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ELECTION LAWS

FOREIGN LAW DIVISION

OFFICE OF THE COUNCIL OF STATE

JULY 1997

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**ELECTION OF MEMBERS OF THE HOUSE
OF THE REPRESENTATIVES ACT,
B.E. 2522 (1979)**

**FOREIGN LAW DIVISION
OFFICE OF THE COUNCIL OF STATE**

Translation

ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES ACT,
B.E. 2522 (1979)

BHUMIBOL ADULYADEJ, REX.,

Give on the 2nd day of February B.E. 2522;
Being the 34th Year of the Present Reign.

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

Where as it is expedient to have a law on election of
members of the House of Representatives;

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

Section 1. This Act is called the "Election of Members
of the House of Representatives Act, B.E. 2522".

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

Section 3. All other laws, rules and regulations in
so far as they are contrary to or inconsistent with the
provision of this Act shall be replaced by this Act.

Section 4. In this Act:

"electoral unit" means an area designated for voting
purposes;

* Published in the Government Gazette Vo. 96, Part 12, Special
Issue, dated 3 rd February B.E. 2522 (1979)

"polling place" means a place designated for voting purposes and shall include a specified area surrounding the polling place;

"election day" means the day fixed for voting;

"constituency" means a locality designated as an area for holding an election of members of the House of Representatives;

"candidate" means a candidate for election;

"elector" means a person having the right to vote;

"Changwat Governor" includes the Governor of Bangkok Metropolitan Administration;

"Nai Amphoe" includes the chief of Khet and Palad Amphoe who is chief of Ging-Amphoe;

"Mayor" includes the Pattaya City Manager;

"Kamnan" includes the chief of Khwaeng;

"Changwat Central Office" includes Office of Bangkok Metropolitan Administration;

"Amphoe Office" includes Khet Office and Ging-Amphoe Office;

"Municipal Office" includes the Pattaya City Hall;

"Kamnan Office" includes the Office of the Chief of Khwaeng;

"Changwat" includes Bangkok Metropolis;

"Amphoe" includes Khet and Ging-Amphoe;

"Municipality" includes Pattaya City;

"Tambon" includes Khwaeng.

Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations or rules for the execution of this Act.

Such Ministerial Regulations or rules shall come into force upon their publication in the Government Gazette.

Chapter I
General Provision

Section 6. After the promulgation of the Royal Decree on election of members of the House of Representatives, if it is a general election, the area of each Changwat except Bangkok Metropolis shall be one constituency and the Ministry of Interior shall determine the number of members of the House of Representatives to be elected in each constituency.

As for Bangkok Metropolis, the Ministry of Interior shall determine the localities making up each constituency and the number of members of the House of Representatives to be elected in each constituency.

The determination under this section shall be made without delay and published in the Government Gazette.

Section 7. In any constituency, if the number of candidates does not exceed the number of members of the House of Representatives to be elected in that constituency, the candidates shall be regarded as having been elected without voting.

Section 8. All employers must render appropriate facilities to employees to exercise the rights to vote and to become a candidate.

The provision of paragraph one shall apply mutatis mutandis to government units, State agencies and State enterprises.

Section 9. An elector shall not be required in any case whatever to disclose whether or not, or for whom, or for which political party, he has voted.

Section 10. After the promulgation of the Royal Decree on election of members of the House of Representatives in a constituency, if any locality in such constituency is under the Royal Decree authorizing the application of the law on maintenance of public cleanliness and orderliness, the local government official under the said law shall designate appropriate places for posting up of election posters.

The posting up of election posters in places designated under paragraph one shall be in accordance with the rules, procedure and conditions prescribed by the Ministry of Interior and published in the Government Gazette.

After the local government official has designated the places under paragraph one, no person shall campaign for election by posting up election posters or causing by whatever means statements, pictures or any other things to be appeared at any place which is a public place, fence, wall, outer side of a building, or tree which is adjacent to the public place other than the places so designated.

Section 11. After the issue of a notification designating polling places under section 39 paragraph two, no person shall, within the polling place, bring printed matters under the law on printing, posters or other materials for the election campaigning for benefit of a candidate or political party.

In the case where there have been within the polling place printed matters under the law on printing, posters or other materials which are detrimental or beneficial to a candidate or political part before or on the election day, the election officials, polling committee members or the polling clerks shall have the power and duty to destroy, cover or take them out of the said polling place.

Section 12. From the hours of six in the evening of the day preceding the election day to the end of the election day, no person shall campaign by whatever method which is detrimental or beneficial to a candidate or political party or by whatever means cause disturbance or obstruction to the election.

Section 13. From the hours of six in the evening of the day preceding the election day to the end of the election day, no person shall sell, distribute, give away or provide all kinds of alcoholic drinks within a constituency.

Section 14. Any person who does not possess Thai nationality shall not act in such way as to be detrimental or beneficial to a candidate or political party, nor shall he, by whatever means, render assistance in the election unless such act is to assist the government service or to carry out in good faith his normal occupation.

Section 15. A government official or local government official holding a permanent position or receiving regular salary, official of a State enterprise, Governor of Bangkok Metropolitan Administration, Deputy-Governor of Bangkok Metropolitan Administration, mayor, Pattaya City Manager, municipal councillor, Kamnan, Phuyai-Ban, Tambon medical officer, Kamnan inspector, assistant Phuyai-Ban, member of sanitary board or Tambon councillor shall not exercise his official power in an unlawful manner so as to be detrimental or beneficial to any candidate or political party.

Section 16. A government official or local government official has the duty to render assistance and facilities whether directly or indirectly, in connection with the election.

In addition to the duties specified in this Act, Changwat Governor, Nai Amphoe, administrative official and police official shall have the duties to render facilities to and maintain law and order during the election.

Chapter II

Right to Vote and Candidature

Section 17. A person possessing Thai nationality by birth has the right to vote and to be a candidate in accordance with the provision of the Constitution.

Section 18. A person possessing Thai nationality but having alien father may be an elector upon possessing one of the following qualifications, namely:

(1) having passed an examination of not lower than Matthayom VI or Matthayomsuksa III or secondary education level according to the syllabus of the Ministry of Education or the National Education Plan B.E. 2520, as the case may be, or having the equivalent knowledge recognized by the Ministry of Education;

(2) serving or having served in the military service according to the law on military service;

(3) being or having been a government official or local government official holding a permanent position or receiving regular salary for a period of not less than five years;

(4) being or having been a member of the national legislative assembly, member of Changwat Assembly, councillor of Bangkok Metropolitan Administration, Governor of Bangkok Metropolitan Administration, Deputy-Governor of Bangkok Metropolitan Administration, municipal councillor, Pattaya City councillor, member of sanitary board, Tambon councillor, Kamnan or Phuyai-Ban;

(5) paying or having paid personal income tax or taxes on houses and land or rates in accordance with the law for a period of not less than five consecutive years.

