

**Organic Act on Referendum
for the Draft Constitution
B.E. 2559 (2016)**



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BHUMIBOL ADULYADEJ, REX;
Given on the 22th Day of April B.E. 2559;
Being the 71st Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to enact an organic law on referendum;

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

Section 1 This Organic Act is called the “Organic Act on Referendum for the Draft Constitution B.E. 2559 (2016)”.

Section 2 This Organic Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3 In this Organic Act:

“Constitution Drafting Committee” means the Constitution Drafting Committee pursuant to the provisions of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (1st Amendment) B.E. 2558;

“Draft Constitution” means the Draft Constitution drafted by the Constitution Drafting Committee and the voting in a referendum shall be held;

“voting” means the voting in a referendum pursuant to section 39/1 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2nd Amendment) B.E. 2559 and pursuant to this Act;

“eligible voter” means a person having the qualifications and must not be under any prohibition pursuant to the provisions of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2nd Amendment) B.E. 2559;

“voting day” means the day for voting in a referendum designated by the Election Commission;

“constituency” means the area designated as a referendum constituency;

“polling unit” means the locality designated for a referendum vote;

“polling station” means the place designated for voting in a referendum and shall include the designated area in the vicinity of the referendum polling station;

“province” includes Bangkok Metropolis.

Section 4 In the administration of this Act, the State shall support or make sufficient budgetary appropriations for the expenses of the Election Commission and state agencies responsible for supporting the voting.

Section 5 The Chairman of the Election Commission shall be in charge and control of the execution of this Act and have authority to issue any regulation, notification, and order with the approval of the Election Commission to be in accordance with this Act.

Section 6 Upon the Election Commission receives the Draft Constitution from the cabinet and in the case where it receives a supplementary topic from the National Legislative Assembly for conducting the voting, any operation of the Election Commission shall be regarded as operation according to its authorities and duties pursuant to section 10(1) of the Organic Act on the Election Commission B.E. 2550.

Proceedings under paragraph one, the Election Commission shall have authorities and duties as stipulated in the Organic Act on the Election Commission B.E. 2550 and in this Act.

Section 7 A person shall have freedom of speech and disseminate opinions related to the voting honestly by not infringing the laws.

Unofficial Translation

Chapter 1
**Printing of the Draft Constitution, Dissemination of the Draft
Constitution, including Process and Stages of Voting**

Section 8 In the case where the National Legislative Assembly has a resolution to propose a supplementary topic to the Election Commission to organize the voting, the National Legislative Assembly shall make explanation of the principles and reasons of such topic presented to the Election Commission within 10 days as from the date of the National Legislative Assembly proposes such topic.

Section 9 In order to benefit the voting to be proceeded smoothly, the Election Commission shall print and disseminate the Draft Constitution, an explanation of the summary of standing provisions of the Draft Constitution, and a supplementary topic with its explanation of principles and reasons pursuant to section 8 as well as disseminate the public widely with process and stages of voting according to methods, guidelines, and procedures prescribed by the Election Commission considers appropriate.

Proceedings under paragraph one, the Election Commission may assign a person, a group of persons or groups of persons to disseminate and campaign and may support the state agencies or private sector be able to disseminate or campaign rules, procedures, and timeframe for organizing the voting for or against the Draft Constitution, the explanation and the summary of standing provision of the Draft Constitution, a supplementary topic with its explanation and reasons under section 8. The rules and procedures for assignment or support shall be in accordance with the regulation prescribed by the Election Commission.

Section 10 The Constitution Drafting Committee, the Committee member, the Sub-committee, and the officials of the Constitution Drafting Committee shall disseminate and campaign in order to provide the public widely with proper understanding related to the provisions and the summary of standing provisions of the Draft Constitution.

Every state agency including its officials shall support, provide collaboration, and assist the Constitution Drafting Committee, the Committee member, the Sub-committee, and the officials of the Constitution Drafting Committee to perform their duties under paragraph one as requested by the Constitution Drafting Committee.

Any proceeding of the Constitution Drafting Committee, the Committee member, the Sub-committee, and the officials of the Constitution Drafting Committee under paragraph one; or of the state agencies including its officials under paragraph two, shall not be regarded as the inducement to a voter not to cast a vote, or to cast a vote in a certain way, or to abstain from voting.

