

Published by
Asian Network for Free Elections (ANFREL)

109 Suthisarnwinichai Road
Samsennok, Huaykwang
Bangkok 10320, Thailand

Tel : (66 2) 693 4831
Fax : (66 2) 276 2183
E-mail : anfrel@anfrel.org
Website : www.anfrel.org

Written by
Jeffry G. Wong
Somsri Hananuntasuk

Edited by
Jeffry G. Wong

Layouted by
Chatchawan Rakchat

Photos courtesy of mission observers and staff.

Book cover designed by
Wachiraporn Khwanchuen

ISBN
974-93464-4-0

Printed in Bangkok, Thailand
November 2005

Acknowledgements

- ANFREL would like to express its profound thanks to all the groups and persons who have contributed to making this observation mission a success. In addition, ANFREL wishes to dedicate this report to the following individuals and organizations:
- Thai civil society, and especially the Poll Watch Foundation and the People's Network for Elections in Thailand (P-NET), for their unfaltering support of democracy and political liberty
- All individuals who sacrificed their time and efforts to participate in long-term and short-term observation missions, for standing with the Thai people in their pursuit of truly free and fair elections
- All member organizations of ANFREL, which have consistently supported ANFREL activities and dispatched observers to assist in this observation mission, thereby contributing to the creation of a unified Asian front to foster the proliferation of democracy throughout the region
- The Norwegian Ministry of Foreign Affairs, the Norwegian Embassy in Bangkok, and H.E. Ragne Birte Lund and Ms. Vatne Inguun, for generously providing the financial assistance without which ANFREL's observation mission would not have been possible
- The Taiwan Foundation for Democracy, for its logistical assistance extended to local monitoring activities through ANFREL
- The Election Commission of Thailand and all of its members at the national, provincial, and local levels, for organizing briefing sessions and providing information to our observers
- All of ANFREL's resource persons, especially Gen. Saiyud Kerdphol, Dr. Gothom Arya, Mr. Warin Jiemjarat, Mr. Sakool Zuesongdham and Mr. Sunai Phasuk.
- Ms. Elin.Bjarnegard from Uppsala University, Sweden, and Mr. Jeffry G. Wong from Washington University for their assistance in writing this book.
- Last but not least, ANFREL also want to thank to entire staffs, volunteers and interpreters, without whose tireless efforts the observation mission would have never materialized



Base 8028079M (C00152) 5-02

Table of Contents

Acknowledgements	2
Observation Mission for House of Representatives Elections in Thailand	6
Introduction	6
Objectives	7
Mission Strategy	8
Election Observers and Methodology	9
Politics and Democracy in Thailand from 2001-2004:	10
The 1997 Constitution	10
Political Parties Post-2001 Election	16
Thai Rak Thai's 2001 Victory and the Role of Populist Policies	18
Re-Evaluating the Thaksin Government in Light of the Aspirations of the 1997 – Constitution.	31
References	34
ANFREL Observations and Findings	37
Pre-Election Campaign Observations	38
Southern Situation Related to Election	39
Vote Buying in Thai Elections	44
Buddhist Monks and the Right of Suffrage	45
Election Administration	48
Civic and Voter Education	49
Civil Society and the Role of the Media in the Elections	50
Advance Voting on January 29 and 30, 2005	54
Polling Day	55
Opening Process	55
General Observations	55
Closing Process	58
Vote Counting Process	59
Security	59
Post-Election	60
Re-Election in Two Provinces	60
Re-Election in Ubon Ratchathani Province	61
Re-Election in Kanchanaburi Province	62
Recommendations	63
ANFREL Report on the Thai By-Elections Observation in Udon Thani	67
Report – Election in Uthai-thani, Singburi, Phichit, Satun	78

Appendix I	Chronology: Thailand House of Representatives election 2005	79
Appendix II	THAI ELECTION LAW	103
Appendix III	Name of Political Parties	135
Appendix IV	Electoral Schedule 2005	136
Appendix V	Briefing Schedule	137
Appendix VI	Observers Deployment List	138
Appendix VII	Chapter IIA of the Constitution of Bangladesh	140
Appendix VIII	Statements	142
Appendix IX	ANFREL in Media 2005	149
Appendix X	Electoral Result	153
Appendix XI	Statement for Second Re-Election in 4 provinces (Thai version)	154

Observation Mission for House of Representatives Elections in Thailand

Introduction

Increasing political liberalization has established a culture of democratic elections and parliamentary rule as an institutionalized part of political life in Thailand. In electoral terms, a new political benchmark was set with the unprecedented level of popular participation in the political reform process leading up to the promulgation of the 1997 Constitution. For the first time since the transition from absolute to constitutional monarchy in 1932, Thailand has a constitution that recognizes that sovereign power belongs to the people, and that the bicameral parliament must be chosen only through a democratic electoral process.

Although steps toward establishing the type of democracy envisioned by the 1997 Constitution were initially made with the holding of the first senatorial elections during the first half of 2000, it is clear today that a gap still exists between the ideals set out in the 1997 Constitution and actual practices in the electoral process.

The 1997 Constitution and the Election of Members of Parliament Act established the Election Commission of Thailand (ECT) to organize and administer the electoral process. It was initially expected that the ECT would be a body with independence and integrity, and that it would act on a non-partisan basis to ensure free and fair elections. However, as early as the senatorial elections of 2000, it became apparent that the ECT's efforts to stamp out irregularities and fraud had encountered structural obstacles embedded in traditional Thai politics.

State officials as well as employees of state enterprises and local governance organizations assigned to serve as ECT officials at local levels were entangled in patron-client networks that connect political parties, business interests, influential persons and the bureaucracy. The entrenched patronage system has not only made a number of local ECT officials act in favor of certain candidates, but it has also compromised their ability to take decisive action against electoral irregularities and fraud.

One immediate reaction of the ECT to address its poor public image was a proposal to sack 20 out of 434 local ECT officials for their lack of political neutrality. In addition, the ECT also sought a long-term solution by trying to strengthen its authority. This attempt was especially important after the disappointing outcome of the 2000 senatorial elections, in which a large number of candidates disqualified on grounds of suspected cheating were still re-elected to the Senate.

Nevertheless, a proposal that the ECT should have the authority to withdraw voting rights from candidates who violate election laws, thus automatically barring them from participating in elections, was fiercely opposed by politicians from all sides.

Furthermore, ongoing debate and confusion over amending the election laws illustrate clearly that many obstacles still stand in the way of the ECT achieving full deterrent power against

cheating in elections. Indeed, many challenges remain to establishing a transparent and accountable electoral process in Thailand.

According to the 1997 Constitution, the House of Representatives consists of 500 members, out of which 400 are elected on a constituency basis, and 100 on a party-list basis. The new system of constituency delimitation created smaller, single-member constituencies. However, in practice, this system has seemed to make it easier for candidates to win votes by using money and influence.



Over 80 percent of all constituencies are still dominated by rural voters, who view elections from a peculiar perspective. For these voters, elections provide a chance to get something for themselves and for their locality. They tend to vote for candidates who can deliver infrastructure development, who are strong enough to secure a large portion of the national budget, and who are generous in giving money and presents. This electorate constitutes a base of support for “godfather politics,” dominated by influential persons with enough money to invest in patronage and the networks to distribute it in their constituencies.

Because of the highly competitive political environment that made the 2005 House of Representatives elections a show of wealth and power, widespread vote buying, political smearing and election-related violence were again anticipated in advance.

The persistence of problems stemming from political culture, political structures, and the electoral system highlight the need for international election observation in Thailand.

Objectives

As a network of regional election monitors and human rights organizations, ANFREL will contribute to the creation of an environment that is conducive to the holding of free and fair elections in Thailand.

Help strengthen people’s understanding of democratic practices, specifically during elections, and promote improved performance in governance. Consolidating people’s democratic practices in Thailand will, in the long run, serve as a catalyst fostering spill-over effects on countries where direct and credible voting systems are still absent.

Inform the Thai public and the international community about developments and findings related to the electoral process.

Mission Strategy

ANFREL contributes to building the capacity of its members. In Thailand, it conducts its work in cooperation with its local members, the Poll Watch Foundation for Democracy and the People's Network for Elections in Thailand (P-NET). These organizations initiated not only election monitoring, but also democratization within the Thai polity. They have members in all parts of the country, and have been active in ensuring free and fair elections and facilitating the exercise of democracy.

As to the 2005 House of Representatives elections, ANFREL applied some lessons learned from previous missions in the region. ANFREL contends that a well designed observation effort mounted by experienced international organizations with extensive coordination with domestic monitors has a chance to detect and deter various forms of electoral fraud, such as vote buying, manipulation of voter registration lists, ballot tampering, and distortion in vote tabulation.

Equally important, ANFREL's appropriately structured international election observation strategy can help hold together a shaky electoral process. By forging a partnership with the ECT, related government agencies, and local independent observation groups, ANFREL has proved that it can contribute greatly to the dissemination and propagation of basic standards of electoral administration. This can encourage wary voters to take the electoral process seriously and continue to participate in it. At the same time, skeptical politicians who suffer from the effects of a non-level playing field will remain confident enough to compete in the elections.

During the 2000 senatorial elections, ANFREL was publicly praised by the ECT for its close cooperation with local monitors, including P-NET and Poll Watch. In the 2005 House of Representatives elections, ANFREL sought to work closely again with the ECT and independent local monitors to help ensure that the electoral process would be transparent, accountable, free and fair.

In addition, ANFREL also believes that participation in the House of Representatives elections contributes to the construction of a network of independent election monitors that will work cooperatively to create a new culture and new standard of democratic elections in the region. ANFREL's participation also underscores the significance of civil society participation in politics. Challenging tasks certainly lie ahead, but ANFREL remains optimistic about the political course of states in the region. Over the long term, the consolidation of popular democracy can serve as a stimulus to other countries in the region to develop more direct and credible electoral systems.

The observation mission for Thailand's 2005 House of Representatives elections not only monitored the electoral process, but also followed up on the suggestions and comments

previously made by ANFREL, Poll Watch, and P-NET to the ECT regarding the consolidation of democratic standards in the holding of elections.

Apart from the mission, local monitors also received training related to democratic practices that ensure fair play during elections, as well as in the actual performance of governance. These local monitors in turn initiated discussions on this topic with the local voting public in problematic areas around the country.

Election Observers and Methodology

ANFREL recruited 15 experienced international observers from our member network and another 25 from expatriate personnel of international non-governmental organizations (INGOs) based in Thailand. Each province designated for observation had two observers and one interpreter.

The mission comprised both long-term and short-term observation. However, ANFREL observers were not deployed in all 76 provinces. Emphasis was rather placed on sensitive areas with established records of irregularities during past elections. Decisions about where to deploy were made through consultations between the ANFREL Organizing Committee and local partners, Poll Watch and P-NET. Three areas requiring in-depth coverage were selected, and three long-term observation teams were dispatched to these three areas for a period of ten days. These teams collected information about the pre-election situation and the actual polling process. This strategy provided long-term observers enough time to forge a partnership with independent local monitors, as well as to acquire sufficient understanding about the political context in sensitive areas. Long-term observers also conducted discussions on democratic practices in areas where they were assigned.

After the elections, comments received from every team of observers were collected and analyzed by the ANFREL Steering Committee, Poll Watch, and P-NET. A press conference was then convened at which ANFREL's observations and findings were announced to the public.

Discussions on strategizing post-election scenarios were conducted by both the organizers of international and domestic monitors. Based on the experience of the senatorial elections of 2000 and the last House of Representatives elections in 2001, it was anticipated that the House of Representatives elections this year would involve more than one single round. When the ECT actually annulled election results and called for re-elections in two constituencies, ANFREL organized and deployed smaller observation missions to monitor these re-elections, too.

Politics and Democracy in Thailand from 2001-2004: Development, Stagnation, or Outright Regression?

The 1997 Constitution

The Thai House of Representatives elections held on February 6, 2005 represent only the third time that national level elections have been held under the new rules established by the 1997 Constitution. This document, the sixteenth constitution since Thailand became a constitutional monarchy in 1932, is widely perceived as being the most progressive constitution the kingdom has ever had. Though critics argue that many of the progressive provisions stipulated in the Constitution have yet to be implemented in practice and that indeed, several forces are actively working to subvert such implementation, what all observers concede is that the Constitution established a new set of formal rules that serve as the framework within which Thai politics today must function.¹ It is certainly true that political developments since the last House of Representatives elections in 2001 have been shaped by this document.

While various forms of popular resistance to authoritarian rule have been present in Thai society throughout the ages, most commentators tend to trace the origins of the 1997 Constitution back to the most recent military coup in 1991 and the popular uprising that toppled it the following year. This mass public insurrection was triggered after a key figure in the coup group, the army commander-in-chief, General Suchinda Kraprayoon, went back on earlier promises and assumed the position of Prime Minister, without having been elected. This move was interpreted as signaling the intention of the military to retain its control over politics. Popular discontent rose, and finally, on the night of May 17, 1992, a crowd of angry demonstrators numbering on the order of 200,000 marched on Government House. In the confrontations that ensued, the army opened fire. Over the next three days, dozens of unarmed people were shot down in the streets of Bangkok, and over 3000 were arrested.²



King Phumiphol Adulyadet

The crisis was decisively resolved only with the direct intervention of the King, who summoned Suchinda and a key leader of the popular opposition to the military dictatorship, Chamlong Srimuang, to the palace and expressed his displeasure with the situation. The

¹ Some scholars have argued that the 1997 Constitution, though granting more rights to citizens than previous constitutions, nonetheless does not truly represent a victory for progressive forces in Thai society. Instead, they maintain that radical proponents of democracy were sidelined in the constitutional drafting process by liberal reformers, whose main goal was to create a political order in Thailand commensurate with the demands of global capitalism. See for example Connors 1999.

² For a detailed chronology of the May events, including an hour-by-hour account of the key three-day period of violence from May 17-20, 1992, see Boonthan 2002:339-84.

exact number of deaths, injuries, and disappearances that resulted from the use of violence by the security forces has proven to be extremely difficult to determine, largely because of the reluctance of state and security officials to divulge potentially incriminating information, but as of the thirteenth annual commemoration of the event in 2005, the official death toll stood at 44, with an additional 36 people remaining missing and unaccounted for.³

With the withdrawal of the military from overt domination of politics following its bloody confrontation with the people, the momentum for political reform increased. NGOs, popular movements and democracy activists of various stripes found themselves being joined by relatively more conservative-minded liberal reformers, many of whom came from the state and business sectors. This latter group of elites had in mind a less far-reaching set of reform goals that might be generally characterized as the achievement of technocratic “good governance” as opposed to the more radical aspirations of the former group for more genuine popular democracy. However, because the “radicals” lacked a social base large enough to mount sufficient political pressure to back their demands, the “liberals” were easily able to control the reform agenda (Connors 1999, Ji 2002). Reflecting the influence of this group, Ockey asserts that the greatest beneficiaries of the new Constitution have indeed turned out to be the Bangkok middle classes and certain bureaucrats (2004:154). Nevertheless, the actual constitutional drafting process was historically unprecedented insofar as for the first time ever, the public’s input was actively solicited, albeit within the confines of the parameters set by the liberal elites. The largest substantive victory scored by the more radical proponents of democracy was the eventual inclusion, based on popular demand, of provisions in the Constitution for the establishment of the National Human Rights Commission (Connors 1999: 217).

Even though the draft constitution turned out to be not particularly radical, it nevertheless challenged the entrenched interests of certain segments of the economic and political elite. Consequently, it faced stiff opposition from many quarters, including key members of the military, the bureaucracy, and a large number of politicians in parliament, whose approval was required in order for it to be adopted. Ironically, it was perhaps the widespread turmoil caused by the 1997 financial crisis that ultimately ensured passage of the draft. In order to reassure foreign investors of the political stability of Thailand at a time when the economy was collapsing, Thai elites called for a show of unity in support of the proposed new Constitution. In the end, in spite of initial reservations, the government of Chavalit Yongchaiyudh consented to pass the draft constitution (Englehart 2003).

The Constitution Drafting Committee that performed the actual work of creating the new Constitution went about its job by first identifying what it perceived to be the primary deficiencies of the existing Thai political system. According to Bowornsak Uwanno, the former Dean of the Chulalongkorn University Faculty of Law, who was selected to serve as

³ Boonthan provides a list of the 44 killed (2002: 385-6), as does Khana gammagan yat wirachon preutsapha '35 (1997: 103-4). This latter source also lists the names of 48 people who purportedly went missing in the event. The most recent official figures, however, place the number of missing at 36 (Metha Matkhao, Coordinator, Thai Coalition for the Protection of Human Rights Defenders, personal communication, May 12, 2005).

the Committee's secretary, these fundamental problems could be encapsulated in the following three observations (2003: 1-2):

Politics were dominated by the politicians rather than the people, who enjoyed only few rights and liberties. Politics were rife with dishonesty and corruption, resulting in politicians being commonly perceived as lacking legitimacy in their exercise of authority.

