

*(Official Emblem)*

Organic Act on the Election Commission  
B.E. 2560 (2017)

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**His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun**

Given on this 8<sup>th</sup> day of September B.E. 2560 (2017)

Being the 2<sup>nd</sup> year of the present reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been pleasantly pleased to proclaim that;

It is deemed appropriate to issue the Organic Act on the Election Commission.

This organic act consists of some provisions limiting personal rights or freedoms, which Section 26 along with Section 27, Section 28, Section 29, Section 32, Section 33, Section 34, Section 36 and Section 37 of the Constitution of the Kingdom of Thailand permit such actions by virtue of the laws.

The reason and necessity to limit personal rights and freedoms in this organic act is to allow the election commission to effectively perform duties which shall be in the public interest, whereby the enactment of this act is according to the conditions legislated in Section 26 of the Kingdom of Thailand's Constitution.

Therefore, by and with the advice and concurrence of the National Legislative Assembly acting with the Parliament, His Majesty the King has graciously ordered the enactment of this Organic Act as follows:

Section 1 This Organic Act shall be called the "Organic Act on the Election Commission B.E. 2560 (2017)".

Section 2 This Organic Act shall be effective as from the following day of its publication in the Government Gazette onwards.

**Remark:**

This translation has been prepared by the Office of the Election Commission of Thailand for information purposes only. Whilst the Office of the Election Commission of Thailand has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

Section 3 The following shall be repealed:

- (1) The Organic Act on the Election Commission B.E. 2550 (2007)
- (2) The Organic Act on the Election Commission (No. 2) B.E. 2554 (2011)
- (3) The Announcement of the National Executive Council No. 24/2557: The organic acts shall remain effective, dated on 23<sup>rd</sup> May B.E. 2557 (2014), only for the parts related to the Organic Act on the Election Commission.
- (4) The Order of the Head of the National Council for Peace and Order No. 23/2560: The measures to solve continuation of the persons who hold positions in the independent entities under the Constitutional matter, dated on 5<sup>th</sup> April B.E. 2560 (2017), only for the parts related to the Election Commission and the Election Commissioner.

Section 4 In this Organic Act:

“Commission” means the Election Commission.

“Commissioner” means the Election Commissioner, and also means the Chair of the Election Commission.

“Laws on the Elections and Political Parties” mean laws on the members of the House of Representatives election, laws on the senators’ acquirement, laws on the election commission, laws on the political parties, laws on the members of local council or local administrators’ election, and also means laws on the plebiscite.

“Election” means the members of the House of Representatives election, the members of local council election, or the local administrators’ election, and also means the senators’ selection and the plebiscite, as the case may be.

“Candidate” means the candidate for the members of the House of Representatives election, the candidate for the members of local council election, or the candidate for the local administrators’ election, and also means the candidate in the senators’ selection, as the case may be.

“Polling Station” means the polling station under laws on the members of the House of Representatives election, polling station under laws on the members of local council or local administrators’ election, and also means polling station under laws on the senators’ acquirement and polling station under laws on the plebiscite, as the case may be.

“Province” also means Bangkok.

“Government Agency” means the ministry, bureau, department, provincial government, local government, state enterprise, and other agency of the government.

“Office” means the Office of the Election Commission.

“Secretary-General” means the Secretary-General of the Election Commission.

Section 5 In case there is no provision stated otherwise in this Organic Act, any action that requires direct notification, submission, or delivery of letter or document to any person shall be deemed as having been legally notified, submitted or delivered under this Organic Act had it been notified, submitted or delivered to such person at their domicile or address as shown in the registration evidence under the civil registration laws. In case there is provision in this Organic Act stated that any action shall be announced or publicized to the general public, the announcement or publicity shall be deemed as having been legally performed under this Organic Act had it been announced or publicized in the information technology system or any other system or method which is easily accessible by the general public.

In case there is any provision in this Organic Act stated that the Commission or the Secretary-General is authorized to prescribe or issue an order for any matter and there is no specific procedure stated, the Commission or the Secretary-General shall prescribe such matter by issuing announcement, regulation, or order, as the case may be. In case such announcement, regulation, or order shall be enforced on the general public, it shall be published in the Government Gazette and shall also be announced under Paragraph One. In case there is specific procedure to issue any announcement, regulation, or order, the Commission or the Secretary-General shall also clearly specify the time period for each and every step of such procedure.

The Office shall have duty to disclose the information relevant to the Election which does not result in peculiarly disclosing identity of the voter and is not prohibited to be disclosed under this Organic Act with the purpose that people can access such information in the information technology system.

Section 6 In regard to the duties' performance, the Commission shall provide cooperation and assistance to every independent entity. In case the Commission acknowledges that any person who is under the duties and authorities of another independent entity commits unlawful action, the Commission shall send the letter to inform the relevant independent entity to proceed in their duties and authorities with no delay.

The Commission, in case seeing that the action which causes the Election to be dishonest or unfair or unlawful may be an offense which is under the duties and authorities of another independent entity as well, shall discuss with the other relevant independent entity to cooperatively determine performance guidelines in order to allow each entity to effectively perform its duties and to avoid overlapping performance.

For the benefit of performance under Paragraph Two, the Chair of the Election Commission shall be authorized to send a meeting invitation to the chair of another independent entity in order to discuss and cooperatively determine guidelines, and every independent entity shall perform as per such guidelines.

Section 7 The Chair of the Election Commission shall be in charge of this Organic Act.

Chapter 1  
Election Commission

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Section 8 The Election Commission shall consist of seven commissioners whom the King has appointed by the advice of the senate from the following persons:

(1) Five persons who have knowledge and expertise in the fields who shall be beneficial to keep the election management and arrangement honest and fair, recruited by the recruitment commission from the persons who have any of the following qualifications:

(a) Being or having been the government officer, holding a position not lower than the director-general of the department or the chief of the equivalent government section, for not less than five years.

(b) Holding or having held the highest position of the state enterprise, or the other agency of the government which neither belongs to the government section nor the state enterprise, for not less than five years.

(c) Holding or having held a professorial position of a university in Thailand for not less than five years, and having apparent academic works.

(d) Regularly and continuously being or having been a practitioner of the profession certified by laws for not less than twenty years until the date of nomination whereby their profession is certified by such professional organization.

(e) Being a person who has knowledge, expertise and experience in the field of management, finance, banking, accounting, or enterprise management who has been holding a position not lower than the chief executive of the public limited company, for not less than ten years.

(f) Having held the positions under (a) (b) (c) or (e) combined for not less than ten years.

(g) Working or having worked in a civil society section for not less than twenty years, as per determined by the recruitment commission.

(2) Two persons who have knowledge, expertise and experience in legal field and had been holding a position not lower than the chief judge or chief public prosecutor for not less than five years, and were chosen by the general meeting of the Supreme Court.

Section 9 Apart from the qualifications under Section 8, the Commissioner shall also have the following qualifications:

(1) Being a Thai national by birth.

(2) Being not less than forty-five years old, but not more than seventy years old.

(3) Having at least a bachelor's degree or equivalent.

(4) Having apparent honesty.

(5) Being in good health and can efficiently perform duties.

Section 10 The Commissioner shall not have any prohibition as follows:

(1) Being or having been the judge of the Constitutional Court, or holding a position in any independent entity.

(2) Being addicted to narcotics.

(3) Being a bankrupt or having been a dishonest bankrupt.

(4) Being an owner or shareholder of any newspaper or mass media business.

(5) Being a Buddhist monk, Buddhist novice, monk or priest.

(6) Being deprived of the right to vote, regardless of whether the case is already final or not.