In the case where the National Legislative Assembly proposes a supplementary topic to the Election Commission to organize the voting pursuant to section 8, the National Legislative Assembly shall disseminate and campaign in order to provide the public widely with proper understanding related to the substances of the topic. The provisions in paragraph one, paragraph two, and paragraph three shall apply *mutatis mutandis*.

Section 11 The Election Commission shall supervise the expression of views related to the voting to be proceeded in an honest manner as well as to prevent any act infringing or not following this Act in accordance with the rules and procedures prescribed by the Election Commission.

Section 12 The dissemination and campaign under section 9, section 10, and the expression of views under section 11, the state radio and television broadcasting stations shall allocate broadcasting times in accordance with the determination of the Election Commission.

Chapter 2
Rules and Procedures in Voting

Article 1
General Provisions

Section 13 The Election Commission shall hold and control the voting to be proceeded in an honest and fair manner.

The Election Commission may appoint a person, or a group of persons, or groups of persons to perform duties in providing recommendations, coordinating, providing assistance, supporting the Election Commission including monitoring performance to be in accordance with this Act.

In order to hold the voting smoothly, the Election Commission has authority to issue orders for the government officials, employees of government agencies, state agencies, state enterprises, or local government agencies, or other state officials to perform any act deemed necessary in accordance with this Act.

Section 14 The Election Commission shall designate the voting day and announce it in the Government Gazette.

Section 15 Votes shall be cast directly and by secret ballot. A voter shall cast his/her vote by affixing a cross on a ballot paper.

Article 2
Voting Officers

Section 16 In the voting, following operations shall be proceeded:

(1) The Provincial Election Director shall serve as the Constituency Voting Director and have duties in facilitating the voting as well as perform any necessary affairs related to the voting in accordance with this Act.

Unofficial Translation

(2) The Provincial Election Commission shall serve as the Constituency Voting Committee and have duties in designating polling units, polling stations, preparing the voters' list, adding and withdrawing the voters' names in the constituency including having duties to supervise the votes casting, votes counting, and announcement of the result of the voting.

In the case where any province does not have the Provincial Election Commission performing its duties, the Election Commission shall recruit the Constituency Voting Committee. The recruitment procedures and duration of term shall be in accordance with the regulation prescribed by the Election Commission.

In order to benefit the voting operations, the Election Commission shall have authority to appoint or delegate to the Constituency Voting Director or the Constituency Voting Committee the authority to appoint a sub-committee, or a group of persons or any person to assist the voting operations as appropriate.

Any duty that the Election Commission delegates to a sub-committee, or a group of persons or any person appointed by the Constituency Voting Director or the Constituency Voting Committee to perform; therein this Act prescribes as the duties of the Constituency Voting Director or the Constituency Voting Committee, it shall be regarded that the Constituency Voting Director or the Constituency Voting Committee delegates to a sub-committee, or group of persons, or any person to operate in accordance with the regulation prescribed by the Election Commission.

The Election Commission, the Constituency Voting Director, or the Constituency Voting Committee shall supervise the operation of a sub-committee, or a group of persons, or any person who assist the voting operations. In the case where the Election Commission is of an opinion that any operation or order of the Constituency Voting Director, the Constituency Voting Committee, a sub-committee, or the assigned group of persons, or any person are not honest and fair, the Election Commission has authority to cease or alter or rectify such operation or order.

Section 17 The Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall appoint the following persons as voting officers:

(1) one Polling Unit Director who is in charge of preparing and reviewing documents, facilitating, giving advice, and assisting operations of the Polling Unit Committee under (2), including security officers;

(2) not less than five members of the Polling Unit Committee that comprises of one chairman and not less than four members appointed from eligible voters of that constituency are in charge of the voting in a polling station and the votes counting in each polling unit.

The Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall appoint a state official to perform the duties of maintaining security and assisting operations of the Polling Unit Director under (1) and the Polling Unit Committee under (2).

In the case where any person obstructs the voting, the Polling Unit Committee shall have authority to order such person to leave the polling station without obstructing the exercise of voting right of such person.

Section 18 In the case where the number of members of the Polling Unit Committee under section 17(2) is not complete, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall appoint an eligible voter in such constituency to be the member of Polling Unit Committee until it reaches the complete number.

