

UNOFFICIAL TRANSLATION

REGULATION OF THE ELECTION COMMISSION (EC)

ON

**ELECTION OF THE MEMBERS OF HOUSE OF REPRESENTATIVES
B.E 2550 (2007)**

By virtue of Section 236 (1) of the Constitution of Thailand in conjunction with Section 5, Section 10 (2), Section 13, Section 14, Section 19 and Section 20 of the Act accompanying the Constitution Re: Election Commission, B.E 2550 (2007) and Section 6, Section 8, Section 9, Section 10, Section 13, Section 14, Section 16, Section 17, Section 18, Section 19, Section 21, Section 24, Section 25, Section 27, Section 31, Section 32, Section 35, Section 36, Section 37, Section 38, Section 42, Section 61, Section 63, Section 64, Section 68, Section 78, Section 79, Section 81, Section 82, Section 84, Section 85, Section 89, Section 90, Section 95, Section 96, Section 97, Section 98, Section 102 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007), by the approval of the Election Commission (EC) at its Meeting No. 86/2550 dated 19 October 2007, the Election Commission hereby issues the Regulation of the Election Commission Re: Election of Members of House of Representatives, B.E 2550 (2007) as follows.

Clause 1. This Regulation shall be called the “Regulation of the Election Commission (EC) on the Election of Members of House of Representatives, B.E 2550 (2007).”

Clause 2. This Regulation shall come into effect starting from the day following the date of its announcement in the Government Gazette.

Clause 3. All rules, regulations, orders, resolutions adopted by the EC that are issued by the Organic Act on the Election Commission, B.E 2541 (1998) and the Organic Act on the Election of Members of House of Representatives and Senators, B.E 2541 (1998) and the amended shall be repealed.

Clause 4. In this Regulation,

“constituency” shall mean an area designated as a constituency for the election of members of House of Representatives, either on the basis of the constituency system or the proportional representation system, as the case may be;

“polling unit” shall mean a local area designated for voting;

“polling station” shall mean a place designated as a voting place and this shall include designated areas around the polling unit;

“voters” shall mean those having rights to vote for members of the House of Representatives;

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“candidate” shall mean a candidate running in an election for members of House of Representatives;

“election day” means a day designated as an election date according to the Royal Decree on Election of Members of House of Representatives;

“central registration director” means the central registration director according to the laws governing household registration;

“district registrar” means a district registrar according to the laws governing household registration;

“local registrar” means a local registrar according to the laws on household registration;

“provincial governor” shall include City Clerk of Bangkok Metropolitan Administration (BMA);

“district chief” shall include district director and district clerk who is chief of the *king amphoe*;

“province” shall include Bangkok;

“groups of provinces” shall mean groups of provinces that the EC has announced and designated for the proportional representation system in the election of members of House of Representatives;

“district” shall include *king amphoe* and *khet*;

“tambon” shall include *kwaeng*;

“provincial hall” shall include BMA’s City Hall;

“district office” shall include district offices and offices of the *king amphoe*;

“municipality” shall include Pattaya City;

“municipality hall” shall include Pattaya City Hall

Chapter 1 Constituencies, Polling Units and Polling Stations

Section 1 Constituencies

Constituencies for the Election of Members of House of Representatives under the Constituency System

Clause 5. The EC shall announce to the public in advance the number of members of House of Representatives and the number of constituencies in each province for the constituency voting system as determined by the Constitution.

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Clause 6. As soon as the EC announces the number of members of House of Representatives and the number of constituencies in each province for the constituency voting system, the Provincial Election Commission (Provincial EC) shall propose a format where the constituency will be divided on a provincial basis based on the number of members of House of Representatives each province may have under the constituency voting system, using the following criteria:

- (1) For any province having no more than three members of the House of Representatives under the constituency voting system, the provincial area shall be considered a constituency.
- (2) For any province having more than three members of House of Representatives under the constituency system, the Provincial EC may consider dividing provincial constituencies as provided in the Constitution and the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007).

The Provincial EC shall submit at least three formats where the constituencies will be divided under paragraph one. There shall be a map, details of areas designated as a constituency in each constituency and number of people in that constituency.

Clause 7. As soon as the EC completes its task in Clause 6, on the following day, it shall post the result of its consideration with regard to all formats of the divided constituencies in the province together with relevant maps as stated in Clause 6 to the public in that province at the Provincial EC's Office, provincial hall, district office, municipality hall, as well as release it through various media in the province to allow the public to express their opinions and recommendations with regard to the division of the constituencies to the Provincial EC.

The Provincial EC may organize a meeting to listen to opinions and recommendations of people in the provinces.

Clause 8. The Provincial EC shall take into consideration public opinions and recommendations stated in Clause 7 when reviewing the dividing up of provincial constituencies one more time before submitting at least three formats of such divided provincial constituencies to the EC on the following day. Each format shall include:

- (1) Details of district or *tambon* or area in each constituency;
- (2) Number of people in each constituency and the difference between an average number of people to one member of House of Representatives in each constituency and an average number of people to one member of House of Representatives in that province;
- (3) Supporting reasons for such constituency division;
- (4) Map showing details constituting a constituency.

Clause 9. As soon as the constituency is divided, the EC shall announce the division of such constituency in the Government Gazette. Any amendment of the constituency is permitted only when the number of members of the House of Representatives under the constituency voting system in the province is changed.

As soon as the Royal Decree designating an election of members of the House of Representatives in a general election is enacted, the EC shall announce the number of members of House of Representatives under the constituency voting system that each province may have as well as the number of constituencies under the constituency voting system in each province. This shall include details of districts or areas in the constituencies according to Form Sor Sor 1, where constituencies announced in the Announcement stipulated in paragraph one shall apply, unless it is necessary to amend the constituencies according to paragraph one.

To elect a member of House of Representatives to replace any vacancy during the term of the House of Representatives, the constituencies under the general election of members of House of Representatives shall be used where any amendment of the constituencies during the term of the House of Representatives under paragraph one shall not apply.

2. Constituencies for the Election of Members of House of Representatives under the Proportional Representation System

Clause 10. The EC shall divide constituencies under the proportional representation system for the public in advance based on the rules provided in the Constitution and the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007).

As soon as the constituencies are divided on the basis of the proportional representation system, the EC shall announce the constituencies based on the proportional representation system in the Government Gazette.

Clause 11. As soon as the Royal Decree designating the election of members of House of Representatives as a general election is enacted, the EC shall announce the constituencies based on the proportional representation system at that election, using Form Sor Sor 1/Sor, where the constituencies as announced in Clause 10 shall apply.

Section 2 Polling Units

Clause 12. As soon as the Royal Decree announcing the election of members of the House of Representatives in any constituency is enacted, the district registrar and the local registrar shall issue a draft announcement which will determine polling units to the EC at such constituency or to anyone entrusted thereby for polling unit announcement at that constituency at least 20 days prior to the election day according to Section 12 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007), where eight sets of Form Sor Sor 2 shall be used. If necessary, a tentative map showing constituency areas shall also be included.

The announcement in paragraph one shall be posted as follows:

Set 1 shall be given to the provincial governor and posted at a provincial hall.

Set 2 shall be given to the district chief and posted at a district office, limited however to polling units in that district only.

Set 3 shall be given to the chief of the local administration body and posted at a municipality office or at the Tambon Administration Organization's (TAO) office, limited however to polling units in the local administration body only.

Set 4 shall be given to the village chief or district chief of Bangkok Metropolitan Administration (BMA) or the municipal clerk or Pattaya City clerk and posted at the village chief's office or any congested community deemed appropriate, limited however to polling units in that community only.

Set 5 shall be given to the BMA's district chief or municipality clerk or Pattaya City clerk or the TAO's clerk and posted at a polling station or a nearby area closed to each polling unit.

Set 6 shall be sent to the EC at the constituency as an extra copy for posting at the polling station to replace the original if it becomes defected or lost.

Set 7 shall be given to the Provincial EC.

Set 8 shall be given to the provincial registration office or the local registration office to be kept as evidence.

Clause 13. To determine the number of polling units to be set up in each constituency as described in Clause 12, the authorities shall take into consideration public convenience in traveling thereto based on the following regulations:

- (1) A village area shall be considered a polling unit area unless there are very few voters, where in such a case, two or more adjacent villages may be merged together into the same polling unit. For communities in municipality areas, Bangkok Metropolis or in congested communities, a road, a soi, a canal or a river may be used to determine the polling unit area; and
- (2) Each polling unit shall consist of approximately 800 voters. However, if it is deemed inconvenient or unsafe for voters to exercise their votes, the number of voters may be higher than 800, or an additional polling unit may be set up so that the number of voters can be less.

Clause 14. If there is a need to change the area of a polling unit, one could do so by making an announcement using Form Sor Sor 3 no fewer than 10 days prior to the voting date, where a tentative map showing the polling station area shall also included, unless in case of riot, flood, fire, *force majeure* or other necessary reasons where an announcement to change the polling station area may be made in fewer than ten days. Following the announcement, a notice and a tentative map shall be posted at the same place where the announcement to determine polling units described in Clause 12 is posted. The notice and the map shall be sent to the Provincial EC without delay.

Clause 15. To assign a number to a polling unit of each constituency, the number shall be separately designated either by a municipality or by the tambon. The number shall start from 1 and go all the way through until all polling units of each municipality or the tambon, as the case may be, is duly assigned.

If any municipality divides its area into a *kwaeng* [district], the polling units shall be numbered on a *kwaeng* basis.

Section 3 Polling Stations

1. Polling Station of the Polling Unit

Clause 16. The district registrar and the local registrar shall draft a notice determining polling stations of a polling unit so that the EC at the constituency or anyone entrusted thereby may announce so using Form Sor Sor 2 no fewer than 20 days prior to the election day. The polling station must be a place easily accessible by the public and large enough for them to vote comfortably. It must be located in a central area of that polling unit so that voters can go voting and checking the list of voters easily.

Any change of the polling station shall be made no fewer than 10 days prior to the election date unless in case of riot, flood, fire, *force majeure* or other necessary reasons, where such announcement may be made in fewer than ten days prior to the election date. Clause 12 regarding the posting of the announcement shall apply *mutatis mutandis* with the determination of polling stations and its change. In case the polling station has to be changed due to riot, flood, fire, *force majeure* or other necessary reasons, the EC at the constituency shall make an announcement using Form Sor Sor 4.

Clause 17. There shall be at least three voting booths at a polling station.

Clause 18. Prior to election day, the EC at the constituency or anyone entrusted thereby shall provide election supplies and arrange space inside a polling station based on a layout attached hereto, or it may re-adjust the layout based on the polling station's condition.

Clause 19. On election day, the polling unit committee must arrange signage or a logo to indicate areas around the polling station.

Clause 20. The polling unit committee may provide signage to indicate a polling unit which shall contain the following statements to the least:

“Polling Station of Polling Unit No... Tambon/Kwaeng...Municipality....., Amphoe... of Constituency No....Province.....at [Name of the Place]....

Clause 21. The polling unit committee may arrange sign to direct the public to the polling station.

Clause 22. During the voting, a national flag shall be flown in front of a polling station as is normally done at a government agency. When the election finishes, the flag shall be taken down.

2. The Central Polling Station

Clause 23. No fewer than 20 days prior to the election date, the EC at the constituency or anyone entrusted thereby shall announce at least one central polling station within a constituency using Form Sor Sor 4 for voters with voting rights according to Section 95 of the Organic Act on the Election of Members of House of Representatives and Installation of Senators, B.E 2550 (2007). Chapter 1, Section 3, Polling Stations, 1. Polling Station of the Polling Unit shall apply *mutatis mutandis*.

Clause 24. The Provincial EC shall announce in advance at least one central polling station within a constituency using Form Sor Sor 5/Kor for voters according to Section 96 and Section 97 of the Organic Act on the Election of Members of House of Representatives and Installation of Senators, B.E 2550 (2007) in a general election that is not a new election or a by-election to elect someone to fill a vacancy where the provisions in Chapter 1, Constituencies, Polling Units and Polling Stations, Section 3, Polling Stations, 1. Polling Station of the Polling Unit shall apply *mutatis mutandis*.

If necessary, the Provincial EC may announce a change of the central out-of-province polling station but such announcement must be done in no fewer than 15 days prior to election day.

Chapter 2 Election Officers

Clause 25. The Provincial EC shall have a duty to supervise the performance of the EC at a constituency in an election of members of House of Representatives both in the constituency voting system and the proportional representation system in its areas if responsibility so that the election is fairly and honestly carried out. The Provincial EC shall be entrusted by the EC to supervise and administer the election of members of the House of Parliament according to Section 14, Section 19 (6) in conjunction with Section 10 (1) of the Organic Act on the Election Commission, B.E 2550 (2007).

Section 1 Election Director at the Constituency and Election Commission at the Constituency

Clause 26. The appointment, performance and retirement of the Election Director at the constituency and the Election Commission at the constituency (EC at the constituency) shall be in accordance with the EC's Regulation Re: Election Director at the Constituency and Election Commission at the Constituency, B.E 2550 (2007).

Section 2 Polling Unit Director

Clause 27. The provincial election director shall notify relevant agencies to nominate government officers, except political officers, for the following purposes:

- (1) So that the EC at the constituency or anyone entrusted thereby may appoint him/her as a polling unit director according to Form Sor Sor 6 each for a polling unit and each for a central polling station at the constituency according to Form Sor Sor 9.
- (2) So that the Provincial EC may appoint him/her as a central out-of-province polling station director according to Form Sor Sor 9/Kor at each central out-of-province polling station.