(7) Being an insane person or imbecile.

(8) Temporarily being under the suspension of the right to vote or being deprived of the right to be a candidate in elections.

(9) Being sentenced to imprisonment by court judgment and being detained by court order.

(10) Having been terminated from any position in government office, government agency or state enterprise because such person was dishonest to duty or considered as having been dishonest to duty, or having committed any malpractice in the government setting.

(11) Having been judged by a final court judgment or final court order that their properties shall be forfeited by the state by reason of an illicit enrichment, or having been imprisoned by a final court judgment because such person committed any offense under the laws on anti-corruption.

(12) Having been judged by a final court judgment that such person was found guilty in any offense against government position or justice position, or was found guilty under the laws on offenses of officers in government organizations or government agencies, or was found guilty in any offense regarding dishonest properties under the criminal code, offense under the laws on loans of money amounting to public cheating and fraud, offense under the laws on narcotics as manufacturer, importer, exporter or dealer, offense under the laws on gambling as banker or host, offense under the laws on anti-human trafficking, or offense under the laws on anti-money laundering.

(13) Having been judged by a final court judgment that such person performed any dishonest action in the election.

(14) Being under prohibition period to hold political position.

(15) Having been terminated from the position by judgment of the Constitutional Court because such person moved a motion, amended a motion or performed any other action and any senator, member of the House of Representatives or committee member became either directly or indirectly involved with the usage of expenditure budget as the result.

(16) Having been terminated from the position because the Supreme Court or the Supreme Court of Criminal Division for Holders of Political Positions had rendered the judgment that such person had illicit enrichment, was dishonest to duties,



or intentionally performed duty or utilized authority in contrary to any provision in the Constitution or other laws, or seriously offended or did not comply with the ethics governance.

(17) Having been sentenced to imprisonment by a final court judgment, unless it was either an offense committed by imprudence or a petty offense.

(18) Being or having been a member of the House of Representatives, senator, political officer, member of local council or local administrator within ten years prior to the selection or recruitment.

(19) Being or having been a member or in any other position of any political party within ten years prior to the selection or recruitment.

(20) Being a government officer who has position or monthly salary.

(21) Being an officer or an employee of the government agency, state enterprise, or local government office, or being any board member or an adviser of the government agency or state enterprise.

(22) Holding any position in any partnership, company or organization whose business purpose is to seek benefits or share income, or being an employee of any person.

(23) Being a freelancer.

(24) Having behavior which seriously offends or does not comply with the ethics governance.

Section 11 When there is any circumstance to recruit appropriate persons to be appointed as commissioners under Section 8 (1), the duties and authorities shall be of the recruitment commission, and the commissioners shall consist of:

(1) The president of the Supreme Court, as the Chair of the Commission.

(2) The speaker of the House of Representatives and the leader of the Opposition in the House of Representatives, as Commissioners.

(3) The president of the Supreme Administrative Court, as Commissioner.

(4) The persons with qualifications under Section 8 and Section 9 and without the prohibitions under Section 10 who never performed any duty in the Constitutional Court or any independent entity, appointed by the Constitutional Court and the other independent entities apart from the Election Commission, whereby each person shall be appointed by each organization, as Commissioners.

The Secretary-General of the senate shall be the secretary of the recruitment commission, and the Secretariat of the Senate shall perform duties as general affairs section of the recruitment commission.

In order to appoint the persons under (4), the Constitutional Court and the other independent entities apart from the Election Commission shall nominate a person whom such organization appoints as the recruitment commissioner within twenty days as from the date such organization was informed by the Secretary-General of the Senate. The person to be selected as the recruitment commissioner shall have neutrality, honesty, and understanding about the missions of the Election Commission and shall not have behaviors as being under control of any political party. The person to be selected as the recruitment commissioner shall receive a majority vote among all of the existing judges of the Constitutional Court or all of the existing commissioners of the independent entity, as the case may be. In case no person receives majority vote, a re-vote shall be arranged. In this re-vote, if more than two persons were selected,

only two persons from the two highest ranks shall be re-voted. In case several persons received equal votes which caused more than two persons to be in the two highest ranks, the persons who received equal votes shall draw lots; thus, only two persons in the two highest ranks shall remain. In this re-vote, in case no person receives majority vote among all of the judges of the Constitutional Court or all of the commissioners of the independent entity, as the case may be, there shall be the re-selection whereby the person whose name was in the first selection cannot be candidate in this re-selection.

In case there is not any person holding position as recruitment commissioner under (2) or the number of the recruitment commissioners under (4) is incomplete regardless of whatever reason, or the period of time of selection under Paragraph Three has already ended but no person was selected, only the existing recruitment commissioners shall perform duties and authorities for the time being, and it shall be considered that the recruitment commission consists of only the existing commissioners during such period.

The recruitment commissioners under (4) shall be in the position until the day before the date the recruitment to get new Commissioners is required, and the recruitment commissioners shall be terminated from the position before the end of term if they die, resign, lack qualifications, or have prohibition.

The person who was appointed as recruitment commissioner under (4) cannot concurrently be appointed as a recruitment commissioner in any other recruitment commission, namely for the Constitutional Court or any other independent entity.

The chair of the recruitment commission and the recruitment commissioners shall be officials under the criminal code.

**Section 12** In regard to the Commissioner recruitment, the recruitment commission shall discuss the selection of persons who have high responsibility, bravery to perform duties, ethical behaviors which are good example for society, no behavior of being under control of any political party, as well as appropriate attitude to successfully perform duties. Besides an announcement requesting candidates, the recruitment commission shall recruit general appropriate persons upon the consent of such person, whereby the diversity of experiences in each field shall also be taken into consideration. For the benefit of this performance, the recruitment commission shall interview, ask for opinions regarding the Commission's duties and authorities, or use any other appropriate method in the consideration.

The content in Paragraph One shall apply mutatis mutandis on the Commissioner candidate to be selected by the general meeting of the Supreme Court.

In the recruitment or selection, the vote shall be made openly and each recruitment commissioner shall make a note mentioning their reasons to choose such person.

The person to be recruited shall receive a two-thirds vote among all of the existing commissioners of the recruitment commission.



The person to be selected by the general meeting of the Supreme Court shall receive a majority vote among all of the existing judges of the Supreme Court.

If there is no person who received votes under Paragraph Four or Paragraph Five or there is still vacant position for person to be recruited or selected, the re-vote for the person whose vote was less than two-thirds or half, as the case may be, shall be arranged. If there is still a vacant position, there shall be the second re-vote. In case there is still a vacant position for person to be recruited or selected in the second re-vote, the new recruitment or selection only for the vacant positions shall be made.

After the recruitment commission and the general meeting of the Supreme Court has recruited or selected any person, such person's name shall be put forward to the senate for approval. The recruited or selected person shall be approved with the votes from no less than half of the existing senators.

In case the senate does not approve any recruited or selected person, there shall be a new recruitment or selection to get a new person as replacement whereby such new person shall then be presented to the senate for approval. The person who previously has not been approved by the senate cannot be a candidate in this new recruitment.

In case the Chair of the Commission has also been terminated from the position, the person who was approved by the senate shall hold a meeting with the Commissioners who are still in the position, if any, to elect one person among themselves to be the Chair of the Commission and shall inform the President of the senate accordingly. In case there is still a vacant position to be approved by the senate but the ones who have already been approved combined with the existing Commissioners who are still in the position, if any, are no fewer than five persons, they shall be able to hold a meeting to elect the Chair of the Commission. After the royal appointment has been made by the King, they shall be able to continue performing actions under duties and authorities temporarily, whereby the Commission shall consist of only the existing commissioners during such period of time and the recruitment and selection for additional commissioners shall be arranged with no delay.