Section 19. A person possessing Thai nationality but having alien father may be qualified as a candidate upon having been educated in a school for a specified period and having passed an examination of not lower than Matthayom VIII, or Matthayomsuksa V or high-school level, according to the syllabus of the Ministry of Education or the National Education Plan B.E. 2520, as the case may be, or having been educated at secondary education level in a school or other educational institution in the country for a specified period and having secured knowledge recognized or accredited by the Ministry of Education as not being lower than the said standard, or having been educated in a university, or high level educational institution in the country for a specified period according to the syllabus and having passed an examination of not lower than bachelor degree or its equivalent.

Section 20. No person shall be a candidate at an election of members of the House of Representatives in more than one constituency.

Section 21. A political party shall not nominate its members as candidates for election in a constituency more than the number of members of the House of Representatives to be elected in that constituency.

Section 22. The candidates of each political party whose names appear in the nomination paper submitted to Changwat Governor by the leader of that political party shall submit group applications in persons to Changwat Governor at Changwat Central Office of Changwat where the constituency for which they are the

candidates is situated within the period prescribed in the Royal Decree, together with the fee of five thousand Baht each, evidence of candidature and their photographs or pictures printed as clearly as photographs of approximately 8.5 x 13.5 centimeters in size in such number as prescribed by Changwat Governor, and shall comply with the procedure relating to the application for candidature prescribed in Ministerial Regulation.

After Changwat Governor has received the application, he shall record the acceptance thereof as evidence and issue a receipt to the applicant on the same day. Changwat Governor shall examine the evidence of qualifications and make inquiry as to the eligibility of the candidate, which shall be completed within fifteen days from the closing date for the application. If the applicant is eligible, the notice of acceptance of his candidature shall be posted up at Changwat Central Office and Changwat Governor shall promptly notify the applicant or his political party of the acceptance or refusal of his candidature.

The notice under paragraph two shall contain the name of the candidate and his personal marking which consists of the candidate's number and a number of dot or dots equivalent to the candidate's number to be used in the poll and the candidate's photograph, which shall be promptly posted up at Changwat Central Office, Amphoe Office and the polling places or nearby places in the constituency for which he is a candidate. The procedure on assigning the candidate's number shall be prescribed in the Ministerial Regulation.

In a general election, if the number of candidates nominated by a political party is less than one-half of the total number of members of the House of Representatives to be elected in that election, the Ministry of Interior shall make public announcement of the name of that political party.

Section 23. In applying to be a candidate under section 22, the applicant must be a member of a political party

which nominates its members to be elected in group in each constituency. An elector shall also vote for a group of candidates.

Section 24. After Changwat Governor has issued a receipt to a candidate under section 22 paragraph two, the fee so paid shall become property of the State and shall not be refunded to the candidate in any case whatever.

Section 25. Any applicant whose name does not appear as a candidate in the notice of Changwat Governor issued under section 22 has the right to file a motion with Changwat Court within whose jurisdiction Changwat Central Office is situated, or with the Civil Court for Bangkok Metropolis, without having to pay the court fees for the proceedings, within seven days from the date of the notice. The court shall, after having received the motion, proceed with the examination thereof without delay and the Civil Procedure Code shall apply mutatis mutandis. The court shall decide whether the applicant is to be accepted as a candidate and its order shall be final. The court shall promptly inform Changwat Governor of its order.

In the case where the court orders the acceptance of the candidature, Changwat Governor shall promptly comply with such order, and section 22 shall apply mutatis mutandis. If a polling committee has been appointed, Changwat Governor shall promptly inform the committee of such order.

Any act done by Changwat Governor and the polling committee in compliance with the original order of Changwat Governor prior to receiving an order of the court shall be valid under the law.

Section 26. No person, knowing that he is ineligible, shall apply to be a candidate for the election.

Chapter III
Register of Electors

Section 27. After the promulgation of the Royal Decree on election of members of the House of Representatives, Nai Amphoe shall prepare a register of electors for each electoral unit and post it up at Amphoe Office, municipal office, conspicuous public places and at polling places or nearby places not less than thirty days before the election day.

In shall be the duty of Nai Amphoe to prepare a register of electors under paragraph one by copying the names of electors from the house registers except, in the municipal area, it shall be the duty of the municipality.

Section 28. After the posting of the register of electors under section 27 paragraph one, an elector or head of household who notices that his name or the name of a person who has been listed in the house register has not been included in the register of electors for the electoral unit for which he or that person is eligible to be an elector, shall have the right to file an application with Nai Amphoe not less than fifteen days before the election day.

After having received the application under paragraph one, Nai Amphoe shall examine all evidences and, if he is of the opinion that the applicant or the person whose name appears in the house register is eligible, he shall order that the name of the applicant be added to the register of electors without delay. If Nai Amphoe is of the opinion that the applicant or the person whose name appears in the house register is ineligible, he shall dismiss the application and notify the applicant of the dismissal together with the reason therefor within three days from the date of reciving the application.

After having received the notice under paragraph two, the applicant has the right to file a motion, within fifteen days from the date of receiving the notice, with Changwat Court within

whose jurisdiction he has domicile or with the Civil Court, for the applicant who has domicile in Bangkok Metropolis, without having to pay the court fees for the proceedings for the court to decide whether the name is to be included in the register of electors.

After having received the motion under paragraph three, the court shall proceed with the examination thereof without delay, and the Civil Procedure Code shall apply mutatis mutandis. The order of the court shall be final and the court shall inform Nai Amphoe of the order to ensure that it be executed accordingly as soon as possible. In the case where the register of electors has been posted before the court's order is received, the amendment shall be made to every copy of the register of electors accordingly.

Any act done in compliance with the original order of Nai Amphoe prior to receiving the order of the court shall be valid under the law.

Section 29. In case of the electors who are members of the armed forces or are on active military service, police, members of the territorial army, or government officials, and have received the official order to perform duties in connection with maintaining public order or security and safety of the country outside the normal place of domicile, if the superior official of such persons who, being of the rank of colonel or upward or the rank equivalent thereto, is of the opinion that they are unable to vote at the electoral units where they are eligible to vote, shall prepare a list of names of such persons in the form prescribed by the Ministry of Interior and submit it to Nai Amphoe of the locality where such persons perform their duties not less than thirty days before the election day in order that a temporary house register may be issued to them and their names added to the register of electors.