Clause 28. The polling unit director and the central polling station director at the constituency or the central out-of-province polling station director shall have the following power and duties:

- (1) To facilitate and give advice relating to document verification and the performance of the polling unit committee, or the central polling station committee at the constituency or the central out-of-province polling station committee, as the case may be, to ensure that the election is properly held.
- (2) To comply with orders or anything assigned by the EC, the Provincial EC, the EC at the constituency, the provincial election director, the election director at the constituency or anyone designated thereby.
- (3) To appoint anyone to assist him in his work

The polling unit director, the central polling station director at the constituency or the central out-of-province polling station director shall retire together with members of the polling unit committee or members of the central polling station committee at the constituency or members of the central out-of-province polling unit committee.

Clause 29. No fewer than five days prior to election day or on election day, if the polling unit director, the central polling station director at the constituency or the central out-of-province central polling station director cannot perform his job, or if such performance may cause damage, the EC at the constituency or anyone designated thereby or the Provincial EC, as the case may be, may order the person removed and appoint someone else to replace him immediately.

Section 3 Polling Unit Committee

Clause 30. The EC at the constituency or anyone designated thereby may appoint a polling unit committee according to Section 16 (2) and Section 17 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007) using Form Sor Sor 6. The appointment shall be posted at the Office of the Election Commission at the constituency as well as at a polling station on the election date where the appointed shall be notified without delay according to Form Sor Sor 8.

The polling unit committee will be considered finished with its job after duly delivering ballot boxes and election supplies to the EC at the constituency or anyone designated thereby.

Clause 31. Prior to election day, if a member of the polling unit committee already appointed by the EC at the constituency is disqualified, or cannot perform his job, the EC at the constituency or anyone designated thereby may appoint a voter as member of the polling unit committee as a replacement until the committee consists of nine members.

Clause 32. On election day, should there be fewer than nine members working at the polling unit at the start of the election, the polling unit committee at that time shall appoint a voter at the constituency as a member of the polling unit committee until it consists of nine persons. But if there is no-one, the EC at the constituency may appoint someone else as member of the polling unit committee to perform the job there.

If no one else can be appointed as member of the polling unit committee as stated in paragraph one, the EC at the constituency or anyone designated thereby may announce the voting at that polling unit suspended, using Form Sor Sor 37, where the incident shall be reported to the EC to

see if new voting will be held according to Section 78 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007).

Clause 33. The meeting of the polling unit committee shall consist of no fewer than half of the members of the polling unit at the time but there shall be at least five persons to form a quorum. Chairman of the polling unit committee shall act as chairman of the meeting. If the chairman fails to perform his duty or is present but cannot perform his job, the remaining members of the polling unit committee shall choose one among themselves as chairman of the meeting.

The resolution of the polling unit committee shall be based on majority votes where one member shall have one vote. In case of tie, the chairman of the meeting shall cast the deciding vote.

Section 4 Security Officer

Clause 34. Commissioner-General of the Royal Thai Police or anyone entrusted thereby shall provide at least one security officer to be stationed at each polling station of the polling unit, the central polling station at the constituency and the central out-of-province polling station.

If necessary due to security, the EC at the constituency or those designated thereby may appoint state officer as security officer at a polling station of the polling unit as deemed appropriate.

Clause 35. Commissioner-General of the Royal Thai Police or anyone entrusted thereby shall submit a list of names of security officers in Clause 34 to the EC at the constituency or anyone designated thereby for appointment using Form Sor Sor 6.

Clause 36. Security officer under Clause 35 shall have the following power and duties:

- (1) To maintain security and public order at the polling station or at the central polling station in the constituency or at the central out-of-province polling station;
- (2) To support the work of the polling unit director or the central polling station director at the constituency or the central out-of-province polling station director and the polling unit committee or the central polling station committee at the constituency or the central out-of-province polling station committee

Security officer shall be removed from his office after the polling unit committee has duly delivered ballot boxes and election supplies under Clause 157 to the EC at the constituency or anyone designated thereby.

Section 5 Election Officer at the Central Polling Station

Clause 37. The EC at the constituency or anyone designated thereby shall appoint election officers to handle the election at the central polling station within the constituency using Form Sor Sor 9. They include the central polling station director at the constituency, the central polling station committee at the constituency and security officers. The provisions in Chapter 2: Election Officers, Section 2: Polling Unit Director; Section 3: Polling Unit Committee and Section 4: Security Officer shall apply *mutatis mutandis*.

The EC at the constituency or anyone entrusted thereby may appoint officers to help the central polling station committee at the constituency.

Clause 38. The Provincial EC may appoint election officers to handle the election at the central out-of-province polling station using each set of Form Sor Sor 9/Kor. They consist of the central out-of-province polling station director, the central out-of-province polling station committee and security officer. The provisions in Chapter 2: Election Officers, Section 2: Polling Unit Director; Section 3: Polling Unit Committee and Section 4: Security Officer shall apply *mutatis mutandis*.

Section 6 Training of Election Officers

Clause 39. Prior to election day, the following election officers will be trained so that they understand their roles and duties according to the laws, notifications, rules and regulations as well as orders of the EC:

- (1) The election director at the constituency and the EC at the constituency or anyone designated thereby will train election officers at a polling unit and election officers at the central polling station within the constituency.
- (2) The provincial election director, the Provincial EC will train election officers to handle the election at the central out-of-province polling station.

With regard to paragraph one, if the EC deems appropriate, it may appoint a person or a group of persons to assist the training of election officers as appropriate.

Section 7 Political party representative and election observation

Clause 40. Any political party sending a candidate to run in a constituency who may wish to have a representative at a polling station, the central polling station at the constituency or the central out-of-province polling station to observe the voting and vote-counting procedures, a letter of appointment of its representative shall be submitted to the EC at the constituency or the Provincial EC, as the case may be, no fewer than 15 days prior to the election date. One representative shall be appointed at each polling station using Form Sor Sor 7.

Clause 41. A political party representative must stay within an area designated for him at the polling station, the central polling station at the constituency or the central out-of-province polling station where he can see the work of the election officers. He is however prohibited from discussions with the polling unit director, members of the polling unit committee, the central polling station director at the constituency, and members of the central out-of-province polling station or discussions among party representatives that may obstruct the election.

The political party representative may protest if he views any member of the polling unit committee failing to act according to relevant laws and regulations. In this case, members of the polling unit committee may record such protest in the report of voting incident at the polling unit (Sor Sor 25).

If a political party representative acts in a way that obstructs the election and if he is warned by members of the polling unit committee, members of the central polling station committee at the

constituency and members of the central out-of-province polling station committee but he remains adamant, members of the polling unit committee, members of the central polling station committee at the constituency and members of the central out-of-province polling station committee will be authorized to order the political party member to leave the polling station and a security officer at the polling unit shall remove him as ordered.

Chapter 3 Voters and List of Voters

Section 1 Voters

Clause 42. Voters must possess qualifications and must not have any prohibited characteristics according to the Constitution.

Clause 43. Voters shall have a duty to exercise their votes. Those who have exercised their votes or have not done so without notifying an appropriate reason why he could not exercise his vote will be entitled to or lose his rights as provided by the law.

Section 2 Notifying reason why one cannot exercise his vote

1. Appointing person who will be notified

Clause 44. As soon as the Royal Decree to elect members of House of Representatives is enacted, the Provincial EC may represent the EC to issue an order appointing the district registrar and the local registrar according to the laws governing household registration as a person who shall be notified at a district or a municipality office according to Form Sor Sor 27 of reasons why voters could not exercise their rights. The appointment will be sent to the provincial governor, district chief, municipality clerk, the Tambon Administration Organization's clerk and village chief, as the case may be, for posting at provincial hall, district office, municipality hall, the TAO's office, village chief's office and a congested community area as deemed appropriate.

2. Notifying reason why one cannot exercise his vote

Clause 45. Any voter with voting rights who fails to exercise his right to elect members of the House of Representatives shall inform why he cannot do so using Form Sor Sor 28 or he shall make it in writing, which must include at least his ID Card number and his address as stated in the household registry. He shall also say why he could not exercise his election rights. This shall be submitted to the district chief or the local registrar in an area where his name is listed for no fewer than 90 days up to election day either in person or by a letter authorizing someone else to do so on his behalf or he may send it via registered mail. The reason however must be notified within seven days before election day or within seven days from the election date.

If a voter needs to provide a notification of the reason why he could not exercise his election rights prior to the period stated in paragraph one, he may do so using the rules and procedures described in paragraph one and send it to the provincial election director in his area instead. When the period under paragraph one becomes due, the provincial election director may collect all evidences and documents and send them to the district registrar and the local registrar of an area where the person's name is listed in the household registry for no fewer than 90 days up to the election date for further action.

If a voter does provide notification of the reason prior to the period described in paragraph one by submitting it to the district registrar or the local registrar within the area, such registrar may accept the notice for consideration when the period under paragraph one becomes due.

Clause 46. If there is a need to provide a notification of the reason as stated in Clause 47 regarding reasons why voters cannot exercise their votes as described in Clause 45, aside from those entrusted by voter to notify on his behalf, the following may also do the job on his behalf:

- (1) Supervisor being a division commander or equivalent, who shall have a duty to provide the notification on behalf of commissioned military officers, police officers, members of the Volunteers Defense Corps or government officials being ordered to work on security matters or to maintain the public order outside their normal domicile;
- (2) Chief of hospital facilities who has a duty to provide the notification so on behalf of patients admitted therein;
- (3) Chief of welfare facilities who has a duty to provide notification on behalf of the disabled or senior citizens under his supervision that reside therein;
- (4) Chief of state detention facility with a duty to hold detainees or to supervise those residing therein shall have a duty to provide notification on behalf of the detainees or supervisees.

The notifying person shall cite reasons under paragraph one to the district registrar and the local registrar where the premise is located.

3. Reviewing reasons why voters could not exercise their right to vote

Clause 47. The district registrar and the local registrar will consider reasons why voters cannot exercise their rights based on the following guidelines:

- (1) Voter has emergency business to tend to that requires him to travel to remote area.
- (2) Voter becomes ill and cannot travel to vote.
- (3) Voter is disabled or old and therefore cannot go to vote.
- (4) Voter is to travel overseas and has not applied to vote overseas.
- (5) Voter's domicile is more than 100 kilometers away from the polling station.
- (6) Other *force majeure* or other reasons determined by the EC

Clause 48. As soon as the district registrar and the local registrar are notified of the reasons described in Clause 45 and Clause 46 and deem that the reason is not appropriate enough to prevent voters from exercising their votes according to Clause 47, voters or notifying persons described in Clause 45 will be informed within three days from date of notification or from the date the registrar has been notified by the Provincial EC, as the case may be, using Form Sor Sor 28.

Clause 49. Voters informed under Clause 48 will have a right to appeal to the Provincial EC within 30 days from the election date to reconsider the decision. The Provincial EC shall finish reviewing the petition within 3 days from the day the petition is received.

If the Provincial EC considers and deems that the reason is sound, it shall notify the responsible district registrar and the local registrar within three days so that they may act according to Clause 50. However, if the reason is found inappropriate, the petitioner shall be informed within three days from the date of notification.

4. Announcing a list of those failing to exercise their right to vote and providing notification with an appropriate reason or those whose reason for not voting was provided by notification but found to be inappropriate

Clause 50. After the notification period as stated in Clause 45 expires and the district registrar and the local registrar have reviewed reasons preventing voters from exercising their right to votes according to Clause 47, the registrar shall issue a list of persons who have provided notification to the central registrar director or anyone designated thereby.

Clause 51. Within three days from the election date, the EC at the constituency or anyone designated thereby shall give a list of voters (Sor Sor 10), which is the one the polling unit committee will use for checking and making voting remarks of each polling unit according to Clause 157; while the Provincial EC or anyone entrusted thereby shall submit a list of voters with a right to vote out of the province (Sor Sor 10/Kor), which is the one the central out-of-province polling station committee will use for checking and making voting remarks under Clause 183 to the central registration director or anyone entrusted thereby.

Clause 52. As soon as the central registration director or anyone entrusted thereby receives documents under Clause 50 and Clause 51, he shall produce a list of voters who fail to exercise their rights and who also failed to provide notification why they cannot exercise their rights or who have already provided notification, but the reason was found to be inappropriate on a tambon-by-tambon or a municipality-by-municipality basis in each constituency using four sets of Form Sor Sor 29 within 60 days from the election date. He shall do the following:

- (1) Set 1 shall be given to the district chief and posted at a district office.
- (2) Set 2 shall be given to the municipality clerk or the TAO's clerk and posted at a municipality office or the TAO's office for only those having voting rights at that municipality or tambon.
- (3) Set 3 shall be given to the village chief or BMA district chief or municipality clerk to be posted at a village chief's office for voters in the village area or congested communities for voters in that community only.
- (4) Set 4 for the Provincial EC to be kept as evidence.

As soon as the central registration director or anyone entrusted thereby prepare a list (Sor Sor 29) under paragraph one, he shall return a list of voters (Sor Sor 10) that the polling unit committee uses for checking and making voting remarks under Clause 51 to the Provincial EC to be kept as evidence.

Clause 53. If it appears that a list of voters who fail to exercise their rights and who have provided notification for not exercising their right to vote or who have provided notification but the reason

was found to be inappropriate according to Clause 52 contains inaccurate information, the interested party may submit a petition together with supporting evidence to the Provincial EC.