The additional recruitment under Paragraph Nine shall be the duties and authorities of the same recruitment commission.

The president of the senate shall inform the King to appoint the Chair of the Commission and the Commissioners, and shall countersign the royal command.

**Section 13** The person who has been approved by the senate to be the Commissioner and is still holding the position under Section 10 (20) (21) or (22), or still works under Section 10 (23), shall present the evidence that he or she has already resigned or stopped working as such to the president of the senate within the period of time specified by the president of the senate, which shall be prior to the time the president of the senate would inform the King to appoint the Commissioners. In case the evidence has not been presented within such period of time, it shall be considered that such person has foregone the right to be the Commissioner, and the new recruitment or selection shall be arranged to which the content in Section 12 Paragraph Ten shall apply *mutatis mutandis*.



Section 14 In case there is an issue regarding the qualifications or prohibitions of any candidate, selected person or recruited person, the recruitment commission shall have duties and authorities to consider, and the judgment of the recruitment commission shall be final.

The case submission regarding an issue to be considered by the recruitment commission under Paragraph One shall be in accordance with the rules and methods specified by the recruitment commission.

The open vote shall be used in the judgment.

The contents in Paragraph One, Paragraph Two and Paragraph Three shall apply mutatis mutandis for the case regarding the qualifications or prohibitions of the recruitment commissioner issue, but the recruitment commissioner who is accused as lacking qualifications or having prohibition is not permitted to be present in the meeting during the consideration and is not permitted to vote for judgment.

Section 15 The position term of the Commissioner is seven years as from the date the royal appointment date was made, and each Commissioner shall hold a position only for one term.

In case any Commissioner is terminated from a position due to the end of position term, such Commissioner shall continue performing duties until being replaced by a new Commissioner.

Section 16 Besides the end of position term, the Commissioner shall be terminated from the position by:

- (1) Death.
- (2) Resignation.
- (3) Lack of qualifications under Section 8 or Section 9, or having prohibitions under Section 10.

The Chair of the Commission shall also be terminated from the Commissioner position once being terminated from the Chair of the Commission position.

When there is an issue to consider whether any Commissioner is terminated from a position under (2) and (3) or not, the recruitment commission shall have duties and authorities to consider, and the judgment of the recruitment commission shall be final.

In case no person is holding the Chair of the Commission position, or the Chair of the Commission cannot perform duties, the Commissioners shall elect one Commissioner among themselves to act the Chair of the Commission.

In case any Commissioner is terminated from the position and a new Commissioner has not yet been appointed into the vacant position, the remaining Commissioners shall be permitted to continue performing duties while such position is still vacant. However, if there are fewer than four remaining Commissioners, they shall be permitted to perform only necessary unavoidable duties.

In case any Commissioner is to be terminated from the position due to the end of position term, the recruitment or selection for new Commissioner shall be made within one hundred twenty days prior to the date such term shall be ended. In case any Commissioner is to be terminated from the position due to any other reason apart from the end of position term, the recruitment or selection for new Commissioner shall be made within ninety days as from the date the position is vacant.

Section 17 When any person submits a petition with appropriate evidence stating that any Commissioner was terminated from the position under Section 16 (2) or (3), the secretary-general of the senate shall present the case to the Chair of the recruitment commission within five days

as from the date such petition was submitted, and the recruitment commission shall consider the case with no delay. The majority vote shall be used to make judgment and in case the votes are equal, the Chair of the recruitment commission shall have one additional vote as a decisive vote.

The evidence under Paragraph One shall be as per specified by the recruitment commission.

In case any Commissioner has to stop performing duties because he or she has been accused in any case which was accepted by the Supreme Court or the Supreme Court of Criminal Division for Holders of Political Positions and fewer than half of the Commissioners remain, the president of the Supreme Court and the president of the Supreme Administrative Court shall jointly appoint a person with the qualifications and without the prohibitions for Commissioner to temporarily act as the Commissioner so there shall be seven Commissioners in total. Such appointed person shall be permitted to act as the Commissioner only until the actual Commissioner can perform duties or until a new person has been appointed into the position.

Section 18 Subject to Section 16 Paragraph Five, the quorum of the Commission meeting is no fewer than five Commissioners. In case any Commissioner is unable to attend the meeting, the reason shall be noted in the minutes of the meeting.

The resolution in the Commission meeting shall be made by a majority vote, whereby the chair of the meeting and the Commissioners who attend the meeting shall vote to get the resolution. Each Commissioner shall have one vote and in case the votes are equal, the chair of the meeting shall have one additional vote as a decisive vote.

The Commissioner who does not attend the meeting or is not present in the meeting under Paragraph Two without appropriate reason shall be considered as having intentionally offended or not complied with ethical standards.

The Chair of the Commission shall be the chair of the meeting. If the Chair of the Commission does not attend the meeting, the Commissioners who attend the meeting shall elect one person among themselves to act as the chair of the meeting. The rules and methods for the Commission meeting shall be as per the regulations specified by the Commission.

Section 19 In case the Commission has to make resolution for any of the following matters, all of the Commissioners who are present in the meeting must vote. The abstention or the vote that is incongruous to the matter which resolution is to be made is not permitted, but the Commissioner is not deprived of the right to declare a resignation before the vote:

- (1) To consider whether any election was not honest or fair or lawful.
- (2) To approve the judgment under Section 20 Paragraph Two.
- (3) To appoint the election inspector under Section 30.
- (4) To give an order to stop any performance that may cause an election to be dishonest or unfair or unlawful under Section 33.
- (5) To give an order to suspend the right to apply as election candidate under Section 26 Paragraph Three or Section 41.

(6) To file a petition to the Supreme Court to deprive the right to apply as election candidate, or to deprive the right to vote for any election candidate under the organic laws on members of the House of Representatives election or the organic laws on senators' selection.

(7) To make an order to remove the whole executive committee of any political party from their positions and to give a judgment whether any candidate has received money, property or other benefit in order to get benefits in political activity or not, which shall be under the organic laws on political parties thereof.

(8) To vote on any other matter specified by the Commission's resolution that a two-thirds vote among all of the existing Commissioners shall be required for such matter.

**Section 20** In order to make a resolution under Section 19 or any other matter specified by the Commission, the Commissioners shall make the resolution in the form specified by the Commission which at least shall consist of the subject and issue to make a resolution, the resolution, and the signature of the Commissioner who has voted which shall be kept as evidence by the Secretary-General.

The resolution which has been made under Paragraph One shall proceed further immediately without having to wait until the Commission's meeting minutes are certified. In case any judgment must be made, the judgment which the Commission has approved its draft and the Chair of the Commission or the person acting as the Chair of the Commission has signed on shall already be considered as the judgment of the Commission.

In order to approve the draft under Paragraph Two, the Commission may assign either one or several Commissioners to make approval on behalf of the Commission.

The judgment under Paragraph Two shall be publicized to the general public.

In case the whole Commission has been terminated from their positions or can no longer perform duties before the judgment is signed, the Secretary-General shall note such incident in the judgment and shall sign the judgment instead. The judgment signed by the Secretary-General shall be considered effective.

**Section 21** The Commissioners must work full-time and the exercises of duties and authorities shall be made with honesty, fairness, bravery and without prejudice in discretion, as well as shall behave according to ethical standards. While holding the position, the Commissioner is not permitted to enroll in or receive training from any course or any program except the ones made by the Commission only for the Commissioners.