On the voting day, at the opening of the polls, if the number of members of Polling Unit Committee reporting for duty is not less than half of the complete one, the Polling Unit Committee can perform duties and the present members of Polling Unit Committee at that time shall appoint the additional member to reach the complete one prior to the votes counting commences. In the case where the number of members of

Polling Unit Committee is less than half of the complete one, the present members of Polling Unit Committee at that time shall appoint an eligible voter in such constituency to be the member of Polling Unit Committee until the number is not less than half of the complete one and appoint the additional member to reach the complete one prior to the votes counting commences.

In the case where none of the member of Polling Unit Committee reports for duty, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall appoint persons to be the members of Polling Unit Committee performing duties in the polling unit.

Section 19 In addition to the provisions stipulated in this Act, the Election Commission shall have authority to prescribe procedures for the performance of duties of the Constituency Voting Committee, the Constituency Voting Director, the Polling Unit Director, the Polling Unit Committee, security officers, or persons appointed to assist the voting operations as well as to delegate to the governors, the district officers, and the administrative officers, or the police officers pursuant to the Criminal Procedure Code to be responsible for peace and security keeping in the voting.

Section 20 In performing duties under this Act, the following persons shall be deemed as officers under the Criminal Procedure Code:

(1) the Election Commission, the Secretary-General of the Election Commission;

(2) the Constituency Voting Committee, the Constituency Voting Director, the Polling Unit Director, the Polling Unit Committee, security officers, or persons appointed to assist the voting operations.

For persons under (2), they shall be deemed as officers under the Criminal Procedure Code as from the date of appointment until the termination of duties.

Section 21 Remuneration for the persons under section 20(2) shall be prescribed by the Election Commission.

Article 3
Voting Constituencies and Polling Units

Section 22 A province area shall constitute a constituency for voting.

Section 23 When the voting day is announced pursuant to section 14, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall designate the appropriate number of polling units for each voting constituency by having regard to convenience of travel by eligible voters to exercise their voting rights.

Designation of the polling units under paragraph one shall be in accordance with the following criteria:

(1) a village area shall be applied as a polling unit area, except where the number of eligible voters is sparse, in which case two or more contiguous villages may be combined into one polling unit; as for a municipality, Pattaya City, Bangkok Metropolis or densely populated community, the area of the community, roadway, alley, side street, canal or river boundaries may also be applied as polling unit areas; and

(2) a criteria of approximately eight hundred eligible voters per unit shall be abided by, but if it is deemed that there are inconveniences or safety concerns for eligible voters casting their votes, a greater number of eligible voters may be prescribed, or additional polling units may be prescribed with a lesser number of eligible voters in each polling unit.

The polling units shall be announced for not less than twenty days prior to the voting day. The announcement shall be posted at the polling station or an area in the vicinity of polling station.

An alteration of polling unit shall be made by the announcement for not less than ten days prior to the voting day, except in the event of a riot, flood, fire, force majeure event or other necessity where the announcement may be made less than ten days prior to the voting day. The provisions in paragraph three shall apply *mutatis mutandis*.

Section 24 In the prescription of the polling unit under section 23, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall also designate the polling stations for each polling unit and the provisions in section 23 paragraph three shall apply *mutatis mutandis*.

The polling station under paragraph one shall be a place of convenient public access for the purpose of voting, appropriate, of reasonable size and should be located in the centre of the polling unit. There shall also be signs or any other markings to indicate the boundaries of the polling station as is consonant with the characteristics of the locality and topography of the place for eligible voters to cast votes.

If in any locality, it is deemed that eligible voters would be given more convenience, or it is for the safety of eligible voters, the polling station may be designated outside the polling unit but must be in close proximity to such polling unit. In the case where there is the event of a riot, flood, fire, force majeure event or other necessity prior to the voting day, the announcement for altering polling station shall be made.

Article 4 **Eligible Voters and Voters' List**

Section 25 A person having the following qualifications is an eligible voter:

(1) having Thai nationality; provided that a person who acquires Thai nationality by naturalization must hold the Thai nationality for not less than five years;

(2) being not less than eighteen years of age on the voting day;
and

(3) having name appeared in the household register in the constituency for not less than ninety days up to the voting day.