If Nai Amphoe is of the opinion that they are eligible electors, he shall issue temporary house register and add their names to the register of electors without delay and shall inform Nai Amphoe of the locality where the electors have domicile accordingly to make a remark in the register of electors. Nai Amphoe is of the opinion that anyone of them is not an eligible elector, he shall notify the applicant thereof together with the reason therefor within three days from the date of receiving the list of names and the provision of section 28 shall apply mutatis mutandis.

A temporary house register shall be prepared in accordance with the form of house register under the law on registration of inhabitants mutatis mutandis and it shall be cancelled after the election.

Section 30. Any elector who has seen that the register of electors posted under section 27 paragraph one contains the name of a disqualified person under this Act, or any head of household who has seen that the name of a person not being listed in his house register has appeared in the register of electors as being listed in his house register, has the right to file an application with Nai Amphoe not less than fifteen days before the election day that the name of the disqualified person be deleted from the register of electors.

If, after consideration, Nai Amphoe deems it expedient to delete the name of such person or dismiss the motion, he shall issue an order deleting the name or dismissing the application. Such order shall be notified to such person, and section 28 shall apply mutatis mutandis.

Section 31. After a person has been disfranchised by a judgment and the case has become final, the court shall, without delay, notify the municipality or Nai Amphoe of the area where his name appears in the house register in order that it may be recorded therein and the municipality or Nai Amphoe shall post

up the notice of disfranchisement by order of the court at the municipal office or Amphoe office.

In the case where the list of electors has already been posted, Nai Amphoe shall post the deletion of the name of such person from every copy of the register of electors, and section 28 paragraph five shall apply mutatis mutandis.

Chapter IV

Expenses and Election Campaign

Section 32. After the promulgation of the Royal Decree on election of members of the House of Representatives in any constituency, the total election expenses of each candidate, excluding the application fees, shall not exceed three hundred and fifty thousand Baht.

The expenses under paragraph one shall include money or property paid or given or promised to be paid or given for use free of charge, by a political party or other persons for the purpose of election campaign. In the case where property is given for use therein, the normal rate of hire or charge prevailing in such locality shall be applied in the calculation.

Section 33. The payment of expenses under section 32 shall be limited to the following:

- (1) sound advertising, advertisement by radio, television, newspapers and other mass media;
- (2) printing, advertising, distributing, announcing, posters, leaflets and other printed matters;
- (3) stationery, forms, postage, telegrams, telephone and other communication services;
- (4) buying, leasing or borrowing of offices, premises, vehicles or materials in connection with the election;
- (5) hire of all types of services in connection with the election;

(6) travelling expenses incurred in connection with the election;

(7) other expenses incurred in connection with the election campaign which are not contrary to the provision of this Act.

Section 34. Within three months from the date of the announcement of the election result, the candidate must submit to Changwat Governor of Changwat where he has applied for election the true and correct particulars of expenses incurred in connection with the election, which shall consist of:

- (1) total election expenses which had been paid;
- (2) total election expenses which have not been paid;
- (3) evidences of payments under (1) and evidence of unpaid amount under (2) which shall at least contain the name and address of the payee or creditor.

Changwat Governor shall keep the statement of expenses and evidences under paragraph one for a period of six months from the date of the announcement of the election result.

In the case where there is a petition against the election held in any constituency that election expenses of a candidate exceed the limit, the particulars of expenses and evidences thereof shall be kept until the case becomes final.

The application for examination and request for copies of the particulars or expenses under paragraph one may be made only by the candidate or political party by submitting a written application to Changwat Governor and paying the fee in accordance with the official regulation.

Section 35. From the date of the promulgation of the Royal Decree on the election of members of the House of Representatives in any constituency to the election day, no candidate or any other person shall do any act in order to induce an elector to vote for him or another candidate or to refrain from voting for any candidate by the following means:

(1) providing, giving, offering or promising to give property or other benefit which can be valued in term of money, for or to any person;

(2) giving, offering or promising to give money or other property, whether directly or indirectly, to an association, foundation, monastery, educational institution or any other welfare institution;

(3) campaigning by providing entertainment and amusements;

(4) doing a thing which is for public benefit or any other thing for the benefit of individual, community, association, foundation, monastery, educational institution or any other institution regardless of whether they will benefit the public as a whole;

(5) providing or agreeing to provide a party for any person.

Section 36. In a locality or place where a public assembly may endanger the campaigner or cause disturbance or inconvenience to the people using such place, Changat Governor may, upon giving a notice to Nai Amphoe not less than forty-eight hours in advance, designate such locality or place to be the place where an election campaign which constitutes an assembly may be held but Changwat Governor must make public announcement of it not less than three days in advance.

For Bangkok Metropolis, the Director-General of the Police Department shall designate the said locality or place, and the inspector or chief inspector who is chief of the local police station shall be a person to receive notice under paragraph one.

Section 37. No candidate shall provide conveyance to take electors to a polling place for election or from a polling place, or cause electors to go to and from a polling place without having to pay fares or charges which would normally be

imposed, and no other person shall do such act for the benefit of any candidate.

Chapter V

Electoral Units and Polling Places

Section 38. Changwat Governor shall designate electoral units which Changwat is required to have.

Normally, the area of each Tambon shall be an electoral unit, but in the area of a municipality, Bangkok Metropolis, sanitary board or in a densely populated area, Changwat Governor may determine the road, lane or Soi as the boundary of an electoral unit.

A number of approximately one thousand elector shall be used as a criteria to designate one electoral unit. If Changwat Governor is of the opinion that it would be inconvenient or unsafe for electors to go to poll, he may disregard the number of electors and designate additional electoral units.

After having designated the electoral units, a notice specifying electoral units shall be posted up at Changwat Central Office, Amphoe Office, Kamnan Office and municipal office, but for Tambon in the area of a municipality, Bangkok Metropolis or in a densely populated area, a outline map showing the boundary of electoral units and polling places shall also be provided.

A change of boundary of an electoral unit may be made by giving notice of not less than thirty days before the election day, and the provision of paragraph four shall apply mutatis mutandis, except in case of emergency, a notice of the change of boundary of any electoral unit or abolition of electoral unit or merging of electoral units may be made less than thirty days before the election day.

Section 39. An electoral unit shall have one polling place which must be easily accessible by the public for polling.

On the election day, a polling committee shall determine the perimeter of the polling place by having signs posted along the perimeter in order to render facilities to electors in accordance with the geographical features of the locality.

After the promulgation of the Royal Decree on election of members of the House of Representatives in a constituency, Nai Amphoe shall make public announcement designating the polling place of each electoral unit within his jurisdiction not less than thirty days before the election day. Such announcement shall be posed up at Amphoe Office, municipal office, conspicuous public places and at or near the polling place. In case of emergency, Nai Amphoe may make public announcement changing any polling place of any electoral unit at any time.