Government and parliament lacked stability and efficiency, and the Prime Minister lacked the conditions necessary for effective leadership.

For Bowornsak and Burns (1998), these factors also served as a structural explanation for the continuing recurrence of military coups in post-1932 Thai political history, so presumably, constitutional reform addressing these issues would mitigate against potential future seizures of power by the military.

After defining the underlying flaws of Thai politics in the manner above, the Constitution Drafting Committee set about devising a set of legal mechanisms to rectify the deficiencies. These mechanisms are contained in constitutional articles that explicitly grant an unprecedented number of rights and liberties to Thai citizens and open new avenues for them to participate in politics, establish a new set of independent agencies to monitor the work of government, and modify electoral rules and procedures in order to foster the emergence of more stable politics. In fact, the preamble to the 1997 Constitution makes explicit reference to these goals, stating that the Constitution's "essential substance [lies] in additionally promoting and protecting rights and liberties of the people, providing for public participation in the governance and inspecting the exercise of State power as well as improving a political structure to achieve more efficiency and stability...."

The 1997 Constitution expressly guarantees Thai citizens a greater number of rights and liberties than they ever enjoyed before under any previous constitution. The universal principle of human rights is reflected in the document's explicit guarantee of human dignity, as well as the recognition of the equality of all persons before the law, and the expansion of basic civil liberties. Furthermore, family rights, protections against domestic violence, freedom of religion, rights of witnesses, damaged parties and the accused in criminal cases, and consumer rights are all specifically addressed and guaranteed in the constitution.⁴

An additional feature of the 1997 Constitution that has proven to be of particular importance in helping empower local communities to achieve a higher level of participation in the democratic process is the recognition and guarantee of communities' rights to protect and rehabilitate their customs, local knowledge, and arts and culture. Moreover, communities and individuals are also expressly given the right to participate with the state in the protection and exploitation of natural resources and the environment, and people can sue state agencies in order to enforce compliance with the constitutional mandate to protect

⁴ For a more detailed explanation of these particular rights and the constitutional articles addressing them, see Bowornsak 2003: 4-6.

the quality of the environment. While all of these rights not previously recognized are explicitly protected in the 1997 Constitution, an even more fundamental difference exists between this current Constitution and its predecessors. In the past, the basic legal principle adopted was that individuals only enjoyed the rights and liberties that were directly guaranteed by the Constitution. In contrast, the operative legal principle underlying the 1997 Constitution is that individuals enjoy rights and liberties even if they are not directly guaranteed by the Constitution. This interpretation theoretically permits the Constitutional Court greater leeway to consider the universal natural rights inherently enjoyed by all human beings when deciding the cases that come before it, thereby creating new possibilities to set legal precedents that could maximize and protect people's liberties (Bowornsak 2003: 6-7).

On top of the rights and liberties outlined above, the 1997 Constitution also establishes concrete measures by which citizens can force state officials to respect their rights, as well as a set of provisions that provides people with a greater number of ways to participate in politics beyond simply voting in elections. Citizens whose rights have been violated by state officials can sue them in court or file complaints with the Ombudsman or National Human Rights Commission, both of which are new independent monitoring bodies established by the Constitution. The Constitution also stipulates that voters numbering at least 50,000 can submit a bill regarding rights and liberties to parliament for consideration. Similarly, voters, at least 50,000 in number, can lodge a complaint with the Senate to have it initiate proceedings to impeach the prime minister, ministers, members of parliament, senators, high ranking judges, prosecutors or other state officials in the event of corruption or malfeasance in office. Finally, citizen participation is fostered by the constitutional mandate for the state to establish local governance by local people. The drafters of the Constitution likely reasoned that decentralization of state authority would bring government and its decision making processes closer to local communities, where people on the ground would have a greater likelihood of claiming "ownership," exercising influence, and exerting control.

To tackle the second problem of dishonesty and corruption, leading to politics and politicians being popularly regarded as lacking legitimacy, the Constitution Drafting Committee wrote into the Constitution measures designed to reduce vote buying, prevent corruption of public officials, and most importantly, create a set of new independent "watchdog" bodies whose duty would be to monitor the use of power by the state and government.

In an effort to combat vote buying, the 1997 Constitution makes voting mandatory, with the hope that large turnouts at the polling booth will raise the costs to those who would otherwise attempt to buy votes to an unaffordable level. It also obligates the state to support candidates and parties in their campaign activities in order to lower the financial burden on them and reduce the necessity for them to recover their costs through corruption after being elected. Most significantly, the Constitution entrusts the job of organizing elections to the newly created independent Election Commission, and grants it the authority to investigate irregularities, including allegations of vote buying, annul election results when warranted by evidence, and call new elections. The Election Commission in turn is empowered to

conduct its work with the assistance of NGOs, with the expected result of increased efficiency. As for preventing corruption of public officials, the Constitution mandates that the prime minister, ministers, members of parliament, senators, and high ranking civil servants, submit a declaration of their own, their spouse's and their minor children's assets and liabilities, together with supporting documentation, upon assuming office, leaving office, and on the one year anniversary of departure from office. The transparency introduced by this measure is designed to deter public officials from engaging in corrupt practices that would result in their becoming unusually or unaccountably wealthy.

The creation of a set of independent bodies to monitor state power holders is perhaps one of the most noteworthy hallmarks of the 1997 Constitution. Aside from the aforementioned Election Commission, these independent bodies include the Constitutional Court, Supreme Court Criminal Division for Persons Holding Political Positions, Administrative Courts, National Counter Corruption Commission, Ombudsman's Office, National Human Rights Commission, and State Audit Commission. Collectively, these agencies are designed to perform a checks and balances function on the exercise of power by politicians and state officials, as well as in some cases, provide channels through which citizens can seek redress when they have experienced injustice at the hands of the state.

In order to create greater stability in government, the 1997 Constitution changed the rules according to which elections produced a parliament and, in turn, a government. The goals of increased government stability and increased leadership capacity on the part of the prime minister were to be achieved through three primary mechanisms: first, the electoral system was altered and a two ballot system was introduced, one of which was a party-list ballot that would return members of parliament based on modified proportional representation; second, greater obstacles to introducing resolutions of no-confidence directed against the prime minister were put into place; and third, rules prohibiting ministers entering the cabinet from retaining their status as members of parliament were established. Collectively, these three measures were intended to produce a more cohesive and disciplined government and a prime minister who enjoyed a relatively high degree of insulation from potential adversaries. Under these conditions of greater stability, the drafters of the Constitution hoped that the prime minister would be able to administer the country with greater efficiency.

In the modifications made to the electoral system for the lower house of parliament (i.e., the House of Representatives), the country was divided into 400 single-member constituencies of roughly equal size, each of which sends a member to parliament based on first-past-the-post voting rules. In addition, every voter in the country has the opportunity to cast a vote for one party on a second ballot containing the names of all parties contesting the election. The results on this second ballot are used to select an additional 100 members of parliament, bringing the total number of seats in the lower house of parliament to 500. The winners on this second ballot are determined based on proportional representation, with the entire country serving as a single constituency. However, an important proviso is that any party gaining less than five percent of the total votes on the second ballot does not receive any of the 100 seats reserved for party-list members of parliament. This five percent rule was intentionally adopted in order to make it difficult for small parties to win any

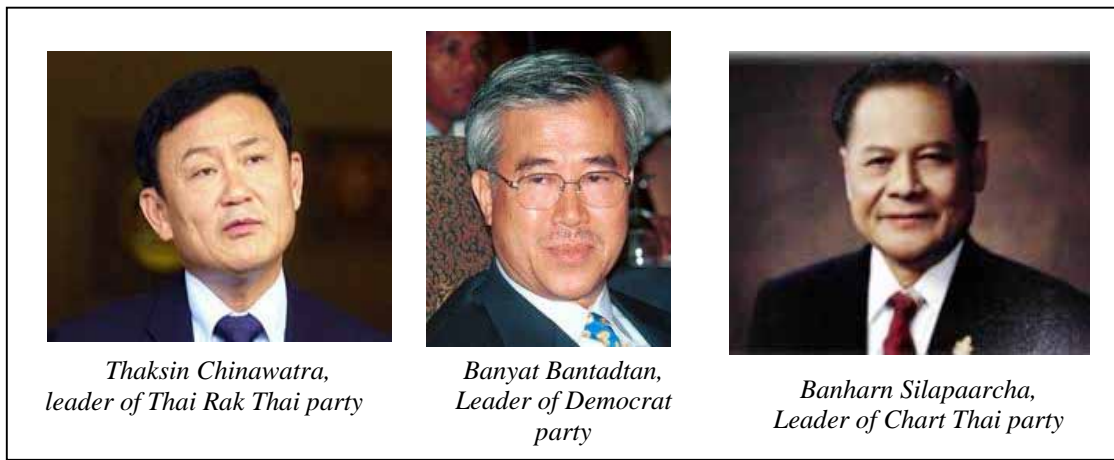
representation in parliament, since the Constitution drafters had come to the conclusion that political instability in the past was largely a result of major parties in coalition governments having to rely on small parties to stay in power. As a result of the five percent hurdle, big parties would stand to benefit, as they would gain a greater number of seats out of the 100 allocated by party-list ballot than the actual percentage of popular votes received. This advantage to big parties comes on top of the structural advantage they gained through the adoption of the single member, first-past-the-post system that is employed in the 400 electoral constituencies, which political scientists have long recognized as benefiting larger parties by producing overly large majorities in parliament relative to the popular vote.

Besides being a means to prevent small parties from entering parliament and thereby bolstering stability in politics, the introduction of the party-list ballot system with the five percent hurdle was also intended to encourage political parties to place their most talented candidates, who would likely serve in the cabinet if their party formed the government, on the party list. In this way, voters could roughly know in advance who the key national leaders would be in the event that any particular party won the election and ended up ruling. Moreover, many hoped that political parties would take advantage of the party list system and recruit high quality people with technocratic expertise to run on the list who would otherwise shy away from politics and public office if they had to run on their own in one of the 400 electoral constituencies. Bringing these sorts of people into government, it was hoped, would also contribute to political stability.

The second major measure incorporated into the 1997 Constitution to increase the stability of government was the requirement that motions of no confidence directed against the prime minister must have the support of at least two-fifths of all members of the House of Representatives (i.e., 200 MPs) rather than the standard one-fifth (i.e., 100 MPs) required to introduce a motion of no confidence against any other minister in the cabinet. Moreover, the Constitution stipulates that the name of the person who will serve as the replacement prime minister in the event that the no confidence motion passes must be submitted together with the no confidence motion. In other words, the opposition must be truly united and agree on supporting a single person to hold the post of Prime Minister before it can introduce a resolution of no confidence against the sitting prime minister. The overall effect of this measure is to place the Prime Minister in a privileged position above the rest of the ministers in the cabinet, who might come from different political parties that are smaller coalition partners.

Finally, the third key constitutional provision aimed at promoting political stability was the requirement that members of parliament who entered the cabinet as ministers must give up their seats in parliament. The intention behind this requirement was to create a greater degree of discipline and collective responsibility among cabinet members, which would theoretically translate into greater stability and efficiency. In essence, the measure compels ministers to show greater respect for the Prime Minister and be more compliant with the Prime Minister's wishes, since failure to do so would result in ejection from the cabinet without any kind of political position to fall back on. Before this "corrective" was introduced, ministers from small coalition parties could effectively "blackmail" the prime minister with threats to abandon the government, return to the opposition benches in

parliament, and undermine the ruling coalition from there. As a result, the Prime Minister constantly had to worry about appeasing his coalition partners rather than being able to devote all of his attention to matters of state.



Political Parties Post-2001 Election

Since one of the primary goals that the 1997 Constitution aimed to achieve was increasing government stability, one might ask just how effective has it been in practice? The outcome of the 2001 elections for the House of Representatives and changes in the landscape of political parties that occurred after the elections provide some evidence that help answer this question. If the number and size of political parties are used as indicators of the degree of government stability, then it is clear that the government that emerged from the first lower house elections held under the rules established by the 1997 Constitution was more stable than others in the past.

Although nine different parties succeeded in placing at least one of their candidates in parliament, only two, Thai Rak Thai and the Democrat Party, were able to win in excess of 100 seats. Three medium-sized parties, Chart Thai, New Aspiration, and Chart Pattana, won between 29 and 41 seats each. At the same time, a small party, Seritham, won 14 seats, while three other small parties, Rassadorn, Kit Sangkhom, and Tin Thai won only 1-2 seats each. Each of the four small parties' members of parliament were candidates who won in various single-member constituencies around the country, since none of the four cleared the five percent hurdle on the party-list ballot and therefore were not entitled to receive any additional seats. The biggest winner overall was Thai Rak Thai, which had won 248 seats by the end of the second round of voting, just short of the 251 needed for an absolute majority. The Democrats, who would serve as the primary opposition party over the next four years, won by comparison just 128 seats. In short, Thai Rak Thai scored an amazingly large electoral victory that was without precedent in Thai history.

In the aftermath of the 2001 House of Representatives elections, Thai Rak Thai entered into a ruling coalition with New Aspiration and Chart Thai, controlling collectively well over 300 seats in parliament. A few months later, Thai Rak Thai absorbed Seritham and its 14 MPs, bringing the total number of Thai Rak Thai representatives in the lower house to 263 (Montesano 2002: 91). Apparently not content with this absolute majority in the lower house, Thai Rak Thai expanded its ranks yet again in early 2002 by incorporating New Aspiration and most of its sitting members of parliament into the party, raising the total number of MPs directly under the Thai Rak Thai banner to 289.⁵ By that point, combined with its junior coalition partners, the Thai Rak Thai-led government controlled 364 seats in the House of Representatives. With this number of MPs, the government enjoyed not only an absolute majority in the House of Representatives, but also in any joint sittings with the Senate. This position theoretically enabled the government to amend the constitution at its will (Mutebi 2003: 102). Thai Rak Thai's parliamentary contingent grew in size once again in mid-2004, when it absorbed Chart Pattana and many of its MPs.

If political stability is to be measured by the number and size of parties in parliament alone, then the 1997 Constitution certainly performed admirably: by late 2004, only two major parties, Thai Rak Thai and the Democrat Party, and a middle-sized party, Chart Thai, remained in parliament. As the 2005 House of Representatives elections appeared on the horizon, conventional wisdom held that only the two big parties stood a chance of actually winning enough seats to be able to form the new government. Apparently, gone were the days of several small parties winning a sufficient number of seats in parliament to be able to play power broker in the formation of a coalition government. However, a closer look at Thai Rak Thai reveals that initial appearances might be deceiving. While Thai Rak Thai looks like a big, unified political party with a massive popular membership base claimed to be eight million in 2001,⁶ one keen observer of Thai politics has suggested that it is probably far from monolithic. Duncan McCargo has commented that the party actually consists of several "self-interested cliques" that have little in common other than "shared opportunism" (2002: 116). As a result, the same kind of jockeying for control over particularly lucrative ministries that characterized the behavior of small coalition parties in the government in the past continues to exist within Thai Rak Thai. In fact, by the time Thai Rak Thai won its second parliamentary election in February 2005, at least 13 different factions were clearly identifiable within the party (*Nation*, 10 February 2005). Therefore, it is questionable whether the continuing emergence of a dominant single party in parliament following the 2001 elections has in fact led to greater stability. Additional consideration of the fact that Thaksin had to reshuffle his cabinet nine times during his first four years in office would seem to indicate that an instability of sorts continues to exist, casting doubt on the assumed efficiency gains to be made through the elimination of small parties in parliament. Indeed, given Thai Rak Thai's origins as an amalgamation of old time politicians from other parties who were brought (or *bought*, as many have alleged) with

⁵ Pasuk and Baker report that after the merger with New Aspiration, Thai Rak Thai controlled a total of 296 seats in parliament (2004: 95).

⁶ This figure jumped to 10.9 million members by 2003, although the Election Commission found that 2.3 million of these held duplicate membership in another political party (*Nation*, 24 November 2003; cited in Pasuk and Baker 2004: 191).

their patronage networks into Thai Rak Thai to sit alongside some political neophytes, this observation should come as no surprise.⁷

Thai Rak Thai's 2001 Victory and the Role of Populist Policies

While the 1997 Constitution laid out a new set of rules for conducting elections and forming governments that favored large parties, these rules of course do not explain why Thai Rak Thai was able to succeed in becoming the political powerhouse that it is today. Instead, in order to understand why Thai Rak Thai enjoyed such a spectacular election victory in 2001, one must turn to other factors, such as the party's leadership, the general political and economic environment, and the party's policies and image.