Voters residing outside the constituency which their names are appeared in the household register or having their names appeared in the household register in the constituency for less than ninety days up to the voting day shall have the right to vote pursuant to section 42.

For the voters under paragraph one and paragraph two who are the disabled or handicapped or elderly persons shall have the right to vote pursuant to section 39 paragraph two.

Unofficial Translation

Section 26 A person under the following prohibitions on the voting day is disfranchised:

- (1) being a Buddhist priest, novice, monk, or clergy;
- (2) being under suspension of the right to vote;
- (3) being detained by a warrant of the court or by a lawful order;
- (4) being of unsound mind or of mental infirmity.

Section 27 Upon the announcement of the voting day under section 14, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall prepare the voters' list of each polling unit and post such list at the polling station for not less than twenty days prior to the voting day as well as inform the house owners the list of voters appeared in their household register for not less than fifteen days prior to the voting day.

After the announcement of the voters' list and if such voters' list is incorrect or has failure, the Constituency Voting Director shall report to the Constituency Voting Committee promptly. In the case where the Constituency Voting Committee is of an opinion that such incorrectness and failure is true, the Constituency Voting Committee shall order to rectify it and complete its operation for not less than ten days prior to the voting day.

Section 28 In the case where an eligible voter or a house owner perceives oneself or a person having his/her names in the household register does not have his/her names appeared in the voters' list of polling unit where he/she or those persons should have their names as the voters in such polling unit, they shall submit a petition to the Constituency Voting Committee or persons assigned by the Constituency Voting Committee in order to add their names for not less than ten days prior to the voting day.

Having received such petition under paragraph one, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall examine evidence. If the petitioners or persons having their names in the household register are considered to be eligible voters, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall have the order to add those names to the voters' list promptly. If the Constituency Voting Committee or persons assigned by the Constituency Voting Committee is of an opinion that the petitioners or persons having their names in the household register are ineligible voters, the Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall have the order to revoke such petition and inform the petitioners with reasons within three days as from the date of such petition received.

Section 29 For not less than ten days prior to the voting day, an eligible voter has the right to submit a petition to the Constituency Voting Committee or persons assigned by the Constituency Voting Committee if the voters' list announced under 27 is found to have names of ineligible voters in order to withdraw such names of ineligible voters from the voters' list.

When the Constituency Voting Committee or persons assigned by the Constituency Voting Committee consider it is appropriate to order the withdrawal of the names of ineligible voters from the voters' list or revocation of such petition, the order for withdrawing such names or revoking such petition shall be made, as the case maybe, including informing the petitioners about the order.

In the case where the house owners perceive that in the voters' list there are other persons' names appeared in their own household registers by which such persons do not have their names in such register indeed; the house owners shall bring evidence of the household register to declare there is no such names in the household register. The Constituency Voting Committee or persons assigned by the Constituency Voting Committee shall have the order to withdraw such names from the voters' list.

Section 30 In the case where there is a petition filed to the court to revoke the voting right of any person and then the court has the verdict to revoke the voting right of such person, even the verdict is not final. When the voters' list is already announced, the Constituency Voting Committee shall withdraw the name of such person whom the court orders to revoke his/her voting right by crossing the name of such person off the voters' list.

Article 5 Voting

Section 31 Voting shall be done by casting a vote on ballot paper.

The rules and procedures of casting a vote shall be in accordance with the regulation prescribed by the Election Commission.

Section 32 A ballot box is designated to be observed its inside easily.

Characteristics and size of a ballot box shall be in accordance with the regulation prescribed by the Election Commission.

Section 33 A ballot paper shall have characteristics in accordance with the regulation prescribed by the Election Commission.

In the case where there is more than one topic for voting, such topics are prescribed to be included in the same ballot paper.

Section 34 On the voting day, the polls shall open from 08.00 hours until 16.00 hours.

Section 35 Before the opening of the polls, the Polling Unit Committee shall count the total number of ballot papers for such polling unit and post the notification of the total number of ballot papers in an open place. The opening of the polls, stages, and procedures of voting shall be in accordance with the regulation prescribed by the Election Commission.

Section 36 During the polls are still open, an eligible voter wishing to cast a vote shall identify himself/herself to the Polling Unit Committee by presenting a national identification card, an expired national identification card or official card or evidence issued by the government or state agencies which has an identifiable photograph and national identification number of the holder.

