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# **Elections in Thailand**

## *2014 General Elections*

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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## Frequently Asked Questions

When is Election Day?.....	1
Who are citizens voting for on Election Day? .....	1
Why are these elections significant for Thailand? .....	1
What role has the National Anti-Corruption Commission had in the pre-election period?.....	2
Who can vote in the country?.....	2
How many registered voters are there? .....	3
What is the structure of the government? .....	3
Are there reserved seats for women? .....	3
How have protests impacted election preparations?.....	3
What is the election management body? What are its powers? .....	4
How are polling stations determined for Election Day? .....	4
Is out-of-country voting allowed?.....	4
Is early voting allowed? .....	4
How will voters with disabilities cast their ballots?.....	5
Where are voting, counting and tabulation held?.....	5
How will election disputes be adjudicated? .....	5
How will Election Day security be ensured? .....	6
Resources.....	7

*Disclosure:*

*These FAQs reflect decisions made by the Thai elections authorities as of January 31, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## When is Election Day?

Elections are scheduled for February 2, 2014.

## Who are citizens voting for on Election Day?

Voters will cast their ballots to elect a new House of Representatives, the *Sapha Phuthaen Ratsadon*, which is the lower house of Parliament.

## Why are these elections significant for Thailand?

Prime Minister Yingluck Shinawatra called for elections on December 9, 2013, after weeks of large-scale protests in Bangkok. The protests began after the introduction of controversial political amnesty legislation in Parliament. Although the bill was rejected in the Senate, it reignited political tensions in Thailand. Anti-government protesters argued the amnesty bill would allow former Prime Minister Thaksin Shinawatra, brother of current Prime Minister Shinawatra, to return to Thailand without serving a jail sentence for corruption. The former Prime Minister was ousted in a military coup in 2006, but the opposition believes the current Prime Minister is allowing her brother to influence the government from self-imposed exile.<sup>1</sup>

Rallies of up to 200,000 people have taken place, with protesters forcing their way into the Ministry of Finance on November 25. The protests turned violent days later on November 30, with at least 10 people killed in protests since and prompted the Election Commission of Thailand (ECT) to request a delay in elections to ensure the safety of candidates.

Antigovernment protesters are calling for the installation of an appointed People's Council to replace the current caretaker government rather than moving forward with the election. The opposition argues the People's Council would reform Thailand's political system prior to any further elections. Prime Minister Yingluck Shinawatra has stated the People's Council would be unconstitutional.<sup>2</sup>

On December 21, the main opposition Democrat Party announced its support for the protests and plans to boycott the February elections. A week later, on December 28, when Thailand's top general, General Prayuth Chan-ocha, was asked whether a military intervention was possible, he responded, "The door is neither open nor closed."<sup>3</sup> Two days later, the Deputy Army Spokesperson denied speculation about a possible military coup, as has happened in previous periods of political turmoil in Thailand.<sup>4</sup>

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<sup>1</sup> *BBC News*. "Q&A: Thailand anti-government protests." <http://www.bbc.co.uk/news/world-asia-25149484>, accessed January 29, 2014.

<sup>2</sup> *Voice of America*. "Thai PM Calls Opposition Demands Unconstitutional". <http://www.voanews.com/content/police-hold-off-protesters-determined-to-topple-thai-government/1801495.html>, accessed January 29, 2014.

<sup>3</sup> *International Business Times*. "Thailand Army Hints at Possible Military Coup as Conflict Threatens to Tear Country Apart." <http://www.ibtimes.co.in/articles/532018/20131228/thailand-violence-yingluck-shiniwatra-possible-military-coup.htm>, accessed January 29, 2014.

<sup>4</sup> *Bangkok Post*. "Army Silence Sparks Coup Panic." <http://www.bangkokpost.com/news/local/388268/army-silence-sparks-coup-panic>, accessed January 30, 2014.

Protesters began large-scale demonstrations on January 13, stating their intention to “shut down” Bangkok, in a bid to discredit the caretaker government and prevent the February 2 elections.

On January 23, the Constitutional Court ruled the elections could be delayed due to unrest, but the decision to delay must be made by the Prime Minister and the ECT, and then submitted to the King for royal approval. While the ECT announced the election should be postponed for security reasons, the government decided elections will take place on February 2.