More so than any of its major competitors, Thai Rak Thai was directly identified with its leader, Police Lieutenant Colonel Thaksin Shinawatra, one of Thailand's wealthiest tycoons, known to have made his fortune based on government concessions.⁸ In the eyes of many Thais, a highly successful businessman like Thaksin was just the kind of person the country needed at its helm in order to recover once and for all from the 1997 economic meltdown. Indeed, Thaksin's image as a quick, decisive and self-confident CEO-type manager who would run the country like a profitable company contrasted sharply with that of the rule-bound, plodding and procedural Chuan Leekpai, the sitting prime minister from the Democrat Party. Furthermore, people were encouraged to believe that because Thaksin was already fabulously wealthy, he would have no incentive to engage in corruption if he were to become Prime Minister. Nevertheless, the fact that around 20 billion baht was spent to buy votes in the run up to the 2001 elections provided an early indication that at least on the corruption front, Thai Rak Thai under Thaksin would represent little difference from political parties or practices of the past (Montesano 2002: 90).⁹

Besides Thaksin's image as an efficient manager, the political and economic situation in Thailand prior to the 2001 election most certainly contributed to Thai Rak Thai's overwhelming victory. In the wake of the 1997 financial crisis that had severely battered the Thai economy, the Democrat-led government of Chuan Leekpai accepted an IMF bailout package and adopted an economic recovery policy that was widely perceived as benefiting the wealthy, while remaining largely indifferent to the plight of the vast majority of poorer Thai people. As a consequence, the Democrat Party became widely unpopular across several parts of the country and, in particular, among the rural poor. Moreover, accusations that the Democrats had sold out the country to foreign interests by accepting the terms imposed by the IMF in exchange for the bailout led to a nationalist backlash against Chuan's party. Given these circumstances, Thai Rak Thai was able to capitalize on popular

⁷ Citing *The Nation* (30 August 2000), Pasuk and Baker indicate that about 100 sitting members of parliament from other parties had been persuaded to jump ship and run under the Thai Rak Thai banner in the January 2001 elections (2004: 83).

⁸ For outstanding discussions of Thaksin's background and rise to power, see McCargo and Ukrist 2005, and Pasuk and Baker 2004.

⁹ McCargo and Ukrist refer to a lower alleged figure of over seven billion baht, but also mention that this would be the largest amount of money spent on an election in Thai history (2005: 236).

anti-Democrat and anti-foreign sentiment by projecting itself as a party that would stand up to defend Thai interests for the Thai people. Even the name of the party, which can be translated as “Thai Love Thai,” suggests this nationalist overtone.

Beyond its overtly nationalist flavor, Thai Rak Thai under Thaksin cast itself as a new kind of political party, adopting the slogan “think new, act new.” While it remains an open question as to whether Thai Rak Thai really is substantively a new kind of party, most observers nevertheless conceded that the party ran its campaign for the 2001 elections in a new kind of way, paying greater attention to marketing, advertising, and image than any Thai political party before.¹⁰ Undoubtedly, the deep pockets of the party’s leadership enabled Thai Rak Thai to take full advantage of these resources. But aside from the packaging, Thai Rak Thai also did something else that other Thai political parties had not done in the past: it ran on a platform.

Broadly labeled as populist, Thai Rak Thai’s three primary policy proposals contained in its electoral platform aimed to appeal to the country’s poor, marking a contrast from the perceived indifference of the Democrat Party to this largest segment of the population. The first of these policies involved the creation of a one million baht revolving fund for each of Thailand’s 71,102 administrative villages and 2,339 urban communities (Pasuk and Baker 2004: 93). This money could theoretically be loaned out for use in income generating projects that would promote local development. The second policy was to create a low-cost national health scheme that would permit people to have their medical disabilities and illnesses tended to in state hospitals for a mere 30 baht per incidence. The final policy proposed by Thai Rak Thai that was designed to attract the electoral support of the rural poor was the implementation of a three-year debt moratorium for certain agricultural debtors that had borrowed money from the state’s Bank for Agriculture and Agricultural Cooperatives.

After winning the 2001 elections, Thai Rak Thai went on to surprise many jaded observers of Thai politics by actually carrying through with its electoral promises and implementing the three above-mentioned policies, thereby becoming the first Thai political party to really do what it said it would do (Pasuk and Baker 2002). Over the next four years, and especially in the run up to the 2005 elections, Thai Rak Thai proceeded to introduce even more populist policies, in what critics would condemn as an effort to “buy” the rural electorate using the state budget. Yet regardless of these accusations, what seems fairly clear, especially in light of the 2005 elections results, is that Thai Rak Thai succeeded in winning the support of the vast majority of less well-off Thais.

While poor people in Thailand might very well appreciate Thai Rak Thai’s adoption and implementation of populist policies, critics were quick to point out that these policies amounted to irresponsible state spending for the benefit of the ruling party that was unsustainable and actually detrimental to the population over the long-term. Furthermore, advocates of the poor noted that while the Thaksin government had claimed that one of its priorities was to alleviate poverty, average levels of debt per family actually increased

¹⁰ For an interesting discussion of the continuities rather than differences between Thai Rak Thai and older “traditional” Thai political parties focusing especially on the relationship between party and factions, see Ockey 2003.

significantly over the four years corresponding to the first term in office of the Thai Rak Thai government. According to figures from the National Statistics Office, in 2000, the average Thai family had debt amounting to 70,586 baht. Four years later, after the introduction and implementation of Thai Rak Thai's populist policies, the average level of debt per family had jumped to 110,133 baht (Somchai 2004: 83). The connection between the introduction of Thai Rak Thai's populist policies and the increasing average level of family debt, much of which represents debt due to consumption, has led some analysts to conclude that the actual intention of these policies was to promote increased consumer spending in order to stimulate the economy, even if it came at the expense of mushrooming personal debt among the poor.

As for the one million baht village fund established by the Thai Rak Thai government, aside from the general critique that it actually contributed to rising levels of indebtedness because of the tendency for disbursed loans to be used for personal consumption rather than sustainable, income-generating activities, critics pointed out that the primary beneficiaries were not in fact the poor, but rather people with incomes above the poverty line. In the year 2002, for example, only 393,233 poor people were able to take advantage of the village fund program, while over 11 times as many non-poor, or 4,413,215 people, derived benefit from it (Somchai 2004: 77). Questions could also be raised about the criteria used for granting loans from the village funds, since as one observer has noted, "much of the funds [were] typically allocated to committee members" (McCargo and Ukrist 2005: 101). This observation would suggest that the program itself was conducive to promoting nepotism and corruption.

Proving generally more beneficial than the village fund was the introduction of the 30-baht universal health care scheme, which was widely greeted by many as a program that would finally render health care accessible to the poor. However, deficiencies became apparent here, too, especially as the low cost of medical treatment apparently led to increased demand. As a result, many medical facilities became overloaded. Furthermore, since the scheme relied on an inadequate system of government transfer payments to supplement the 30 baht patient contribution, several hospitals found themselves unable to recover their own costs, thereby seriously calling into question the financial sustainability of the program. Consequently, many doctors resigned in frustration, and the chief administrators at several hospitals went so far as to publicly condemn the program (Pasuk and Baker 2004: 94). Presumably because of shortfalls in subsidies at some hospitals, complaints of substandard medical treatment in the 30-baht program became common, indicating that a two-tier health care system continued to exist, with one system catering to the demands of those sufficiently wealthy to afford quality health care, and the inferior, 30-baht system serving the poor.

The third promise made by Thai Rak Thai to the rural poor during the 2001 election campaign was to impose a three-year moratorium (or alternatively, interest rate reduction) on farmers' repayment of debts. However, the number of beneficiaries of the policy turned out to be far smaller than the actual number of farmers in debt, many of whom did not qualify for the program. The scope of the program was limited to farmers owing no more than 100,000 baht to the Bank of Agriculture and Agricultural Cooperatives, who had not

intentionally fallen behind in debt repayment. However, the Bank of Agriculture and Agricultural Cooperatives had few debtors who were very poor, since conditions for membership in the bank and approval of loans tended to exclude this group from the beginning (Anuson 2005: 57, 69). Indeed, by 2002, Thai Rak Thai's debt moratorium policy was benefiting only 2.4% of all poor people in the country (Somchai 2004: 77).

In spite of their flaws, Thai Rak Thai's populist policies proved to be so well received by the electorate in general that in the four years following its 2001 electoral victory, the Thai Rak Thai government proceeded to roll out even more. But beyond the particular shortcomings of each individual program and general concerns about their financial sustainability given the large outlays of state budget involved, another major worry is that collectively, they contribute to the creation and perpetuation of a culture of passivity among the rural poor. Rather than empowering and encouraging the poor to seek their own solutions to the problems confronting them, Thai Rak Thai's populist policies have fostered dependency on the government and ruling party to solve their problems for them. One can only surmise that the creation of this dependency is intentional, since it helps ensure continuing electoral support for the ruling party.

One Party Absolute Rule and the Circumvention of Independent Monitoring Bodies

Overall, the popularity of Thai Rak Thai's populist policies, the positive image of the party and its leader, the perceived lack of a viable political alternative, the new electoral mechanisms established by the 1997 Constitution, and the prime minister's seemingly limitless wealth that enabled him to "persuade" veteran politicians from other parties to join Thai Rak Thai all combined to create the post-January 2001 reality of an overwhelming Thai Rak Thai majority in parliament. This condition of virtual one-party absolute rule worked to short circuit the checks and balances that were written into the 1997 Constitution and intended to ensure good governance. Over the course of Thai Rak Thai's first term in power as the governing party, a disturbing trend emerged in which the executive branch, under Thaksin's leadership, proceeded to weaken or co-opt the legislative branch and the independent watchdog bodies established by the 1997 Constitution that had the capacity to monitor and challenge the government.

Resting on an extremely comfortable Thai Rak Thai majority in the lower house, the prime minister essentially enjoyed immunity from inspection by the opposition. Because the 1997 Constitution stipulated that at least 200 votes in the House of Representatives were required in order to submit a resolution of no confidence directed against the prime minister, the opposition, led by the Democrats, found itself in a position from which it could only take aim at those around the prime minister without being able to touch Thaksin directly. In sum, the parliamentary opposition after the 2001 elections lacked the capacity to undertake any serious challenge to the prime minister's authority.

According to the intention of the drafters of the 1997 Constitution, the officially non-partisan Thai Senate was intended to serve as a monitoring body that would check and balance the power of other parts of the government and state. However this appeared not to deter Thaksin from exerting great efforts to create alliances with certain members of the

Senate who were sympathetic toward his party (McCargo and Ukrist 2005: 83-4). In June 2003, one senator resigned from the Senate because he had become too close to Thai Rak Thai. Moreover, it was commonly believed that a block of 30 to 40 more senators, with whom Thaksin and Thai Rak Thai had been cultivating ties, were considering resigning en masse in order to join the party, too (*Nation*, 8 June 2003 and 15 July 2003; cited in McCargo and Ukrist 2005: 116 note 45). The extent of political interference by the governing party in the affairs of the Senate was so great that a leading newspaper felt confident enough to refer to the election of a new Senate speaker in 2004 as being characterized by “alleged rampant vote-buying, blackmail and intimidation” in order to ensure that a candidate closely linked to Thaksin would be elected (*Nation*, editorial, 2 March 2004; cited in McCargo and Ukrist 2005: 116 note 45). Indeed, the political neutrality of the Senate has apparently been circumvented in favor of Thai Rak Thai, with only a small group of independent-minded senators associated with academic institutions, NGOs and other civil society organizations remaining as a vocal, but ultimately powerless, advocate of the people’s interests vis-à-vis the Thai Rak Thai government. In turn, the co-optation of the Senate by the Thaksin-led executive carried with it serious implications for the new, independent monitoring bodies established by the 1997 Constitution, since the Senate is empowered to select the members of most of these bodies.

With the upper and lower houses of parliament unwilling or unable to serve as a counterbalance to the Thaksin administration, the role of the new, independent watchdog bodies theoretically became even more important. Unfortunately, developments since 2001 would seem to indicate that to a large extent, these bodies too, with the possible exception of the National Human Rights Commission, have been co-opted, or otherwise neutralized. Rather than standing up to the government, there has been a general tendency for them to bow to political pressure and toe the Thai Rak Thai line. This has especially been the case with the Constitutional Court, the National Counter Corruption Commission, and the National Election Commission.

While early signs were positive that the Constitutional Court was conscientiously fulfilling its duty to uphold the principles and rules laid out in the 1997 Constitution, one particular case decided in August 2001, just half a year after Thai’s Rak Thai’s landslide election victory, that directly involved the prime minister cast a great shadow of doubt over the Court’s impartiality. Under a new set of rules mandated by the 1997 Constitution, holders of certain high elected offices (and their spouses and minor children) must submit to the National Counter Corruption Commission (NCCC) a detailed record of their assets and liabilities together with supporting documentation upon entering and leaving office, and one year after the date of their departure from office. At the end of 2000, the NCCC announced that it had found that Thaksin had partially concealed his assets three times between 1997-1998, when he had been required by law to submit his personal financial records in his capacity as a deputy prime minister in an earlier government. The Commission alleged that Thaksin had registered his own assets in the names of his domestic servants in a deliberate attempt to mislead, charging, “There is ground to believe that the use of nominees by Thaksin and his wife was part of a dishonest scheme, or there would have been no need to use the nominees in the first place” (*Nation*, 27 December 2000; cited in Pasuk and Baker 2004: 2). Following standard procedure, the NCCC had forwarded its findings to the

Constitutional Court, which was to make a final ruling on the case. As chance would have it, the Constitutional Court had already ruled nine times in cases that were quite similar to Thaksin's, and in each instance, it had upheld the findings of the NCCC. If Thaksin were found guilty, he would be barred from public office for five years and thus unable to serve as prime minister. In the end, in a ruling that left many stunned, the Constitutional Court announced that it had decided by a vote of 8-7 to acquit the prime minister.

However, the 8-7 vote in the prime minister's favor was not completely straightforward, and when the Court's judgement was finally published, it caused a number of eyebrows to be raised. Of the eight judges who voted to acquit Thaksin, only four did so based on the merits of the case itself, meaning that they found the prime minister's argument that he had made an honest mistake to be plausible. The other four rejected the charges against the prime minister based on a much more technical argument that he was not actually required by law to submit a declaration of assets in the first place. In other words, of the eleven judges who felt that Thaksin was obligated by law to declare his assets and the Constitutional Court should be hearing the case, a majority of seven voted to find Thaksin guilty (McCargo and Ukrist 2005: 16, Pasuk and Baker 2004: 5).

In the wake of the Constitutional Court's decision, allegations of political interference in the case emerged. One judge confirmed that he had been "lobbied," stating, "I witnessed many subtle attempts by politicians to sway judges. The attempts were so discreet as to leave no tangible evidence.... I had to admit I felt strong pressure from the pro-Thaksin mob." This same judge implied that because he had voted to convict Thaksin, his wife, the permanent secretary in the Prime Minister's Office, had become the victim of retaliation, being transferred and effectively demoted to the position of secretary-general of the Commission for the Management of Land Traffic (*Nation*, 4 and 21 October 2002). Three years following the decision, additional evidence emerged indicating that Thaksin and his sister had approached at least another judge and offered to arrange to have his son, an official in the Ministry of Foreign Affairs, be transferred to the position of ambassadorial secretary in the country of his choice in exchange for a vote to acquit the prime minister. Yet another judge reportedly admitted that he had voted to acquit Thaksin because he felt that the prime minister had won an overwhelming electoral majority, and he feared that if Thaksin had been convicted, an angry mob of the prime minister's supporters would have torched the courthouse (*Nation*, 15 and 16 October 2004). After his acquittal, Thaksin himself illustrated his contempt for the Court as well as the NCCC when he stated, "It's strange that the leader who was voted by 11 million people had to bow to the ruling of the NCCC and the verdict of the Constitutional Court, two organisations composed of only appointed commissioners and judges..." (*Bangkok Post*, 5 August 2001; cited in Pasuk and Baker 2004: 5).

While the Constitutional Court performed its job with independence most of the time, it appeared that in some high profile cases involving politicians, five of the fifteen judges consistently sided with the government, while the remaining ten remained unpredictable. When four of these ten reached the end of their terms in March 2003, they were replaced in part by a government-proposed slate of three judges, all of whom had close connections to Thaksin. The appointment of these three judges to the Constitutional Court appeared to give

the government a majority of eight out of fifteen votes on the Court (Pasuk and Baker 2004: 175-6), thereby seriously calling into question the extent to which it could be relied on to function as a counterbalance to the overwhelming power of the Thai Rak Thai government.

Like the Constitutional Court, the National Counter Corruption Commission (NCCC) had originally exhibited signs of political independence and performed its job largely in line with the spirit of the 1997 Constitution. However, the Commission appeared to take a turn in 2003, when new personnel appointments to replace the original commissioners, whose terms had expired, gave rise to an entirely new complexion. First, a police major general, who had been a long-time friend of Thaksin and former subordinate of Thaksin's brother-in-law, was appointed to serve on the Commission (*Bangkok Post*, 24 April and 4 November 2003; cited in Pasuk and Baker 2004: 175). Later, the Commission's secretary-general, Klanarong Chantik, who had prosecuted Thaksin on the assets declaration case, had his reappointment to the Commission rejected. At the same time, seven new commissioners were appointed, of whom five were known to have close ties to the government. One of these five, a former deputy police chief and mentor to Thaksin, went on to become the Commission's new secretary-general (*Nation*, 11 and 21 November 2003, 19 February 2004, and 11 March 2004; cited in Pasuk and Baker 2004: 175). With a new set of what appears to be predominantly pro-government commissioners, the NCCC has effectively ceased to be an independent check on the Thai Rak Thai government.