As soon as the Provincial EC receives the petition, it shall check the list of voters (Sor Sor 10) that it receives from the central registration director or anyone entrusted thereby according to Clause 52, paragraph two and see from a ballot stub if the voter actually exercised his vote or not, or to verify evidence submitted by the petitioner whether or not the voter exercised his vote, or that the voter had not exercised his vote but he already provided notification with a reason deemed appropriate according to Clause 47. The Provincial EC shall complete the task within 15 days from the day it receives such petition.

If the Provincial EC finds out after checking that the voter did indeed vote, it shall cross out the name of the person from Set 4 of the list of voters who did not exercise their rights and did not notify why they failed to do so or that they did notify why but their reasons were found inappropriate according to Clause 52 (4) that is kept by the Provincial EC. The petitioner or the voter shall also be informed of the matter. In addition, the central registration director or anyone entrusted thereby shall also be notified to update information without delay. However, if, after the checking process, it is found that the voter did not exercise his right to vote, the petitioner shall be informed without delay.

Section 3 List of Voters

Clause 54. The district registrar and the local registrar shall send eight sets of a draft list of voters using Form Sor Sor 10 to the EC at the constituency or those designated thereby to review in order to announce such a list of voters (Sor Sor 10) no fewer than 20 days prior to the election day. The list of voters under paragraph one (Sor Sor 10) shall be made on the basis of the polling units and ranked according to household numbers in each polling unit. For polling units in municipalities, Bangkok Metropolis or congested areas, they may be categorized on the basis of the names of streets, soi, canals or rivers, where they shall be ranked in alphabetical order and according to household number.

Clause 55. The list of voters shall include the following information:

- (1) Name and family name;
- (2) ID Card number;
- (3) Gender;
- (4) Date of Birth;
- (5) Address as written in the household registry

The list of voters (Sor Sor 10) shall include the name and family name of typist and reviewer that can be checked.

Clause 56. Chairman of the EC at the constituency or member of the EC at the constituency entrusted by the EC at the constituency shall sign on its behalf in the list of voters (Sor Sor 10).

Clause 57. The Election Commission at the constituency shall do the following to each set of the list of voters:

- (1) Set 1 shall be given to a provincial governor for posting at a provincial hall.
- (2) Set 2 shall be given to the district chief for posting at a district office only, limited to polling units in the district.
- (3) Set 3 shall be given to the municipality clerk or the TAO's clerk and posted at a municipality office or the TAO's office, limited to polling units in that area.
- (4) Set 4 shall be given to the village chief or BMA district chief or municipality clerk to be posted at a village chief's office for polling units in the village or at congested communities, limited however to polling units in that community only.
- (5) Set 5 shall be given to the village chief or BMA district chief or municipality clerk to be posted at a polling station or a nearby area of each polling unit.
- (5) Set 6 shall be given to the district registrar and the local registrar for amendment purpose whether it is for adding or withdrawing names or for change of addresses and to be kept as evidence.
- (6) Set 7-8 shall be given to the district registrar and the local registrar for updating purposes so that it matches what is in Set 6 where one set will be given to the EC at the constituency or anyone entrusted thereby as soon as the period to add or remove names expires so that it can be given to the central polling station committee at the constituency and the polling unit committee for checking purposes and for giving voting remarks (Set 7) where the other set shall be kept as a reserved set on the election date (Set 8) for posting in front of the polling station in lieu of Set 5. This shall be recalled when the voting ends.

Clause 58. If any political party or any candidate wishes to get access to a list of voters announced by the EC at the constituency, such political party or candidate shall request to make a copy from the district registrar and the local registrar by paying a fee as determined by the central registration director.

Clause 59. The district chief or municipality clerk shall act on behalf of the EC at the constituency to distribute a name list of those with voting rights based on the list of voters to household owners at least 15 days before the election date according to Form Sor Sor 11.

Section 4 Adding and Removing Names

1. Adding names of those with voting rights to the list of voters

Clause 60. If any voter or any household owner deems that he or anyone listed in his household registration is however not listed in the list of voters (Sor Sor 10) of the polling unit where he or the person is supposed to be listed as a voter, he shall take a copy of household registration and ID Card or any other identification document to file a petition using Form Sor Sor 12 with the

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district registrar and the local registrar, who shall act on behalf of the EC at the constituency where the polling unit is located in its responsible area no fewer than 10 days prior to the election day.

As soon as the district registrar and the local registrar receive the petition and evidence, if they decide that the petitioner or the person whose name is listed in the household registration is indeed entitled to vote, the person's name shall be added onto the list of voters (Sor Sor 10), where it must be typed on the last page of the list of voters (Sor Sor 10) of that polling unit while a reason why the name is added shall be given in the remarks column, which shall also be duly signed and dated

If the district registrar and the local registrar consider that the petitioner or the person whose name is listed in the household registration is not entitled to vote, the petition shall be dismissed in writing where a reason shall be given and the petitioner shall be notified within three days from the day the petition is received.

Clause 61. If the petitioner, after being notified by the district registrar and the local registrar according to Clause 60, paragraph three, does not agree, he has a right to submit a petition to the provincial court in which he has a domicile or to the Civil Court for those having domicile in Bangkok no fewer than five days prior to the election date for the court to decide whether his name shall be added to the list of voters (Sor Sor 10) as petitioned or not, without having to pay any court costs for the court proceedings.

Clause 62. If the district registrar and the local registrar receive a court's order asking him to add anyone's name onto the list of voters, he shall do so by typing and adding it in the same way described in Clause 60, paragraph two.

2. Removing names of those without voting rights from the list of voters

Clause 63. If any voter finds that the list of voters (Sor Sor 10) of a polling unit contains any name of those without voting rights, the voter may petition to withdraw the names using Form Sor Sor 12 from such list of voters (Sor Sor 10) with the district registrar and the local registrar, who shall act on behalf of the EC at the constituency where the polling unit is located in his responsible area no fewer than 10 days prior to the election date.

After the district registrar and the local registrar review the petition and consider that it is evident that the person is not entitled to vote, an order shall be issued to remove the person's name from the list of voters, where the name shall be crossed out of the list and the reason shall be given in the remarks column. This action shall be signed and dated. The petitioner and the household owner shall be notified.

If the district registrar and the local registrar, after reviewing the list, deem that the person who is listed in the list of voters and is currently subject to have his name removed in fact is entitled to vote, the petition shall be dismissed. The reason shall be specified in writing. The petitioner and the household owner shall be notified within three days from the day the petition is received.

Clause 64. If the petitioner or the household owner, after being notified by the district registrar and the local registrar according to Clause 63, does not agree, he may file a petition to the provincial court in which he has a domicile, or to the Civil Court for those having domicile in Bangkok, at least five days before the election date to let the Court decide whether the person's

name shall be removed from the list of voters (Sor Sor 10) as petitioned or not, without having to pay any court costs for the court proceedings.

Clause 65. If the household owner learns that the list of voters contains names of other persons in his household registration but such persons do not actually have their names registered in his household registration, the household owner shall present a copy of his household registration to the district registrar and the local registrar no fewer than 15 days prior to election day or evidence to the polling unit committee on the election date.

As soon as the district registrar and the local registrar or the polling unit committee, as the case may be, decide that the person is indeed not listed in the household registration, he shall have the person removed from the list of voters.

To remove a person's name from the list of voters, one shall cross the name out and write down a reason of such removal in the remarks column, sign and date this action.

If the polling unit committee orders any person's name be removed from the list of voters of that polling unit, the name removal shall also be recorded in a report of voting incident at the polling unit (Sor Sor 25).

Clause 66. If the district registrar and the local registrar receive a court's order asking him to remove someone's name from the list of voters, he may do so by crossing the person's name out as described in Clause 65, paragraph three.

Section 5 Terminating voting rights

Clause 67. If the court issues a final verdict to remove someone's voting rights, the EC Secretary-general or anyone entrusted thereby shall make a copy of such court's order and report the matter to the EC without delay.

Clause 68. If the EC orders anyone's voting rights to be terminated, or if the EC is notified of a final court verdict of such termination, this shall be recorded in the registration of voting rights termination under Form Sor Sor 13.

As soon as the Royal Decree to hold an election of members of House of Representatives is enacted, the EC shall provide the EC at the constituency a list of those whose voting rights are terminated as stated in paragraph one.

Clause 69. As soon as the EC at the constituency is notified of such list by the EC as described in Clause 68, paragraph two, the EC at the constituency will issue an announcement Re: Termination of voting rights, using Form Sor Sor 14 before sending it to the district chief and municipality clerk for posting at the district office or municipal office without delay.

Clause 70. If it is the case where the EC at the constituency has announced the list of voters (Sor Sor 10) according to Clause 57, the EC at the constituency or anyone entrusted thereby shall check whether the names of those whose voting rights are terminated still remain on the list of voters (Sor Sor 10) or not. If yes, they shall be crossed out from all copies of the list of voters (Sor Sor 10) where a reason shall be written in the remarks column and duly signed and dated.

Chapter 4 Candidacy

Section 1

Announcement of the Registration Date for Candidacy and Place of Registration

Clause 71. After the EC announces the registration date for candidacy for the election for members of House of Representatives according to Section 7 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007) using Form Sor Sor 15, the election director at the constituency shall announce candidate registration and the place of such registration under the constituency voting system to the public using Form Sor Sor 16. The announcement shall be sent to the provincial governor, district chief, municipality clerk and TAO clerk for posting at provincial hall, district office, municipality hall and the TAO office.

Clause 72. The place for candidate registration for members of House of Representatives shall be large enough to comfortably handle the candidacy registration process and the place must be supervised to ensure safety.

Clause 73. Prior to the registration date for candidacy, the EC Secretary-General, the provincial election director, the election director at the constituency, as the case may be, shall arrange a registration place as well as necessary supplies and equipment to facilitate the registration process, where the area shall be arranged and marked with a sign to indicate the perimeter of the registration venue. A sign shall be put up around the area to ensure that the registration is carried out openly, in order. and to prevent those not relating to the candidacy registration as defined by the law from entering the premise to avoid creating confusion.

Section 2

Those entitled to register for candidacy

Clause 74. Those entitled to register for candidacy in an election for members of the House of Representatives under the constituency voting system or the proportional representation system shall possess qualifications and shall be without any prohibited characteristics as defined in the constitutional provisions.

Clause 75. Anyone wishing to run in an election for members of the House of Representatives shall be entitled to register for candidacy under the name of one political party only. He can only register to contest in either the constituency system or the proportional representative system only and will run in one constituency only.

Clause 76. If the election director at the constituency or the EC finds any violation of the registration for candidacy as stated in Clause 75, the election director at the constituency or the EC shall be prevented from announcing that person as a candidate for the election according to Clause 83 or Clause 92, as the case may be.

Anyone not listed as a candidate in the announcement by the election director at the constituency or the EC according to paragraph one is entitled to file a petition to the Supreme Court within seven days from the day the registration date for candidacy is announced, where the provisions under Clause 83 or Clause 93 shall apply *mutatis mutandis*.

If the election director at the constituency or the EC finds out that there is any violation as stated in paragraph one after the registration of election candidacy has been announced, the election director at the constituency or the EC may submit a petition to the Supreme Court to terminate the candidacy of such person. The provisions in Clause 84 or Clause 94, as the case may be, shall apply *mutatis mutandis*.

Section 3 **Registration for candidacy as members of the House** **of Representatives under the constituency system**

1. Submitting an application

Clause 77. Candidates of each political party entitled to run in an election at a constituency shall submit an application as in Form Sor Sor 17 by themselves to the election director at the constituency at the registration place designated thereby within the registration period as stated in Clause 71. All candidates of each political party up to the number such constituency may have shall submit their applications all at the same time.

To submit his application as stated in paragraph one, a candidate must submit it with a certificate from the political party's leader, indicating that the party has fielded this member to run in an election based on Form Sor Sor 17/Kor, together with Baht 5,000 application fee for each candidate, 8.5cm x 13.5cm front face photo with no hat in a number stipulated by the EC and the following evidence and documents already certified a true and correct copy.

- (1) Copy of ID card; however, if the candidate is a person not required by the law to have an ID card, he may instead use a copy of other cards or evidence issued by the authorities with photo;
- (2) Copy of household registration;
- (3) Doctor's certificate;
- (4) Copy of other evidence presented by the candidate that he/she is fully qualified and possesses no prohibited qualifications that may prevent him from running in an election according to the constitutional provisions.

Clause 78. When the election director at the constituency receives an application of any political party candidate, he shall initially check whether all details in the application form, application fee and application evidence are correct and complete or not. If not, the election director at the constituency may refuse to receive the application before starting to check the application form, application fee and application evidence of the political party's next candidate.

If the election director at the constituency finds that all evidence is complete, he shall confirm that the person is entitled to run in an election and register the person as an election candidate as evidence. In addition, he shall issue a receipt which signifies that the person has been accepted for registration as a candidate to run in an election of members of House of Representatives under the constituency voting system according to Form Sor Sor 18 based on the order the candidate has

filed his application form under Clause 77. Then, the application form, an application fee and other application evidence of the political party's next candidate shall be examined.

Clause 79. After the election director at the constituency issues a receipt to a candidate, the candidate is prohibited from withdrawing his candidacy. The person is also prohibited from applying for candidacy in that constituency or others. The application fee to run in an election shall belong to the Fund for Political Party Development according to the organic law governing political parties.

Clause 80. As the registration of candidacy of members of the House of Representatives in the constituency system comes to an end each day, the election director at the constituency shall notify the result of such candidacy registration to the EC at the constituency so that it can report the registration result, using Form Sor Sor 21, to the Provincial EC and the EC on a daily basis. After the registration period is expired according to Clause 71, the registration result shall be reported using Form Sor Sor 21/Kor to the EC at the constituency so that it can be immediately reported to the Provincial EC and the EC.