## **What role has the National Anti-Corruption Commission had in the pre-election period?**

On January 7, 2014, the National Anti-Corruption Commission (NACC) announced it would charge over 300 members of Parliament, most of whom are from the ruling Pheu Thai Party, with misconduct for voting in favor of legislation that would change the Senate from partially-elected to fully-elected. This followed a November 2013 ruling by the Constitutional Court of Thailand that correct procedures were not followed in voting for the legislation since the amendment would violate the political system’s checks and balances.

The charges by the NACC – which were derided as highly-political by critics<sup>5</sup> – could make these members of Parliament ineligible to take their seats if reelected. If this is the case, Thailand will be unable to reopen Parliament with fewer than the required 95 percent of House of Representatives seats filled. By-elections would be required before Parliament could reopen.

## **Who can vote in the country?**

Under the 2007 constitution, voting is mandatory in Thailand. All Thai citizens over the age of 18 on January 1 of the election year are eligible to vote, provided their name is on the House registry of their constituency at least 90 days prior to the election. Naturalized citizens must have their Thai citizenship for at least five years.

Also according to the 2007 constitution, there are four instances in which a person meeting these criteria would not be eligible to vote:

1. If a person is a monk, novice, Brahmin priest or clergy
2. If a person has their right to vote suspended (e.g., voting rights suspended for previous instance of failing to vote without notifying a reasonable cause)
3. If a person has been detained by a court warrant or lawful order
4. If a person is of unsound mind or mental infirmity

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<sup>5</sup> *New York Times*. “308 Thai Officials Face Anticorruption Inquiry.”  
[http://www.nytimes.com/2014/01/08/world/asia/308-thai-lawmakers-face-anticorruption-inquiry.html?\\_r=0](http://www.nytimes.com/2014/01/08/world/asia/308-thai-lawmakers-face-anticorruption-inquiry.html?_r=0),  
accessed January 15, 2014.

## How many registered voters are there?

There are approximately 48.7 million registered voters eligible to cast their vote in the 2014 election. The Thai government reports that 143,800 of over 1 million overseas Thai citizens registered to vote.

## What is the structure of the government?

Thailand has a bicameral parliament comprised of the Senate, or *Wuthisapha*, and the House of Representatives, or *Sapha Phuthaen Ratsadon*.

Of the Senate's 150 seats, 73 are appointed by judges and independent government bodies, while 77 are elected by plurality vote in single-member constituencies. In the House of Representatives, 375 seats are elected by plurality vote in single-member constituencies and 125 members are elected through a closed-list proportional representation system that uses one nationwide constituency.

All members of the House of Representatives are normally elected for four-year terms. However, terms may be shorter when the House is dissolved, as is the case leading up to the 2014 elections.

The King of Thailand serves as head of State.

## Are there reserved seats for women?

There is not a legislated quota in Thailand. However, voluntary measures were undertaken by one or more parties in the last election, and women's representation in the House of Representatives increased from 11.7 percent in 2007 to 15.8 percent in 2011, according to the Inter-Parliamentary Union.<sup>6</sup>

## How have protests impacted election preparations?

During the candidate registration period, opposition protesters disrupted the registration process in 28 constituencies, mostly in southern Thailand. The Election Commission of Thailand (ECT) decided not to extend the registration date for candidates, arguing it would impact early voting. The decision not to extend registration affected approximately 123 candidates in 28 constituencies in eight provinces. If these constituency seats are uncontested, the elections will be unable to deliver the 95 percent threshold needed for Parliament to reopen, which will necessitate by-elections.

Early voting took place on January 26 and protesters engaged in a large-scale disruption, which resulted in the early closure of approximately 83 of Thailand's 375 constituencies, including nearly all of Bangkok's polling stations.

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<sup>6</sup> Inter-Parliamentary Union. *Women in Parliament in 2011: The Year in Perspective*. 2011. P.5.  
<http://www.ipu.org/pdf/publications/wmnpersp11-e.pdf>.

## **What is the election management body? What are its powers?**

According to the 2007 constitution, the Election Commission of Thailand (ECT) is responsible for administering elections for the House of Representatives, Senate, members of local assemblies and local administrators. In these duties, the ECT is responsible for regulations on election campaigns, political parties and candidates. The ECT also controls measures related to financing political parties and candidates, as well as the disbursement of funds for elections.

The ECT is also responsible for announcing the results of elections and referenda. Additionally, this body conducts investigations and inquiries and decides on election disputes. It is also responsible for ordering new elections if there is convincing evidence that an election or referendum has not been honest or fair.