In the locality of any Tambon, if it is for the convenience of the electors or if the public safety is threatened, Nai Amphoe may make public announcement designating the polling place outside the electoral unit; provided that it must be located near the electoral unit.

In case of changing the polling place or designating the polling place outside the electoral unit, Nai Amphoe shall without delay submit a report together with a copy of the announcement to Changwat Governor.

Section 40. A polling place and its perimeter shall be prescribed in the Ministerial Regulation.

Section 41. No person shall cause any disturbance in the polling place or at the place where people are waiting to vote.

Chapter VI

Election Officials, Polling Committee and Polling Clerks

Section 42. Nai Amphoe shall appoint government officials or local government officials the election officials

who shall have the power and duties under this Act.

Section 43. Nai Amphoe shall, not less than twenty days before the election day, appoint a polling committee composing of at least seven members and at least one polling clerk for each electoral unit to perform the duties under this Act.

The members of the polling committee for each electoral unit shall be appointed from persons who possess qualifications and are not under any prohibition under section 47, and whose names have been nominated to Nai Amphoe not less than forty-five days before the election day by political parties which have members standing as candidates for the election in that constituency.

Each political party shall have the right to nominate not more than one person for each electoral unit to be appointed member of the polling committee by Nai Amphoe. In the case where the number of persons nominated by political parties for each electoral unit is less than seven persons, Nai Amphoe shall appoint members of the polling committee from the electors who have the qualifications and are not under any prohibition under section 47.

Section 44. If it appears before the election day that any appointed member of a polling committee lacks any qualification or is under any prohibition under section 47, Nai Amphoe shall remove him and appoint another person in substitution. In the case where the person so removed was nominated by a political party, Nai Amphoe shall appoint a person newly nominated by such political party to take his place. If such political party does not nominate a person within the period specified by Nai Amphoe, the provision of section 43 paragraph three shall apply mutatis mutandis.

Section 45. The polling committee shall elect a chairman from among themselves half an hour before the polling time. If the chairman is not present at the polling place or is unable to perform his duty, the polling committee shall elect another member to act as chairman for the time being until the previously elected chairman can perform his duty.

In carrying out the functions of the polling committee, one-half of the number of members of the polling committee shall constitute a quorum.

In the case where some members of the polling committee are absent but the number of members present is not less than seven, the members present shall continue to carry out the duties without additional appointment of new members of the polling committee. If the number of members of the polling committee present is less than seven, the members present at the polling place shall appoint a person or persons who possess qualifications and are not under any prohibition under section 47 to act as members of the polling committee in order to make up seven members for the time being until the previously appointed members can perform their duties.

In the case where none of the members of the polling committee is present, Nai Amphoe or the election official for the electoral unit shall have the power to appoint a person who possesses qualifications and is not under any prohibition under section 47 member of the polling committee and such member shall appoint six other persons who possess qualifications and are not under any prohibition under section 47 to act as members of the polling committee for the time being until the members previously appointed by Nai Amphoe can perform their duties.

Section 46. The decision of the polling committee shall be by majority of votes. Each member shall have one vote; in case of an equality of votes, the chairman of the meeting shall cast another vote as a casting vote.

Section 47. Members of the polling committee and the polling clerk shall be appointed from electors of good conduct who are able to read and write Thai.

No government official, Governor of Bangkok Metropolitan Administration, Deputy Governor of Bangkok Metropolitan Administration, mayor, local government official, candidate, Kanman, Phuyai-Ban, Tambon medical officer, Kamnan inspector or assistant Phuyai-Ban shall be appointed member of a polling committee.

No candidate or official of a political party shall be appointed polling clerk.

Section 48. Election officials, members of the polling committee and polling clerks shall be regarded as officials under the Penal Code from the date of appointment until the completion of their duties.

Section 49. Members of the polling committee shall have the power and duty to maintain law and order at the polling place. If it appears that any person obstructs or disturbs the activities of the election or is about to cause disorder, the members of the polling committee shall have the power to expel such person from the polling place; provided that it does not interfere with the exercise of the right to vote of the elector.

Section 50. The duties of the election officials, members of the polling committee and polling clerks in connection with the election shall be prescribed in the Ministerial Regulation.

Section 51. No election official, member of the polling committee or polling clerk shall intentionally miscount ballot papers or votes, or make incorrect addition of votes, or act by whatever means without lawful authority causing ballot papers to be defective, damaged or invalidated, or cause by

whatever means an invalidated ballot paper to be a valid one, or misread a ballot paper, or make a false report of the election.

Section 52. No election official, member of the polling committee or polling clerk shall intentionally fail to perform his duty or do any act whatever to obstruct the execution of the law, Ministerial Regulation to court's order in connection with the election under this Act.

Chapter VII

Polling

Section 53. Ballot papers and ballot boxes shall be of such description and size as prescribed in the Ministerial Regulation.

Section 54. Polling shall be made by means of making a cross on a ballot paper in compliance with the description, rules and procedure prescribed in the Ministerial Regulation.

Section 55. On the election day, the polling shall start from the hours of eight in the morning to the hours of three in the afternoon.

Section 56. Just before the polling starts, the chairman of the polling committee shall publicly open the ballot box for the electors present at the polling place to see that the ballot box is empty and shall then close and fasten it with a lock and seal up the key-hole with sealing-wax. The polling committee shall make a record of the opening of the ballot box under this section by having not less than two electors who are present at the polling place at that time to affix their signatures thereto.

Section 57. During the polling time, an elector who wishes to vote shall appear in person before the members of the polling committee and produce his identity card in order to have his name checked with the register of electors. After it is verified, a member of the polling committee shall read aloud the name and address of such elector; if there is no protest from any elector, candidate or representative of a political party, the member of the polling committee shall record on the register of electors the number of identity card and the place of issuance thereof. In the case where the elector produces a receipt of an application for identity card or a receipt of an application for renewal of identity card, he shall be required to affix his signature or make his finger-print, as the case may be, as an additional evidence on the register of electors in accordance with the procedure prescribed in the Ministerial Regulation. Then the member of the polling committee shall give a ballot paper to such elector for voting.

In case of an elector who is not required by law to have an identity card, he must produce such other evidence as prescribed in the Ministerial Regulation to the member of the polling committee who shall proceed in accordance with paragraph one and require the elector to affix his signature or make his finger-print, as the case may be, on the register of electors as evidence.

If there is a protest or a member of the polling committee is suspicious that the elector who appears before him is not the person whose name appears on the register of electors, the polling committee shall have the power to make an inquiry and decide whether the person under protest or suspicion has the right to vote. The decision of the polling committee shall be final. In the case where the polling committee decides that the person under protest or suspicion has no right to vote, the polling committee shall record the decision and affix their signatures thereto.