2. Checking the rights to register for candidacy

Clause 81. The election director at the constituency shall complete the checking of all application evidence and candidate qualifications to see if the candidate is entitled to run in an election within seven days from the closing date of the candidate registration period. If any candidate is found not to have the rights, qualifications or possessing any prohibited characteristics as stated in Clause 74, the candidate shall be informed that his candidacy is not accepted without delay using Form Sor Sor 19, as the case may be.

When investigating the candidate's qualifications as stated in paragraph one, if the election director at the constituency is doubtful over any candidate's evidence, he shall notify the agency issuing such evidence to confirm its accuracy.

Clause 82. After completing the task in Clause 81, the election director at the constituency shall openly announce the registration of candidacy for an election of members of House of Representatives under the constituency voting system at a provincial hall, district office, municipality hall, the TAO's office, village chief's office and the polling station or nearby area within the constituency in which the candidate is running.

The Announcement under paragraph one shall include the candidate's name and family name, his/her photo, his/her political party and his candidate number for voting purpose according to Form Sor Sor 22.

Clause 83. Anyone not listed as a candidate in the Announcement issued by the election director at the constituency may file a petition to the Supreme Court within seven days from the day the list of those entitled to run as election candidates is announced without having to pay any court costs for the court proceedings.

As soon as the election director at the constituency is notified of the Supreme Court's order, should the Supreme Court order that the person's candidacy is valid, the director shall announce the person's name as stated in Clause 81 (Sor Sor 22/3) and also notify the person. However, if the Supreme Court orders not to accept the person's candidacy, the election director at the constituency shall also notify the person of the Supreme Court's decision.

Clause 84. Prior to the election date, if, due to evidence, a candidate is found lacking certain qualifications or possessing prohibited characteristics and therefore not being allowed to run in an election, the election director at the constituency shall mount an investigation without delay. If the candidate is found lacking qualification or possessing prohibited characteristics, the director shall file a petition to the Supreme Court to seek its decision to terminate the person's election candidacy.

When the election director at the constituency is notified of the Supreme Court's order, if the Supreme Court orders to terminate the person's candidacy, the election director at the constituency shall remove the person's name from the Announcement in Clause 82 (Sor Sor 20) and notify the person of the Supreme Court's order.

On election day, if the Supreme Court still does not have any decision to the petition filed by the election director at the constituency, his announcement of the candidacy registration shall remain considered valid.

3. Assigning candidate numbers for voting purposes

Clause 85. In a general election, a candidate will be given a candidate number based on the order when he/she submits his application, which will be ranked on the basis of the receipt number of the candidate applications under Clause 78. Candidates from the same political party will receive the candidate number sequentially.

Section 4

Registration for candidacy as members of the House of Representatives under the proportional representation system

1. Submitting an application

Clause 86. To apply as a candidate in an election for members of the House of Representatives under the proportional representation system, a political party leader or anyone entrusted thereby in writing using Form Sor Sor 17/Khor Khai shall submit a party list of candidates formulated by his party for each constituency using Form Sor Sor 17/Khor Kwai to the EC on the date and at the place the EC has stipulated under Clause 71, together with a letter of consent from all candidates using Form Sor Sor 17/Ngor, Baht 5,000 application fee for each candidate, evidence resulting from the review of the political party's list of candidate as provided in Section 97 (2) of the Constitution, 8.5cm x 13.5cm front face photo with no hat in the number stipulated by the EC and evidence and documents of each candidate as stated in Clause 77.

Clause 87. When the EC receives a party list of candidates and application evidence of all candidates as stated in Clause 86, it shall initially check whether the political party that submits such a list is a political party according to the Organic Act governing the constitution or not. If yes, the EC shall check supporting documents and application fee of the candidates in the party list. If everything is found complete, a receipt using Form Sor Sor 18/Sor shall be issued.

Clause 88. After the EC issues a receipt indicating that it has received an application form as stated in Clause 87 to a political party submitting the party list of candidates for the proportional

representation system, neither the candidate nor the political party is allowed to withdraw its candidacy or change candidates.

Clause 89. After the registration of candidacy for an election for members of the House of Representatives in the proportional representation system becomes finalized, the EC shall send the application fees to the Fund for Political Party Development according to the organic laws governing political parties.

2. Checking qualifications

Clause 90. The EC or anyone entrusted thereby shall check qualifications of all candidates under the proportional representation system to see if they have the rights qualifications or if they possess any prohibited characteristics as stated in Clause 74 within 10 days from the registration closing date. If everything is found to be correct, it shall act according to Clause 92.

Clause 91. If, the EC, after checking qualifications of candidates under the proportional representation system, finds any candidate with invalid qualifications or prohibited characteristics as stated in Clause 74, it shall inform the person's name to the political party submitting the party list using Form Sor Sor 19/Sor.

Clause 92. The EC shall announce a list of political parties, the candidate number assigned to that political party, a list of candidates under the proportional representation system of each political party using Form Sor Sor 22/Sor 1 and Form Sor Sor 22/Sor 2 and send them to the election director at the constituency without delay for posting at the provincial hall, district office, municipality hall, the TAO's office, village chief's office and the polling station or area closed to the polling station in which the candidate is running.

Clause 93. Anyone not listed as a candidate in the Announcement issued by the EC under Clause 92 may file a petition to the Supreme Court within seven days from the day the list of those entitled for such candidacy is announced. The provision under Clause 83 shall apply *mutatis mutandis*.

Should the Supreme Court order the person's candidacy valid, the EC shall announce the person's name according to Form Sor Sor 22/Sor 3.

Clause 94. Prior to the election date, if a candidate under the proportional representation system is found lacking certain qualifications or possessing prohibited characteristics, the EC shall stage an investigation without delay. The provision under Clause 84 shall apply *mutatis mutandis*.

Should the Supreme Court order to terminate anyone's candidacy, the EC shall remove the person's name from the Announcement using Form Sor Sor 20/Sor.

3. Assigning a number for a political party for voting purposes

Clause 95. A political party fielding candidates to run in an election for members of the House of Representatives under the proportional representation system may receive a number for the purpose of voting under the proportional voting system, which will be on the basis of the order it has submitted its party list. The political party will use the same number in all constituencies under the proportional representation system.

Section 5
Lot drawing to submit candidacy application

Clause 96. If candidates under the constituency voting system of several political parties submit their application forms all at the same time according to Clause 77, paragraph two, the election director at the constituency shall hold a meeting of candidates from such political parties to discuss who is submitting application form first and later. If no agreement is reached, two lots shall be drawn as follows.

In the first lot drawing, the election director at the constituency shall write political party's names that must be included in the lot in identical labels and put them in a container, shake them well to avoid knowing which label belongs to which party before picking up the party's name one at a time out of the container. Any political party whose name is picked out for the first time will be considered having a right to draw a lot in order to submit its application form first. The name of the next political party being picked out will be considered having the right to next draw the lot to submit an application form. This will continue until all political parties applying for election candidacy at the same time are duly assigned the number to draw the lot for submitting an application form.

In the second lot drawing, the election director at the constituency may write number 1 to the number which matches the total amount of political parties submitting their application forms at the same time onto the same labels before putting them into a container and shaking them well to avoid knowing which number is in which label. Any candidate of the political party stated in paragraph two shall draw a lot out of the container to determine the order it may submit a candidacy application form. A political party getting a particular number on the lot will be deemed having to submit its party list of candidates for the election of members of the House of Representatives under the constituency voting system in that numerical order.

Clause 97. If political parties submit their party lists for the election of members of House of Representatives under the proportional representation system at the same time according to Clause 86, the EC or anyone entrusted thereby shall organize a meeting consisting of party leaders or authorized executive directors to discuss the order in which these political parties may submit such application forms. However, if no agreement can be reached, the EC shall apply the lot drawing as described in Clause 96 *mutatis mutandis*.

Section 6
Registration for candidacy as members of the House of Representatives
under the constituency system to replace the vacancy

Clause 98. As soon as the EC announces the registration date for candidacy to run in an election to fill the vacancy of members of House of Representatives according to Form Sor Sor 15/Kor, the election director at the constituency shall proceed according to Clause 71.

Clause 99. Candidates of each political party may submit an application form himself to the election director at the constituency at the place determined thereby within the registration period stated in Clause 98.

Clause 100. The provisions from Clause 77-80 shall apply *mutatis mutandis* to the submission of application form, the verification of application evidence and the issuance of a receipt indicating

that an application form to run in an election of members of the House of Representatives under the constituency system to replace the vacancy has been received.

Clause 101. The provisions from Clause 81-84 shall apply *mutatis mutandis* to the verification of the candidates' rights to run in an election of members of the House of Representatives to replace a vacancy under the constituency voting system.

Clause 102. Candidates applying for vacancy of members of the House of Representatives shall receive their candidate numbers based on an order that they have submitted their application forms as stated in the receipt number of the application form issued by the election director at the constituency. Yet, if several candidates submit the application forms at the same time and no agreement is reached, a lot drawing among candidates who are there at the same time shall be made according to Clause 96 *mutatis mutandis*.

Chapter 5 Election

Section 1 Voting Ballot

Clause 103. The voting ballot shall be made of paper with a proper width and length.

The EC may specifically determine a code or a sign or other additional statements without any advanced notice to prevent the forgery of the voting ballot.

There are two types of voting ballot with distinctively different colors. They are:

- (1) Voting ballot for an election of members of the House of Representative in the constituency system for electing an individual candidate.
- (2) Voting ballot for a proportional representation system of members of the House of Representatives for electing a political party

Clause 104. Voting ballots and the stub must be bound together in booklets of no more than 50 ballots. The ballot shall be perforated so that it can easily be ripped off from its stub. In addition, there shall be both front and back cover.

The cover of the voting ballot booklet shall comply with a sample attached hereto *mutatis mutandis*.

Clause 105. The stub of a voting ballot for the constituency voting system of members of House of Representatives shall at least contain the following statements: "Book No..., No... Series No..." which should be written on the top of the ballot stub. In addition, proper space shall be provided for members of the polling unit committee who will distribute the ballot to sign his name. In addition, there shall also be space for voters to sign their names or have their finger printed as a proof that they have already received the ballot. In addition, appropriate space must also be provided to write down the number stated in the list of voters (Sor Sor 10).

Clause 106. A voting ballot for an election of members of House of Representatives under the constituency voting system shall have a proper width and length as deemed necessary plus the candidate number together with the following characteristics:

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- (1) When folded to the front, the ballot must have a color stripe on its right rim. On the left, there shall be a symbol of Garuda (government symbol) and, below, a statement of “voting ballot for an election of members of House of Representatives under the constituency voting system.”
- (2) Inside the ballot, it shall contain a column for voters with no desire to vote, a column for voter to mark a sign, the candidate number and an explanation on how to mark the ballot.

Clause 107. The ballot for an election of members of House of Representatives under the constituency voting system shall comply with the sample attached hereto *mutatis mutandis*.

Clause 108. The stub of a ballot to elect members of House of Representatives under the proportional representation system shall include the statements provided in Clause 105.

Clause 109. A voting ballot for an election of members of House of Representatives under the proportional representation system shall be in a proper width and length as considered necessary and shall carry the political party’s candidate number as follows:

- (1) When folded to the front, the ballot must have a color stripe on its right rim. On the left, there shall be a symbol of Garuda (government symbol) and, below, a statement of “voting ballot for an election of members of House of Representatives under the proportional representation system.”
- (2) Inside the ballot, there shall be a column for voters with no desire to vote, a column for voters to mark a sign, the political party’s candidate number, the party’s name, and an explanation on how to mark the ballot.

Clause 110. The voting ballot for an election of members of House of Representatives under the proportional representation system shall comply with a sample attached hereto *mutatis mutandis*.

Section 2 Ballot Box

Clause 111. A ballot box shall be made from metal or other materials with a top cover and space for a key or for other key replacements. At the front, there shall also be space to insert the key or other key replacement. Its material shall be transparent so that one can see inside the box. At the top cover, there shall be a slot to slip in the voting ballot.

At the general election for members of the House of Representative, there shall be two ballot boxes, one of which is for ballots for members of the House of Representatives under the constituency system while the other is for ballots for members of the House of Representatives under the proportional representation system, where they shall be differently marked with color or other signs to differentiate one from the other. Each box shall be large enough to contain the voting ballots under the constituency or the proportional representation voting system, as the case may be, in each polling unit. After key or other key replacement is locked, unless it is unlocked or the key replacement destroyed, no voting ballots will be removed from the ballot box.

If an election of members of House of Representatives is a new election within the general election or a by-election to replace the vacancy, there shall be only one ballot box for voting ballots of members of House of Representatives under the constituency system.

The inside of a ballot box shall be marked with a code or a box number to prevent the box from being switched.

The ballot box shall be marked with a sign or a statement indicating the number of the polling unit, tambon or municipality, amphoe, constituency and province.

In case of necessity where a ballot box of a polling unit is not large enough to hold all the voting ballots, the polling unit committee may add another box or use other containers in lieu of the ballot box.

The ballot box shall be in accordance with the description attached hereto *mutatis mutandis*.

Clause 112. In case of *force majeure* especially in areas where no ballot box as described in Clause 111 can be provided, the EC at the constituency may determine other replacements in lieu of the ballot box.