One possible exception to the general pattern of subverted independent monitoring bodies has been the National Human Rights Commission (NHRC). Alone among the watchdog organizations created by the 1997 Constitution, the NHRC has consistently proven ready to investigate cases and, where warranted, condemn the violation of human rights on the part of state officials. Its often outspoken positions critical of the abuse of state power have led it into direct confrontation with the government on several occasions. For example, after one of the NHRC's commissioners revealed that he had spoken with United Nations officials about the government's 2003 "war on drugs" and the roughly 2,500 extrajudicial executions committed during that campaign, Thaksin denounced him as a "whistle-blower" whose actions were "ugly" and "sickening." Furthermore, Thai Rak Thai declared its intention to have the commissioner impeached, and the commissioner's family began to be subjected to threatening phone calls (*Nation*, 7 March 2003, and *Bangkok Post*, 9 March 2003; cited in Pasuk and Baker 2004: 164-5). However, in spite of the recurring threats and intimidation, the NHRC has generally continued to hold the government accountable for human rights abuses. Most likely, its ability to do so, while other independent monitoring agencies have been rendered ineffective, is related to the fact that it has no actual power of enforcement, so the government has simply been able to ignore it. Indeed, as National Human Rights Commissioner Dr. Pradit Charoen-Thaitawee lamented, "The National Human Rights Commission has submitted many cases with comment and advice, but the government has never replied" (*Nation*, 11 March 2005).

Unlike the National Human Rights Commission, the National Election Commission (also known as the Election Commission of Thailand, or ECT) is officially invested with a great deal of enforcement power. It has the authority to annul election results in cases where it

finds sufficient evidence of irregularities or cheating, disqualify candidates, and call for re-elections. The first set of commissioners made frequent use of this power. For example, in the March 2000 Senate elections, the ECT ended up suspending 78 out of the 200 original winners and calling for re-elections in the affected constituencies. Four more rounds of voting were called by the ECT before the full contingent of 200 senators was able to take up its duties. The following year, in the January 2001 House of Representatives elections, the ECT annulled initial election results and ordered that re-elections be held in 62 out of 400 constituencies (Gothom 2001: 6-7, and McCargo 2002: 117). However, the first set of election commissioners' terms in office expired in 2001, and the new set of commissioners appears to be far less credible. Two of the five original commissioners who stood for reappointment were rejected outright in a politicized Senate selection process, and each of the new commissioners, who was appointed to a seven-year term, is a retired male bureaucrat. The chairman of the Commission was to be a general who had lost a re-run election for the senate in 2000 after the previous election commissioners had disallowed his initial victory. In 2002, this man was subsequently removed from the ECT by the Constitutional Court, which ruled that he had been improperly appointed. Other new commissioners appointed included "a judge whose promotion had failed to gain royal approval, a bureaucrat under investigation for corruption, and another Interior Ministry official who had earlier been accused of printing fake election ballots" (*Bangkok Post*, 23 June 2001 and 2 October 2001; cited in Pasuk and Baker 2004: 174; McCargo 2002: 119). Immediately after taking up their new posts, the election commissioners signaled to the public that they would be taking a less transparent approach than their predecessors. On its first day in office, the new Commission declared parts of its office off limits to the press. A few days later, it banned television cameras from filming while commissioners took an oath in the Temple of the Emerald Buddha. The following day, the Commission announced a one-month moratorium on press conferences (Gothom 2001: 8-9). Low public confidence in the second set of election commissioners reflected the perception that the ECT had ceased to be an effective watchdog body.

One Party Absolute Rule, the Neutralization of Alternative Sources of Authority in Society, and the Silencing of Critics

In addition to the Thai Rak Thai government's largely successful efforts to neutralize the independent watchdog bodies created by the 1997 Constitution, Thaksin has also gone further than any other modern Thai political leader since Field Marshal Sarit Thanarat to undermine, intimidate, circumvent or co-opt all other institutions in society that could potentially serve as alternative sources of authority. These institutions include the military, police, civilian bureaucracy, media, academics, and NGOs/civil society organizations.

The military, and the army in particular, has played a major role in Thai politics throughout much of the twentieth century. Military officers were among the key "promoters" who staged the 1932 coup that toppled the absolute monarchy and ushered in the new era of constitutional monarchy. Moreover, since that time, the person occupying the office of the prime minister has far more often than not been a military officer. However, after the May 1992 popular uprising against the military government that had seized power in a coup the

previous year, public sentiment turned strongly against the idea of permitting the military to have a direct role in politics. Consequently, the two post-1992 Democrat-led governments under Chuan Leekpai made a conscious effort to depoliticize the military and increase its level of professionalization.¹¹ However, this trend was reversed after Thaksin became prime minister in 2001 and began to transform the military into a base of personal power.

Thaksin repoliticized the military by intervening in the system of promotions, placing reliable supporters into key positions throughout the military. Since Thaksin had several relatives who were military officers, as well as an entire group of classmates (class 10) with whom he had attended the Armed Forces Academy Preparatory School before entering the police academy, there were plenty of loyalists who could be tapped to do the prime minister's bidding. By 2003, Thaksin had managed to have one of his cousins appointed commander-in-chief of the army, and another, deputy permanent secretary of the Ministry of Defense.¹² From 2002-03, Thaksin succeeded in having at least 35 of his former class 10 classmates promoted to important military posts, including several who took command of key fighting units (McCargo and Ukrist 2005: 147). What has emerged as a result of the exertion of political intervention is a powerful personalized military network composed of Thaksin's class 10 cronies. While these officers' relationship to the prime minister undoubtedly confers on them a high degree of political influence, the fact that they owe their positions today to the personal patronage of their former classmate also places them in a position of great indebtedness to the prime minister. Because the neutrality and professionalism of the military has been compromised in this way, the military risks becoming little more than a political instrument of the Thai Rak Thai government.

As with the military, Thaksin has also sought to convert the police into an instrument of political power. As a former police officer who graduated from the police academy, Thaksin has plenty of friends, not to mention relatives, who are still on the force and can be depended on to support the prime minister. Not surprisingly, several of these men with close ties to the prime minister have been promoted to important positions since Thaksin's 2001 electoral victory.¹³ Of particular interest was the appointment of a major general who is a confidante and former classmate of the prime minister at the police academy to serve as director-general of the Government Lottery Office, which has historically functioned as a source of secret income for Thai military dictators (Pasuk and Baker 2004: 182). Since revenue generated by the lottery is not subject to parliamentary scrutiny (McCargo and Ukrist 2005: 232), it can be used by the Thaksin government in support of populist programs designed to enhance the ruling party's image and shore up its popularity prior to elections. Another appointment worthy of attention was that of Police Lieutenant General Prieophan Damaphong, who is Thaksin's brother-in-law. In 2003, Prieophan was named

¹¹ For a contrasting argument asserting that the Thai military was never depoliticized, see McCargo and Ukrist 2005: 127-34.

¹² In response to public criticism about the outright nepotism involved in appointing his cousin commander-in-chief of the army, Thaksin declared, "The promotion can be justified rationally. There must be no more criticism. Everyone must accept the decision" (*Nation*, 24 and 30 August 2003, and *Bangkok Post*, 29 August 2003; cited in Pasuk and Baker 2004: 182).

¹³ For a detailed list and discussion of police officers owing their promotions to their proximity to Thaksin, see McCargo and Ukrist 2005: 226-32.

assistant national police chief, before jumping ahead of four more senior officers the following year to be appointed deputy national police chief. From this position, he would only have to leap over a few more senior candidates to become national police chief (Pasuk and Baker 2004: 183), an appointment widely expected to be made in the near future.

Just like the military and, to a lesser extent, the police, the civilian bureaucracy in Thailand has also been a traditional stronghold of political power. While Thaksin has attempted to bring both the military and the police under his personal control by intervening in the promotions process and placing close allies in key positions, he has also made efforts to curb the power of the civilian bureaucracy and subordinate it to the authority of the political leadership. To achieve this goal, the Thai Rak Thai government has not only shuffled high-level civil service appointments, but has also revamped the structure of the bureaucracy by creating six new ministries. In addition, it relieved the civil servants at the Budget Bureau of their overall control over the national budget, granting greater authority instead to individual politician-ministers. It also bypassed the bureaucrats at the National Economic and Social Development Board, which had historically been the key economic planning agency of the state. This move was particularly important since the ability to manage the policy making process had long been an important source of authority for senior civil servants. Under Thaksin, the government more generally eschewed policy advice from the bureaucracy in favor of policy making by private advisory teams assembled by the party. Finally, by appointing “CEO governors” to manage affairs in the provinces, Thaksin also effectively relieved provincial bureaucrats in the various ministries of some of their influence and authority. This new type of governor, which ostensibly answers directly to the prime minister, represents an extension of Thaksin’s executive power, and is given a much wider scope of authority to intervene in any ministry at the provincial level in order to ensure provincial economic growth (Pasuk and Baker 2004: 184-8).

Not content to merely subordinate the military, police, and civilian bureaucracy to his own authority, the image conscious prime minister also began to exert tremendous pressure on the media in an effort to control the flow of information in society and silence his critics. Moreover, he has resisted constitutionally mandated media reform that would remove broadcasting frequencies from direct state and military control and place them instead under an independent regulatory body that would allocate and oversee them in the interest of the public. Because of measures adopted by the Thai Rak Thai leadership, a cloud of fear and intimidation has descended upon journalists, bringing with it severe negative consequences for freedom of the press. Reflecting these worrisome developments, Freedom House, a non-profit and nonpartisan organization working to promote democracy and freedom internationally, downgraded its assessment of Thailand’s media from “free” to “partly free” in May 2003 (*Nation*, 2 May 2003; cited in Pasuk and Baker 2004: 154).

Up until the mid-1990s, Thailand had five television stations, each of which was owned by either the government or the army. In 1996, the country’s first independent television station, iTV, was launched. It quickly made a name for itself by broadcasting hard-hitting investigative reports and critical news stories. In the year prior to the 2001 House of Representatives elections, Shin Corp, one of the prime minister’s companies, bought a controlling stake of 39% in iTV. After journalists working for the TV station complained

that Thaksin was interfering with their reporting on the upcoming election, 23 of them were summarily dismissed. Following their dismissal, journalists who remained at the station reported that they were pressured to place a positive slant on all reporting about the Thai Rak Thai government (Mutebi 2003: 106; McCargo and Ukrist 2005: 44, 189; Pasuk and Baker 2004: 149). As a physical manifestation of iTV's subordination to Thaksin, the station's headquarters was relocated in February 2003 to Shinawatra Tower 3, where it found its new neighbor to be none other than the Thai Rak Thai Party (Supinya 2003: 4-5).

Besides controlling all TV broadcasting in Thailand either through government/army channels or through private ownership, Thaksin can also rely on favorable coverage from state-controlled radio. Of Thailand's over 523 radio stations, 203 are owned by the army, 44 by the police, 62 by the Mass Communication Organization of Thailand, 147 by the Public Relations Department under the Office of the Prime Minister, and the remaining, by various state entities ("Seu peue ganseuksa... panha thi ro gan gaekai" 2004: 4). In other words, with the notable exception of small-scale community radio, Thaksin has virtually absolute control over the electronic media in Thailand. Not surprisingly, on several occasions, critical voices have been silenced.¹⁴ While the 1997 Constitution stipulates that the airwaves are to be taken out of the hands of the government, army and their big business-concessionaire partners and placed under an independent regulatory agency, the Thaksin government has shown little inclination to comply with this mandate. The process to select members of the regulatory agency initially got underway in 2001, but stalled when efforts to pack the body with anti-reform minded people were successfully challenged in the Administrative Court by media activists (Pasuk and Baker 2004: 151). Since that time, the government has made no sincere effort to resolve the conflict, symbolizing its intent to undermine media reform that would lead to greater independence of the press.

Politically motivated intervention in the print media since Thaksin became prime minister has had an equally chilling effect. The fact that Thai newspapers are dependent on revenue derived from advertising, and that the advertising outlays of the government and companies associated with the government comprise roughly 60% of all press advertising, has given Thaksin a great degree of leverage over the print media. As the Thai Journalists' Association noted, "It has become well known among print journalists that advertising incomes from companies under powerful people in the administration, and from government agencies and state enterprises, have been used to bargain against publishing stories that could negatively affect the government's image" (*Nation*, 29 December 2003; quoted in Pasuk and Baker 2004: 152). Similarly, *The Nation* reported as early as 20 August 2001 that "if any newspaper should dare to report negatively on the government, Matchbox Co., the advertising arm of Shinawatra Corporation, will withdraw its advertisements without explanation" (McCargo and Ukrist 2005: 195).

Nonetheless, in spite of the strong financial incentives not to criticize the Thai Rak Thai government, some critics in the print media have refused to be silenced. In these cases, the government has relied on more direct tactics of intimidation. For example, the Special

¹⁴ For details on intimidation and political interference in the electronic media, see Pasuk and Baker 2004: 149-54; and McCargo and Ukrist 2005: 193-4.

Branch police sent a warning letter to one newspaper accusing it of acting irresponsibly by printing a translation of a Reuters report on the prime minister's assets concealment case (Associated Press, 7 August 2001; cited in McCargo and Ukrist 2005: 190). Foreign correspondents were not immune from harassment, either. Two foreign journalists at the *Far Eastern Economic Review* initially had their visas suspended and were threatened with deportation after writing a brief article in January 2002 that made reference to alleged tension between the prime minister and the Royal Palace. The situation was defused after the magazine's publisher wrote a letter of apology, but had the journalists been deported, it would have been the first time since 1977 that a foreign reporter was expelled from the country (McCargo and Ukrist 2005: 197-8). The same week that the *Far Eastern Economic Review* journalists were threatened with expulsion, reports leaked out that the Anti Money Laundering Office, an agency under the Prime Minister's Office, had launched a probe into the financial accounts of outspoken critical journalists at the Nation Group and *Thai Post*. Although the investigations were halted after being exposed and the government denied that they had been politically motivated, it seems difficult to believe that any explanation other than intentional political intimidation was possible (Suthichai 2002: 76; McCargo and Ukrist 2005: 190; Pasuk and Baker 2004: 153-4).

More overt forms of censorship have also been exercised by the Thaksin government. For example, a special edition of *The Economist* that offered a critical evaluation of the government's performance was simply banned (Suthichai 2002: 76). The owner of the Thai language daily *Naew Na* reported that Thaksin and his representatives had asked him repeatedly to cancel Prasong Soonsri's regular column, which was often critical of the government (*Nation*, 14 March 2002; cited in Pasuk and Baker 2004: 152). Prasong ultimately resigned in order to prevent his colleagues from having to face undue difficulties on his account (Thepchai 2005: 197-8). At the English language daily *Bangkok Post*, after phone calls were received demanding that critical reporting be pulled (and perhaps even more frighteningly, after compliance with these requests), the editor was finally transferred to a different position. Commenting on this sorry state of affairs, he observed, "In 30 years, there has been no political meddling as shocking as this...."

What is happening now is worse than under military regimes" (*Nation*, 27 February 2002; cited in Pasuk and Baker 2004: 153). Similarly, citing increasing subjection to censorship, the editor and several columnists at *Siam Rath* weekly also resigned. Their resignation came after the owner of the magazine, presumably acting under political pressure, ordered an entire issue withdrawn and rewritten overnight (*Nation*, 28 February 2004; cited in Pasuk and Baker 2004: 153). As if this sort of intimidation were not enough, in 2003, relatives of Suriya Jungrungruangkit, a cabinet minister and secretary-general of Thai Rak Thai, bought an outright twenty percent stake in the Nation Multimedia Group (Committee to Protect Journalists; cited in McCargo and Ukrist 2005: 194-5), one of the few genuinely independent and consistently critical voices remaining in the media. Many observers speculate that it will only be a matter of time before they increase their level of ownership to a point from which they will be able to force the recalcitrant journalists into line.

With some exceptions, critical academics and public intellectuals have tended to fare slightly better than critical journalists since Thaksin became prime minister. Rather than

relying on intimidation and financial coercion to cow them, the prime minister has generally been simply scornful and dismissive of them, attempting to discredit them in the public's eye. For example, when Thirayuth Boonmi, a Thammasat University lecturer and former 1970s student movement leader warned of the government's rising authoritarianism, Thaksin responded, "These people feel proud to be accorded quasi-hero status when in fact they have done nothing useful to society." In response to further criticism from Thirayuth, the prime minister declared, "I don't understand why he still lives on a public salary" (*Nation*, 7 January 2003 and 15 September 2003; cited in Pasuk and Baker 2004: 156). After Dr. Prawase Wasi, a highly respected and influential social reformer who had earlier been a supporter of Thaksin admonished the prime minister to distance himself from his family's businesses in order to gain more ethical power as prime minister, Thaksin snapped, "He doesn't understand and all he ever thinks is that he's a cut above the rest" (*Bangkok Post*, 25 May 2003; cited in Pasuk and Baker 2004: 156). In another case, one of Thailand's foremost economists, Ammar Siamwalla, was prompted to take a vow of public silence regarding Thaksin after the prime minister called him ignorant (Pasuk and Baker 2004: 156). The contempt revealed by the personal nature of the prime minister's attacks in each of these cases provides an indication of the overall direction of Thaksin's approach to dealing with civil society. Rather than listening and engaging with those who have different ideas, the prime minister arrogantly asserts that only he knows what is best for the people: the people should follow rather than question, and dissenters will not be tolerated.