Section 58. An elector whose name appears on the register of electors of any electoral unit shall vote at such electoral unit and at one electoral unit only.

An elector who has been appointed to perform duties in or relating to the election shall have the right to vote at the electoral unit where he has been assigned to perform such duties without having to have his name on the register of electors if the electoral unit to which he is attached is in the constituency where he has the right to vote.

The elector under paragraph two who wishes to vote at the electoral unit where he has been assigned to perform duties shall produce the order of his appointment to the polling committee before voting. After it is verified, the polling committee shall add his name to the register of electors as a separate part thereof.

Section 59. Although the name of an elector may appear on the house register within the electoral unit but if the name does not appear on the register of electors and such elector has not applied to have his name added thereto under section 28 for the electoral unit, he shall be deemed to have waived his right to vote at the electoral unit where his name appears on the house register.

Section 60. No person shall, knowing that he has no right to vote or to cast a vote at any electoral unit, vote or attempt to vote, or insert or attempt to insert a ballot paper into any ballot box, or produce to members of the polling committee for the purpose of voting his identity card or other evidence which has not been issued to him or has been forged.

Section 61. Any elector who has received a ballot paper but does not wish to vote shall return the ballot paper to a member of the polling committee who shall record the matter on

the register of electors and such elector shall not have the right to vote again in the election.

Section 62. No person shall use a ballot paper which is not given for voting by a member of the polling committee of the polling place or take out of the polling place any unused ballot paper.

Section 63. No person shall, by whatever means, make any indicating mark on a ballot paper.

Section 64. No person shall, without lawful authority, insert a ballot paper in any ballot box, or does any act to a register of electors to shaw falsely that a person has presented himself for voting, or does any act causing an increase in the number of ballot papers from the actual number.

Section 65. No person shall, without lawful authority, do any act in order to obstruct or prevent any elector from going to a polling place or entering a polling place or reaching such place in time for voting.

Section 66. No elector shall demand or accept any property or other benefit for himself or for any other person in order to vote or refrain from voting for any candidate.

Section 67. No person shall, by whatever means, deceive an elector as to cause misunderstanding in connection with a candidate or number or affiliation to political party of a candidate or of himself in the case where he is also a candidate.

Section 68. During the polling time, the ballot box shall not be opened unless there is unavoidable necessity in connection with difficulties in the voting, then the polling

committee may open it without taking out the ballot papers therefrom and close it as before. In such case, the polling committee shall do it in the presence of electors at the polling place and shall prepare a memorandum recording the reason for the opening of the ballot box and request not less than two electors present at the polling place at the time to affix their signatures thereto.

Section 69. After the opening and closing of ballot box under section 56 or after the closing of ballot box for safe custody after the election, no person shall, without lawful authority, open, destroy, damage, transform or render it useless or take away the ballot box or ballot papers.

Section 70. Before the announcement of the result of the counting of votes, the election official, members of the polling committee or polling clerk shall not disclose to any person the number of the ballot paper cast or the number of votes recorded for any candidate or whether any person has voted.

Chapter VIII

Inspection and Counting of Votes

Section 71. After the polling has been closed, the polling committee shall publicly count the votes until the counting is finished without any postponement or delay.

After the votes have been counted, the polling committee shall announce the result of the counting of votes at the polling place and make a report stating the results of the counting of votes and close the ballot box, which shall be promptly sent to Nai Amphoe.

The forms of the announcement of the result of the counting of votes, the report on the result of the counting of votes, the methods of counting votes, the procedure for the announcement of the result of the counting of votes and the

procedure for packing the ballot papers shall be prescribed in the Ministerial Regulation.

Section 72. If the voting or counting of votes at any polling place is not possible on account of riot, flood, fire or other causes beyond its control, the polling committee shall announce the suspension of voting or counting of votes for that polling place and shall forthwith report to Nai Amphoe. In such case, Changwat Governor shall announce the cancellation of the voting or counting of votes and fix the new election day for that electoral unit within three days from the date he has been informed of the ending of such cause; provided that such announcement must be made not less than seven days before the election day.

In the case where the total number of electors at the electoral unit where the election has been suspended under paragraph one does not affect the result of the election of members of the House of Representatives in that constituency, Changwat Governor is not required to announce the holding of election under paragraph one.

Section 73. The following ballot papers shall be regarded as invalidated, namely:

- (1) fake ballot paper;
- (2) ballot paper having more than one marking;
- (3) ballot paper having no marking;
- (4) ballot papers which appeared to have been folded together;
- (5) ballot paper having an indicating mark or statement other than that prescribed in the Ministerial Regulation;
- (6) ballot paper which cannot be ascertained as for which candidate of any political party the vote has been cast.

The polling clerk shall endorse "invalidated" on the back of the said ballot paper and not less than three members of the polling committee shall affix their signatures thereto.

In counting votes, if there is any invalidated ballot paper, it shall be separated from the rest and in no case shall invalidated ballot paper be counted.

Section 74. No person shall, by whatever means, cause a ballot paper to be defective or damaged or invalidated or, by whatever means, cause an invalidated ballot paper to be validated.

Section 75. After the election, Nai Amphoe may destroy the ballot paper and documents kept in the ballot box not less than seven days after the period specified for the election petition under section 78.

In the case where there is election petition in any constituency, Nai Amphoe shall have the ballot boxes in such constituency kept until the case becomes final.

Section 76. Nai Amphoe shall forthwith send a report on the election to Changwat Governor who shall in turn add up the total votes recorded and promptly announce the result of the election and submit a report to the Ministry of Interior to be further transmitted to the National Assembly.

Section 77. In a constituency where only one member of the House of Representatives is to be elected, the candidate of a political party who receives the highest number of votes shall be elected. In the case where there are two equal highest numbers of votes, the candidates of political parties who receive equal votes shall draw lots to decide who shall be elected.

In a constituency where more than one members of the House of Representatives are to be elected, the candidates of a political party who receive the highest numbers of votes shall be elected.

In the case where several candidates receive equal highest votes, the representatives of the candidates of political parties who receive equal votes shall draw lots to decide which candidates of political parties shall be elected.

The drawing of lots under this section shall be conducted in the presence of Changwat Governor in accordance with the procedure prescribed in the Ministerial Regulation.

Chapter IX

Election Petition

Section 78. If, after Changwat Governor has announced the result of the election in any constituency, an elector, candidate, or political party which has a member standing as a candidate for the election in such constituency is of the opinion that the election in such constituency or the election of any person as a member of the House of Representatives in such constituency has been improper, which is in violation of section 26, section 32, section 34, section 51 or section 52, the elector, candidate or political party has the right to petition to Changwat court within whose jurisdiction the constituency is situated or the Civil Court for Bangkok Metropolis within thirty days, except the petition under section 32 or section 34 filing shall be made within one hundred and twenty days from the date the result of the election is announced in order that new election shall be held.

