are totally not more than four selected persons at the *Amphoe* level or there are not more than four persons who have appeared for the purpose of identification under (1), it shall be deemed that all selected persons at the *Amphoe* level who have appeared for the purpose of identification are selected persons for such group and for such means of application without proceeding with the selection.

(6) In the case where no person is selected at the *Amphoe* level in any group and with respect to any means of application, the selection for such group and with respect to such means of application shall be omitted and such omission shall have no prejudice to the selection for other groups and with respect to other means of application.

(7) In the case where, in any group and with respect to any means of application, the number of persons not receiving any vote at all accounts for not less than ten percent of the number of selected persons at the *Amphoe* level who have made personal identification in such group and with respect to such means of application, it shall be presumed that, provided that there are not less than three such persons, there has occurred conspiracy in the selection and it

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shall be deemed that the selection has not proceeded in an honest and fair manner. The Selection Director at the *Changwat* level shall cause selected persons at the *Amphoe* level in such group and with respect to such means of application to make the selection *de novo* amongst themselves and, in this instance, persons who have not received any vote shall lose the right to make the selection and to be selected and shall leave the selection place.

(8) The Selection Director at the *Changwat* level shall furnish a list of selected persons under (4) and (5) to the Selection Director at the national level together with the documents or information under section 29 (3) within the day following the selection date at the *Changwat* level for further proceeding.

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

Section 96. The selection at the national level shall be conducted as follows.

(1) A person selected at the *Changwat* level shall reach the selection place and identify himself within the time specified by the Commission. Any person who fails to enter an appearance or enters an appearance later than the time specified shall lose the right to make the selection and to be selected.

(2) When all persons selected at the *Changwat* level are present or when the time under (1) has elapsed, the Selection Director at the national level shall cause the persons selected at the *Changwat* level, who are in the same group and who have resorted to the same means of application, to gather at a place specified by the Selection Director at the national level.

(3) A person selected at the *Changwat* level under (2) shall cast a vote for selecting not more than two persons who are in the same group and who have resorted to the same means of application and may cast a vote for himself but may not cast more than one vote for any particular person.

(4) In the case where, in any group and with respect to any means of application, the number of persons not receiving any vote at all accounts for not less than ten percent of the number of selected persons at the *Changwat* level who have made personal identification in such group and with respect to such means of application, it shall be presumed that there has occurred conspiracy in the selection and it shall be deemed that the selection has not proceeded in an honest and fair manner. The Selection Director at the national level shall cause selected

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persons at the *Changwat* level in such group and with respect to such means of application to make the selection *de novo* amongst themselves and, in this instance, persons who have not received any vote shall lose the right to make the selection and to be selected and shall leave the selection place.

(5) Upon completion of the voting of any particular group and with respect to any particular means of application, the Selection Director at the national level shall cause the vote counting of such group and with respect to such means of application to be conducted openly and report the vote counting result to the Commission.

Upon receipt by the Commission of the report under (5), a minimum period of five days shall be awaited. Upon the lapse of such time, the Commission shall, if it considers that the selection has proceeded in a correct, honest and fair manner, carry out the arrangement of names in accordance with the selection result under (5). In this regard, the persons who receive highest votes in the first order to the tenth order in each group and with respect to each means of application shall be listed for further proceeding under section 98.

The ordering under paragraph two in respect of persons who receive equal votes in any order shall be made by drawing lots.

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

Section 97. Any person who disobediently refuses to leave the selection place under section 94 (7), section 95 (7) or section 96 (4) shall be liable to the penalty as provided in section 71.

Section 98. Upon completion of the selection of persons for referral to the National Council for Peace and Order under section 90 (1) (a), the Commission shall notify the names of persons who receive highest votes in each group and with respect to each means of application, from the first order to the tenth order of each group and with respect to each means of application, to the National Council for Peace and Order for further consideration and selection into the office of senators.

The National Council for Peace and Order shall make the selection from the persons under paragraph one in order to obtain fifty persons to be appointed by the King as

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senators and make the selection of another fifty persons from the list for being placed in a list of spare persons and shall publish the names of senators and the persons in the list of spare persons in the Government Gazette.

Section 99. In selecting persons from the list of spare persons to fill vacancies under section 90 (4) and under section 98, the provisions of section 45 paragraph two shall also apply *mutatis mutandis*.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

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