Premier Thaksin Chinawatra gave interview to the media with his cabinets.

Photo by PATTANAPONG HIRUNARD

The case of Supinya Klangnarong, a critical NGO activist working to promote media reform and freedom of the press, illustrates the fate of dissenters unwilling to moderate their criticism of the prime minister. After the Thai language newspaper *Thai Post* printed an article in which Supinya alleged that Shin Corp., a company owned by the prime minister's family, benefited unfairly from the policies of the Thaksin government, Shin Corp. fired back by filing a criminal libel suit against Supinya and three other defendants from the *Thai Post*, as well as the newspaper company itself. Shin Corp.

later increased the pressure on Supinya and the other defendants by filing an additional civil libel suit claiming 400 million baht in compensation (*Bangkok Post*, 7 September 2004).

Re-Evaluating the Thaksin Government in Light of the Aspirations of the 1997 Constitution

As discussed at the beginning of this chapter, the 1997 Constitution set out to expand people's rights and liberties and open up new channels for popular participation, establish a new set of independent bodies to monitor the work of government, and create a greater degree of political stability and efficiency. How well has the Thaksin government that emerged from the landslide Thai Rak Thai victory in the January 2001 House of Representatives election lived up to these goals?

If the 1997 Constitution granted Thais an unprecedented number of rights and liberties, the Thaksin government was just as quick to violate them. Human rights abuses mounted and began drawing the attention of NGOs and the international community. In early 2003, Thaksin declared a "war on drugs," announcing the totally unrealistic goal of ridding Thailand of drugs within three months. In their zeal to meet the prime minister's target and benefit from the incentives established to do so, police launched a no-holds-barred campaign against people ostensibly involved in the drug trade. Over the course of just a few short months, somewhere on the order of 2,500 people were extrajudicially executed. When human rights organizations raised the alarm and pressed demands to investigate the killings, the government showed little interest in accommodating them. The interior minister at the time even commented, "...[T]hey [drug dealers] will be put behind bars or even 'vanish without a trace...' Who cares? They are destroying our country..." (*Bangkok Post*, 25 January 2003; quoted in Pasuk and Baker 2004: 161). Thaksin was equally unmoved, declaring, "It [murder] is not an unusual fate for wicked people. The public should not be alarmed by their deaths," and "In this war drug dealers must die" (*Nation* and *Bangkok Post*, 27 February 2003; quoted in Pasuk and Baker 2004: 164; see also Mutebi 2003: 80-1).

The government's heavy-handed efforts to deal with a growing insurgency in the Muslim majority southern provinces has also given rise to worrisome and internationally embarrassing incidences of human rights abuses. On April 28, 2004, security forces killed 107 Muslim assailants who had launched a series of coordinated attacks on police and army installations across three southern provinces. The day's events ended after a nine-hour standoff at the sacred Krue Se Mosque, when security forces launched grenades and stormed the mosque, killing all 32 of the men inside. Subsequent investigations revealed that most of the insurgents were between 15 and 20 years old, and were either unarmed or only lightly armed. Although a government-appointed commission concluded that excessive force had been used, no official was held accountable for the incident (Human Rights Watch 2005: 327, U.S. Department of State 2005).

Just six months after the Krue Se incident, during the Muslim holy month of Ramadan, on October 25, 2004, another case of massive human rights violations involving the security forces in the Muslim majority southern provinces occurred. After a crowd of Muslim demonstrators gathered outside of the Tak Bai District police station in Narathiwat Province, security forces opened fire, killing at least six people. The security forces then violently rounded up around 1300 men on the scene, piling most of them up horizontally in the back of trucks with their hands tied behind their backs before transporting them to a

military camp. When the trucks arrived at their destination many hours later, it was discovered that 79 of the detainees had died of suffocation. Many of those taken into custody had likely been mere onlookers. Official explanations that attempted to justify the security forces' use of violence were quickly called into question when video footage of parts of the operation were leaked to the public (Human Rights Watch 2005: 327; U.S. Department of State 2005; and Albritton 2005: 170). The prime minister appeared to be upset by the existence of this freely circulating footage documenting the brutality of the security forces and attempted to have it banned (*Nation*, 9, 11, and 12 December 2004).

The disappearance (and presumed abduction and murder by state officials) of Muslim human rights attorney Somchai Nilapaichit in March 2004 also illustrates the attitude of the Thaksin government toward the Muslim insurgency in the south and, more generally, its low level of respect for the principle of human rights. Somchai had been campaigning for the lifting of martial law in the south, which has granted security forces impunity in their suppression operations, and had been representing Muslim clients arrested on charges of belonging to the terrorist organization Jemaah Islamiyah. In fact, Somchai disappeared shortly after meeting these clients, who had revealed to him that they had been tortured and coerced into making their confessions. Continuing calls by the human rights community for the Thaksin government to investigate the case and bring to justice anyone involved have been met by relative indifference and foot dragging. (Thai Working Group on Human Rights Defenders and Asian Human Rights Commission-AHRC 2005). As of the one-year anniversary of Somchai's disappearance, rights advocacy groups following the case were disappointed to note that five police officers linked to the incident were in the process of being prosecuted on mere charges of theft, as opposed to abduction (*Nation*, 12 March 2005).

In addition to the disturbing human rights situation in the Muslim majority southern provinces, individuals who have been leading popular struggles, often against development projects or the illegitimate interests of influential local notables with connections to national level politicians, have been subject to increasing levels of threats and intimidation. From the time that Thaksin became prime minister in early 2001 until November 2004, 18 of these community leaders had been murdered or disappeared, with little being done by the authorities to apprehend those responsible ("Pradab wai nai loka" 2004; "Siphoek naktosu peue sithi manusayachon thi tuk lobsanghan nai samai khong ratthaban thaksin shinawatra" 2004).¹⁵ If the intention of the 1997 Constitution was to encourage a greater degree of popular participation in governance, then the chilling murder of these 18 community leaders and the apparent indifference of the Thai Rak Thai government are clearly not positive signs. At the very least, in order to accord with the will of the Constitution, the threat of death needs to be removed for those considering taking an active role in popular politics.

The 1997 Constitution also called for the establishment of a new set of independent bodies that would monitor and balance the government, ensuring that its work proceeded transparently. However, Thai Rak Thai's overwhelming electoral majority and public

¹⁵ The term "community leaders" here encompasses village leaders and human rights workers, including Somchai Nilapaichit.

support have permitted the prime minister to maneuver the government into a position of virtual immunity from scrutiny or accountability. The intention of the Constitution has thus been foiled here, too, as most of the independent watchdog agencies have been co-opted, emasculated, or circumvented, leaving Thaksin's government with almost absolute authority.

As for the final primary objective of the 1997 Constitution, creating more stable and efficient politics, the advent of Thaksin's Thai Rak Thai government would seem to represent a success. There can be no doubt that electoral engineering and constitutional tinkering, together with other factors, have enabled Thaksin to consolidate a greater amount of political control in his hands than any Thai political leader in recent times. Theoretically, this firm grip on power should enable the prime minister to be incredibly efficient in administering the affairs of state. Yet ironically, it is this very concentration of power assuming the form of authoritarian rule that might over the long term prove to be Thaksin's undoing. Having circumvented or pounded down those who would oppose him, little stands in the way of the prime minister's arrogance getting the better of himself. Because he is so convinced of his own infallibility, he invariably makes mistakes that others recognize, yet he himself refuses to admit. These situations simply lead to increasing polarization, tension and, ultimately, instability. Arguably, it is precisely this kind of dynamic that has fostered the perpetuation of the government's failing and self-defeating strategy of using force to resolve the conflict in the Muslim majority southern provinces. Similarly, Thaksin's inability to recognize the fact that conflicts of interest between the companies under his family's control and the Thai people are unsettling to an increasingly large segment of the population can only be damaging to himself and the stability of his government in the long run. If popular disgust with the voracious appetites of the big business interests who control the government is one day successfully converted into a unified opposition force, the Thai Rak Thai government will fall, and Thaksin will be left genuinely wondering what has happened.

References

- Albritton, Robert B. 2005. "Thailand in 2004: The 'Crisis in the South'." *Asian Survey*. 45 (1):166-73.
- Anuson Unno. 2005. "Nayobai prachaniyom ratthaban thai rak thai: kho picharana buang ton
[The Thai Rak Thai Government's Populist Policies: Fundamental Considerations]." *Fa Diao Gan*. 3(1):52-89.
- Boonthan Tansuthepverawongse (ed.). 2002. *Kwamsongjam deuan preutsapha gap anakot ganmuang pak prachachon* [Memory of the Month of May and the Future of People's Politics]. Bangkok: Khana gammagan jad gnan ramleuk tosawat preutsapha prachatham.
- Bowornsak Uwanno. 2003. *Papruam khong ratthathamanun lae ratthathamanun haeng ratchanachak thai putthasakarat 2540* [Overview of the Constitution and Constitution of the Kingdom of Thailand B.E. 2540]. Bangkok: King Prajadhipok's Institute.
- Bowornsak Uwanno and Wayne D. Burns. 1998. "The Thai Constitution of 1997: Sources and Process." *University of British Columbia Law Review*. 32(2):227-247.
- Connors, Michael Kelly. 1999. "Political Reform and the State in Thailand." *Journal of Contemporary Asia*. 29(2):202-26.
- Englehart, Neil A. 2003. "Democracy and the Thai Middle Class: Globalization, Modernization, and Constitutional Change." *Asian Survey*. 43(2):253-79.
- Gothom Arya. 2001. "Participation in Thai Politics." Paper presented at the conference on "Thailand: The Next Stage." SAIS, Johns Hopkins University, Washington DC. November 30.
- Human Rights Watch. 2005. *World Report*. New York: Human Rights Watch.
- Ji Giles Ungpakorn. 2002. "From Tragedy to Comedy: Political Reform in Thailand." *Journal of Contemporary Asia*. 32(2):191-205.
- Khana gammagan yat wirachon preutsapha '35 [Committee of the Relatives of the May 1992 Heroes]. 1997. *Ramleuk 5 pi preutsapha prachatham ganchamra prawatisat khong*

prachachon [Commemorating 5 Years Black May: Settling the History of the People]. Bangkok: Khana gammagan yat wirachon preutsapha '35.

McCargo, Duncan. 2002. "Democracy under Stress in Thaksin's Thailand." *Journal of Democracy*. 13(4):112-126.

McCargo, Duncan and Ukrist Pathmanand. 2005. *The Thaksinization of Thailand*. Copenhagen: NIAS Press.

Montesano, Michael J. 2002. "Thailand in 2001: Learning to Live with Thaksin?" *Asian Survey*. 42(1):90-99.

Mutebi, Alex M. 2003. "Thailand in 2002: Political Consolidation amid Economic Uncertainties." *Asian Survey*. 43(1):101-112.

Ockey, James. 2004. "State, Bureaucracy and Polity in Modern Thai Politics." *Journal of Contemporary Asia*. 34(2):143-62.

-----, 2003. "Change and Continuity in the Thai Political Party System." *Asian Survey*. 43(4):663-80.

Pasuk Phongpaichit and Chris Baker. 2002. "'The Only Good Populist Is a Rich Populist': Thaksin Shinawatra and Thailand's Democracy." Southeast Asia Research Centre Working Papers Series No. 36. Hong Kong: Southeast Asia Research Centre, City University of Hong Kong.

-----, 2004. *Thaksin: The Business of Politics in Thailand*. Chiang Mai: Silkworm.

"Pradab wai nai loka [Being in the World]." 2004. *Fa Diao Gan*. 2(4):42-87.

"Seu peue ganseuksa... panha thi ro gan gaekai [Media for Education... Another Problem Awaiting the Solution]." 2004. *Seu Palang* [Power the Thought]. 12(2):3-17.

"Siphoek naktosu peue sithi manusayachon thi tuk lobsanghan nai samai khong ratthaban thaksin shinawatra [Sixteen Fighters for Human Rights Who Have Been Assassinated in the Era of the Thaksin Shinawatra Government]." 2004. *Jodmai khao ko ro po* [Newsletter of the Campaign for Popular Democracy]. 33:5-8.

Somchai Jitsuchon. 2004. "Nayobai rakya gap ni chaoban: krai log krai? [Grassroots Policy and Villagers' Debt: Who's Fooling Whom?]." In *Ru tan thaksin 2* [Staying One Step

- Ahead of Thaksin 2], edited by Cherm Sak Pintong. Bangkok: Kho Kit Duay Ton.
- Supinya Klangnarong. 2003. "Communication under Shin's Regime: The Conflict of Political and Business Interest?" Paper presented at first congress of People's Assembly. Thammasat University, Bangkok. March 29.
- Suthichai Yoon. 2002. "Thai Journalists Fight an Unexpected Revival of Press Restrictions." *Nieman Reports*. 56(2):75-6.
- Thai Working Group on Human Rights Defenders and Asian Human Rights Commission-AHRC. 2005. *365 wan tanai somchai nilapaichit hai bai nai?* [365 Days Where Has Attorney Somchai Nilapaichit Disappeared to?]. Bangkok: Thai Working Group on Human Rights Defenders and Asian Human Rights Commission-AHRC.
- Thepchai Yong. 2005. "Krai pen grajok gan nae... seu reu sangkhom [Who's the Mirror... Media or Society?]." In *Pid hu pid ta pid pak: sithi seriphap nai meu turagit ganmuang seu* [Silencing the Media: Rights and Freedom of Expression Under Political Corporate Seize], edited by Ubonrat Siriyuwasak. Bangkok, Kronggan Jad Pim Kopfai.
- U.S. Department of State. 2005. *Country Reports on Human Rights Practices: Thailand*. Retrieved March 9, 2005, from <http://www.state.gov/g/drl/rls/hrrpt/2004/41661.htm>.

ANFREL Observations and Findings



ECT's campaign poster called for voters to go out to vote from 8.00-15.00 hour by marking the cross sign only.

The general situation of Thai election 2005 was relatively peaceful in most areas, but violence did occur in some provinces before election day. There were about four or five suspicious cases involving violence related to the elections, but the Election Commission of Thailand (ECT) and the police were unable to conclude whether these incidents were actually politically motivated or simply cases of ordinary crime. The four main political parties (i.e., Thai Rak Thai, Democrat Part, Chart Thai, and Mahachon) engaged in active campaigning, and proposed policies that they would implement over the next four

years if elected. Several candidates reiterated promises to give cattle and money to people for agricultural development, but did not specify whether this was a party or government policy. Allegations of vote buying were made in every province, but it proved impossible to determine whether these allegations had a basis in fact or whether they were just rumors.

Compared to the previous election in 2001, civil society was not as active, except for in some provinces, where there were strong NGOs or individuals who volunteered to form local monitoring networks.

Election observers interviewed many people in the provinces. They discovered that more than seventy percent claimed they would vote for the governing party and wanted Prime Minister Thaksin to remain in power. However, less traditional voters and those who disliked the populist policies of the ruling party, Thai Rak Thai (TRT), would vote for opposition parties. Opposition parties were very likely to lose their popularity in the north and the northeast because of their inferior performance relative to the better known and more attractive ruling party over the past four year. The Democrats, the largest opposition party, obviously worked hard in this election to protect their strongholds in the south as well as in Bangkok, which is the province with the greatest number of constituencies. In the run up to the election, it looked as if the Democrats would likely lose many of their seats in the northeastern region of the country to TRT.

However, many ethnic minorities in northern provinces (e.g., Chiang Mai and Chiang Rai) insisted on not voting for the ruling party because they felt the prime minister's policy to conduct a "war on drugs" during the first three months of 2002 had killed many of their relatives. Certainly, dissatisfaction with Thai Rak Thai was also prevalent among many Muslims in the southern provinces of Yala, Narathiwat, and Pattani, where people have been subject to discriminatory policies and maltreatment at the hands of government officials and the security forces.

Pre-Election Campaign Observations



Observers from Tibet interviewed villagers in Korn Khen province

Even though more than 20 parties competed in this election, observers clearly saw that most election posters and banners were for the Democrat, Thai Rak Thai, Mahachon or Chart Thai parties. Some posters were torn and banners were destroyed. The police, who were responsible for ensuring peace and maintaining law and order, were in general commended for their ability and impartiality. In contrast, people lacked confidence in the national, provincial and district level election commissions (ECT), and generally questioned their neutrality.