**Section 22** Besides the duties and authorities which are prescribed in the Constitution, the Commission shall also have duties and authorities as follows:

- (1) To have duties and authorities as specified in this Organic Act and other laws.
- (2) To issue rules, regulations or announcements as specified in this Organic Act and other laws.

(3) To make judgments on matters or disputes regarding the rules, regulations or announcements of the Commission.

(4) To regulate the performance of duties for operational persons of the Office, as well as government officers, officials or employees of any government agency or other officials of the government for the performance of duties regarding elections, investigations, hearings and other necessary matters in order to make the performance of duties comply with the laws on elections and political parties.

(5) To promote and support government agencies, educational institutions and private organizations in order to provide people the correct knowledge and understanding regarding the democratic form of government with the King as head of state, the political participation or the public participation on election verification, and the correct knowledge regarding the Constitution, which shall be under rules, methods and conditions specified by the Commission.

(6) To regulate the payment for damages and expenditures on the election arrangement including interest or fines, as well as methods and conditions to decrease or waive interest or fines.

(7) To supervise and monitor how political parties spend the subsidy allocated under the organic law on political parties in order to make the spending correctly comply with such laws.

(8) To report the annual performance report and observations to the Parliament as well as to publicize such report and observations to the general public.

(9) To arrange education, analysis or research in order to determine methods or measures to make elections honest, fair or lawful.

(10) To issue regulations regarding rules, methods and conditions to disclose information regarding the performance of duties of the Commission and of the Office.

In order to control, supervise and make elections honest and fair or lawful, it shall be the duties and authorities of the Commission to monitor, investigate or inquire in order to prevent and eliminate any action or negligence which may cause any election to be dishonest or unfair, regardless of whether it is during a period of time which any election decree is effective or not.

The action in (10) shall not be contrary to or inconsistent with this Organic Act whereby the impact for relevant persons, the public interest-to-be, the good governance policy, and the justice shall all be taken into account.

**Section 23** In case any political party or candidate questions the Commission either about the actions to perform correctly under the laws on elections and political parties, or about the rules, regulations or announcements made by the Commission, the Commission shall give an answer with no delay but which shall be within thirty days as from the date the question was received. For this matter, the Commission may assign any Commissioner or the Secretary-General to give an answer on behalf of the Commission, and the answer shall be publicized to the general public.

In case the Commission or the assigned person fails to give an answer within the period of time specified under Paragraph One, it shall be considered as violation or incompliance with the ethical standards.

The methods to question and answer shall be as per the regulations specified by the Commission.

Section 24 In regard to the performance of duties under this Organic Act, the Commission shall be authorized as follows:

(1) To request any government agency to send clarification letter, give opinion regarding the performance, or deliver evidential documents or other relevant evidences to be used in the consideration.

(2) To request any official of the organization under (1), public prosecutor, inquiry official, or any person to send clarification letter, come to make a statement, or deliver evidential documents or other relevant evidence within the period of time specified by the Commission to be used in the consideration.

(3) To ask for cooperation from the court to deliver evidential documents or other relevant evidence to be used in the consideration.

(4) To enter or appoint any person to enter polling places for election or plebiscite, or vote counting places for election or plebiscite.

The election inspectors shall also be authorized as in (4) under the rules and conditions specified by the Commission.

Section 25 For the performance of duties under Section 22, Section 23 and Section 24, the Commission shall have joint responsibility to achieve the goal in keeping elections in order, honest, fair, and lawful, whereby efficiency and promptness shall be taken into account.

Section 26 During any election period, each Commissioner shall have duties and authorities as follows:

(1) To supervise and inspect performance regarding the election to keep them honest, fair and lawful.

(2) To give an order to initiate investigation or inquiry when noticing that there is any suspicious action that may cause the election to be dishonest, unfair, or unlawful.

(3) To give an order to any government officer to suspend, restrain, amend, or perform any action when noticing that any action or negligence of such government officer may cause the election to be dishonest, unfair, or unlawful, as well as to give an order to administrative or police official and superior administrative or police official to proceed as per duties and authorities or give an order to provincial election director to make note of circumstance and collect evidence for further actions as deemed necessary when noticing that any action of any person who is not government officer may cause the election to be dishonest, unfair, or unlawful. In case there is an unavoidable necessity,

a Commissioner may give an order to suspend or restrain the election arrangement in some polling stations or all of the polling stations in the constituency where such action or negligence was found.

In case the Commissioner gives an order to provincial election director to make note of circumstance and collect evidence under (3), the provincial election director's performance under such order shall be considered as the inquiry made by the inquiry official under the criminal procedure code.

In case the result of investigation or inquiry under (2) turns out that there must be an order to temporarily suspend any candidate's right to apply as election candidate or any other action shall be made, such result shall be presented to the Commission to consider.

The Commissioner who has given an order under (2) or (3) shall report that to the Commission with no delay, and the Commission may make a resolution to amend, cancel or perform any other action as deemed appropriate.

Rules, methods and conditions of the Commissioner's duties performance under Paragraph One shall be in accordance with the regulations specified by the Commission.

Section 27 For the members of the House of Representatives election, the senators' selection and the plebiscite, the Commission shall have duties and authorities to arrange the election, selection, or plebiscite.

For the members of local council and local administrators' election, the Commission shall be authorized to assign local administrative organization or any other agency of government to be responsible for the election arrangement under the Commission's supervision. The Commission shall also be authorized to appoint any person or group of persons responsible for election arrangement to have authority to appoint officers and specify rules and operation methods in the election.

For the operation under Paragraph One and Paragraph Two, the Commission shall have duties and authorities as per prescribed in the Constitution, this Organic Act or other laws in order to supervise to keep the election honest, fair, and lawful.

Section 28 For each member of the House of Representatives election or senators' selection, the Commission shall appoint election inspectors to perform duties in each province during the election period to monitor the performance of election officers and the offenses regarding elections and political parties, or any other action which may cause the election to be dishonest, unfair, or unlawful before reporting that to the Commission or the Commissioner for further action as per duties and authorities thereof. In the case regarding the performance of officers, the election inspectors shall be authorized to give any officer a warning to correct his or her actions, and shall report to the Commission or the Commissioner with no delay in case no correction is made. For this performance,



the provincial election commission office shall have duties and authorities to support and facilitate the operation of the election inspector.

The Commission may assign the election inspector to perform other duties as considered appropriate, but cannot assign authorities of the Commission or the Commissioner prescribed in the Constitution.

During an election period under Paragraph One means a period as from the time the royal decree to arrange an election is issued, until the date the election result is announced or within sixty days afterwards as shall be specified by the Commission.

Methods to report under Paragraph One shall be as specified by the Commission which must be fast and efficient.

Rules and methods for election inspector's performance shall be as specified by the Commission.

In case there is any additional election or an election to fill vacant position, plebiscite, or members of local council or local administrators' election, the Commission may give an order to the election inspectors to perform duties within a period of time as considered appropriate, but the rules under Section 30 must be taken into account for the election inspector appointment.

**Section 29** From each and every province, the Commission shall select five to eight persons whose domicile is in such province to be appointed as election inspectors to complete the number that shall be sufficient to perform duties in every province, and put their names in the list. Such list shall be used within a period of time as specified by the Commission but shall not be longer than five years.

Before the appointment of selected persons under Paragraph One, the Commission shall publicize the list of selected persons to the general public for no less than fifteen days first and shall take people's feedback into appointment consideration.

For any province, in case the Commission cannot appoint persons whose domicile is in such province to complete the number as specified under Paragraph One regardless of whatever reason, the Commission may either not appoint the person whose domicile is in such province at all, or appoint fewer than the number as specified under Paragraph One. In such case, the Commission may appoint persons whose domicile is in another province to complete the required number.