Section 79. After having received the petition, Changwat court or the Civil Court shall conduct the hearing without delay, apply the Civil Procedure Code thereto mutatis mutandis and submit its opinion and forward the file to Dika Court for decision. Dika Court shall have the following power:

(1) if it is of the opinion that the election or the election of any person has been improper and that a new election should be held, the court shall order that a new election be held

for such constituency or for any particular member of the House of Representatives against whom the petition was made in such constituency accordingly;

(2) if it is of the opinion that the election or the election of any person has been or, even if improperly conducted there is no reasonable ground to hold a new election for that constituency or for any particular member of the House of Representatives against whom the petition was made in such constituency, the court shall dismiss the petition.

Section 80. When the order is issued by Dika Court, a copy thereof shall be forwarded to the Minister of Justice to be further transmitted to the President of the House of Representatives and the Minister of Interior for information.

In the case where Dika Court orders that a new election be held, the membership of the House of Representatives of the person against whom the petition was made shall be deemed to terminate from the date Dika Court issues the order. The order of Dika Court which terminates the membership of a member of the House of Representatives shall not affect the activities performed by such member in the course of his duty as a member of the House of Representatives before the President of the House of Representatives has been informed of the order.

Chapter X

Penalties

Section 81. Any employer who fails to comply with section 8 paragraph one or any person who fails to comply with the order of the polling committee issued under section 49 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand Baht or to both.

Section 82. Any person who violates section 11 paragraph one, section 12 or section 13 shall be liable to

imprisonment for a term not exceeding six months or to a fine not exceeding five thousand Baht or to both.

Section 83. Any person who, not being of Thai nationality, violates section 14 shall be liable to imprisonment for a term of one to ten years and to a fine not exceeding ten thousand Baht, and the Minister of Interior shall also deport such person.

Section 84. Any person who violates section 15, section 26, section 35, section 58, section 60, section 62, section 64, section 67, section 68, section 69 or section 74 shall be liable to imprisonment for a term of one to ten years and to a fine not exceeding ten thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 85. Any candidate who violates section 20, or any election official, member of a polling committee or polling clerk, who violates section 52, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand Baht or to both, and the court shall order the disfranchisement for a period of five years.

Section 86. Any candidate whose election expenses exceed the amount prescribed under section 32 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand Baht or to both, and the court shall order the disfranchisement for a period of five years.

Section 87. Any candidate who fails to submit particulars of expenses to Changwat Governor within the period specified under section 34 or submits false particulars of expenses, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand

Baht or to both, and the court shall order the disfranchisement for a period of five years.

Section 88. Any election campaigner who violates section 36 shall be liable to a fine not exceeding five thousand Baht.

Section 89. Any person who violates section 37, section 63, section 65 or section 66 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both, and the court shall order the disfranchisement for a period of five years.

Section 90. Any person who violates section 41 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both.

Section 91. Any person who violates section 51 shall be liable to imprisonment for a term of two to ten years and to a fine not exceeding fifty thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 92. Any elector who, with dishonest intent, fails to return a ballot paper in accordance with section 61 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both, and the court shall order the disfranchisement for a period of five years.

Section 93. Any election official, member of a polling committee or polling clerk, who violates section 70 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both.

Transitory Provision

Section 94. Before the period specified in section 205 of the Constitution of the Kingdom of Thailand has elapsed, the holding of election shall be subject to the following provisions.

Section 95. The provision of section 22 in so far as it deals with political party and section 23 shall not apply to the election.

Section 96. The provision of section 43 and section 44 shall not apply to the appointment of members of a polling committee.

Nai Amphoe shall, not less than twenty days before the election day, appoint seven members of a polling committee for each electoral unit from the electors who possess qualifications and are not under any prohibition under section 47. Nai Amphoe shall have the power to remove such members and appoint other persons to replace them before the election day.

Section 97. The provision of section 73 (2) and (6) shall not apply to invalidated ballot papers.

Apart from invalidated ballot papers under section 73 (1), (3), (4) and (5), the following ballot papers shall be deemed invalidated:

(1) ballot paper having marking in excess of the number of members of the House of Representatives to be elected in the constituency;

(2) ballot paper which cannot be ascertained for which candidate it has been cast; but, in case of a constituency where more than one member of the House of Representatives are to be elected if it cannot be ascertained for some candidates only, then the ballot paper shall be deemed invalidated only to the extent of the said marking which cannot be ascertained for which candidate it has been cast.

Section 98. The ballot paper and the polling shall be in accordance with the description, size, conditions, rules and procedure prescribed in the Ministerial Regulation.

Section 99. The election of members of the House of Representatives shall be based on the number of inhabitants in each Changwat as evidenced in the registration of inhabitants published in the year preceding the election.

If a Changwat is required to have not more than three members of the House of Representatives, the area of Changwat shall be taken as a constituency; and if a Changwat is required to have more than three members of the House of Representatives, the area of Changwat shall be divided into constituencies each of which shall have three members of the House of Representatives.

In the case where a Changwat cannot be divided into constituencies each of which will have equal number of three members of the House of Representatives, its area shall be first divided into constituencies each of which will have three members of the House of Representatives; provided that the remaining constituencies shall not have less than two members of the House of Representatives.

In the case where a Changwat is required to have four members of the House of Representatives, its area shall be divided into two constituencies each of which shall have two members of the House of Representatives.

In any Changwat where there are more than one constituencies, the boundary of each constituency shall be adjacent to another and the ratio of the number of inhabitants to the number of members of the House or Representatives to be elected in each constituency shall be of close proximity.

Section 100. The provision of section 77 shall not apply.

In a constituency where only one member of the House of Representatives is to be elected, the candidate who receives the highest number of votes shall be elected. In the case where the highest number of votes are equal, the candidates who receive equal votes shall draw lots to decide who shall be the elected member.

In a constituency where more than one member of the House of Representatives are to be elected, the candidates who receive the highest number of votes in descending order shall be elected.

Subject to paragraph three, in the case where several candidates receive equal votes so that it is not possible to arrange elected persons in order or the required number, the candidates who receive equal votes shall draw lots until the number of members of representatives required for the constituency is filled.

The drawing of lots under this section shall be conducted in the presence of Changwat Governor in accordance with the procedure prescribed in the Ministerial Regulation.

Section 101. Each political party and each candidate shall have the right to appoint one elector to act as a representative of the political party or representative of the candidate for each polling place at the place provided for him on the election day.

The place provided for the representatives of the political parties and of the candidates at the polling place shall be in such position that such representatives can observe clearly all the activities of the polling committee.