A Mahachon party representative whom observers met in Samut Prakarn Province expressed the opinion that the national, provincial and district level ECT were partial and biased. At the same time, Chart Thai party representatives in the same province made strong allegations that the ECT was partial and had an excessively authoritarian attitude. According to these representatives, the freedom of electoral candidates was being violated because ECT members were not neutral and could exercise power arbitrarily in disqualifying candidates (i.e., issuing red or yellow cards).

Strangely enough, TRT representatives in Samut Prakarn Province were also very critical of the district level ECT members and accused them of favoring a Mahachon candidate, who was said to be the main opponent of Thai Rak Thai. This is because this province used to be a stronghold of Wattana Asawahame, who is now a senior member of Mahachon. A labor union representative in Samut Prakarn also agreed that people had lost trust in the ECT. However, this person said that yellow and red cards would only be issued on the basis of public complaints.

Security was tight at big rallies in all places near polling day. It was exceptionally high for Prime Minister Thaksin's rallies, and included sweeping for mines, the deployment of hundreds of uniformed police officers, helicopters, etc.



The campaigns of opposition parties such as the Democrats focused on attacking the Thai Rak Thai government's populist policies, criticizing it for failing to eliminate poverty, condemning it for launching a "war on drugs," which caused the deaths of many innocents, and being completely unable to tackle the problem of a growing insurgency in the three Muslim majority provinces in the south. In turn, the ruling party called the Democrat Party and its leader a "dinosaur" and accused it of having an incompetent leadership, asserting that during its earlier term in power, it had accomplished nothing. A controversy emerged when one prominent TRT candidate, Newin Chidchob, told people in his native Buriram Province that the reason he had moved from Chart Thai to TRT was because he realized that small parties had no future. He also stated that if re-elected, TRT would give five cows to each family, stabilize the price of rice, eradicate poverty, etc. He told voters that if other parties offered them money, they should accept it, but urged them to cast their ballot for TRT on election day.

Forty-eight hours before election day, the campaigning of all political parties became more interesting. Vehicles with loud speakers blaring campaign messages cruised around the provinces at a hectic pace, and the candidates themselves wasted no time relaxing. Observers admitted that they were not always able to understand the influence of regionalism in Thai politics. However, there was little doubt in their minds that regionalism was an issue and that it was used as a campaign tool.

Poll Watch and P-NET were informed that one big party had hired trucks and taxis for villagers to join their rally in Bangkok. However, more generally, intimidation was high in many areas because the candidates were very desperate to win. As predicted, the ruling party worked harder in the southern provinces in order to try to make inroads into the opposition's traditional stronghold.

Southern Situation Related to Election

According to information obtained from several interviews with local people, NGOs, and some government officials, the Tak Bai incident¹⁶ clearly affected the political situation in southern Thailand. Before the tragedy occurred, analysts observed that TRT stood a chance of winning some seats in the south. But after the incident, southerners apparently lost faith in the TRT government. In the Tak Bai incident, 78 Muslim demonstrators died while being transported by the security forces from the site of a demonstration to a military camp, where they were to be detained. Many local



Polices and militaries were deployed to safeguard the Muslim area in Southern provinces (Yala, Narathiwat, Pattani).

¹⁶ See chapter 2 (p. ??) for a brief description of the Tak Bai incident.

people expressed the view that the government's so-called war against terror had in practice become a reign of military terror directed against the people.

However, when the massive tsunami struck six provinces in southern Thailand on December 26, 2004, the situation changed. Prior to the tsunami, people discussed the Tak Bai tragedy every day, but after the tsunami, people's attention and concern turned toward the victims of the natural disaster. The opposition party claimed that Thaksin manipulated the tsunami issue very wisely. He instructed that all means at the government's disposal be directed toward providing relief to the tsunami affected provinces. However, because of their lack of education, people commonly thought that the aid and assistance was coming directly from the pocket of Thaksin or the Thai Rak Thai Party, not the government. Consequently, the tsunami incident might have influenced voters' choices on election day.

Conflict Areas in Muslim Majority Southern Provinces: Yala, Pattani, and Narathiwat

In the three southern Muslim majority border provinces of Yala, Pattani and Narathiwat, campaigning at night was not allowed because of security concerns. Nevertheless, the ECT set a time and venue for campaigning three hours every Sunday. The ECT maintained that security during the election would not be a problem, and that extra police would be deployed in the area. Observers were told about martial law and the curfew, and heard that it was not safe to go out after 6:00 pm.

Most Muslim interviewees were traumatized by the Krue Se incident¹⁷ in April 2004 and the Tak Bai incident in October 2004, and were very upset with the ruling party for adopting violent measures to handle the problems in the south. Campaigns in the south were scaled down due to security reasons. Some voters were concerned about the violence, but not worried about security on polling day because of assurances that special arrangements had been made for the Fourth Army to handle the situation.

Voter education was inadequate. Voters faced difficulties in making informed choices, and technical knowledge was not shared by all. Voters did not understand the ECT's role very well. Furthermore, local observers noted that volunteers' efforts to distribute voter education materials were flawed. Vote buying and other violations involving money existed in various forms. Journalists generally practiced self-censorship due to fears for their own security. Provincial level election commissions were not aware of a ban on the use of cell phones in polling stations.

Problems in the three southern border provinces became more complex after the mass killings by state security forces at Krue Se and Tak Bai, and the abduction (and presumed murder by state officials) of Muslim human rights lawyer Somchai Nilapaichit. The ruling party has promised and half-way implemented development plans, including the allocation of funds to each village. TRT campaign materials were full of promises of scholarships, the

¹⁷ See chapter 2 (p. ??) for a brief description of the Krue Se incident.

establishment of small schools for the study of Islam, and the boosting of the price of rubber to 40 baht per kilogram.

Most voters were aware of the upcoming election, but did not think that its result would make any difference in terms of their own situation. They also did not think that it would have any impact on the ability to solve the problems in the south. Observers were informed by members of the media that vote buying was taking place in various forms:

- opening accounts into which vote-buying money would be transferred
- paying a shop to treat voters by offering them “buy one, get one free”
- paying cash; the pattern was sometimes canvassers/candidates offering money to village chiefs, who in turn distributed the money to voters
- an incident witnessed by the source: a new TRT candidate gave villagers T-shirts, 200-300 baht cash in an envelope, and party membership forms to sign

Some people, though not all, said they would vote for the person or party that gave them money, reasoning that the community was so small that others would easily find out what they had done. According to information provided by P-NET, gambling on the number of votes a candidate would win was a widespread practice. Some candidates themselves were involved, hoping to get money out of the game. Hosts of the gambling rings allegedly used cell phones to receive gamblers’ requests to join the game and later met up with them secretly.

Security and Intimidation

According to Colonel Somkuan Seangpattaranetr of the Fourth Army, deployment of two to five police officers per polling station was planned, depending on the security level of the area. Two helicopters for each province in the south were also on standby for the transport of ballot boxes.

On February 3, 2005, 46-year old Khongsak Narechit was shot dead at around 6:30 pm while making his way back home. He was a canvasser for TRT candidate Samat Wonglong, who was running in constituency 4, Sungai Padi District, Narathiwat Province. Authorities have not confirmed whether the case was politically motivated.

There was a rumor that a professional bomb maker related to the Mujahedeen would place eight bombs in four areas in Narathiwat Province. According to the rumor, the bombs were expected to explode on polling day. Allegedly, two bombs were to be planted in the business areas of Muang District, two others in Sungai Golok, and the rest in Tak Bai.



October 2004's Human Rights violation at Tak Bai District, Narathiwat Province. The incident has caused growing hatred after the deaths of 85 Muslim protesters were disclosed. The Southern Muslim provinces were under curfew and fear.

Most people in Narathiwat were not confident in the security environment, given that crimes were being committed with impunity on an ongoing basis throughout the province. Both P-NET volunteers and their driver carried guns during the observation mission. Voters were extremely reluctant to report violations to the ECT due to fear of retaliation. They felt that neither the ECT nor the army/police could protect them.

The government attempted to ensure security by deploying many troops to the south. The Fourth Army, with its headquarters in Yala, supervises three task forces in Pattani, Yala and Narathiwat. Most soldiers took advantage of provisions to cast their vote in advance of election day. However, some of them took a couple of hours off duty to cast their votes on February 6. Observers were told that those who needed to vote on February 6 would be permitted to carry weapons into the polling station. "Otherwise, where should they put their weapons?", asked an army officer rhetorically.

Villagers at Chener Village in Tak Bai District, Narathiwat Province, told observers that people would feel intimidated at the sight of armed personnel voting with them: "I myself may not be afraid, but the elderly and those who work in the plantation fields (that used to encounter the military in the morning) will." In the meantime, eight P-NET volunteers were intimidated and compelled to stop their work in Bacho District, Narathiwat Province, because someone came to "encourage" them to cease carrying out their observation mission around January 25.

Inadequate Voter Education in Muslim Majority Provinces

Some voters mistakenly believed that votes cast for the constituency MP and on the party-list ballot had to be for the same party. Voters learned how to mark their ballots from the posters of political parties rather than the ECT, and they did not understand the information provided by the ECT because they could not read Thai. Many voters claimed to have received election information from television and hearsay, not the ECT. All who were interviewed complained about the great lack of information to help voters make an informed choice. “The ECT needs to address the needs of democracy,” said one Muslim leader. Some people showed up at the polling station to cast their vote simply out of fear of losing their political rights rather than out of any kind of conviction about the importance of participating in the democratic process. Some voters voted to “show respect for village chiefs who campaigned for candidates.” At the same time, others went “only out of the fear of being punished, even though they won’t really vote for anyone.”



Many voters in villages were not aware that they should make individual and independent choices on polling day. Wives tended to follow husbands, and younger family members tended to follow the eldest man in the family. Not all imams and village chiefs were neutral.

The ECT did come up with comics and other voter education materials. However, it was not clear if these materials were properly distributed or if they actually suited the needs of voters in areas that were not closely monitored. Moreover, some P-NET volunteers remained skeptical, commenting, “Voters won’t read materials that are so thick!”

Generally, journalists in areas with ongoing violent conflict practiced self-censorship due to fear of retaliation by the ruling party or others who might be criticized. In an interview with an election observer, a host of a call-in program broadcast on army radio in Narathiwat Province reported, “Once I talked about the political parties, and someone called in to threaten me by saying that I should shut up since I didn’t know anything. I know from where the call was made.” Another senior reporter who had disclosed to foreign media the cruelty involved in the security forces’ suppression operation at Tak Bai requested anonymity when he spoke with observers, worrying about retaliation. Both journalists asserted that high levels of government and security force surveillance in the area were having a chilling effect on almost all media personnel.

Vote Buying in Thai Elections

Almost everybody agreed that vote buying was occurring in many rural areas, and that the police were unable to prevent it. The practice of vote buying is illegal, but in Thailand, only the buying is criminalized, while vote selling is not (look at Appendix II for section 44, 45 of Thai election law). According to the analysis of the director of a community radio station in Ubon Ratchatani, vote buying using cash was more common than vote buying in kind in this election because people preferred to receive cash rather than things, and it was easier for canvassers to distribute cash. Besides, unlike cash, things would be readily visible and could easily be used as evidence to substantiate allegations of vote buying. This would be especially true if the local ECT set out to find cases of the same items being present in many households in the same area. If discovered, these cases would likely result in yellow or red cards being issued.

Observers in northeastern Thailand (i.e., Khon Kaen, Sisaket, Buriram, and Surin Provinces) heard that vote buying was a major concern and problem during the election. P-NET spokespeople and the public in general professed knowledge or confidence that vote buying was occurring, and in at least three specific cases in three constituencies, were able to provide detailed information. Because the northeast is the poorest region in Thailand, vote buying there is very likely an effective tool in political campaigning.



In Nakorn Ratchasima, the biggest province in the northeast, observers asked many voters if they thought vote buying was effective. Most said no. However, those who were more skeptical pointed to the smaller villages in the area, saying that a lack of voter education in addition to “electoral naivete” led some villagers to believe canvassers who said that voting for a certain party would ensure better

facilities for their village and more money for their families. One voter said he had heard of votes being bought for 300 baht in the days prior to election day, although he provided no specific evidence to substantiate this claim, and asserted more generally that all parties were equally guilty of the offense.

Vote buying could assume many forms, such as a questionnaire used in Khon Kaen Province relating to a government project to provide cattle and construct canals for villagers. These questionnaires inquired about the “applicant’s” need for these items as well as whether he/she was registered to vote, and whether he/she desired to take part in this program (alluding to voting in connection to this project). According to a local organization, this questionnaire form looked similar to the form used in typical government projects, but was appended with a cut-off portion which instructed the “applicant” to contact a particular government official who was also a candidate in the upcoming election. These forms were

actually signed around February 2, but the “applicants” were told to backdate them to January 2.

In an interview in Ban Het (constituency 11), Khon Kaen Province, on February 4, the P-NET director reported that a candidate had arranged transportation for voters on the advance voting day, January 29. He added that after the voters cast their ballots, they were taken to a different location to enjoy a party with entertainment.

In an interview in Ban Non Saad (constituency 5), Khon Kaen Province, on February 3, a spokesperson from the village’s community centre told observers that some people had come at night and offered to buy votes for 100 baht per person. Although he did not reveal the party from which these vote buyers came, he said that most people in the area knew their identities. In response to further questioning, he said that this incident had been reported to the provincial ECT. Observers saw no evidence that the ECT had launched a campaign or made efforts to eliminate or minimize vote buying.

One interesting cultural development observers noted was the tendency for younger and newer voters not to follow through and vote for the party or candidate that purchased their vote. In contrast, older voters generally held the attitude that they should vote for the candidate from whom they received money, or the most money, as an extension of the concept of karma. Observers and P-NET volunteers from Chumpon Province reported that Thai Rak Thai was very desperate to gain some seats in the south in order to ensure that it would win a two-thirds majority in parliament. The party would ostensibly pay 500 baht to each person in exchange for a vote. In addition, canvassers for the party recorded the ID numbers of voters who accepted money and warned them not to report the vote buying. Because people are afraid to come forward and serve as witnesses in this kind of situation, the authorities can take little action in spite of the large volume of reports they receive about vote buying.

The majority of Muslims interviewed in Yala and Pattani Provinces claimed that there would be vote buying, as the main rival candidates would spare no efforts to win the election. However, one local Muslim driver stated that he would refuse to accept money for his vote because it would go against his religious teachings. He said it would be like taking a bribe, which is *haram* (forbidden) in Islam. On the other hand, the Muslim owner of a local restaurant told observers that he would accept money from anyone who offered it, but he would cast his vote for the candidate and party of his choice. According to local people, votes were being bought for anywhere between 100 and 500 baht in this area.

Buddhist Monks and the Right of Suffrage

Because of stipulations in Thai law, Buddhist monks are not permitted to vote, even though leaders of other religious faiths are not (look at Appendix II for section 106 of Thai Constitution). While international observers try to evaluate election laws within the context

of a society's history, culture and politics, the restrictions on Buddhist monks in Thailand are not in accordance with internationally accepted norms and standards.¹⁸

Suffrage is a human right and not a privilege bestowed by the government on its citizens. It is universal, meaning all recognized citizens except those reasonably restricted by law (e.g., minors or convicted criminals) have the right to vote. Restrictions by reason of religion, race, color, sex or status, as in the case of monks, are unreasonable and discriminatory. Monks are citizens and should be allowed to vote.



Observers of the February 6 election in Thailand noted not only the inadequacy of voter education in the run-up to polling day, but also the absence of groups to conduct voter education, either from the government or from civil society. Monks are revered religious figures and can help perform this function. This role would be perfectly suited to monks by reason of their moral authority.

However, there is some disagreement among ANFREL observers on this matter. Those who disagree and believe monks in Thailand should not be permitted to vote clarified their view

¹⁸ **Article 21 of the Universal Declaration of Human Rights** provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone also has the right of equal access to public service in his country. And the will of the people shall be the basis of the authority of government, with this will being expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent voting procedures.

This provision is reinforced by **Article 25 of the Covenant on Civil and Political Rights**, which stipulates that “Every citizen shall have the right without unreasonable restrictions to vote and to be elected at genuine elections.”

The Copenhagen Document of 1990 (to which Thailand is not a signatory) further reinforces these two documents as it admonishes participating states to “respect the rights of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination.”

by noting that Theravada Buddhism, unlike its Mahayana counterpart, advocates *nivarna*, a selfless state of mind that is freed from clinging to any worldly affairs. Moreover, they argue that “church” and state should be clearly separated and independent of each other. Many Thai people do not wish to see the state interfere in religious freedom any more than they wish to see members of religious circles meddling in political affairs.

Those concerned with civil liberties also point out that it is problematic for a state to restrict the political rights of a particular religious group. Prohibiting monks from voting can be interpreted as a violation of the political rights of monks, who are citizens of the state.

It might be advisable for Thailand to find out why monks in Sri Lanka and Cambodia are permitted to vote. There must be a plausible explanation for this contradiction, especially since the Thai Constitution guarantees the free exercise of religious freedom and upholds the equality of all citizens, regardless of their religious beliefs.