The election inspector must not be a government officer who holds any position or has monthly salary, officer or employee of any government agency, committee-person or advisor of any government agency, and must not have been a member of any political party within five years prior to the appointment. The election inspector must be a person believed to have honesty without disgraceful behaviors, and shall have other qualifications as specified by the Commission without any of the prohibitions specified for the member of the House of Representatives candidate. The election inspector must not be a person whose ancestors, spouse, or child, is or has been elected or selected to be member of the House of Representatives, senator, member of local council, or local administrator.

The election inspector candidate must give affirmation in the application form that they are ready to perform duties in any province as shall be assigned or appointed under Section 30.

Rules, methods and conditions for the application, selection, evaluation, operation, and position termination of election inspector shall be as specified by the Commission.

At any time, if there is believable evidence or reasonable suspicion that any election inspector does not have honesty and fairness, has disgraceful behavior, does not have qualifications or has prohibitions, does not have effective performance, or neglects duty or does not perform duties, the Commission shall make resolution to immediately remove such person from his or her position and the election inspector list.

Section 30 When there is a case which the election inspectors must perform duties, the Commission shall appoint five to eight persons from the list under Section 29 as provincial election inspectors for each and every province, considering from area of the province or area to perform duties.

The election inspector shall perform duties as from the date of appointment although all of the election inspectors as per number under Paragraph One have not been appointed yet.

In order to appoint provincial election inspectors for each province under Paragraph One, the Commissioner assigned by the Commission shall draw lots to get:

(1) Two persons whose domicile is in the province to be appointed from the list under Section 29 Paragraph One.

(2) Remaining persons whose domicile is not in the province to be appointed from the list under Section 29 Paragraph One to complete the specified amount for such province.

In case provincial election inspector under (1) cannot be appointed regardless of whatever reason, the Commission may appoint provincial election inspector under (2) instead of provincial election inspector under (1).

The Commission shall complete the appointment under Paragraph One within ten days as from the date of the royal decree to arrange the election becomes effective, but shall not be prior to thirty days before the date the royal decree to arrange the election becomes effective.

The order to appoint election inspector shall become ineffective after the election period under Section 28 has ended, unless election inspectors in any province are still required to perform duties which the Commission may specify the extension of duties performance period thereof.

Section 31 In order to perform duties, the election inspector is entitled to receive travelling expense, accommodation expense, payment, and other expenses or allowances under regulations specified by the Commission.

Section 32 For the benefits of the performances under duties and authorities to keep elections honest, fair and lawful, the Commission may request as follows:

(1) To request the State Audit Office of the Kingdom of Thailand or certified auditor to examine an audit of any political party, and may request for an urgent auditing during election period.

(2) When there is believable evidence or reasonable suspicion that an offense or violation of laws on elections and political parties is made, to request the Anti-Money Laundering Office to send the report on transactions of political party, of person who holds position in political party, or of election candidate as per informed by the Commission, or to request the Bank of Thailand or financial institution under the laws on financial institution business to inform the Commission about the transfers or withdrawals for such case as requested by the Commission within the period of time specified by the Commission. The provisions of the laws prohibiting any organization to disclose information in possession shall not be enforced on the report of information as requested by the Commission.

(3) To request every government agency related to information to give information as requested by the Commission. After the information is received, the Commission shall use such information to investigate and find offenders or provide defensive measures for the part that is under duties and authorities of the Commission, but the Commission is not permitted to disclose the information or its source. For the benefits of the operation of relevant agency, the Commission is authorized to allocate the budget received from allocation for such agency to use as their general subsidy.

For the request under (1), the Commission is authorized to pay expenses to the State Audit Office of the Kingdom of Thailand or to give payment to certified auditor as the regulations specified by the Commission.

Section 33 When there is believable evidence that any person had made a transaction to manufacture or prepare to manufacture materials which may be used for election arrangement without authority, use money or property or threatening influence to give advantage or disadvantage for election candidate or political party, or perform any other action as specified by the Commission which may cause the election to be dishonest, unfair or unlawful, the Commission shall be authorized to order such person to temporarily suspend such action within specified period but not more than sixty days.

The person who has received an order under Paragraph One is entitled to file a petition to the Supreme Administrative Court to repeal such order. If the Supreme Administrative Court has an opinion that the purpose of such person's action was not to make the election dishonest, unfair or unlawful, the Supreme Administrative Court shall repeal such order.

Section 34 Government agencies shall have duty to assist and support the Commission to perform duties regarding election, election support, investigation or inquiry as requested in writing by the Commission.

For the benefits of making an election honest, fair and lawful, the Commission shall be authorized to order or appoint any government officer, officer or employee of government agency, to perform necessary duty regarding election, election support, investigation or inquiry as deemed appropriate, and shall inform the organization under which such government officer, officer or employee works with no delay.

Any government officer, officer or employee of government agency whose duty is to comply with orders of the Commission under Paragraph Two but does not comply with the order without reasonable cause shall be considered as having committed misconduct, and shall be considered as having committed serious misconduct if such incompliance damaged the election. The Commission shall report such case to the person who is responsible to take disciplinary action as per duties and authorities on the person who committed misconduct, and inform the Commission about the result.

Section 35 For the benefits of making an election honest, fair and lawful, the Commission may appoint person, group of persons, community organization, or educational institution that is voluntary to perform duties as an operations assistant or an election observer to report to the Commission as deemed appropriate.

The rules, methods, and conditions for operation, financial support, report, and operation assessment shall be in accordance with the regulations specified by the Commission. The operation result and assessment result shall be publicized for the general public.

Section 36 The Commission shall make eligible voter list based on the house book registration evidence under the laws on civil registration, and shall publicize such list to the general public.

Interested persons of the eligible voter list under Paragraph One shall be entitled to verify and request for amendment.

For the performance under Paragraph One, the Commission may request to link the civil registration database to make eligible voter list, or may assign the registrar under the laws on civil registration or other person as considered appropriate to make the list on behalf of the Commission, which shall be under the rules and methods specified by the Commission.

Section 37 The Commission shall be authorized to appoint another commission, subcommittee, person, or group of persons to perform duties that the Commission shall assign.

Rules and methods of appointment, termination, payment and other allowances, including the performance methods and performance assessment of the person under Paragraph One shall be under the regulations specified by the Commission.

Performance efficiency, worthiness, and rapidity shall be taken in account for the operations under Paragraph One.

Section 38 For the performance of duties under this Organic Act, the Commissioner, Secretary-General, election inspector, and person assigned by the Commission under Section 37 shall be the official under the criminal code.

Section 39 Salary, position allowance, and other benefits of the Chair of the Commission and the Commissioner shall be in accordance with the laws on such matters. The Chair of the Commission and the Commissioner shall receive meeting allowance per one meeting as the same rate as of the committee member specified in the Royal Decree on the Meeting Allowance for Committee Members.

The Chair of the Commission and the Commissioner shall receive monthly lump sum for personal assurance in the rate as specified by the Ministry of Finance, but shall not be lower than the position allowance of the Chair of the Commission and the Commissioner.

Section 40 The Chair of the Commission and the Commissioner who have held a position for at least one year shall get a gratuity which shall be paid one time upon the termination by the following causes:

- (1) End of position term
- (2) Death
- (3) Resignation
- (4) Reaching seventy years of age

The salary rate under Section 39 is multiplied by the number of years which such person has held the position, and such rate shall be used as gratuity calculation. A fraction of a year shall be counted as one year.