Letters of appointment of representatives of the political parties and of the candidates shall be in the form prescribed in the Ministerial Regulation.

A representative of the political party or of the candidate shall submit the letter of appointment to Nai Amphoe within whose locality the polling place is situated not less than

seven days before the election day. Nai Amphoe shall record his acknowledgement and the date, month and year in the letter of appointment and return it to him not less than three days before the election day.

A political party or candidate has the right to remove the representative so appointed by submitting a letter to Nai Amphoe before the election day or to the polling committee on the election day.

Section 102. The representatives of political parties or of candidates shall be permitted to observe the election proceedings and have the right to protest when they consider that members of the polling committee are not complying with the law by submitting a written protest to the chairman of the polling committee who shall issue a receipt therefor and then submit the protest to the polling committee for consideration. The chairman of the polling committee shall record such protest as well as the circumstances and decision of the polling committee in the report on the result of the voting.

The representatives of the political parties or of the candidates are not permitted to argue with any member of the polling committee or among themselves in such manner as to obstruct the activities then in progress.

The provision of this section shall apply mutatis mutandis to candidates.

Countersigned by:

General Kriangsak Chamanan
Prime Minister

Certified correct translation

T. Chiemwichitra
(Taksapol Chiemwichitra)
Office of the Juridical Council

**ELECTION OF MEMBERS OF THE HOUSE OF
REPRESENTATIVES ACT (NO.2),**

B.E. 2523 (1980)

**FOREIGN LAW DIVISION
OFFICE OF THE COUNCIL OF STATE**

Translation

ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES ACT (NO. 2)
B.E. 2523 (1980)

BHUMIBOL ADULYADEJ, REX.,

Given on the 21st Day of January B.E. 2523;
Being the 35th Year of the Present Reign.

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

Whereas it is expedient to amend the law on the election of members of the House of Representatives;

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

Section 1. This Act is called the "Election of Members of the House of Representatives Act (No. 2), B.E. 2523:

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

Section 3. The provisions of section 10 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following;

"Section 10. After the issuance of the Royal Decree on election of members of the House of Representatives in a constituency, the provisions of section 6 of the Maintenance of Public Cleanliness and Orderliness Act, B.E. 2503 shall not apply

* Published in the Government Gazette Vol. 97, Part 15, Special Issue, dated 4th February B.E. 2523 (1980)

to the case of using printed matters under the press law, posters or other materials, for the election campaign for benefit of a candidate or political party which has nominated its member for the election.

The election campaign shall neither be carried out by painting, spraying or colouring any statement, picture or mark on a fence, wall outer-side of a building, bridge, electricity pole or tree, which belongs to any government agency or on the place where its owner or possessor has put up a sign board prohibiting posters, nor by putting up posters on the said government property situated within the area of a municipality or sanitary board or at the place where its owner or possessor has put up a sign board prohibiting posters.

In the case where the election campaign violates paragraph two, the local government official under the law on maintenance of public cleanliness and orderliness shall have the power and duty to destroy, cover, erase or clean such statements, pictures or marks; but in the case where the property does not belong to a government agency, the local government official may exercise such power only after he has received a request from its owner or possessor.

Section 10 bis. After the issuance of the Royal Decree on election of members of the House of Representatives in a constituency, the local government official under the law on maintenance of public cleanliness and orderliness shall designate appropriate places for election campaign posters.

After having designated the places according to paragraph one, the provisions of section 10 paragraph two shall not apply to the election campaign of putting up posters or printed matters under the press law in the designated places."

Section 4. The following provisions shall be added as section 13 bis of the Election of Members of the House of Representatives Act, B.E. 2522:

"Section 13 bis. No person shall bet or provide betting on winning or losing of a candidate or political party, or on number of votes received and the chance of being or not being elected or on the number the elected candidates."

Section 5. The provisions of section 18 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"Section 18. A person possessing Thai nationality having alien father may be qualified as an elector upon possessing one of the following qualifications, namely:

(1) having passed an examination of not lower than the compulsory education level under the law in force when such person passed the compulsory education;

(2) serving or having served in the military service under the law on military service;

(3) being or having been a member of the national legislative assembly, Changwat councillor, councillor of Bangkok Metropolitan Administration, municipal councillor, member of sanitary board, Tambon councillor, Kamnan or Phuyai-ban;

(4) paying or having paid, by oneself or his or her spouse, personal income tax or taxes on building and land or rates under the law;

(5) having a domicile in the Kingdom of Thailand for a consecutive period of not less than ten years."

Section 6. The provisions of section 19 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"Section 19. A person possessing Thai nationality having alien father may be qualified as a candidate upon possessing the qualifications under section 18 and possessing any one of the following qualifications, namely:

(1) having been educated in a school for a specific period and having passed an examination of not lower than the high school level according to the syllabus of the Ministry of Education or the National Education Plan, or having been educated in a school or other educational institution in the country for a specific period and having secured knowledge recognized or accredited by the Ministry of Education as not being lower than the high school level according to the syllabus of the Ministry of Education or the National Education Plan;

(2) having been educated in a university or high level educational institution in the country according to the syllabus and having passed the examination of not lower than bachelor degree or its equivalent."

Section 7. The following provisions shall be added as paragraph three and paragraph four of section 27 of the Election of Members of the House of Representatives Act, B.E. 2522:

"In copying the names of electors under paragraph two, if it appears that there is a person of Thai nationality who has an alien father and is not less than twenty years of age on the 1st day of January of the year of making the register of electors, it shall be the duty of Nai Amphoe or the municipality, as the case may be, to examine if that person is an elector. If he is an elector, an evidential record shall be made and his name shall be included in the register of electors. In the case where it is necessary to make an inquiry, Nai Amphoe or the municipality shall order an official to interrogate that person at the house as appeared in the register.

For the purpose of making a register of electors under paragraph one, Nai Amphoe or the municipality shall at all times provide a register of electors and make amendments thereto annually. An interested person shall have the right to inspect such register and file an application for an amendment thereto and the provisions of section 28 shall apply mutatis mutandis."

Section 8. The provisions of paragraph two of section 43 of the Members of the House of Representatives Act, B.E. 2522 shall be repealed.

Section 9. The provisions of section 43 paragraph two of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"The members of the polling committee for each electoral unit shall be appointed from persons who possess qualifications and are not under any prohibition under section 47, and whose names have been nominated to Nai Amphoe not less than thirty days before the election day by the political parties which have members standing as candidates for the election in the constituency."

Section 10. The following provisions shall be added as paragraph four of section 57 of the Election of Members of the House of Representatives Act, B.E. 2522:

"The identity card under this section shall include the identity card which has expired."