The rules and procedures of identification for voting shall be in accordance with the regulation prescribed by the Election Commission.

Section 37 An eligible voter whose name is appeared on the voters' list for any polling unit shall vote in such polling unit and shall have the right to vote in only one place.

Section 38 An eligible voter appointed to perform duties in another polling unit which is not the polling unit where he/she is eligible to vote shall be able to vote in the polling unit where he/she performs duties.

Section 39 In order to facilitate the disabled or handicapped or elderly persons to vote, the Election Commission or a person assigned by the Election Commission shall provide special voting facilities for the disabled or handicapped or elderly persons, or provide for voting assistance under the supervision of the Polling Unit Committee, provided that such assistance must allow the disabled or handicapped or elderly person to vote by himself/herself. In the case where the physical feature makes the disabled or handicapped or elderly persons cannot affix a cross on a ballot paper, another person or the member of Polling Unit Committee shall undertake it on their behalf with their consents and in accordance with the intention of such disabled or handicapped or elderly persons. Facilitation must be provided for the purpose of enabling direct and secret voting.

In the case where the Election Commission considers appropriate, it shall designate a specific polling station for the disabled or handicapped or elderly persons. The disabled or handicapped or elderly persons shall register for voting in such place. Once they have registered, they are ineligible to vote in the polling unit where their names are appeared in the household register.

The facilitation and the voting under paragraph one including facilitation by organizing the specific polling station and the registration for voting under paragraph two shall be in accordance with rules and procedures prescribed by the regulation of the Election Commission.

Section 40 Upon the time for the closing of the polls, the Polling Unit Committee shall announce the closing of the polls and cease distribution of ballot papers as well as affix mark on the remaining ballot papers to indicate invalidity of the ballot papers. In the case where an eligible voter wishing to vote is already in the area of the polling station prior to the time for the closing of the polls but has not yet received a ballot paper, the Polling Unit Committee shall give a ballot paper to such person who reports himself/herself. Once the eligible voter has completed voting, the Polling Unit Committee shall seal the opening for inserting ballot papers of the ballot box and prepare the report pertaining to the total number of ballot papers, the number of persons reporting themselves and receiving ballot papers and the number of remaining ballot papers.

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

Section 41 In the case where the voting in any polling unit cannot be proceeded because of a riot, flood, fire, force majeure or other necessity, the Polling Unit Committee shall announce the suspension of voting in such polling station and report to a Constituency Voting Committee in order to submit the report to the Election Commission promptly.

The Election Commission shall designate the new voting day in such polling unit promptly; except where the Election Commission is of an opinion that the number of eligible voters of the polling unit having events under paragraph one cannot alter the result of the voting, the Election Commission may not hold the new voting in such polling unit.

Article 6
Voting for Eligible Voters residing outside Province

Section 42 Under the enforcement of section 39 paragraph two, in the case where the voters who are residing outside the constituency which their names are appeared in the household register or appeared in the household register for less than ninety days up to the voting day wish to exercise their voting rights in the province where they are now actually residing, they shall submit the petition for registration for at least thirty days prior to the voting day and they are ineligible to cast their votes in the polling unit where their names are appeared in the voters' list of such polling unit; except for they make alteration for not less than thirty days prior to the voting day.

The rules and procedures of the registration, voting, and votes counting under paragraph one shall be in accordance with the regulation prescribed by the Election Commission.

Article 7
Votes Counting

Section 43 Upon the closing of the polls under section 34, the Polling Unit Committee shall openly count votes of each polling unit at each polling station of each polling unit without any adjournment or deferment of the votes counting.

The rules and procedures of the votes counting shall be in accordance with the regulation prescribed by the Election Commission.

Section 44 In the case where the votes counting of any polling station can neither be proceeded nor completed due to the event of a riot, flood, fire, force majeure or other necessity or necessity pursuant to status probably affecting security, the Polling Unit Committee shall announce the suspension of votes counting in such polling unit and report to the Constituency Voting Committee in order to submit the report to the Election Commission promptly. The Election Commission shall designate the date, time, and venue for the votes counting promptly. The storage of ballot papers, ballot boxes, and documents related to the voting including the procedures of the new votes counting shall be in accordance with the rules and procedures pursuant to the regulation prescribed by the Election Commission.