The right to receive a gratuity is a personal right and cannot be transferred to another person. In case of death, the gratuity shall be paid to the spouse or the heir whom the right owner had stated before his or her death. In case such death occurred by or during the performance of duties, such person shall receive twice the amount of gratuity rate which is specified under Paragraph Two.

## Chapter 2

### Investigation, Inquiry, and Trial Proceedings

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Section 41 When there is reasonable suspicion or circumstance acknowledged by the Commission regardless of which way and whether there is an informer or accuser or not, in case the evidence is reasonable or the information is enough to investigate whether there is any action that is an offense or does not comply with the laws on elections and political parties or may cause the election to be dishonest, unfair or unlawful or not, the Commission shall have duty to initiate the investigation or inquiry to find the facts and evidence with no delay. If the result of the investigation or inquiry is that the case is groundless, such case shall be terminated. If believable evidence is found that any person performed the action as investigated or inquired, the Commission shall proceed with the trials with no delay and may temporarily suspend such person's right to apply as election candidate, if it is deemed necessary.

The operation to hold an investigation or a hearing, the investigation and the hearing, and order to temporarily suspend the accused person's right to apply as election candidate under Paragraph One shall be in accordance with the rules, methods and conditions as specified by the Commission.

No person is permitted to disclose the information that may reveal the informer's identity as well as the information received under the operations under this section, Section 32 (3), or Section 47, unless such disclosure is performed as per duties and authorities or made by laws or court order.

For the investigation or inquiry under this Organic Act, the persons whom the Commission appointed to investigate or inquire under Paragraph One shall be the officials under the criminal code.

Section 42 The Commission shall be authorized to investigate, inquire, or proceed with trials under Section 41. In order to make such investigation, inquiry, or trial proceeding rapid and efficient, the Commission shall be authorized to appoint the Secretary-General or officers of the Office as authorized officials for the investigation, inquiry, or trial proceeding under the regulations specified by the Commission, which at least shall consist of the performance period of time and clearly specify the scope of duties and authorities for each level of appointed persons, as well as the identification card issuance for relevant officials.

The officer of the Office to be appointed as official under Paragraph One must be a person who has knowledge regarding laws, investigation, inquiry, or trial proceeding, and must have passed the training as specified by the Commission.

In case of necessity, the Commission may appoint officer of another entity of the government to be official under Paragraph One to temporarily or particularly perform duties as per specified by the Commission.

The official under Paragraph One shall be superior administrative or police official under the criminal procedure code and shall have the same authority as the inquiry official under the criminal procedure code.

The content in Paragraph One shall not deprive the Commission's authority to have the inquiry officials and public prosecutors proceeding as in the criminal procedure code.

Section 43 Subject to Section 41 Paragraph Three and Section 45 Paragraph One and Paragraph Two, the Commissioner or the official must provide the opportunity to the accused person to acknowledge the summary of accusation, facts, and evidence of the inquiry.

The accused person is entitled to testify or provide evidence within a period of time specified by the Commissioner or the official, and is entitled to have an attorney-at-law or any person whom they trust to be present in the inquiry. In case the accused person does not testify or does not provide evidence within the specified period of time, the Commissioner or the official is authorized to proceed further with the inquiry.

For the notification under Paragraph One, the official shall inform the accused person by affixing or delivering the writ to their domicile or address which is recorded in the registration book evidence under the laws on civil registration, or may inform them through electronic system under the methods and conditions specified by the Commission. Once such performance has been made, the accused person shall be considered as having acknowledged the accusation.

For the investigation or inquiry, the official may have the video or voice of the accused person or witnesses recorded.

Section 44 When there is a case to proceed with criminal trial against any person for an offense under the laws on elections and political parties, the Commission shall inform and forward investigation file or inquiry file to the public prosecutor in the jurisdiction to proceed further, whereby such investigation file or inquiry file shall be considered as inquiry file of the inquiry official under the criminal procedure code and the alleged offender may or may not be sent along with investigation file or inquiry file. However, the public prosecutor is authorized to order the official under Section 42 to do additional investigation, or the public prosecutor may proceed with additional investigation or inquiry by themselves. In case the public prosecutor files the case to the court and the accused person cannot be presented, the court shall proceed with the case by issuing summons or bench warrant as deemed appropriate. In case the public prosecutor has an opinion not to file the case to the court, the public prosecutor shall forward the case to the Attorney General to consider and inform the decision to the Commission. In case the Attorney General makes an order not to file the case to the court, the Attorney General shall clarify the reasons to the Commission, and the Commission shall publicize such reasons to the general public.

For the performance under Paragraph One, if it is the offense regarding the laws on members of local council or local administrators' election, the Commission may assign the provincial governor of the province where the election is held to proceed with the actions under Paragraph One on behalf of the Commission.

When there is a case to request the Supreme Court or the Court of Appeals to give an order to deprive the right to apply as election candidate or the right to vote under the provisions in the Constitution, the Commission is authorized to file a petition directly to the Supreme Court or the Court of Appeals or may assign the Commissioner or the official under Section 42 to proceed on behalf of the Commission. The Supreme Court or the Court of Appeals, as the case may be, shall use the investigation file or the inquiry file of the Commission primarily for the consideration. However, the court is authorized to give an order to proceed with the trial to get additional facts and evidence in the interest of justice.

For the case which its petition needs to be filed to the Constitutional Court, the Commission or the person assigned by the Commission shall be authorized to file the petition to the Constitutional Court.

For civil trial proceedings, criminal trial proceedings, and administrative trial proceedings under this Organic Act, the Commission shall receive a waiver for all of the fees.

Section 45 The Commission shall specify the witness protection measures in order to protect witnesses from danger, as well as the confidentiality measures for witnesses. In such measures, the payment for accommodation fees, travelling fees, or other necessary expense may also be specified.

The witness protection under Paragraph One shall also include informers or whistleblowers, and the measures can be used when it is requested by such persons.

In case any Commissioner, officer of the Office, election inspector, or member of subcommittee including election officer, is sued in any civil case, criminal case or administrative case regardless of whether the case is filed while being in the position or after having been terminated from the position, if such trial proceedings are because of the resolution making, order making, or performance of duties and was not filed by the public prosecutor, the Commission shall be authorized to provide assistance for such person regarding the defense, and the public prosecutor shall be the attorney of such person to defend the case as per requested by the Commission. Such assistance shall include the support for costs and attorney fees.

The witness protection measures under Paragraph One and the assistance provided under Paragraph Three shall be in accordance with the rules, methods, and conditions as specified by the Commission.

Section 46 If any person who is involved with the offense under the laws on elections and political parties testifies or gives the clue or information that is essential evidence to be used for the offense consideration, the Commission may not proceed with the trial proceedings against such person under the rules, methods, and conditions specified in the laws on elections and political parties. After the Commission has made the resolution not to proceed with the trial proceedings against such person, the right to proceed with criminal case shall be terminated.

Section 47 For the benefits of the investigation or the inquiry, the Commission shall be authorized to set up a budget to seek information about any action which offends or does not comply with the laws on elections and political parties, or may cause the election to be dishonest, unfair or unlawful, as well as be authorized to provide rewards for any person who gives a clue about a dishonest or an unfair action in the election.

For the information seeking under Paragraph One, the Commission shall be authorized to allocate expenses to any informer who is not the officer of the Officer without identifying the receiver, but the Commission shall issue a certificate for such expense.

The spending under Paragraph One or Paragraph Two shall be in accordance with the rules, methods, and conditions as specified by the Commission.

In case it is deemed necessary, the Commission may allocate the money from the fund for development of political parties or income of the Office for the expenses under this Section as considered appropriate.