Section 3 Action Prior to the Election Date

Clause 113. Prior to the election day, the election committee at the constituency will appoint at least one election sub-committee at the constituency according to the Election Commission's Regulation Re: Election director at the constituency and Election Commission at the constituency, at each constituency. The sub-committee shall consist of no more than five members and its duties are to prepare the election as entrusted and to coordinate and support the election committee at the constituency in return for remunerations as determined by the EC. The sub-committee shall be considered finished after its mission with regard to the election of members of House of Representation on each occasion is completed.

Clause 114. The provincial election director or anyone entrusted thereby shall prepare ballot boxes, voting ballots, lists of voters, printing forms for use in the election and other election supplies for use at each polling unit for the EC at the constituency or the election sub-committee at the constituency under Clause 113 to use as described in Clause 115.

Clause 115. Prior to the election date, a person or a group of persons appointed by the EC at the constituency to assist the election sub-committee at the constituency in preparation for the election shall proceed to hand over ballot boxes, voting ballots, forms to announce the number of voting ballots prior to the voting (Sor Sor 24), a report of voting incident at the polling unit (Sor Sor 25), an announcement of the number of voting ballots at the end of the voting (Sor Sor 26), a form to fill out the vote counts (Sor Sor 30 and Sor Sor 30/Sor), a report on the vote count (Sor Sor 31 and Sor Sor 31/Sor), an announcement of vote count result on the election day (Sor Sor 32 and Sor Sor 32/Sor), an announcement not to count votes on the election day (Sor Sor 37) and other election supplies to the polling unit committee under its responsibility before the voting hours where there shall be enough time to check and count voting ballots, print forms and other supplies used at the election.

The number of voting ballots, print forms and other supplies for use at the election must be carefully reviewed and computed to make sure that they are enough for the voting and vote counting.

Clause 116. The polling unit director, no fewer than five members of the polling unit committee and security officers shall receive ballot boxes, voting ballots, print forms and other supplies required for use at an election from the election sub-committee at the constituency.

Clause 117. As soon as all voting ballots, print forms, election supplies are duly counted, members of the polling unit committee shall put all the voting ballots and lists of voters into the ballot box where each of the members of the election sub-committee at the constituency and members of the polling unit committee shall sign their names inside the ballot box before the box is sealed with shellac on top of a key or other key replacements and tied with a rope of which its knot shall be at the side of the ballot box before being sealed with shellac again. To close the slot where voting ballot will be slipped into the box, the slot will be closed and locked with key or other key replacements before being sealed with shellac on top of it. For an election of members of the House of Representatives to replace the vacancy, a list of voters shall not be put into the ballot box.

Members of the polling unit committee shall keep the ballot boxes, voting ballots, printed forms and other supplies in a safe place.

Section 4 Actions on the Election Date

Section 118. On the election day, the polling unit committee together with ballot boxes, voting ballots, printed forms and other materials used in the printing and counting and personnel ordered to perform a duty at a polling station must be there at around 06.00 hours.

Clause 119. At 07.30 hours, the polling unit committee shall open the ballot box to check and count all voting ballots in order to announce the number of voting ballots prior to the voting (Form Sor Sor 24) in three sets so that

- (1) one will be posted at the polling station;
- (2) another will be sent to the EC at the constituency;
- (3) the final set will be kept as evidence.

Clause 120. The polling unit committee shall divide duties among their members as follows.

- (1) Duty to maintain public order at the polling station; this includes maintaining order, supervising and facilitating voters especially senior citizens and the disabled who come to vote so that the voting is conducted in an orderly manner.
- (2) Duty to check the list of voters; this includes checking the list of voters, reading voters' names and addresses out loud and having voters sign the list of voters, writing down their ID Card number and the name of state agency issuing their ID Cards and having voters sign or having their right thumb printed in the list of voters.

- (3) Duty to deliver voting ballots; this includes recording a number assigned to the person's name in the list of voters, having voters sign their names or having their right thumb printed before signing names onto the stub of the voting ballot and tearing a perforated ballot from its stub, folding the ballot and delivering it to voters for voting.
- (4) Duty to supervise the voting booth; this includes maintaining order for voters to enter the booth to vote fairly, honestly and orderly.
- (5) Duty to supervise ballot box: this includes supervising ballot boxes and having voters putting ballots into the boxes.

The remaining members of the polling unit committee may alternately assist others members on duty.

Clause 121. To facilitate voters, the polling unit committee may divide a list of voters to the one for use in checking voters' rights and the one for use in making voting remarks and will only combine them together in the same set when the election ends in order to speed up the name checking process and the hand-out of voting ballots to voters.

Clause 122. The polling station shall open from 08.00 hours to 15.00 hours.

Clause 123. At 08.00 hour, the polling unit committee shall show voters at the polling station that the ballot box is empty before closing it and taping it along the exterior of the box, locking it with key or other key replacement and opening an insertion slot. This action shall be recorded in the report of voting incident at the polling unit (Sor Sor 25). No fewer than five members of the polling unit committee and no fewer than two voters at the polling station at the time shall sign the report of voting incident unless there is no voter there at the time.

Clause 124. After completing the action in Clause 123, the chairman of the polling unit committee shall announce the start of the voting. For example, he may make a speech that "now it is the time to start voting, may I announce the voting procedure be started," before the voting commences.

Section 5 Voting

Clause 125. To exercise one's vote, during the voting hours, a voter wishing to do so may present himself to members of the polling unit committee by displaying his ID Card or an expired ID Card or any other card or evidence issued by the authorities or state agencies with a photo and the holder's ID Card number.

Clause 126. To check a voter's request to exercise his right to vote, members of the polling unit committee shall check evidence described in Clause 125 of those presenting themselves to exercise their right to vote against a list of voters (Sor Sor 10). When the name is found and verified, the person's name and address shall be read out loud. If no voter, no candidate or no one protests, the ID card number or evidence and the place where the card is issued or other evidence shall be noted. The voter shall then sign or have his right thumb printed onto the list of voters (Sor Sor 10) as evidence with a remark that this voter has already exercised his rights.

Members of the polling unit committee shall hand out a voting ballot where the number of the voter stated in the list of voters (Sor Sor 10) shall be noted on its stub. In addition, the voter shall sign his name or have his right thumb printed on the stub before members of the polling unit committee issue the voting ballot for the purpose of voting.

If a voter does not have a right thumb, his left thumb shall be printed instead. If voter has no thumb, any finger can be printed. If voter has no finger at all, he shall be exempted and member of the polling unit committee shall indicate that the voter has no fingers.

Clause 127. If there is a protest or if member of the polling unit committee is suspicious that the person standing before him is not listed on the list of voters (Sor Sor 10), the member of the polling unit committee shall make a final decision whether or not the person in question is indeed entitled to vote. If the polling unit committee deems that the person is in fact not listed on the list of voters, it shall note its decision in the report of voting incident at the polling unit (Sor Sor 25). But if the person in question is well aware that he has no right to vote or that he is not a legitimate voter at the polling station but tries to vote by presenting an ID card or other evidence not belonging to himself or a fraudulent ID to members of the polling unit committee in order to vote, the polling unit committee shall act on behalf of the EC as an injured party to file a suit with the police against the offender according to Section 105 of the Organic Act Re: Election of Members of the House of Parliament and Installation of Senators, B.E 2550 (2007).

If the polling unit committee, after having investigated the matter, decides that person in question indeed is listed in the list of voters, it shall give the ballot to the voter for voting and record its decision in the report of voting incident at the polling unit (Sor Sor 25).

Clause 128. Voters having their names listed on the list of voters of any polling unit shall vote therein. If anyone having his name listed at several polling units, he shall have a right to vote at one polling unit only.

Clause 129. Voters appointed to perform duties at other polling units outside the one that he is entitled to vote within the same constituency may vote at a polling unit he is working at on the election date or he may vote at the central polling station within the constituency prior to the election date as follows.

- (1) A voter wishing to vote election day at the polling unit where he is working within the same constituency must present an order appointing him to the polling unit committee prior to exercising his vote. Only when the polling unit committee verifies evidence, then, the committee shall add this voter's name onto the list of voters (Sor Sor 10) but this name shall not be counted together with the number of voters having rights to vote at that polling unit. On the contrary, it shall be counted as part of those presenting themselves to exercise their right to vote at the polling unit before reporting this in the report of voting incident at the polling unit (Sor Sor 25).
- (2) If a voter wishes to exercise his rights prior to election day, he may present himself and request to vote at the central polling station in the constituency he is entitled to vote prior to the election date according to the day and time announced by the EC.

Clause 130. To vote, a voter must mark a cross such as X on the voting ballot. If a voter does not wish to vote, he may write a cross such as X in the column for not wishing to vote on a voting

ballot for an election of members of House of Representative in the constituency system or the same under the proportional representation system.

Clause 131. The polling unit committee shall facilitate the disabled or senior citizens or provide voting assistance subject to the supervision of the polling unit committee. The assistance however must ensure that the disabled or senior citizens will be able to vote by themselves and in secret.

Clause 132. As soon as a voter receives a voting ballot, he shall walk into a voting booth and mark a sign such as X onto the ballot before folding it to avoid having others know for whom or for which political party he is voting for before putting it into the ballot box himself in the presence of members of the polling unit committee.

Clause 133. On election day, if it is impossible to vote at any polling unit due to riot, flood, fire, *force majeure* or other incidents, if the voting has not yet started, members of the polling unit committee shall do the following:

- (1) Suspend the election at that polling unit using Form Sor Sor 37.
- (2) Report to the EC at the constituency and the Provincial EC for immediate reporting to the EC.
- (3) Keep voting ballots, ballot boxes and documents relating to the election in a safe place as determined by the EC at the constituency.

Clause 134. Subject to Clause 133, if the voting has started and some have already exercised their right to vote, members of the polling unit committee shall do the following:

- (1) Suspend the election at that polling unit using Form Sor Sor 37.
- (2) Report to the EC at the constituency, the Provincial EC for immediate reporting to the EC.
- (3) Suspend the distribution of the voting ballots.
- (4) Count the remaining voting ballots (unused ballots), use metal or other objects to punch a hole into each of them including both front and back cover, then, stack them, tie them together with rope and seal them with shellac or with any other method that can prevent them from being used as voting ballots.
- (5) Cover the slot on the ballot box using Form Sor Sor 23.
- (6) Sign on top of the ballot box cover and tape them to prevent the ballot box switching.
- (7) Count the number of voters presenting themselves and receiving voting ballots from the list of voters (Sor Sor 10), which is a set used for counterchecking how voters exercise their rights and for making voting remarks
- (8) Announce the number of voting ballots at the end of the voting using Form Sor Sor 26.

- (9) Make a report about the delivery of ballot box (Sor Sor 34).
- (10) Record the reason why the voting is suspended in the report of voting incident at the polling unit (Sor Sor 25).
- (11) Keep the following (if any) in a safe place as determined by the EC at the constituency. They are:
 - a. Ballot box (containing part of ballots with votes)
 - b. All the remaining ballots and their stubs
 - c. A list of voters (Sor Sor 10), which is a set designed to countercheck how voters exercise their rights and for making voting remarks
 - d. Announcing the number of voting ballots before the voting starts (Sor Sor 24)
 - e. Report of voting incident at the polling unit (Sor Sor 25).
 - f. Announcing the number of voting ballots at the end of the voting (Sor Sor 26)
 - g. All voting booths and all the remaining supplies.

Clause 135. Anyone declaring himself as a voter but whose name could not be found by a member of the polling unit committee on the list of voters (Sor Sor 10) shall be informed that he “has no right to vote.” The member of the polling unit committee is prohibited to add the person’s name without permission even though he may know that the person is qualified as a voter. However, if the person insists that he is entitled to vote; for example, he claims that he has already submitted his petition to the district registrar or the local registrar and such registrar has already ordered his name to be added onto the list of voters (Sor Sor 10) or the Court has already ordered that his name be added but the registrar has not physically added it, then, the polling unit committee may check evidence and decide whether or not the person has a right to vote as well as record its decision and the person’s statement onto the report of voting incident. (Sor Sor 25).

Clause 136. Anyone declaring himself as the person with a right to vote and whose name is indeed on the list of voters (Sor Sor 10) but his title or sex therein is different, or if the spelling of his name or last name in terms of letter, vowel or a tonal sign is inaccurate, the polling unit committee shall be empowered to investigate the matter and make a final decision whether to give the voting ballot to the person for voting purpose before recording its decision in the report of voting incident at the polling unit (Sor Sor 25).

Clause 137. During the voting hours, members of the polling unit committee may leave the polling station only one at a time. If it is necessary that more than one member must leave the polling station on one occasion, the chairman of the polling unit committee may permit so on a case-by-case basis.

Clause 138. During the voting hours, no one can enter the polling station except those having a duty to vote and those entering to exercise their votes. This applies especially to the voting booth where, aside from voters who shall enter the booth to mark a cross such as X in their voting ballots, no one may enter the booth whatsoever unless it is necessary. The reason of such necessity shall also be recorded in the report of voting incident at the polling unit (Sor Sor 25).

The chairman of the polling unit committee, its members, the Provincial EC, members of the Provincial EC, The EC Secretary-General, the Provincial Election Director, chairman of the EC at the constituency, its members and anyone entrusted in writing by the EC, the Provincial EC, the EC Secretary-General, the provincial election director or the EC at the constituency may enter the

polling station within their responsible areas to supervise or give advice to ensure that the voting is carried out honestly and fairly.

Members of the polling unit committee shall record the entering of the persons described in paragraph two in the report of voting incident at the polling unit (Sor Sor 25).

Clause 139. No one without legitimate power shall be allowed to open, destroy, damage, transform or render ballot boxes or voting ballots or other relevant evidences useless.