In this election, observers found that some monks’ names were still present on the voter lists, giving rise to concerns that other people might vote on their behalf. The ECT should take corrective action by removing the names in question from the voter lists.

On the issue of religion and politics, observers in Ayudhaya Province discovered that Muslim imams were also often political leaders. Temples, churches and mosques should be neutral places that are not politicized, but candidates and their supporters sometimes stay overnight at Buddhist temples. It is a very grey area because temples are used for all kinds of purposes, and people are allowed to stay there.

Election Administration

Most of the local people with whom observers spoke reported that they had received letters from the provincial ECT informing them that they were eligible voters and instructing them on where to cast their ballot. Some of the residents of Ban Huro Village, Chumpon Province, told observers that they had received the same letter twice.

On average, about 700-800 voters were assigned to each polling station. Voter lists used on election day were the same as the lists used for advance voting, so polling station officials could see who had already voted and who would vote abroad (look at appendix II for Thai election law, section 83).

Most local election observers and volunteers came from organizations such as P-NET or other NGOs that were supported by the ECT budget. People in all provinces complained that voter education was quite poor and ineffective. In most constituencies, almost half of all ballot boxes used by the ECT were old. These ballot boxes were scheduled to be delivered to the polling stations on February 5. However, there was no clear or uniform procedure stipulating where the ballot boxes were to be kept prior to the opening of the polling stations at 8:00 am on the following day. In some constituencies, they were kept at the house of the village chief, while in others, they were kept at sub-district offices or at the polling stations themselves.

In order to help mobilize public participation in the political process, observers attended public debates between competing candidates organized by the ECT. However, observers noted that in most provinces, turnout at the events was very low. This was likely a result of the fact that many people did not view the ECT as being credible enough to organize clean, free, and fair elections.

With regard to problems within various levels of the ECT itself, complaints were mixed. Some ECT officials in Nakorn Ratchasima felt that corruption was most prevalent at the national level because of the close proximity to money and power. However, many ECT officials visited by observers felt that the provincial and district levels of the ECT were more vulnerable to outside influence due to the relative lack of transparency and oversight.

All ANFREL observers were disappointed by the unsatisfactory arrangements made by the ECT regarding accreditation cards. Long-term observers had submitted their photos and completed their ECT accreditation application forms early on at the ECT head office in Bangkok in order to be issued International Observer ID cards. However, they were unable to obtain these cards in a timely fashion. In the end, they were issued only two days before election day, at the same time as the International Observer ID cards were issued for the short-term observers, who had arrived in Thailand much later than their long-term counterparts. Because the long-term observers had already been deployed to the provinces, receiving the International Observer ID cards at such a late date proved to be useless. The ANFREL coordinator ended up distributing these cards to the long-term observers as souvenirs upon their return to Bangkok after election day.

Civic and Voter Education

Responsibility for voter and civic education, as well as preparation for elections, should be shared among the ECT, political parties, and civil society. It is important to stress that civic and voter education are two distinct undertakings and the roles of actors in these endeavors should be clear. Voter education and disseminating knowledge and awareness about how to vote are the accepted responsibilities of all stakeholders in the electoral process. However voter education on the basic rights and obligations of citizens is fundamentally the responsibility of the state, with the participation of non-partisan civil society.



ANFREL observers did not believe that the civic and voter education activities in Thailand were adequate to ensure a fully informed and mobilized voting public. Few people were knowledgeable about the absentee voting system, and a large number of voters required extensive explanation on advance voting. Voters who came from the provinces and work in Bangkok and other big cities were generally not aware about advance voting day. In fact, when P-NET informed them about the deadline to register to vote in advance (January 8) and told them that advance voting for people who have special reasons to vote early would take place on January 29 and 30, 2005, most people expressed surprise and thanks for the information.

Because the election law itself contains many loopholes and there has been no clarification from the

ECT regarding what candidates, political parties, canvassers and party agents may or may not do, several activities that might have been in violation of the law occurred. For example, the law does not allow political parties to use vehicles to bring voters to the polling station on election day (February 6), but at the same time, the law mentions nothing about bringing voters to the polling station on the advance voting day (January 28 and 29). Indeed, observers witnessed one truck with TRT posters bringing people to a polling station in Chumphon Province on the day of advance voting. It was the view of these observers that the rules that apply on election day should also be in effect on advance voting day.

In several instances, voters and canvassers wore party t-shirts to the polling stations. Police officers in Phrae and Phuket Provinces wore t-shirts on top of their uniforms. Several police officers wore t-shirts bearing the number 9 (the number corresponding to Thai Rak Thai on the party list ballot) while manning checkpoints at night.

Religious leaders were supposed to be neutral during the election, but observers noted that a Muslim leader in Ayudhaya Province actually instructed voters to vote for one particular party, and that the entire community was likely to follow his advice.

Beyond being of importance to individual voters, voter education is also essential for political parties and polling station officials themselves. Currently, political parties are apparently not aware of what they can and cannot do during the election campaign. As such, some violations of rules by candidates themselves were likely unintentional.

Civil Society and the Role of the Media in the Elections

Poll Watch

Poll Watch, or *Ongkorn Klang*, was the first electoral monitoring NGO in Thailand. It was established after the 1991 military coup, when the appointed prime minister, Anand Panyarachun, Dr. Gothom Arya (an engineering professor at Chulalongkorn University), and Gen. Saiyud Kerdphol (former Supreme Commander of the Royal Thai Armed Forces, 1980-83) agreed to form a group consisting of people from several professions, as well as activists in the provinces, to work during the election season. Their goal was to ensure that elections in Thailand would be free and fair. The three men invited Dr. Kasem Suwanakul, Rector of Chulalongkorn University and Minister of the Prime Minister's Office, to serve as chairman. A few years later, Poll Watch was registered officially as Poll Watch Foundation, with its office located in Bangkok at Ban Manangkasila.

Since Thai elections in the past tended to lack transparency and corruption was a big problem, Poll Watch had to mobilize many people to monitor election campaigns as well as the polling and counting processes closely. Elections were organized and run by the Ministry of Interior alone, and there was no independent institution in charge of electoral work. Poll Watch aimed to build up a culture of free, fair, and credible elections in Thailand. It also played a key role in monitoring the Ministry of Interior's administration of elections and encouraging the public to turn out to vote. Poll Watch was recognized by successive governments up until the time that Banharn Silapa-acha became prime minister. With the cooperation of various other civil society organizations, Poll Watch later played a crucial role in campaigning for the new Constitution of 1997. As part of this campaign, Poll Watch put pressure on parliament to pass the motion that established the Election Commission of Thailand (ECT). Several individuals associated with Poll Watch were later persuaded to work with the ECT, and Dr. Gothom himself became an ECT commissioner.

In accordance with article 20 of the Electoral Commission Law, much hope is pinned on NGO volunteers to participate in monitoring the general election process. Therefore, Poll

Watch and other NGOs agreed in September 1998 to set up the People's Network for Elections in Thailand (P-NET).

P-NET

In order to expand the election monitoring network to include all regions of Thailand, Poll Watch joined together with about one hundred NGOs to form the People's Network for Elections in Thailand (P-NET). The intent was to allow every NGO to participate in political activities relating to elections and democracy. P-NET's original plan was to recruit 60,000-70,000 poll watchers, who would be posted at every polling station throughout the country.



Chair of P-Net gives training to his volunteers of how to monitor the election in Chumporn province.

However, once the ECT announced that senate elections would be held in 2000, it became clear that the people participating in monitoring the elections had a different concept from the ECT regarding election monitoring and preparations for this process. The ECT did not support the idea of "people's participation" through P-NET, with the organization serving as the single key national NGO, but rather supported small local NGOs individually, which applied to perform election monitoring duties by making a formal contract with the local-level ECT. Therefore, from the point of view of P-NET as well as the public at large, popular participation in election monitoring was not successful. Nonetheless, people still filed complaints and grievances with P-NET as an independent people's monitoring organization until as recently as the general elections in February 2005. P-NET did not receive any financial support from the ECT, even though the National Budget Bureau had allocated over 100 million baht for people's participation in election monitoring. P-NET has invited senior citizens to join the network as unpaid volunteers to serve as permanent observers at every polling station and polling constituency under the name of "Senior Volunteers for National Survival."

Senior Volunteers for National Survival (SVN)

The goal of this program is to try to combat election fraud, and particularly “vote buying,” through the use of “social punishment.” In the past, in spite of attempts to mobilize people’s participation in elections, whenever people tried very hard to collect evidence of fraud and submit it to the ECT and other authorities so that they could punish the wrongdoers, their efforts were always in vain. Therefore, SVN decided to lay out a new strategy that would concentrate more on recruiting and urging the “silent majority” to come out to vote. For analytical purposes, voters can be divided into three groups. The first group consists of voters who belong to the ruling party, and the second consists of voters belonging to the opposition party. Both of these groups are classified as the “organized vote,” since they vote for their respective parties, although admittedly, there could be several reasons for this, including vote buying. They are partisan voters. Outside of these two groups, there are many non-partisan voters, who cannot be bought and do not belong to a party. This third group of people is known as the “silent majority.” If this third group of non-partisan voters can be convinced to come out and cast the “decisive vote,” it can punish those candidates who spend a lot of money on vote buying by preventing them from winning.

General Saiyud Kerdpol, who played a major role in establishing the SVN, believes that senior citizens who are known for their good standing in the community can be relied on to get involved publicly in the election process in their respective polling stations and constituencies. He hopes to be able to develop a network of senior citizens into a permanent organization that will be ready for any local elections and will watch election-related developments.

SVN’s ultimate goals are as follows:

- 1) To offer a venue for those who are concerned about electoral fraud and willing to do something about it, since people’s participation is the key to the success of political reform according to the intent of the 1997 Constitution, which aspires to ensure that the Thai people will benefit from good governance.
- 2) To raise public awareness that free and fair elections can only be achieved through people’s participation.
- 3) To have Senior Citizen Volunteers staying around polling stations in order to help deter election fraud.
- 4) To set a good example for those who are “non-partisan” or “non-political”; the role of citizens should be to control and supervise, and serve as a form of checks and balances on partisan politics.
- 5) To eventually establish a permanent network throughout the country of non-partisan politics and set a precedent for citizen organizations to serve as a balance against formal politics.

Some might call all of these efforts an “impossible mission,” but some success has been achieved, as mentioned above. Unfortunately, election fraud has also developed and become more discreet and more complicated over the past few years. Therefore, the people cannot just remain idle and complain about it. The country belongs to the Thai people, so it

is up to the Thai people to do something about it. The people must not forget that politics is for everybody and politics will affect everybody's life.

As far as the February 2005 election was concerned, P-NET and Poll Watch conceded that their observation missions were strong in some provinces, but did not function well in many others. Local volunteers received ID cards and letters from their respective local level ECT, which should have permitted them to enter and conduct observations inside individual polling stations. P-NET in Chumpon Province proved to be the strongest team, and was able to foster popular understanding of democracy as well as monitor the election. More than 1,100 volunteers received training and were deployed to observe at all polling stations. In contrast, observers in Phitsanulok Province reported that P-NET volunteers were prevented from entering polling station number 2 in Muang District, while a group of young people were sitting and standing in front of the polling station.

Media

In terms of media presence, opposition political parties generally languished, while Thai Rak Thai ruled the airwaves. One survey found that coverage of Thai Rak Thai dominated TV evening news programs in the run up to the election. Based on observations of evening news programs on the six major free TV stations from January 26 to January 30, the survey reported that Thai Rak Thai appeared most frequently (220 times) and for the longest time (more than five hours). Lagging far behind was coverage of the Democrat Party, which amassed 160 reports totaling less than three hours, and the Chart Thai Party, a member of the governing coalition, which appeared 102 times for a total of a little over two hours. The TV stations surveyed were channels 3, 5, 7, 9, 11 and iTV.

Assumption University's Abac Poll Research Centre, which conducted the survey, released the results on February 1. In terms of frequency of TV coverage, news about Thai Rak Thai's major and smaller election rallies, as well as campaigning by TRT candidates, took three of the top five spots. Election news about Chart Thai and the Democrats came second and fifth, respectively, in terms of frequency.

In an interview conducted with a reporter from iTV, which is one of the biggest TV channels in Thailand (and belongs to the prime minister, with its headquarters located in Shinawatra Tower 3), the reporter admitted that it was simply unavoidable for all media to broadcast news about the ruling party and prime minister.

In many provinces, community radio stations assumed the responsibility of disseminating information to the voters. Without them, it would have been difficult for people to access information about elections.

Overall, media has a significant impact on election results. It is therefore quite regrettable that no non-governmental organization monitored the media in Thailand for the duration of the entire election period.

Advance Voting on January 29 and 30, 2005

According to the Thai election law, voters who for some reason were unable to vote on polling day (February 6) could cast their ballots instead on January 29 or 30 2005 (look at Appendix II for election law, section 81). At most of the advance voting stations, officials accepted all kinds of reasons for requesting to vote early. Very few people (and in some areas, nobody) were rejected, most likely because the ECT had issued orders to let everybody vote. Voters residing outside their home provinces and overseas voters were concerned about whether their ballots would reach their proper destinations. There is a poor tracking system for these ballots.

Inconsistencies in the law remain regarding advance voting day. According to the law, all campaigning must end by 6:00 pm on the day prior to election day. The law also prohibits canvassers from providing transportation to voters to the polling station on election day. However, these rules do not apply to advance voting day.



Voters check their names before entering the polling station on the advance voting day.

“Cooling Off” Period

Thailand does not have a “cooling off” or “quiet day,” but the law prohibits parties from engaging in any form of campaigning after 6.00 pm on the day prior to election day. Furthermore, the sale of alcohol is also banned from this time until the time polling stations close on election day. In spite of the law, vote buying activity likely occurred on the day prior to election day, because this is generally when all the money is actually delivered. “Negative campaigning” (i.e., paying people not to vote) also likely occurred. On the evening prior to election day, most places were peaceful, with the exception of some unusual movements in villages, where observers were suspicious of vote buying. These observations would fit with previous patterns of vote buying on the night before elections, which Thai people refer to as the “night of the howling dogs.”

Muslim areas in Yala, Pattani, and Narathiwat Provinces were also peaceful on the night prior to the elections. There was no last-minute campaigning by candidates or party agents, and no unusual movements were reported. People were observed to be following their normal day-to-day activities. Some military and police officers were seen walking the streets, but they were not present in significant numbers. Observers interviewed several voters in the streets. Generally, they said that they would only vote so as not to lose their political rights, but that they did not believe that any of the parties could solve the southern region’s problems.

Polling Day

Opening Process

Several ANFREL observers were surprised not to see party agents and local observers stationed at many polling stations. Party agents who were seen appeared not to be taking their responsibilities very seriously. Some of them did not wear their armband or nametag.

Most polling stations opened on time. However, delays occurred at some stations at which ECT documents were not ready. Polling station officials showed the public that the ballot box was empty before 8.00 a.m.



One voter needs to 2 ballot papers, one is to choose candidate of party list, another one is for candidate of the constituency list.

General Observations

In general polling stations were located in appropriate locations such as schools, temples, shrines, or tents. Only a few polling stations were located on the second floor of a building. The layout of polling stations was not uniform, and some polling stations made no provisions to protect voter secrecy behind the voting booth. In other words, observers standing behind the voting booths but outside of the polling station could see how voters were marking their ballots.

On the morning of election day, observers noted that the sample ballots attached to bulletin boards in front of all polling stations were a different color from the actual ballots. This gave rise to concerns that voters might become confused, since each voter had to cast two different ballots (one for the constituency MP and one for the party list). Some voters could not find their names on the list of voters posted at each polling station. This happened frequently in Phang Nga Province, which was severely affected by the December 26, 2004 tsunami. Many voters died or disappeared in the tsunami, but the provincial ECT was unable to determine which voters these were.

Observers asked polling station officials if they were aware of the ECT's directive to prohibit voters from taking photos inside the polling booth (but not to prohibit them from taking cell phones in). Very few were aware of this directive. Mr. Warin Jiemjarat, secretary-general of Poll Watch, complained that this directive was actually useless since it did not prevent voters from using their cell phones to photograph their marked ballots, and then later present these photos in order to receive money from vote buyers. Nobody can see

whether voters are taking pictures with their cell phones inside the polling booth, and the law prevents polling station officials from watching people's activity inside the polling booth in order to protect the secrecy of the ballot.

The most serious problem with the voting process identified by observers was that officials at most polling stations did not bother to check the face of the voter to verify that it matched the photo on the ID card being presented. Officials told observers that they did not need to check because they knew all the villagers in the community and did not think any of them would attempt to cheat.

Voters and polling station officials seemed to have relaxed their vigilance in many areas. They appeared not to view the election as a serious activity requiring secrecy and transparency. Such an attitude could contribute to poll officials losing credibility in the eyes of the public. Behavior exhibited might have been intentional or unintentional misconduct, or perhaps merely the lack of discipline. For example, the chiefs of polling stations in Hang Dong and Muang Districts in Chiang Mai Province were observed sitting near the polling booths in a position from which they could see how voters were marking their ballots. At the same time, voters also used their cell phones to place and receive calls from inside the polling stations. One voter used a cell phone four times while in the polling station, but polling station officials said and did nothing to stop it.