Unofficial Translation

When the Constituency Voting Committee receives the report under paragraph one and finds that the ballot papers cast are defect or lost, the Constituency Voting Committee shall report to the Election Commission for considering ordering the new voting to be held in such polling unit.

In the case where the Election Commission is of an opinion that the number of ballot papers cast or the number of voters reporting themselves for voting of the polling unit that cannot be counted does not alter the result of the voting, the Election Commission may not order the new votes counting in such polling unit.

Section 45 The following ballot papers shall be deemed as invalid ballots:

- (1) counterfeit ballot paper;
- (2) ballot paper not issued by the Polling Unit Committee;
- (3) ballot paper with no voting mark;
- (4) ballot paper containing writing or other texts;
- (5) ballot paper having other marks in addition to a cross;
- (6) ballot paper having a voting mark outside the marking box;
- (7) ballot paper having a mark to be noticed, except for being done pursuant to authority and duty;
- (8) ballot paper having more than one mark inside the marking box;
- (9) ballot paper having the characteristics prescribed by the Notification of the Election Commission as an invalid ballot.

The invalid ballot papers under paragraph one shall not be counted as votes.

Section 46 In the case where there is more than one topic in the same ballot paper, the ballot paper having the following characteristics shall be considered the whole invalid ballot paper and shall not be counted as a vote;

- (1) the ballot paper having characteristics under 45(1), (2), (4), or (7)
- (2) the ballot paper having characteristics under 45(3), (5), (6), (8) or (9) in every topic.

In the case where it is not the whole invalid ballot under paragraph one, the adjudication shall be made for each topic. The characteristics of the invalid topic shall be in accordance with the regulation prescribed by the Election Commission.

Section 47 Upon the completion of votes counting at the polling station, the Polling Unit Committee shall report the result of the votes counting, the total number of ballot papers, the used ballot papers, and the left unused ballot papers from casting votes of such polling unit. It shall be done openly and the result of the votes counting shall be reported to the Constituency Voting Committee promptly.

In order to benefit the follow-up of the rapid result of the voting by the public, the Election Commission may undertake the informal report of the result of the voting. However, such informal result shall be ceased presentation to the public after it reaches ninety five percent of the result of all polling units.

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

Section 48 In the case where the result of the votes counting occurs that the number of voters' turnout does not correspond to the number of the ballot papers cast, the Constituency Voting Committee shall undertake examination. If the result of votes counting is still not corresponding each other, it shall be reported to the Constituency Voting Committee with reasons and the ballot box with equipment for voting shall be also submitted to the Constituency Voting Committee or persons assigned by the Constituency Voting Committee.

When the Constituency Voting Committee receives such report under paragraph one, thereafter the report shall be submitted to the Election Commission for considering ordering the new votes counting or ordering the new voting in such polling unit. However, if the Election Commission is of an opinion that the number of voters' turnout of such polling unit does not alter the result of the voting, the Election Commission may not order the new votes counting or may not order the new voting in such polling unit.

Article 8
Challenge of Voting

Section 49 Upon the completion of the voting time under section 34, if eligible voters of not less than fifty persons in any polling unit who are of an opinion that the voting in such polling unit has not been proceeded in an honest and fair manner has the right to submit the petition of challenge stating the details of evidence to the Election Commission within twenty-four hours as from the closing of the polls.

Section 50 Upon the receipt of the petition of challenge, the Election Commission shall immediately conduct an inquiry and fact-finding investigation. If it is found that the voting in such polling unit was not proceeded in an honest and fair manner, the order shall be made for the new voting in such polling unit for not later than thirty days as from the voting day. However, if the new voting in such polling unit does not alter the result of the voting, the Election Commission shall order the revocation of such petition of challenge.

The conduction of inquiry of the petition of challenge under paragraph one, the Election Commission has authority to order the governmental agencies, state agencies, or local government agencies, and officials of such agencies, other state officials, investigation officers, public prosecutors, or any person to have a letter of clarifying fact, or to give words, or to submit documents, evidence, or other evidence of witnesses related to the inquiry. For such performance of duties, the Election Commission may assign other persons to undertake instead.