Section 6 Post-Voting Operation

Clause 140. At 15.00 hours sharp, chairman of the polling unit committee shall announce the closing hour of the voting by stating; for example, that “now that it is 15.00 hours, the voting shall be adjourned.” If any voter remains at the polling station who has been there before the closing hours and if they have not yet received any voting ballot, the polling unit committee shall give the voting ballot to those presenting themselves and when voters have duly exercised their rights, then, the polling unit committee may close an insertion slot of the ballot box.

Clause 141. The polling unit committee shall count the remaining voting ballots to know the amount and to prevent them from being used for voting. Members of the polling unit committee may use metal or other devices to punch every voting ballot both in the front and back cover before tying them together with a rope and sealing them with shellac or handling them in any other means that will prevent the remaining voting ballots from being used again. It shall produce three sets of Announcement of the number of voting ballots at the end of the voting (Sor Sor 26) where:

- (1) one set will be posted at the polling station;
- (2) the second set will be sent to the EC at the constituency; and
- (3) the third set will be kept as evidence.

Chapter 6 Vote Counting at the Polling Station

Clause 142. The polling unit committee shall divide their vote-counting duties as follows.

- (1) The first member of the polling unit committee shall take a voting ballot one at a time, unfold it and give it to the second member of the polling unit committee.
- (2) The second member of the polling unit committee shall make a decision about the voting ballot and read it.
- (3) The third member of the polling unit committee shall have a duty to punch the voting ballot already decided and read by the second member of the polling unit committee before putting it in a designated container.
- (4) The fourth member of the polling unit committee shall have a duty to mark a vote onto a score card (Sor Sor 30 and Sor Sor 30/Sor).

The remaining members of the polling unit committee shall have a duty to facilitate and exchange duties with other members of the polling unit committee who are performing their duties.

Clause 143. The vote-counting shall be conducted at the polling station of each polling unit. When the voting is over, Form Sor Sor 23 shall be placed onto an insertion hole of the ballot box. The ballot box will be opened to count votes openly. This must be completed all the way through. No postponement or delay is allowed.

Clause 144. Members of the polling unit committee shall be divided into two teams to count votes of members of House of Representatives under the constituency voting system and those under the proportional representation system. Each team shall divide its vote-counting duties as stated in Clause 142.

Clause 145. Members of each polling unit committee under Clause 144 may open a ballot box for counting. If different kinds of ballot are found mixed in a ballot box, they shall give it to chairman of the polling unit committee to deliver it to the responsible polling unit committee to put it together in a right ballot box where this shall be recorded in the report of voting incident at the polling unit (Sor Sor 25). No fewer than two voters at the polling station shall sign in the report.

Clause 146. The first member of the polling unit committee shall take a voting ballot one by one out of the box, unfold it and deliver it to the second member of the polling station to do the following:

- (1) To make a decision on the voting ballot and read as follows.
 - a. If it is a valid ballot, he shall read “valid” and read the number of candidate receiving the vote in an election under the constituency system or the number of political party receiving vote in an election under the proportional representation system as well as openly raise the ballot so that everyone at the polling station can see it.
 - b. If it is a ballot that a voter has marked in the “no vote” space, the member shall read “not wishing to vote” and openly raise the ballot to those at the polling station.
 - c. If it is an “invalid” ballot, he shall read “invalid” and raise the ballot openly so that those at the polling unit can see it. In addition, at least three members of the polling unit committee shall endorse the invalid ballot as “invalid” and cite a particular sub-clause under Clause 82 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007) to indicate why the ballot becomes invalid.
- (2) After the decision in (1), the voting ballots shall be sent to members of the polling unit committee for punching.

Clause 147. The third member of the polling unit committee shall have a duty to receive and punch the voting ballots already decided and read and put them into containers designated for the election under the constituency system or the proportional representation system where valid ballots shall go into one container and invalid ballots shall go into the other.

Clause 148. The fourth member of the polling unit committee shall mark the votes in a score card. As soon as the second member of the polling unit committee rules the ballot “valid,” “invalid,” or

“not wishing to vote,” the fourth member of the polling unit committee shall note this down and repeat it before filling it in a score card where the public at the polling station can clearly see the way the scores are marked.

To mark the vote in a score card, one mark shall represent one vote. However, when it is the fifth vote, a line shall be written across the first four votes and a circle shall be drawn as in the examples of



to facilitate the counting and this shall be done at every five votes.

Clause 149. Voting ballots with the following characteristics shall be considered invalid ballots:

- (1) Fake ballot;
- (2) Ballot not yet marked with a vote;
- (3) Ballot for the constituency voting system where more marks than the allowed members of the House of Representatives in that constituency are made, or a ballot for the proportional representation system where marks are made for more than one political party;
- (4) Ballot for which it cannot be determined which candidate under the constituency system is being voted for or which political party under the proportional representation system is being voted for;
- (5) Ballot already marked for members of the House of Representatives under the constituency system or the proportional representation system before being marked again in the “no wish to vote” space.
- (6) Ballot marked with signs other than X
- (7) Ballot being marked outside the space provided or outside the space dedicated for “no wish to vote”;
- (8) Invalid ballot according to Section 102 and Section 110 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007).

Section 150. During the voting or during the vote count, if a political party representative under Clause 40 or a voter deems that the vote count is not correct, he may politely protest. There shall be no quarrel with members of the polling unit committee or between themselves which may jeopardize the vote count.

If the protesting political party representative or the voter violates so, members of the polling unit committee shall warn them. If they still resist, members of the polling unit committee shall order the representative to leave the polling station.

Members of the polling unit committee shall review the protest and give a final decision where the protest and the decision shall be recorded in the report of voting incident at the polling unit (Sor Sor 25). The protester and no fewer than three members of the polling unit shall execute their names in the presence of no fewer than two witnesses.

If the political party representative or the voter has protested but members of the polling unit committee fail to record such protest or make a decision about it, the protestor may file a report with the police at the place where the incident takes place as soon as he can do so. The evidence can be used to protest the election as well.

Clause 151. When the vote count is completed, members of the polling unit committee shall review the accuracy of the vote counts where ballots voted for either candidates or political parties shall be counted together with ballots that voters express that they did not want to vote for anyone and invalid ballots to see if the number matches the number of voters having exercised their rights or not.

Clause 152. If the vote count shows that the number of voters who have exercised their votes does not match the numbers of ballots being voted; namely, ballots being counted as valid votes, ballots by those not wishing to vote and invalid ballots, members of the polling unit committee shall immediately recount the votes. If the result still does not match the number of those exercising their votes, the following shall be done:

- (1) Report to the EC at the constituency with reasons why the vote count does not match the number of voters exercising their votes;
- (2) Deliver the ballot boxes and documents accompanying the ballot boxes under Clause 157 (2) to the EC at the constituency or anyone entrusted thereby together with a report to delivery the ballot box (Sor Sor 34)

If everything matches correctly, ballots that can be counted as votes, ballots by voters not wishing to vote and invalid ballots shall be separated in clear bags where the number of the voting ballots in a particular bag shall be clearly written. Meanwhile, the vote count result and a report of such result to the EC at the constituency shall be announced without delay. For a score card to record the votes, members of the election unit committee shall sign it as evidence as described in Clause 144.

Clause 153. Members of the polling unit committee shall produce three sets of the vote count report (Sor Sor 31 and Sor Sor 31/Sor) and one set of the announcement of the vote count result (Sor Sor 32 and Sor Sor 32/Sor) and do the following:

- (1) Post each set of the announcement of the vote count result (Sor Sor 32 and Sor Sor 32/Sor) in front of the polling station;
- (2) Put each set of the vote count report (Sor Sor 31 and Sor Sor 31/Sor) in a clear bag that contains ballots of which the votes have been counted as described in Clause 154;
- (3) Send each set of the vote count report (Sor Sor 31 and Sor Sor 31/Sor) to the EC at the constituency

Clause 154. As soon as the polling unit committee issues the announcement of the vote count result (Sor Sor 32 and Sor Sor 32/Sor) under Clause 153, it shall keep the following documents and materials in a clear (external) bag where they shall be separated based on the types of ballots as follows:

- (1) Clear bag containing ballots of which the vote counts have been verified according to Clause 151 and Clause 152;
- (2) Score cards that have been filled with all votes (Sor Sor 30 and Sor Sor 30/Sor)
- (3) Each set of the vote count report (Sor Sor 31 and Sor Sor 31/Sor)

The polling unit committee shall record the number of valid ballots, no wish to vote ballots and invalid ballots as well as the number of polling units and polling stations in a form indicating the number of voting ballots inside a clear (external) bag according to Sor Sor 40 for ballots under the constituency system, and according to Sor Sor 40/Sor for ballots under the proportional representation system before putting the bag into a clear (external) bag that can be identified which bag belongs to which polling unit and tying it with a band to prevent the clear bag from being opened and putting it in a ballot box.

Clause 155. After packing items stated in Clause 154, members of the polling unit committee shall close the ballot box and lock it with a key or other key replacements before sealing it with shellac, taping the exterior between the box and its cover, tying it with a rope while leaving a knot at the side before sealing it with shellac or doing it in any other way to prevent the box from being opened.

Clause 156. As soon as the polling unit committee closes the ballot box and prevents it from being swapped, the polling unit director and no fewer than five members of the polling unit committee and security officers shall immediately hand over the items in Clause 157 to the EC at the constituency or anyone entrusted thereby.

If necessary, based on the conditions within the area, the EC at the constituency may determine the way a ballot box shall be delivered in paragraph one as otherwise.

Clause 157. Items that the polling unit committee must gather and deliver to the Election Commission at the constituency are:

- (1) Ballot box under Clause 155;
- (2) Documents accompanying ballot boxes which consist of:
 - a. All the remaining ballots and their stubs
 - b. List of voters (Sor Sor 10) and voting remarks
 - c. Announcement of the number of ballots prior to the voting (Sor Sor 24)
 - d. Report of voting incident at the polling unit (Sor Sor 25)
 - e. Announcement of the number of ballots at the end of the voting (Sor Sor 26)
 - f. Report of vote count results (Sor Sor 31 and Sor Sor 31/Sor)
- (3) Voting booths and other items such as flag, signage and voting and vote-counting materials

Clause 158. When members of the polling unit committee deliver items to the polling unit committee or anyone entrusted thereby, one shall do the following:

- (1) A person or a group of person appointed by the EC at the constituency under Clause 115 shall receive the ballot box, all the voting booths, items and materials relating to the election and keep them in a safe place as determined by the EC at the constituency.
- (2) The EC at the constituency or anyone entrusted thereby shall add up all votes from the polling unit as described in Clause 189 (1).
- (3) After the EC at the constituency or anyone entrusted thereby has completed the vote count, the person or a group of persons appointed by the EC at the constituency according to Clause 115 shall combine each type of ballot box under 1 as follows:
 - a. Open the ballot box, put all the bags containing ballots inside a particular box until it is full, close it, lock it and seal it with shellac over a lock or other key replacement, tie it with a rope and seal the rope again. The remaining bags containing voting ballots shall be put in other ballot boxes until no bags remain.
 - b. Two sets of a record of information of the polling units in each type of ballot box shall be made using Form Sor Sor 41 and Sor Sor 41/Sor each. One set will be posted at the ballot box while the other set will be kept as evidence.

A political party representative may observe the combining of the ballot boxes.

Clause 159. If no vote counting at any polling station, or if the vote count cannot be completed due to riot, flood, fire, *force majeure* or other incidents or requirements that may affect the safety, if it is a case where no votes have yet been counted, members of the polling unit committee shall do the following:

- (1) Suspend the vote count at that polling unit using Form Sor Sor 38.
- (2) Report to the EC at the constituency, the Provincial EC and the EC without delay.
- (3) Keep voting ballots, ballot boxes and election documents in a safe place as required by the EC at the constituency.

Clause 160. Subject to Clause 159, if votes have been partially counted, members of the polling unit committee shall do the following:

- (1) Suspend the vote count of that polling unit.
- (2) Report to the EC at the constituency so that it can further report to the Provincial EC and the EC without delay.
- (3) Keep the ballots that have been ruled and those not yet ruled each in a clear bag and put them in a ballot box.
- (4) Close the box and lock it with a key or other key replacements and seal it with shellac before tying it with a rope where the knot will be left at the side of the box before sealing the rope with shellac again or doing any other way to prevent the box from being opened.

(5) Keep the box in a safe place as required by the EC at the constituency.

Chapter 7 Voting Outside Constituency

Section 1 Voting at the Central Polling Station in the Constituency

Clause 161. Any voter ordered by the authorities to work outside the constituency he/she has a right to vote at or to travel outside the constituency in which he is to vote on the election date or who is unable to vote on the election day can exercise his rights prior to the election date.

For voters who are soldiers, police officers, members of the Volunteers Defense Corps or government officials ordered to work on security or public order matters outside their normal domicile, if their supervisors feel that the person may not be able to exercise his vote at the polling unit he is entitled to, he may notify the EC at the constituency or anyone entrusted thereby so that his supervisees may exercise their rights prior to the election date.

Clause 162. If a voter under Clause 161 wishes to exercise his rights prior to the election date, he may present himself and ask to vote at the central polling station within the constituency in which he is entitled to vote prior to the election date at the date and time determined by the EC.

Clause 163. Chapter 5, Election; Section 1: Voting ballot; Section 2: Ballot box and Section 3: Actions prior to the election date shall apply to voting ballots, ballot boxes and preparations prior to the election date at the central polling station in the constituency voting system *mutatis mutandis*. The EC at the constituency or anyone entrusted thereby shall provide enough ballot boxes for those wishing to exercise their rights in each constituency.