## **How are polling stations determined for Election Day?**

The Organic Act on the Election of Members of the House of Representatives and Installation of Senators states that:

- Each polling station should cover approximately 800 voters
- The notification outlining polling stations must be posted at least 20 days prior to the election
- The boundary of a polling station may be changed at least 10 days prior to Election Day, except in the case of riot, flood, fire or force majeure

## **Is out-of-country voting allowed?**

Yes. Voters who live outside of Thailand have the right to vote at Thai embassies, consulates or as instructed by the ambassador. In instances where there are fewer than 500 registered voters in a country, an ambassador may allow voters to cast their ballot by mail.

There are approximately 143,800 registered voters overseas. Overseas voting took place between January 13 and January 26, 2014.

## **Is early voting allowed?**

Yes. Voters who reside outside of their constituency and are unable to vote in their polling place on Election Day may participate in early voting. Each of Thailand's 375 constituencies must have at least one central polling station available for voters casting their ballots early. Voters must register with the election commission 30 days prior to the election to be eligible. Approximately 2.16 million citizens registered for early voting.

Early voting took place on January 26. However, many citizens who registered for early voting were unable to vote due to protest activities outside polling stations in Bangkok and southern Thailand.

## **How will voters with disabilities cast their ballots?**

According to the Election Commission of Thailand (ECT), for the purpose of facilitating persons with disabilities to vote, the ECT will provide assistance with vote-casting under the supervision of the committee of the polling station. Such facilitation or assistance must allow a person with disabilities to cast a vote independently, and shall preserve the direct, secret nature of voting.

## **Where are voting, counting and tabulation held?**

Voting and counting are conducted in polling stations throughout Thailand. Vote counting is done publicly. When complete, polling station committees will announce the result of the count, the total number of ballot papers, the number of completed ballots and the number of unused ballots. Each committee will then close and seal the ballot box and report the result to the constituency election commission.

When the constituency election commission has received all results from its polling station, it will publicly announce the results of the vote count. Each constituency election commission will report its results to the provincial election commission, which will tabulate votes at the provincial level on a proportional basis and submit these to the Election Commission of Thailand (ECT). Once the ECT has received the votes on a proportional basis in each constituency, it will calculate the number of seats allocated to each party of the 125 proportional representation seats.

## **How will election disputes be adjudicated?**

Any voter, candidate or political party that fielded candidates in the election has the right to petition the Election Commission of Thailand (ECT) if they believe the election was unfair or illegal before or up to 30 days following the announcement of results. Petitions related to a failure to disclose income and expenditure by candidates or political parties must be made within 180 days of the announcement of results.

At the provincial level – upon receipt of and following an investigation of an election petition – the Provincial Election Director will submit the petition to the provincial election commission for a determination.

At the national level, when a petition is received, it is reviewed by the Department of Investigation and Adjudication and then submitted to the Director and Director-General, after which petitions are reviewed by a sub-committee for adjudicating election petitions and disputes. Finally, petitions are submitted to the ECT for a determination.

In cases where the findings of an investigation demonstrate that a polling station or constituency did not conduct elections in a legal or fair manner – but the ECT believes calling a new election would not affect the results of the election already held – the ECT may dismiss the petition.

The ECT has significant powers at its disposal to penalize electoral violations committed by electoral contestants. The ECT may:

- Revoke the voting right – tantamount to banning the person allegedly involved in committing fraud – from running in an election for one year.
- Call for a re-election or a by-election, but the person may stand in the new round of election.

### **How will Election Day security be ensured?**

There are significant security concerns surrounding Election Day. In late December 2013, the caretaker government announced it would request assistance from the military to provide security on Election Day. On January 8, the national spokesperson for the police announced that nearly 15,000 police and soldiers would be deployed in advance of planned demonstrations.<sup>7</sup>

Following a series of attacks at protest sites, on January 21, the Thai government declared a 60-day state of emergency in Bangkok and surrounding areas in response to the protests. This allows the government to institute curfew, censor news media, call an end to gatherings and use military force in the name of order.

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<sup>7</sup> *Agence France-Presse*. "Thailand to deploy 15,000 police, troops for 'shutdown.'" <http://news.asiaone.com/news/asia/thailand-deploy-15000-police-troops-shutdown>, accessed January 8, 2014.



## Resources

- Constitution of the Kingdom of Thailand 2007 ([English](#))
- Office of the Election Commission of Thailand ([English](#))