The rules and procedures for considering the petition of challenge, the inquiry, and the fact-finding investigation under paragraph one shall be in accordance with the regulation prescribed by the Election Commission.

Article 9
Announcement of the Result of the Voting

Section 51 The Constituency Voting Committee shall sum up the votes from every polling unit in the constituency and the polling station outside the province in order to report the sum of votes to the Election Commission promptly.

Section 52 Upon the time opened for challenge under section 49 is finished and the Election Commission receives the reports of the result of the votes counting from every polling unit throughout the country and there is no petition of challenge, the Election Commission shall announce the result of the voting and the number of voters' turnout, thereafter report to the Prime Minister promptly.

Section 53 In the case where the casting of votes or the votes counting in any polling unit cannot be proceeded due to the causes under section 41 or section 44; or it occurs that the number of the voters' turnout does not correspond to the number of ballot papers cast under section 48; or there is a challenge to the voting under section 49 and the Election Commission is of an opinion that such cases do not alter the result of the voting, the Election Commission shall announce the result of the voting and the number of the voters' turnout, thereafter report to the Prime Minister promptly.

Section 54 In the case where the voting or the votes counting in any polling unit cannot be proceeded due to the causes under section 41 or section 44; or it occurs that the number of the voters' turnout does not correspond to the number of ballot papers cast under section 48; or there is a challenge to the voting under section 49 and the Election Commission designates the new voting day under section 41 or have the order to operate the new voting under section 44, section 48, or section 50, any person is prohibited to disseminate the result of the voting of the Election Commission before the time of the announcement of the result of the voting under section 52 is made.

Any person who violates the provisions of paragraph one shall be regarded that such person commit any act of obstructing the operation of the Election Commission under section 57.

Unofficial Translation

Chapter 3

Control of the Voting and Penalties

Section 55 The Election Commission, the Secretary-General of the Election Commission, the Provincial Election Director, the Provincial Election Commission, the Sub-committee, the Constituency Voting Director, the Constituency Voting Committee, the Polling Unit Director, the Polling Unit Committee, security officers, or persons appointed to assist the voting operations are prohibited to intentionally circumvent performing their duties, to corrupt their duties, or to commit any other acts for obstructing any performance according to the laws, regulations, notifications, or orders of the Election Commission.

In the case where the persons under paragraph one perform their duties according to the laws, regulations, notifications, or orders of the Election Commission and have performed honestly shall be immune from being liable to the civil, criminal, or administrative penalties.

Any person who infringes the provisions of paragraph one shall be liable to imprisonment one year to ten years and to a fine of twenty thousand baht to two hundred thousand baht and the court shall order the revocation of voting right for a period of ten years.

Section 56 A state official shall not use an official title or perform duties entrusted under this Act unlawfully to commit any act which causes the voting to be proceeded in a dishonest or unfair manner.

The unlawful use of the official title or performance of duties under paragraph one shall not include the performance of regular duties incidental to such official title or as assigned to such state official, or the rendering of advice or assistance in connection with the voting which is unrelated to the performance of duties, even if the action may confer a benefit or detriment to any party.

In the case where there is evidence conveyed to believe that a infringement of paragraph one has been committed, the Election Commission shall have the authority to order such state official to cease or suspend any act deemed as potentially causing the voting to be proceeded in a dishonest or unfair manner.

Any person who infringes the provisions in paragraph one or paragraph three shall be liable to imprisonment one year to ten years and to a fine of twenty thousand baht to two hundred thousand baht, and the court shall order the revocation of voting right for a period of ten years.

Section 57 Any person who obstructs the performance of duties of the Election Commission, Election Commissioner, Provincial Election Commission, Provincial Election Commissioner, Provincial Election Director, Constituency Voting Committee, Constituency Voting Committee member, Constituency Voting Director, Polling Unit Committee, Polling Unit Committee member, Sub-committee, Sub-committee member appointed by the Election Commission or Constituency Voting Director or Constituency Voting Committee in the implementation of this Act shall be liable to imprisonment not exceeding one year or to a fine of not exceeding twenty thousand baht, or both.

If the obstruction of performance of duties under paragraph one was committed by the use of force or threat of force, a person committing such obstruction shall be liable to imprisonment not exceeding two years or a fine of exceeding forty thousand baht, or both.