Clause 164. On the first voting date, prior to the voting hours, the committee at the central polling station within the constituency shall count all ballots and record it in an announcement Re: Number of ballots prior to the voting, before posting it openly at the central polling station in the constituency. At the voting hours, the provisions in Clause 123 and Clause 124 shall apply *mutatis mutandis*.

Clause 165. During the voting hours, the provisions in Chapter 5: Election, Section 5: Voting shall apply to the voting at the central polling station within the constituency *mutatis mutandis*.

Clause 166. At the closing hours of the vote on the first day, the committee at the polling station of the constituency may announce the closing of the voting activity on that day and stop distributing any voting ballot. However, if there are persons presenting themselves during the remaining hour at the central polling station in the constituency, the person may proceed to vote until completion. Then, the committee at the central polling station within the constituency may close the insertion of the ballot box as per Form Sor Sor 23 and tie the ballot box with rope with its knot at the side of the box before locking it with a key and sealing it with shellac over the key or other key replacements.

The committee at the central polling station in the constituency may issue three sets of announcements of the number of ballots at the end of the voting process, which shall be signed by members of the central polling station committee in the constituency (Sor Sor 26). One set will

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be posted at the central polling station in the constituency, while another shall be kept by the chairman of the central polling station committee within the constituency while the other shall serve as a delivery slip of the ballot box, the remaining ballots and a list of voters to security officers at a venue the EC at the constituency may determine where at least three members of the central polling station committee shall be the delivery persons.

Clause 167. Ballot boxes that must be delivered according to Clause 166 must be clearly marked to avoid unauthorized box opening or box switching. The central polling station committee at the constituency shall sign its names on the box, which will be taped over with a clear tape to prevent any box switching.

Clause 168. Before the voting hours on the following day start, members of the central polling station committee at the constituency, who have delivered the ballot boxes, voting ballots and list of voters according to Clause 166, shall be the persons disbursing the ballot boxes, voting ballots and the list of voters. If they find the items deposited under Clause 166 true and correct, the insertion slot shall be uncovered and one shall proceed according to Clause 165, Clause 166 and Clause 167.

At the closing hours of the voting on the last day, the central polling station committee at the constituency may proceed according to Chapter 5: Election, Section 6 Post-Voting Operations before delivering the ballot boxes and a list of voters (Sor Sor 10) to the Election Commission at the constituency or anyone entrusted thereby according to Clause 166 for keeping at a safe place as required by the EC at the constituency or anyone entrusted thereby. The venue however must be guarded by security officers.

Clause 169. At the end of the voting hours on the election date, members of the central polling station committee at the constituency who deliver the ballot boxes as described under Clause 168 will take out the ballot boxes previously deposited with security officers under Clause 168. If they find nothing unusual with the deposited items, they shall give them to the central polling station committee within the constituency for vote count according to Chapter 7: Voting outside constituency, Section 3: Vote counting at the central polling station.

Section 2

Voting at the Central Out-of-Province Polling Station

Clause 170. Any voter having domicile in other provinces aside from the province where his name is listed in the household registration or having his name listed in the household registration for fewer than 90 days up to the election date in other provinces outside the province his name is listed for the last time in the household registration for no less than 90 days to the election date, if wishing to exercise his rights to elect members of House of Representatives at the province where he currently stays, may submit a petition to the district registrar or the local registrar of the district or the municipality he is living for the right to exercise his vote in advance under the proportional representation system and the constituency voting system for the constituency where he is listed in the household registration the last time for no less than 90 consecutive days.

The provisions in Clause 161, paragraph two, shall apply to the voting at the central provincial polling station *mutatis mutandis*.

Clause 171. A petition to be submitted according to Clause 170, paragraph one, will be made according to Form Sor Sor 42 or it may be made in writing which shall include the person's

name, last name, ID Card number, address as in the household registration, constituency and province where he is listed in the household registration at the last time for no fewer than 90 consecutive days. Voters who submit the petition shall attach his ID card copy or a copy of any photo card issued by the authorities together with his ID card number where the copy shall be certified true and correct.

To submit a petition under paragraph one, voter may do so himself or send it by mail or authorize other another voter to act on his behalf. If the petition is sent by registered mail, the mail date shall apply.

Voters under paragraph one who wish to submit a petition as a group may authorize any voter to act on their behalf using Form Sor Sor 42/Kor.

Clause 172. As soon as the district registrar and the local registrar receive the petition, they shall conduct an initial check from the document whether the petitioner is indeed a voter or not. If he/she is a voter, one shall do the following:

- (1) If the petition is for exercising one's right at one's residency, the central registration director or anyone entrusted thereby shall be notified to make a notation in the remarks column of the list of voters as "to exercise rights at.....Province" where a database of voter registration shall also be updated.
- (2) The petitioner shall be notified within three days from the day the petition according to Form Sor Sor 42/Khor Khai has been received.

Clause 173. Voters shall be entitled to vote in advance at the central out-of-province polling station after having registered themselves 30 days prior to the election date.

Clause 174. Voters submitting a petition according to Clause 172 shall no longer be entitled to vote at the constituency they were originally entitled to do so unless they have submitted a petition to register the change with the district registrar and the local registrar of a district or a municipality he is residing at. This however shall not include a petition to register as a result of having one's name listed in the household registration fewer than 90 days up to the election date, which later on gives the person a right to vote at the constituency where he is listed in the household registration in the constituency for no less than 90 days instead, which, in such case, his rights as a voter to exercise his rights out of the province shall be terminated after the deadline which has become a condition under this Clause.

As soon as the district registrar and the local registrar according to paragraph one receives a petition to register the change, he shall do the following:

- (1) Inform the central registration director or anyone entrusted thereby to change the voting venue in the remarks column in the list of voters and to update the voter registration database and a list of voters.
- (2) Inform the petitioner within three days from the day the petition to register for change has been received.

Clause 175. If voter has submitted his petition for the registration of change according to Clause 174, he is entitled to exercise his vote in advance at the central out-of-province polling station.

This however shall be in effect after the 30-day period from the day the petition for change of registration has been submitted becomes expired. One cannot request a change in registration more than once for any one election.

The Provincial EC or anyone entrusted thereby shall check a list of voters who are entitled to vote out of the province and notify a household owner in writing that such person is listed in his household. If the household owner wishes to remove the name from the list of out-of-province voters or to register a change, he may submit a petition to the district registrar or the local registrar at the district or municipality in which he is residing.

Clause 176. In a general election which is not a new election, on each occasion, the central registration director or anyone entrusted thereby may publish two sets of a list of out-of-province voters (Sor Sor 10/Kor) using information from a list of voters before sending them to the Provincial EC where one set will be posted in front of the central polling station on the election date and the other set will be used to check voter's rights according to Clause 180.

Clause 177. Chapter 5: Election; Section 1: Voting ballots; Section 2: Ballot boxes and Section 3: Actions prior to the election date shall apply to the voting at the central out-of-province polling station *mutatis mutandis*. The Provincial EC may provide enough ballot boxes to accommodate the number of registered voters who wish to exercise their votes out of the province.

Subject to Section 102 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007), the provisions of Chapter 9: Changing polling station, re-voting, re-counting of votes and new election before announcing election results shall apply to the change of polling stations, the re-counting of votes and vote counting *mutatis mutandis*.

Clause 178. On the first day of the election date, prior to the voting hours, the central out-of-province polling station committee shall count the number of ballots it receives and record it in an announcement Re: Number of ballots (Sor Sor 24/Kor) for openly posting at the central out-of-province polling station.

At the voting hours, the provisions in Clause 123 and Clause 124 shall apply *mutatis mutandis*.

Clause 179. When voter who has already notified his wish and whose name is listed in a list of voters who may vote out of the province according to Clause 176 presents himself to vote, members of the central out-of-province polling station committee who are responsible for the list of voters may check the list of out-of-province voters (Sor Sor 10/Kor) and his ID Card. The committee member shall also note down the number of the card and the place where the card is issued in the list of voters. The voter may sign his name or has his right thumb printed in the list of voters as evidence.

Clause 180. As soon as a voter does what is stipulated in Clause 179, members of the central out-of-province polling station committee responsible for distributing the ballots may ask a voter to sign his name or may print the voter's right thumb in a fingerprint column on the stub of the ballot both for the constituency election and the proportional representation election. The member of the committee who distributes the ballot shall note down the number of voter as stipulated in the list of out-of-province voters, sign his name and record the voter's name in the ballot's stub.

If a voter does not have a right thumb, his left thumb shall be printed instead. If voter has no thumb, any finger can be printed. If voter has no fingers at all, he shall be exempted and member

of the central out-of province polling unit committee shall indicate in the remarks column at the list of voters (Sor Sor 10/Kor) that the voter has no fingers.

Clause 181. As soon as a member of the central out-of-province polling unit committee who distributes the ballot completes his task under Clause 180, he may give one ballot for an election of members of House of Representatives under the constituency system and one ballot for the proportional representation system including an envelope (Sor Sor 39) where he shall note down details about the constituency, voter's province and his constituency code and province before delivering the ballot to the voter.

Clause 182. A member of the central out-of-province polling station committee supervising the voting booth shall have a duty to check whether or not the voter has slid the two ballots he has already voted into an envelope (Sor Sor 39) and sealed them properly. The member shall also countersign at the sealed spot on the envelope and tape it with a clear plastic tape before having the voter put the envelope (Sor Sor 39) into a ballot box specially arranged for voters under this Regulation in the presence of members of the central out-of-province polling station responsible for ballot boxes.

Clause 183. At the closing hours of the election each day, members of the central out-of-province polling station committee may announce the closing of the voting on that day and refrain from distributing any further ballots. However, if there remain voters who have already presented themselves at the central polling station, the voters may finish their vote exercise. Then, members of the central out-of-province polling station committee may count the remaining ballots without destroying them as well as the number of voters who have exercised their rights using Form Sor Sor 10/Kor with voting remarks before recording the information in two sets of Form Sor Sor 26/Kor, where one will be posted at the central polling station and the other will be kept as evidence. The remaining ballots and a list of out-of-province voters (Sor Sor 10/Kor) with voting remarks shall be kept at a safe place, except on the last day of the day designated for an advanced voting where the remaining ballots as part of the whole ballot book shall be punched in the middle with a metal object or other materials including their front and back cover as a means to destroy them before they are tied up in the same set and sealed with shellac. The destruction may be done through any other means to prevent the remaining ballots from being used again. Then, it shall be returned to the Provincial EC or anyone entrusted thereby together with the remaining books of ballots and a list of out-of-province voters (Sor Sor 10/Kor) with voting remarks.

Clause 184. The central out-of-province polling station committee shall open a ballot box to count the number of envelopes containing election ballots (Sor Sor 39) and put them in a clear plastic bag marked with the number of envelopes containing election ballots using Form Sor Sor 43. Thai Post Co Ltd or its representative shall take the envelopes (Sor Sor 39) and send them to the EC at the constituency as addressed in the envelope's front (Sor Sor 39).

Clause 185. The EC at the constituency shall appoint a vote-counting committee to count votes from out-of-province and overseas ballots. The committee shall consist of one director and nine members plus at least one security officer to receive and count the number of envelopes containing the ballots from Thai Post Co Ltd as described in Clause 184. In addition, the committee shall check the number of ballot envelopes (Sor Sor 39) to see if the number matches the number notified by Thai Post Co Ltd. A record indicating that the envelope under Form Sor Sor 39/Khor Khai has been received shall also be made.

When all the checking is completed, the envelopes containing election ballots shall be kept in a designated ballot box. The vote-counting committee under paragraph one shall sign its name in a placard designed to be placed over the insertion slot of the ballot box according to Form Sor Sor 23 before placing it over the slot, tying the box with a rope with a knot at the side and sealing the rope with shellac. This can be done by any other means that can prevent the ballot box from being opened before the box is removed to be kept in a safe place for the vote count.

An extra vote-counting committee under paragraph one is allowed to be set up for every 1,200 ballot envelopes that have been increased.

Section 3 Vote counting at the Central Polling Station

Clause 186. To count votes at the central polling station within the constituency, the central polling station committee in the constituency may count votes from ballots of voters who have exercised their rights in advance in the constituency at the central polling station at the constitution where this shall be in compliance with Chapter 6: Vote counting at the polling station. Chapter 9: Change of polling station, re-voting, re-counting of votes and new election before announcing election results; Section 2: Re-counting shall apply. In addition, Chapter 9: Change of polling station, re-voting, re-counting of votes and new election before announcing election results shall apply *mutatis mutandis*.

If there are more than 1,200 voters voting in advance within the constituency, the EC at the constituency may appoint another set of committee at the central polling station to count votes for an increase of every 1,200 voters.

As the vote count completes, its result and all the supplies shall be given to the EC at the constituency or anyone entrusted thereby.

Clause 187. To count out-of-province ballots and overseas ballots, the EC at the constituency or anyone designated thereby shall determine the venue for vote count.

Prior to 15.00 hours on the election date, the vote-counting committee under Clause 185 may count the number of ballot envelopes (Sor Sor 39) in a ballot box as described in Clause 185. It may remove the ballots out of the envelopes (Sor Sor 39) and put them in a ballot box before closing the box. It shall close the slot on top of the box with a placard for ballot box slot closure under Form Sor Sor 23 and sign on top of the box before taping it with a clear tape and lock it with key or other key replacements. The ballot box shall be tied with rope which shall be sealed with shellac. This can be done by any other means to prevent the box from being opened. In addition, three sets of report containing information about the number of out-of-province and overseas ballots using Form Sor Sor 43/Kor shall be made where one set shall be posted in front of the ballot box and another at the vote count venue. Meanwhile, envelopes containing ballots (Sor Sor 39) shall be kept as evidence.