Section 11. The following provisions shall be added as section 81 bis of the Election of Members of the House of Representatives Act, B.E. 2522:

"Section 81 bis. Any person who violates section 11 paragraph two shall be liable to a fine not exceeding ten thousand Baht or a fine of one thousand Baht for each place, whichever is the higher.

The fine under paragraph one shall be remitted as income of the local government of the locality where the offence was committed for use in repairing the damage resulting from the commission of the offence."

Section 12. The provisions of section 88 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed.

Section 13. The provisions of section 89 of the election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"Section 89. Any person who violates section 13 bis, section 37, section 63, section 65 or section 66 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both, and the court shall order the disfranchisement for a period of five years."

Section 14. The provisions of section 18, section 19 and section 27 of the Election of Members of the House of Representatives Act, B.E. 2522 as amended by this Act, shall not apply to the election of the members of the House of Representatives which the Royal Decree on election of the members of the House of Representatives is issued before the date this Act comes into force.

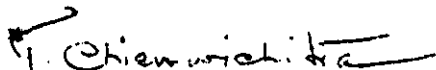
Section 15. The Minister of Interior shall have charge and control of the execution of this Act.

Countersigned by:

S. Hotrakitya

Deputy Prime Minister

Certified correct translation



(Taksapol Chiemwichitra)

Office of the Juridical Council

EMERGENCY DECREE
AMENDING THE ELECTION OF MEMBERS OF THE HOUSE
OF REPRESENTATIVES ACT, B.E. 2522,
B.E. 2526 (1983)

FOREIGN LAW DIVISION
OFFICE OF THE COUNCIL OF STATE

Translation

EMERGENCY DECREE
AMENDING THE ELECTION OF MEMBERS OF THE HOUSE
OF REPRESENTATIVES ACT, B.E. 2522,
B.E. 2526 (1983)

BHUMIBOL ADULYADEJ, REX.,

Given on the 19th Day of March B.E. 2526;

Being the 38th Year of the Present Reign.

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

Whereas it is expedient to amend the Election of Members of the House of Representatives Act, B.E. 2522;

By virtue of section 157 of the Constitution of the Kingdom of Thailand, an Emergency Decree is hereby issued by the King as follows:

Section 1. This Emergency Decree is called the "Emergency Decree Amending the Election of Members of the House of Representatives Act, B.E. 2522, B.E. 2526".

Section 2. This Emergency Decree shall come into force as from the day of its publication in the Government Gazette.*

Section 3. The provisions of paragraph two of section 22 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

* Published in the Government Gazette Vol. 100, Part 39, Special Issue, dated 19th March B.E. 2526 (1983)

"After the Changwat Governor has received an application, he shall record the acceptance thereof as evidence and issue a receipt to the applicant on the same day. The Changwat Governor shall examine the evidence of qualifications and make inquiry as to the eligibility of the candidate, which shall be completed within seven days from the closing date for the application. If the applicant is eligible, the notice of acceptance of his candidature shall be posted up at Changwat Central Office and the Changwat Governor shall promptly notify the applicant or his political party of the acceptance or refusal of his candidature."

Section 4. The provisions of paragraph one of section 27 of the Election of Members of the House of Representatives Act, B.E. 2522 as amended by the Election of Members of the House of Representatives Act (No. 2), B.E. 2523 shall be repealed and replaced by the following:

"After the Royal Decree on election of members of the House of Representatives has been issued, Nai Amphoe shall make a register of electors for each electoral unit and post it up at Amphoe Office, municipal office, conspicuous public places and polling places or nearby places not less than fifteen days before the election day."

Section 5. The provisions of paragraph one of section 28 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"After the posting of the register of electors under paragraph one of section 27, any elector or head of household who notices that his name or the name of a person who has been listed in the house register has not been included in the register of electors for the electoral unit for which he or that person is eligible to be an elector, shall have the right to file an application with Nai Amphoe not less than seven days before the election day."

Section 6. The provisions of paragraph one of section 29 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"In the case of electors who are members of the armed forces or are on active military service, police, members of the territorial army, or government officials and have received the official order to perform duties in connection with maintaining public order or security and safety of the country outside the normal place of domicile, if the superior official of such persons, being of the rank of commander of a battalion or upward or the rank equivalent thereto, is of the opinion that they are unable to vote at the electoral units where they are eligible to vote, he shall make a list of names of such persons in the form prescribed by the Ministry of Interior and submit it to Nai Amphoe of the locality where such persons perform their duties not less than fifteen days before the election day in order that a temporary house register may be issued to them and their names added to the register of electors."

Section 7. The provisions of paragraph one of section 30 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"Any elector who has seen that the register of electors posted under paragraph one of section 27 contains the name of a disqualified person under this Act, or any head of household who has seen that the name of a person not being listed in his house register has appeared in the register of electors as being listed in his house register, has the right to file an application with Nai Amphoe not less than seven days before the election day so that the name of the disqualified person be deleted from the register of electors."

Section 8. The provisions of the last paragraph of section 38 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

" A change of boundary of an electoral unit may be made by giving a notice of not less than fifteen days before the election day, and the provisions of paragraph four shall apply mutatis mutandis; except in case of emergency, a notice of the change of boundary of any electoral unit or abolition of electoral unit or merging of electoral units may be made less than fifteen days before the election day."

Section 9. The provisions of paragraph two of section 39 of the Election of Members of the House of Representatives Act, B.E. 2522 shall be repealed and replaced by the following:

"After the Royal Decree on election of members of the House of Representatives in a constituency has been issued, Nai Amphoe shall make public announcement designating the polling places of each electoral unit within his jurisdiction not less than fifteen days before the election day. Such announcement shall be posted up at Amphoe Office, municipal office, conspicuous public places and the polling places or nearby places. In case of emergency, Nai Amphoe may make public announcement changing any polling place of any electoral unit at any time."

Section 10. The provisions of paragraph one of section 43 of the Election of Members of the House of Representatives Act, B.E. 2522 as amended by the Election of Members of the House of Representatives Act, (No. 2), B.E. 2523 shall be repealed and replaced by the following:

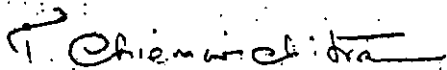
"Nai Amphoe shall, not less than fifteen days before the election day, appoint a polling committee composing of at least seven members and at least one polling clerk for each electoral unit to perform the duties under this Act."

Section 11. The Minister of Interior shall have charge and control of the execution of this Emergency Decree.

Countersigned by:

General P. Tinsulanonda
Prime Minister

Certified correct translation

A handwritten signature in dark ink, appearing to read 'T. Chiemwichitra', with a stylized flourish at the end.

(Taksapol Chiemwichitra)
Office of the Juridical Council