Section 58 Any commanding authority or employer who obstructs or impedes or fails to provide reasonable facilitation for the exercise of vote of a person under command or employment, as the case may be, shall be liable to imprisonment not exceeding two years or to a fine of not exceeding forty thousand baht, or both.

Section 59 Any person who destroys a ballot paper prepared for voting without authority, or intentionally commits any act to cause a defect or damage to ballot papers, or commits any act to cause an invalid ballot to become valid, shall be liable to imprisonment not exceeding one year and to a fine not exceeding twenty thousand baht.

If the person committing any act under paragraph one is an officer or a person having duties relating to the voting, such person shall be liable imprisonment one year to ten years and to a fine of twenty thousand baht to two hundred thousand baht.

Section 60 Any person who commits the following acts during the opening of the polls:

(1) vote or attempt to vote by realizing himself/herself that neither have the right to vote nor have the right to cast a vote in such polling unit;

(2) use a ballot paper which is not a ballot paper for voting;

(3) bring a ballot paper outside the polling station;

(4) bring the already cast ballot paper to be shown to other persons to know that the ballot paper voted in a certain way or abstained from voting without the lawful authority

(5) affix an obvious mark by any means on a ballot paper in order to enable other persons to know that the ballot paper belonged to oneself or use a tool or equipment to record a picture of the ballot paper which one has already cast a vote;

(6) violate the order of the member of Polling Unit Committee to leave the polling station due to an obstruction of voting by such person pursuant to section 18 paragraph three;

(7) insert a ballot paper into a ballot box without lawful authority or commit any act in the voters' list to indicate a false voters' turnout, or commit any act which causes a false increase in the number of ballot papers;

(8) commit any unlawful act to prevent an eligible voter from exercising the voting right or to obstruct or impede an eligible voter from travelling to the polling station or from entering the polling station or from arriving at such place within the voting period;

(9) cause disorder in the polling station or commit any act which causes a disturbance or difficulty for voting.

A person who commits any act under (1), (2), (3), (4), (5) or (6) shall be liable to imprisonment not exceeding five years or to a fine of twenty thousand baht to one hundred thousand baht, or both, and a person who commits any act under (7), (8) or (9) shall be liable to imprisonment not exceeding ten years and to a fine of not exceeding two hundred thousand baht.

Section 61 Any person who commits the following acts:

(1) instigate trouble in order to cause disorder in the voting;
(2) give, offer or promise to give or make preparations for giving properties or other benefits being calculated as monetary value to any person in order to induce an eligible voter to refrain from voting, or vote in a certain way or abstain from voting;

(3) deceive, force, threaten or use influence in order to prevent an eligible voter from voting, cause an eligible voter to vote in a certain way or abstain from voting, or to cause misunderstanding of the date, time, polling station or voting procedures;

(4) open, destroy, cause damage, convert, cause the loss of, invalidity, remove or obstruct the transport of a ballot box or ballot paper, except where such actions are taken pursuant to the lawful authority;

(5) gamble or arrange for any gambling which induces an eligible voter to refrain from voting, vote in a certain way or abstain from voting;

(6) call, receive or accept money, properties or other benefits for oneself or other persons in order to refrain from voting or vote in a certain way or abstain from voting;

(7) sell, distribute, give or host of all kinds of alcoholic beverage in a constituency between 18.00 hours of the day before the voting day until the end of the voting day.

Any person who disseminates texts, pictures, sound in newspaper, radio, television, electronic media or any other channels that are distorted from the fact or having violent, aggressive, rude, inciting, or threatening characteristics aiming to induce eligible voters refrain from voting or vote in a certain way or abstain from voting. Such person shall be regarded as a person who instigates trouble in order to cause disorder in the voting.

Any person who commits any act under (1), (2), (3), (4), (5), or (6) shall be liable to imprisonment not exceeding ten years and to a fine of not exceeding two hundred thousand baht. The court may also order the revocation of voting right for a period not exceeding five years.

In the case where any wrongdoing under (1), (2), (3), (4), (5), or (6) is committed by a group of more than five persons shall be liable to imprisonment one year to ten years and to a fine of twenty thousand baht to two hundred thousand baht. The court may also order the revocation of voting rights for a period of ten years.

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