Clause 188. At 15.00 hours on the election date, the vote count shall begin. Result of the vote count shall be given to the EC at the constituency. The provisions in Chapter 6, Vote counting at the polling station shall apply *mutatis mutandis*.

If ballots belonging to out-of-province voters arrive at the constituency's vote-counting venue after the vote count has already started, the ballot shall be considered invalid. The designated EC at the constituency shall turn the ballot over to the Provincial EC as evidence.

Chapter 8 Announcing election results

Section 1 Aggregating vote count results and announcing results of aggregated votes

Clause 189. The EC at the constituency or anyone entrusted thereby shall aggregate all vote count within the constituency from the announcements of the following vote count results:

- (1) Results of vote count at the polling unit
- (2) Results of vote count of the central polling station in the constituency
- (3) Results of vote counts from voters who have exercised their rights out of the provinces and overseas

The EC at the constituency shall announce the results of the aggregated vote count using Form Sor Sor 33 and Sor Sor 33/Sor for three sets each so that one will be posted at the vote-aggregation venue; the second will be sent to the Provincial EC and the third set will be given to the EC.

Clause 190. The Provincial EC or anyone entrusted thereby shall aggregate results of the vote count under the constituency system sent thereto by the EC at the constituency and announce the results of the aggregate vote in that constituency in four sets of Form Sor Sor 35 so that one set will be posted at the vote-aggregating venue, another will be given to the Provincial EC, while the third will be sent to the Provincial EC entrusted by the election commission to aggregate votes under the constituency system of the provincial zone and the fourth will be sent to the EC.

Clause 191. The Provincial EC or anyone entrusted thereby shall aggregate results of vote count under the proportional representation system sent thereto by the EC at the constituency and announce the results of the aggregate votes under the proportional representation system in two sets of Form Sor Sor 35/Sor so that one set will be posted at the vote-aggregating venue of the zone and the other will be sent to the EC.

Clause 192. The EC or anyone entrusted thereby shall calculate a ratio in order to come up with the number of elected persons under the proportional representation system in each provincial zone as follows:

- (1) All votes that all political parties fielding candidates in that provincial zone receive shall be aggregated.
- (2) The total votes in 1 shall be divided by ten. The result shall be considered an average score for each member of the House of Representatives under the proportional representation system.

- (3) The total votes each political party received shall then be divided by an average score under 2. The result will be a whole number, which is the number of members of the House of Representative under the proportional representation system, such political party will be given and this will apply in a ranking order to those in its party list starting with the first name.
- (4) If members of House of Representatives under the proportional representation system that all political parties in the provincial zone are entitled to are less than 10 persons, a political party that gets less than the whole number in (3) and a political party that gets less than the amount in (2) who enjoys the highest votes or commands the highest remaining votes shall get an extra member of the House of Representatives under the proportional representation system in a rank order until the number of members of the House of Representatives all political parties receive will reach ten.

Section 2

Announcing voting results

Clause 193. If the EC considers that there is a reasonable cause to believe that an election in any constituency or an election of any candidate under the constituency system or an election of any political party under the proportional representation system has been fairly and honestly carried out, an election result as to who is elected will be announced in seven days from the election date as follows.

- (1) If it is an election under the constituency voting system, the EC may announce the election result under the constituency system using Form Sor Sor 36.
- (2) If it is an election under the proportional representation system of any provincial zone, the EC shall announce an election result under the proportional representation system using Form Sor Sor 36/Sor where the EC shall issue a certificate to confirm that candidates are elected as members of House of Representatives using Form Sor Sor 44 and Sor Sor 44/Sor

Clause 194. If the EC suspects that an election of members of the House of Representatives under the constituency system or the proportional representation system in any constituency is dishonestly and unfairly held, the EC will not announce an election result of that constituency but will instead investigate the matter and order a new election to be held or the candidate's right to be elected terminated or announce an election result within 30 days from the election date.

Clause 195. In an election under the constituency voting system, candidates enjoying the highest votes will be elected. However, in case any constituency can have more than one member of the House of Representatives under the constituency system, candidates enjoying the highest votes in a rank order in that constituency shall be elected for a total number of members of House of Representatives such constituency may have in that constituency.

To announce the election result in Clause 193 or Clause 194, the EC may send an election result under the constituency system and the proportional representation system of all political parties to the Parliament President and the election result shall be announced in the Government Gazette.

The EC shall issue an individual certificate confirming that the person is elected as a member of House of Representatives as an evidence for such election.

Clause 196. Subject to Clause 193, concerning an announcement of the election result under the constituency system in the case where on the election date, the number of candidates is equal to or less than the number of members of House of Representatives a constituency may have, the EC will announce an election result only when the candidate receives votes for at least 20 per cent of the number of voters and more than the number of ballots expressing no wish to vote.

Clause 197. In case there is a new election because on the election date, the number of candidates under the constituency system is equal to or less than the number of members of the House of Representatives the constituency may have and that the candidates receive votes that are less than 20 per cent of the number of voters or equal to or less than the number of ballots not wishing to vote, the EC may announce a new election result only when in compliance with Clause 196.

Clause 198. Subject to Clause 193, in case there is a new election and the result of such new election cannot be announced according to Clause 197 where the EC must organize a new election, the EC may announce a new election result under this Clause regardless of the election result.

Section 3 Lot drawing

Clause 199. In case no election result under the constituency system in any constituency can be made since candidates receive equal votes which means no elected persons can be ranked in an order described in Clause 195, the EC at the constituency may invite candidates receiving equal votes for a lot drawing in the presence of the Election Commission at the constituency at the date, time and venue the committee may determine, which shall not exceed three days from the election date.

Clause 200. If a candidate under Clause 199 himself fails to draw a lot as the EC at the constituency requires, he shall authorize other persons in writing to do so on his behalf.

Clause 201. If an announcement of the election result under the proportional representation system in any provincial zone cannot be done because political parties enjoy an equal amount of vote excess, which prevents them from being ranked in an order described under Clause 192 (4), any political parties having the same excess of votes shall draw a lot where the party's representatives shall do so within the date and time stipulated by the EC but this shall not exceed three days from the election date so that the constituency will be able to announce a total number of members of House of Representatives it may have.

Clause 202. The lot drawing shall be as follows.

The first lot drawing: an election director at the constituency shall make a list of candidates or political parties subject to a lot drawing in the same labels and put them in a container, shake it well to avoid knowing which label belongs to which candidate or political party and the election director at the constituency or anyone entrusted thereby may pick up the name of a candidate or a political party one at a time. Any name of either the candidate or the political party picked up for the first time will be considered having a rights to draw the lot for the second lot drawing first. Name of candidate or political party picked out in a subsequent order will be considered having a right at a subsequent order. This will go on until all candidates or political parties enjoying the same votes are drawn out.

The second lot drawing: an election director at the constituency shall make labels for an amount equal to the amount of candidates or political parties subject for the lot drawing. The same number of labels carrying the statement “being elected” shall be made so that it is equal to the number of members of the House of Representatives that remains missing due to equal votes. The rest of the labels shall be written with a statement “not being elected.” Any candidate or political party picking up the label with the statement “being elected” will be elected as another member of the House of Representatives or as another political party under the proportional representation system. The result of the lot drawing shall be recorded.

With regard to the proportional representation system, the EC Secretary-General or anyone entrusted thereby shall act on behalf of the election director at the constituency *mutatis mutandis*.

Clause 203. At the lot drawing hour, if any candidate or political party subject to the lot drawing fails to show up at the lot-drawing venue, the election director at the constituency or the EC Secretary-General, as the case may be, shall draw the lot on behalf of the absentee where one shall act according to Clause 202.

Chapter 9 **Changing of polling station, re-voting, re-counting of votes and new election before announcing election results**

Section 1 **Changing of polling station and re-voting**

Clause 204. Subject to Section 12 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007), if voting in any polling unit cannot be done due to any of the following:

- (1) riot;
- (2) flood;
- (3) fire;
- (4) *fore majeure*
- (5) other incidents considered necessary

The Election Commission at the constituency may determine a new polling station but if this cannot be done, it may suspend the voting of that polling unit and report to the EC without delay.

Clause 205. When receiving a report under Clause 204, the EC may set up a new voting day of that election unit within seven days from the election date unless the EC considers that it is the case under Section 85 of the Organic Act Re: Election of Members of House of Parliament and Installation of Senators, B.E 2550 (2007).

Clause 206. If the cases under Clause 204 take place on the election date, the polling unit committee or the EC at the constituency, as the case may be, shall suspend the voting of that polling unit and report to the EC.

The provisions under Clause 205 shall apply to paragraph one, *mutatis mutandis*.

Section 2

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Re-counting of votes

Clause 207. If vote counting of any polling station cannot be done or if the vote counting cannot be completed due to either of the following:

- (1) riot;
- (2) flood;
- (3) fire;
- (4) force majeure
- (5) other necessary incidents
- (6) reason that may affect safety

The polling unit committee may suspend the vote counting of that polling unit and close the slot of the ballot box before tying the box with rope and sealing it with shellac or it may do otherwise to prevent the box from being opened before keeping the box and voting ballots in a safe place as determined by the EC at the constituency and report the same. For other documents, the EC at the constituency may keep them in separation for checking purpose.

Clause 208. As soon as the EC at the constituency receives a report according to Clause 207, it may report the Provincial EC so that the latter may determine a date, time and venue to count votes. This shall be reported to the EC without delay.

Clause 209. If the EC at the constituency deems that the number of voters voting at the polling units under Clause 207 will not be high enough to change the election result in that constituency, it may report the EC to decide not to count the votes in that polling unit.

Section 3 New election before announcing election results

Clause 210. The EC may order a new election at any one or several polling units when there is any of the following incidents:

- (1) When voted ballots become defected or lost;
- (2) When the result of vote count shows that the number of voters exercising their rights does not match the number of ballots used at the voting;
- (3) When the EC removes the rights to be elected of a candidate under the constituency system whose votes will get him elected in that constituency before the election result is announced.

Clause 211. In the case under Clause 210 (1), if voters exercising their rights won't change the election result in that constituency, the EC shall not organize a new election.

Clause 212. In the case under Clause 210 (2), if the number of voters in a polling unit is not enough to change the election result in the constituency, the EC shall not organize a new election.

Clause 213. For a new election under Clause 210, the provisions under Section 9 of the Organic Act Re: Election of Members of the House of Parliament and Installation of Senators, B.E 2550 (2007) shall apply as follows.

- (1) Suspend an announcement of polling units and polling stations where polling units and polling stations that the EC at the constituency has determined for the election ordered by the EC to be newly organized shall be used instead.
- (2) Suspend the appointment of the polling unit director, the polling unit committee and security officers where those appointed for the election ordered by the EC to be newly organized shall continue to work unless the Election Commission at the constituency may deem appropriate to change, where in such case the provisions limited to an appointment of persons under Chapter 2: Election officers; Section 2: Polling unit director; Section 3: Polling unit committee; Section 4: Security officer shall apply *mutatis mutandis*. The provision with regard to the period shall not apply.
- (3) Suspend a preparation of a list of voters where a reserved list of voters of the election that the EC has ordered it to be newly organized shall be used instead.

Clause 214. If it is a new election because the number of candidates in a constituency under the constituency voting system is equal or less than the number of members of the House of Representatives a constituency may have, and if it is a case where the candidate receives votes amounting to less than 20 per cent of the number of voters or less than the number of ballots from voters not wishing to vote, the provisions in Clause 212 shall apply *mutatis mutandis*. The provision with regard to the applying period under Chapter 4: Candidacy shall not apply to the new candidacy, where it shall be in accordance with the period determined by the EC.

Chapter 10

Keeping and destroying ballots and election-related documents

Clause 215. As soon as the election result is announced, the EC at the constituency may hand over ballot boxes, ballots and documents relating to the election to the Provincial EC to keep both the ballots in the boxes and related evidences in a safe place.

No one without legal power shall open the ballot box.

Clause 216. Destruction of ballots in ballot boxes and documents relating to the election under Clause 215 is allowed only when approved by the EC.

Clause 217. To seek approval to destroy ballots and documents under Clause 216, the Office of the Election Commission shall do the following:

- (1) If the EC has announced a complete election result in any constituency for a total number of members of Representatives the constituency may have within seven business days from the election date, the Office of the Election Commission shall check within 30 days from the election date whether or not there is any protest to the election in that constituency or not. If not, it may request the EC to destroy the ballots and evidence. If there is a protest, the ballots and evidence under Clause 213 shall be kept until the review of the protest is completed before it may seek approval from the EC to destroy such ballots or evidence.
- (2) In any constituency, if the EC has announced only part of the election results out of the total number of members of the House of Representatives the constituency may have

within seven business days from the election date and there is a protest of the election in that constituency or there is an election protest in the constituency where no election result is announced, voting ballots and evidence under Clause 215 shall be kept until the review of the protest is completed before an approval is requested from the EC to destroy ballots or evidence.

- (3) If the EC has announced an election result in any constituency because a period of 180 days from the election date is about to expire according to Section 93 of the Constituency and there is a protest to the election, voting ballots and evidences under Clause 215 shall be kept until the review of the protest is completed before an approval from the EC is requested to destroy ballots or evidence.

Clause 218. Voting ballots and evidences under Clause 215 shall be kept in a safe place as determined by the Provincial EC.