Section 48 In case the Commission is informed by the Auditor-General that there is believable evidence regarding the spending which may cause the election to be dishonest or unfair, and it is the case that the Auditor-General does not have the authority to perform any action, the Commission shall immediately proceed with the investigation, inquiry or trial proceedings under this Chapter. The documents and evidence which the Auditor-General examined or made shall be considered as a part of the investigation file or inquiry file of the Commission.

Section 49 When the Commission acknowledges that any government agency or inquiry official has received a case regarding the offense under the laws on elections and political parties into consideration, and the Commission has considered that it is appropriate for the Commission to proceed with such case by themselves under this Organic Act, the Commission shall send the letter to inform such government agency or inquiry official to either forward the case or send the inquiry file regarding such offense to the Commission for further action under this Organic Act. In such case, such government agency or inquiry official shall forward the case or send the inquiry file for a part regarding the offense under the laws on elections and political parties to the Commission within seven days as from the date such letter is received.

### Chapter 3 Office of the Election Commission

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Section 50 The Office of the Election Commission shall have status as a juristic person and be under the control, supervision, and responsibility of the Commission.

The affairs of the Office are not subject to the laws on labor protection, the laws on labor relations, the laws on social security, and the laws on compensation. However, the officers and employees of the Office shall get benefits not less than the ones specified in the laws on labor protection, the laws on social security, and the laws on compensation.

Section 51 The duties and authorities of the Office are as follows:

- (1) To be responsible for general affairs and to perform actions to make the Commission accomplish the missions and the duties as specified under the Constitution, this Organic Act, and other laws.
- (2) To facilitate, assist, promote, and support the operations of the Commission, the Commissioners, and the election inspectors.
- (3) To make political parties, officers of political party and election candidates to have knowledge and understanding regarding the duty to comply with the laws, rules, regulations, organizational rules, orders, and resolutions of the Commission.
- (4) To perform any other duty as specified by the laws or as assigned by the Commission.

Section 52 For the Office supervision, the Commission shall be authorized to issue a regulation or announcement regarding the matter as follows:

- (1) The division classification and the limitation of duties for each division.
- (2) The specification for positions, salary rates, position special allowances, and payments or other rights and benefits of the Secretary-General, officers and employees of the office.
- (3) The selection, the assignment to a position, the appointment, the removal from a position, the specification for ethical standards, the efficiency, the performance assessment, the disciplinary and disciplinary penalties, the position termination, the complaint, and the appeal for penalties for the Secretary-General and officers of the Office, including the methods and conditions to hire employees of the Office.
- (4) The management of finance and properties, budgets, and immovable properties of the Office.
- (5) The welfare or other aids provision, which shall include the provident fund provision for the Secretary-General, officers and employees of the Office, as well as the rules and conditions to pay compensation in case the Secretary-General completes the position term.
- (6) The specification for rules and methods to acquire the Secretary-General.
- (7) The specification for uniforms and uniform dressing of the Commissioners, the Secretary-General, officers and employees of the Office.
- (8) Any other matter that is necessary to supervise and control the operation of the Office, or to command Secretary-General, officers and employees of the Office or to persuade such persons to work efficiently.

In regard to the performance under (1), the efficiency, worthiness and flexibility shall be taken into consideration.

In regard to the specification under (2), the living costs and living sufficiency as well as the different responsibilities of officers and employees in each field and level shall be taken into consideration.

For the regulation issuance regarding the personnel management under Paragraph One, the Commission shall take fairness and morale of the personnel into consideration, and may specify an independent group of persons to supervise or consider complaints and appeals.

Section 53 The Commission shall determine ethical principles for officers and employees of the Office, and shall also include the penalties for the persons who offend or do not comply with such ethical principles.

In case there is reasonable suspicion with appropriate evidence that any officer or employee of the Office performs any dishonest action or provides advantage or disadvantage to any person by the performance of his or her duties or in the election arrangement, disciplinary action shall be made with no delay, and the Commission shall immediately transfer such person away from his or her position or away from the area where such person is performing duty during such period.

The content in paragraph Two shall apply mutatis mutandis on the Secretary-General whereby the Commission is authorized to give an order to the Secretary-General to temporarily stop performing duty.

Section 54 There shall be a secretary-general for the Office whom the Chair of the Commission has appointed under the resolution of the Commission to be the commandant for officers and employees of the Office and be responsible for the operations of the Office who shall report directly to the Commission. The Commission may also arrange a vice secretary-general to assist and perform duties under the Secretary-General.

The Secretary-General shall act as the secretary of the Commission.

Section 55 The Secretary-General shall be neutral in politics, have not been a member of any political party within the last 10 years prior to the appointment, have apparent honesty, have Thai nationality, be at least sixty years of age on the date of appointment and not exceeding sixty-five years of age while being in the secretary-general position term, and have competence, experience and proficiency which may be beneficial to the operation of the Office as per specified by the Commission.

The position term of the Secretary-General is five years as from the date of appointment, and the Secretary-General may be reappointed but not exceeding two terms consecutively.

Section 56 Besides the termination by position term, the Secretary-General shall be terminated from the position in the following cases:

- (1) Death.
- (2) Resignation.
- (3) Lack of qualifications or having prohibitions under Section 55.
- (4) Incapability to work full time.
- (5) The Commission has the resolution to terminate with a majority vote among all of the existing Commissioners by reason of disgraceful behavior or by reason of inappropriate action or qualification to perform duties as the Secretary-General.
- (6) Other cases under the employment agreement's conditions.

Section 57 Subject to Section 59, the Secretary-General has duties and authorities to supervise and keep general operations of the Office to comply with the laws, regulations, announcements and resolutions of the Commission, and shall also have duties and authorities as follows:

- (1) To assign, appoint, remove, promote, decrease salary or wage, give disciplinary penalty to officer or employee of the Office, as well as to terminate officer or employee of the Office from position, which shall be under the regulations of the Commission.
- (2) To regulate the operations of the Office, only for the matters not contrary to the regulations, announcements or resolutions of the Commission.

(3) Duties and authorities as specified in this Organic Act or other laws and as specified by the Commission.

Section 58 For the affairs of the Office which are related to any third party, the Secretary-General shall be the representative of the Office. For this performance, the Secretary-General may assign any person to act on behalf of the Secretary-General under the regulations specified by the Commission.

For the performance under Paragraph One, in case it is any essential affair regarding the election, the budget of the Office, or any other affair which may affect the missions of the Commission as specified by the Commission, the Secretary-General shall seek approval from the Commission first.

Section 59 The Commission is authorized to appoint employees of the Office as the provincial election directors for each and every province to perform duties who shall have authorities as specified by the Commission.

Rules, methods and conditions to appoint the provincial election director under Paragraph One shall be as specified by the Commission.

The content in Section 53 Paragraph Two shall also apply to provincial election directors.

Section 60 The Commission shall present the expenditure budget plan to allocate subsidy for the Commission and subsidy for the Office in the draft of annual expenditure budget act or the draft of additional expenditure budget act, as the case may be.

In case the Commission has considered that the allocated expenditure budget is not sufficient, the Commission shall submit an amendment request directly to the Estimates Committee of the Parliament.

For the expenditure budget presentation under Paragraph One and Paragraph Two, the Commission shall inform the current income and properties to the cabinet.

In case the election expenditure exceeds the budget allocated to the Office, the state shall support with the expenditure until sufficient for the operations of the Commission.

Section 61 After annual expenditure budget act or additional expenditure budget act under Section 60 becomes effective, the Office shall make the annual expenditure budget plan to request approval from the Commission and publicize it to the general public.

The spending of the Office shall be as per specified in the annual expenditure budget plan under Paragraph One, unless the Commission gives approval for particular case.

In order to withdraw the allocated budget, the Office shall submit the budget withdrawal request to the Comptroller General's Department which shall include amount of money to be used for each quarter, and the Comptroller General's Department shall pay the money to the Office within the last three days prior to the first date of the new quarter. However, in case the Office has the necessity in any quarter to use money more than the informed amount, the Comptroller General's Department shall pay as per requested by the Office.

Section 62 Income and assets to be used for the operations of the Office consist of:

- (1) Subsidy received under Section 61.
- (2) Income from fees or assets of the Office.
- (3) Assets which were donated to the Office.
- (4) Interests or benefits of money or assets of the Office.
- (5) Other income as specified by laws.

In order to receive the asset under (3), the neutrality for performance of duties shall be taken into account. In case the Commission has an opinion that to receive any asset may affect the neutrality for performance of duties of the Office, the Commission may order the Office to not receive such asset or to return such asset to the person who donated it.

Section 63 The Office's income is not an income to be transferred to the treasury under the laws on the treasury reserve, the laws on the public account, or other laws.

The Office shall present the statement of income and expenditure under Paragraph One to the Parliament and the cabinet at the end of each and every fiscal year.

The immovable property of which the Office has acquired ownership regardless whether through purchasing or donation shall become the royal property, but the Office is authorized to govern, utilize, or find the benefits from such immovable property.

Section 64 The properties of the Office shall not be under obligation of legal execution, and no person is permitted to use the prescription as contestation against the properties of the Office.

Section 65 The Office shall submit balance sheet, financial statement, and working account to the auditor within ninety days as from the last date of the fiscal year.

The State Audit Office of the Kingdom of Thailand shall be the auditor of the Office who shall audit the account and all finances of the Office, as well as assess the money and properties spending of the Office and clarify whether such spending complied with the objectives, was economical, reached the goal, was efficient, had accomplishment, and was worthwhile or not before sending the auditor's report to the Parliament and cabinet with no delay.

#### Chapter 4 Penalties

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Section 66 Any person who obstructs the Commission, Commissioner, Secretary-General, provincial election director, election inspector, member of committee or subcommittee appointed by the Commission under this Organic Act to perform their duty shall be punished with imprisonment not exceeding one year or fine not exceeding twenty thousand baht, or both.

If the obstruction of performance of duties under Paragraph One was made with mayhem or threat to use mayhem, or was made in order to make the election dishonest, unfair or unlawful, the offender shall be punished with imprisonment not exceeding five years or fine not exceeding one hundred thousand baht, or both.

Section 67 Any person who does not comply with the order of the Commission which was made under Section 29 (2) shall be punished with imprisonment not exceeding six months or fine not exceeding ten thousand baht, or both.

Section 68 Any person who has acknowledged the information or source of information which the Commission was informed under Section 32 (3) and discloses such information or source of information to any other person who is not the Commission or the person who has duties and authorities to utilize such information under this Organic Act shall be punished with imprisonment not exceeding five years or fine not exceeding one hundred thousand baht, or both.

If the offender under Paragraph One is the Commissioner, Secretary-General, election inspector, or officer or employee of the Office, the offender shall get double punishment of the penalties as specified under Paragraph One.

Section 69 Any Commissioner, Secretary-General, provincial election director, election inspector, member of committee or subcommittee appointed by the Commission under this Organic Act, officer or employee of the Office, and election officer who performs or neglects any action against their duties shall be punished with imprisonment not exceeding five years or fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the right to vote of such person for ten years.

If the action under Paragraph One was made dishonestly, the offender shall be punished as prescribed in Section 149 of the criminal code, and the court shall also give an order to deprive the right to apply as election candidate of such person.

#### Transitory Provisions

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Section 70 The Chair of the Election Commission and the Election Commissioners who has held the position prior to the date this Organic Act is announced shall be terminated from the position as from the date this Organic Act becomes effective, but shall continue performing duties until the newly appointed Chair of the Election Commission and the Election Commissioners takes the position.

The person who continues performing duties under Paragraph One shall be entitled to receive salary, position allowance, and other benefits as had been received before the date this Organic Act becomes effective, and shall be entitled to receive the gratuity under Section 40 as the resignation case whereby the gratuity shall be calculated from the date such person was appointed by the King until the last date such person performs duties.

In case the persons who continue performing duties under Paragraph One have died, resigned, or cannot perform duties regardless of whatever reason and the number of remaining persons who continue performing duty are fewer than half of the Election Commission, the content in Section 17 Paragraph Three shall apply mutatis mutandis.

Section 71 Each of the Constitutional Court and other independent entities apart from the Election Commission shall appoint their own representative and send the representative's name to the Secretariat of the Senate to form the recruitment commission under Section 11 within twenty days as from the date this Organic Act becomes effective.

Section 72 The recruitment commission under Section 71 and the general meeting of the Supreme Court shall recruit or select persons who are appropriate to be appointed as the election commissioner under this Organic Act within ninety days as from the date this Organic Act becomes effective.

Section 73 The Secretary-General of the Election Commission who has been holding the position prior to the date this Organic Act is announced and still having qualifications and not having prohibitions under this Organic Act shall remain the Secretary-General of the Election Commission under this Organic Act upon the employment agreement which was made thereof.

In case there is an issue regarding the qualifications or prohibitions of the Secretary-General of the Election Commission under Paragraph One, the Election Commission shall consider the case.

Section 74 The provincial election commissioners under the Organic Act on the Election Commission B.E. 2550 (2007) shall be terminated from the position as from the date this Organic Act becomes effective.

Section 75 All of the regulations, rules, announcements, orders or resolutions under the Organic Act on the Election Commission B.E. 2550 (2007) only for the contents that are not contrary to or inconsistent with this Act shall remain effective until the regulations, rules, announcements, orders or resolutions under this Organic Act are issued.

Section 76 The Office of the Election Commission under the Organic Act on the Election Commission B.E. 2550 (2007) shall be the Office of the Election Commission under this Organic Act.

All of the rights, obligations, and bindings which the Office of the Election Commission under the Organic Act on the Election Commission B.E. 2550 (2007) has had with any person before the date this Organic Act becomes effective shall be transferred to the Office of the Election Commission under this Organic Act thereof.

Section 77 All of the officers and employees of the Office of the Election Commission under the Organic Act on the Election Commission B.E. 2550 (2007) shall be transferred to the Office of the Election Commission under this Organic Act thereof, and the rights and other benefits which such officers and employees had been receiving under the Organic Act

on the Election Commission B.E. 2550 (2007) shall be considered as the rights and other benefits to be received under this Organic Act, unless and until it is specified otherwise in the regulations issued under Section 52 (2).

Section 78 The investigation, inquiry, trial proceedings, or any other performance under the Organic Act on the Election Commission B.E. 2550 (2007) which were or had been made before the date this Organic Act becomes effective shall be considered as the performance under this Organic Act, and the continuation of such performance shall be made in compliance with this Organic Act.

In case there is any ongoing performance to be considered and there are no performance methods of such performance stipulated in this Organic Act, such performance shall continue as per the resolution of the Election Commission.

Countersigned

General Prayuth Chan-ocha

Prime Minister

Office of the Election Commission of Thailand



Remarks:- The reason of the enactment of this Act is because there are provisions in the Constitution of the Kingdom of Thailand prescribed that there shall be the Organic Act on the Election Commission in order to acquire the Election Commission to perform duties as per prescribed in the Constitution of the Kingdom of Thailand and the laws which specify duties and authorities of the Election Commission. Therefore, the enactment of this Act is necessary.

Office of the Election Commission of Thailand