Another problem witnessed was that children were permitted to enter and stay in the polling stations. The daughter (approximately 6-8 years old) of one polling station official in Phitsanulok Province was seen sitting with her father inside the station. A young child in another polling station was playing and running around, disrupting the work of the officials. One observer also noticed a young voter in the same constituency wearing a TRT t-shirt while waiting in line to vote, and another observer saw that party posters were placed at the entrance of a polling station. The chief of the polling station did not believe that it was necessary to remove the party posters since he did not consider them to be campaign materials. He also did not think it was important for party agents to wear their nametags. Some voters did not know how to fold their ballots and did not understand the importance of doing so. In these cases, poll workers had not pre-folded the ballots before handing them out to the voters.

One important issue that should be considered in the future pertains to representatives of political parties serving as polling station officials. This became a concern when ANFREL observers realized that polling station chiefs in many areas permitted political party representatives to take care of ballot boxes. Some stations had two political party representatives standing at the ballot box. Observers were unable to distinguish political party observers from polling station officials sent by parties because they were not wearing their armbands.

In some rural areas, party agents moved around in the area outside, or sat in front of the entrance to the polling station. Some of these agents wore party t-shirts or jackets. Polling station chiefs apparently were not aware of the situation outside their stations, and allowed canvassers and village chiefs to remain around the stations for the whole day.

Observers were surprised to notice that people and poll officials were not particularly friendly toward the elderly and handicapped. Pregnant women had to wait in line along with everyone else. Similar to other places, at polling station number 2 in Na Kae District, Nakorn Phanom Province, observers saw a handicapped voter voting outside the designated area and being surrounded by many people. In another incident, rather than asking relatives to assist one elderly voter, a poll official at Santiraj Bamrung School in Bangkok offered direct assistance by telling the voter how to vote. The secrecy of this one elderly voter's ballot was thereby compromised. Finally, in Muang District, Yala Province, a polling station official "assisted" voters by giving them their voter's number, since no voter list was posted outside the station.

In Bangkok, observers visited 3-4 polling stations in areas with a high concentration of military voters. They found that military personnel were wearing uniforms and came to vote at the same time as their commanders. Suspicions were raised that perhaps these military personnel had been ordered to vote for a particular party or candidate. ANFREL Chairman, General Saiyud Kerdphol, criticized the situation as potentially representing the lack of freedom of choice, and commented that military personnel should not wear their uniform when voting, and that they should come to vote by themselves without being accompanied by their commanding officer. Army, navy, and air force commanders should allow their subordinates to cast their ballots freely by themselves.

At polling station number 15 in Samut Prakarn Province, observers watched as two people were not allowed to vote because their names were not on the registered voters list even though they claimed to have received letters from the ECT. These same observers noticed that some polling stations were located on narrow sidewalks, and that it was difficult for voters to line up and cast their ballot.

As in other provinces, voters in Buriram and Loei (Chumchon Ban Na Bon School) complained about the long lines and objected to the fact that elderly voters were not given priority to cast their ballots first. The line was quite messy at Prasaeng District polling station number 1 in Surat Thani Province, where voters were forced to stand in line under the hot sun for a long time. The chiefs of polling stations in most provinces were unwilling to split the long line into two and divide the single name list into two, even though this might have sped up the process and permitted voters to move through the lines much more quickly. However, in one polling station in Nakorn Ratchasima Province, observers witnessed an elderly woman being escorted to the front of the line so that she would not have to stand in the heat.

Most observers were not permitted to enter the polling stations, and several of them were even prevented from taking photos in the area outside the station. Observers from Bangladesh and Malaysia were stopped and had their papers inspected by officials in Phitsanulok Province. This incident raised the question of whether poll officials were aware of what they can and cannot do. The ANFREL coordinator speculated that local polling station officials' lack of knowledge regarding the scope of their own authority probably stems from insufficient training and a lack of adequate information provided by the ECT.

Many local observers needed to study the election law carefully by themselves since they were unable to rely on the ECT to provide the necessary information. Only by studying the election law on their own could local observers know how to act appropriately when they witnessed poll officials violating election rules. As for poll officials themselves, none observed mock elections on television like they did four years ago at the time of the last House of Representatives election.

Regarding state-issued yellow colored documents that were to serve as substitute or temporary identification for people who had lost their ID cards (used especially by voters in the areas affected by the December 26, 2004 tsunami), observers found that there were inconsistencies in procedures. Some voters were allowed to use these documents to vote, but others were turned away because the document lacked a photo. The use of these yellow documents in order to vote is problematic, since it is impossible to verify that the person bearing the document is the same person who is mentioned in the document. In an effort to authenticate identities, polling station officials did ask voters to sign their names, but signatures can easily be forged.

Closing Process



The Chief of polling station must signed his name on the document that covered on top of ballot box

Voters in many areas were not allowed to vote even though they were standing in line before 3:00 pm. Unfortunately, the law does not specify clearly whether voters should be permitted to vote if they arrive at the polling station by 3:00 pm but are still standing in line outside the station at that time. No official provisions are made to request that they enter the polling station and wait inside, or to have their ID cards collected immediately, with ballots issued later. Voters in Samut Prakarn and Pathum Thani Provinces who arrived at the polls before 3:00 pm

but were still outside the polling station at that time were very angry about the inflexibility of polling station officials and the lack of a clear directive from the ECT on how to handle this situation.

Trade union representatives had informed observers that in Bangkru District, Samut Prakarn Province, 34 people were still standing in line at 3:00 pm, but the chief of the polling station refused to allow them to vote, ruling that at closing time, they were standing outside and had not yet entered the station. The chief also informed political party agents who were present of his decision, but they raised no objections. When the 34 people who had been

denied the right to vote protested and refused to allow the ballot box to be removed for counting, the police were called to the scene and were able to bring the situation under control.

This practice of denying people the right to vote contrasts with the practice and regulations of many other countries, where those still waiting in line at the time the polls close are still permitted to vote.

Vote Counting Process

In Buriram Province, accusations regarding the student vote counting staff were made. Supporters of the Democrat Party accused Thai Rak Thai of distributing money to high school teachers, who in turn allegedly distributed it to students who were working as vote counters. This allegation illustrates that the opposition parties had very little confidence in the vote counting staff.



Militaries assisted in the counting process in the eve of the 6th February, 2005

ANFREL was informed that one ballot box in Muang District, Chumporn Province, was sent to the counting center without a seal.

Around twenty P-NET observers were present in each constituency during the counting process. No announcements were made about the total number of voters. Some vote counters showed ballot papers to the public too quickly, but there were no protests since not all party representatives were present at the time. In some places, there were not enough workers to sign the ballot boxes. Political party agents at one counting center in Phitsanulok

Province prevented observers from taking pictures at the counting center, and no party agents or observers were allowed to observe the mixing of ballots from the various ballot boxes.

Security

Security at or near some polling stations in some locations on election day was quite extraordinary. This was most likely because rumors had been circulating that much violence would erupt on February 6. Around the country, each polling station had at least two security officers, at least one (and perhaps in most cases, both) of whom was a police officer. Police officers were armed and in uniform, and allowed to walk in and out of the polling station.

Security was a primary concern in the Muslim majority southern provinces, because an insurgency was already underway, with many people being killed on an almost daily basis. Interviews with locals revealed that urban and rural dwellers in the deep south had different perceptions of the military's deployment of extra troops in the area. While people living in urban areas generally welcomed the deployment of military forces and relied on them for security, people in rural areas could not understand why the security forces were present and viewed them with much apprehension. Many people interviewed said they were afraid of the separatists, but they were also afraid of the state security forces.

Post-Election

Re-Election in Two Provinces

The ECT announced that re-elections would be held in two provinces, Ubon Ratchathani and Kanchanaburi. These elections took place within three days of the announcement, with the new election date set for February 20. The winners in the two constituencies in question (number 3 in both cases) had been candidates from the Democrat Party. The ECT disqualified Paramet Photharakul, the winner in Kanchanaburi, on the grounds that he had applied for membership in two different political parties at the same time, a practice which is illegal. Allegedly, he first applied for membership in the Mahachon Party, before going on to apply later to become a member of the Democrat Party. The case was quite controversial because Paramet insisted that legally, the first party membership was not valid because he had not submitted completed membership application documents to Mahachon. The ECT neglected to check the documents before his application and refused to review its decision, then proceeded to disqualify him. Meanwhile, the public asked the ECT why it had not checked his background properly before the election began. Paramet was not allowed to be a candidate in the re-election, and his exclusion left a single candidate from TRT on the ballot. However, according to the law, even if only one person is running in an election, that person must secure the votes of at least twenty percent of the voters registered in the constituency (look at Election Law, Section 74).

In Ubon Ratchathani Province, constituency number 3, the ECT issued a yellow card to Vitoon Nambutre, the winner from the Democrat Party. The ECT justified this move by saying that the provincial ECT had found substantial evidence indicating that votes had been bought, although it was unable to prove that Vitoon was directly responsible. Therefore, Vitoon was permitted to run as a candidate in the re-election.

In both areas, the situation was generally peaceful. In the three days between the time the ECT announced the re-elections and the actual re-election day, community radio stations and the two big political parties, Thai Rak Thai and the Democrats, worked to get word out to the public. Most of the polling stations in the constituency concerned in Ubon Ratchathani were located in temples, but in Kanchanaburi, schools tended to be used instead. Voter turnout was greater than sixty percent. Vote buying was said to occur, and it was reported that candidates preferred to pay for votes in cash rather than things, since cash

was easier to distribute and less conspicuous. It was also common in the provinces for candidates to promise that they would deliver certain things to the electorate if elected. Most villagers approved of the TRT government's populist policies, liking in particular the 30 baht universal health care program, the village fund, and the *ue athorn* projects. However, many people mistakenly believed that the money to support these programs came directly from Prime Minister Thaksin or his family, not the national budget. Community level media, especially newspapers, proved to be more willing to exhibit a critical attitude toward politics than the national media, most probably because the latter was more inclined to be afraid of losing advertising revenue.

Re-Election in Ubon Ratchathani Province

On February 20, 2005, observers visited a local community radio program producer and Senator Dr. Niran Pithakwatchara. They also interviewed villagers in three different districts and the district level election commission on February 19. Observers were told that the ECT had issued a yellow card to Vitoon Nambutre, the Democrat Party candidate, because there was evidence that he had distributed cash and goods before the February 6 election. Vitoon was one of only two Democrat Party candidates to win the election in the province, with all the other winners belonging to Thai Rak Thai.

The short notice provided before the re-election made many local people angry. They were required to put on hold some of their local activities, as well as various forms of entertainment, such as an annual *mor lam* (folk music) festival and Buddhist ceremony. The ECT requested that villagers suspend or postpone these activities in order to deter vote buying in cash or kind. A ban on alcohol sales was also in place on re-election day. Based on interviews with local residents, observers learned that people did not trust the provincial ECT and felt that its work lacked transparency. There were also some changes among polling station officials, and new personnel lacked preparation and training. Observers received a call from the Democrat Party notifying them that more than ten voters had gone to police stations with several 100 baht bank notes and accused TRT canvassers of distributing the money to them. In the end, the election went peacefully and the same winner as on February 6 (i.e., Vitoon) emerged victorious, with a slight majority.

Re-Election in Kanchanaburi Province

Only one candidate, Rewat Sirinukul (Thai Rak Thai) competed in this re-election, since the original winner, Parameth Photharakul (Democrat Party) had been disqualified and banned from the re-election for violating the election law.

Paramet admitted that he had applied to join the Mahachon Party in 2004, but insisted that he had withdrawn the application before it was accepted, and had been a Democrat all along. Because of the disqualification, a re-run of the election in Kanchanaburi Province, constituency number 3 (Tha Makha District), was called for February 20, 2005. Although only one candidate, Rewat Sirinukul (TRT), remained on the ballot, section 74 of the election law stipulated that he would need to gain the votes of at least twenty percent of all eligible voters in the constituency in order to be declared the winner. In practice, this meant that Rewat would need to win at least 22,390 votes (out of a total of 111,949 eligible voters) to become the MP for the constituency.

The results of the original general election on February 6, 2005 were as follows:

No. 4 Paramet Photharakul 45,635 votes

No. 9 Rewat Sirinukul 33,776 votes

Total voter turnout numbered 79,411 people, or 70.93% of all eligible voters.

The results of the re-election on February 20, 2005 were as follows:

No. 9 Rewat Sirinukul 26,711 votes (23.86%)

Number of Invalid Ballots 18,641

Number of Abstentions 10,249

Total voter turnout numbered 55,781 people, or 49.83% of all eligible voters.¹⁹

It should be noted that this re-election in constituency number 3 of Kanchanaburi Province represents the first time under the 1997 Constitution that a seat in the House of Representatives has gone uncontested, bringing the twenty percent rule into effect. The case is even more interesting given the large number of invalid ballots and abstentions cast by the electorate. Adding the number of invalid ballots to the number of abstentions, it becomes clear that a larger number of voters (28,890) chose not to vote for the Thai Rak Thai candidate, Rewat, than to support him.

In the words of one local person, “[In the original election on February 6,] we decided to choose a candidate to become our representative. We are tired of the injustice of the ECT. Moreover, the re-election wasted a lot of time and a huge amount of money.”

The director of the ECT in Kanchanaburi Province, constituency number 3, also complained that the budget received for the re-election from the national ECT was too little and too late. One day before the re-election, observers noticed that ECT officials at one polling station had been drinking alcohol inside the station.

¹⁹ Election results from www.khaosod.co.th

In general, television, newspapers and radio were very helpful in providing information to the local population in the two days before the re-election.

Observers noticed that a Thai Rak Thai Party banner had been hung in front of a school in Tambon Kotabong, a location that was less than 300 meters away from a polling station. Observers spoke with the chief of this polling station, pointing out that the banner should be located more than 300 meters away from the station. Observers also found that the number of officials in each polling station was inconsistent, with some stations having around seven officials, and others as many as 12. These people included teachers, district officers, village chiefs, policemen, Thai Rak Thai party agents and other unknown volunteers.

Recommendations

1. ECT Administration

The ECT should take a more pro-active role in educating voters. Campaigning against vote buying and campaigning to encourage young/new voters to come vote must be included in the role of the ECT in every province.



Electronic machine is an initiative of the first commissioner team and demonstrated by the current officers at the ECT.

Voter education in different local dialects is needed and must be more frequent. Voter education can be conducted in many forms, including publications, tapes, radio, television programs, programs for children in schools, etc.

The recruitment process needs to be improved. Provincial ECT officials were government-appointed and very biased. Village chiefs appointed polling station personnel, but there were no criteria whatsoever as to how to select these people.

Many students signed up to count ballots, which was good because they were usually objective. On the other hand they might not be strong enough to stand up against cheating. There is no common policy from the ECT on how recruitment should be conducted.

The ECT should provide more training to polling station officials and distribute manuals to them so that they can learn about their responsibilities prior to election day. Election officials must be warned that any misconduct or corrupt activity on their part will be severely punished.

Voter lists should be rapidly updated in the provinces affected by the December 26, 2004 tsunami and any other area suffering from conflict or disaster. Monks' names should be removed from the voter lists. It should be obligatory for those who ordain to be monks to inform the district officers of their changed status so that their names can be removed from the voter lists. This is especially true for those who intend to be monks permanently.

Transportation to and from polling stations in disaster or conflict areas should be provided by the ECT only.

2. Political Parties and Their Representatives

Section 14 of the Election Law should be amended so as to prohibit representatives of political parties from serving as polling station officials.

Political party members and supporters must be prohibited from campaigning inside and outside polling stations on election day. People who wear clothing bearing the logo of a political party must not be allowed to enter the polling station or loiter around the station. Campaign finance, including income and expenditures, should be seriously regulated.

3. Caretaker Government or Similar Body

Government officials have an unfair campaign advantage because they can also act as government representatives, even though they should be careful to separate this role from their party politician role.

To prevent ruling parties from using state facilities, media and personnel to aid their partisan political campaigns, Thailand should follow the example of Bangladesh by establishing an interim government to govern the country in the three-month period following the dissolution of parliament prior to elections.

4. Advance Voting and Campaigning

The ECT should establish clear criteria specifying the conditions under which "absentee voters" should be permitted to vote on the advance voting day. All regulations and prohibitions that apply in the period before and on regular election day must also apply to the advance voting day (e.g., no campaigning after 6:00 pm one day prior to the election, no alcohol sales from 6:00 pm one day prior to the election until after completion of the election, no transporting voters to the polling station by political parties on election day, etc.).

The right of overseas voters to cast their ballots at a Thai Embassy or Consulate abroad should be maintained even though it is costly.

5. On Polling Day

If there is candidate information posted at the polling station, all candidates must be represented. There appeared to be no standardized system, with some polling stations posting the information, and others, not.

Letters sent out by the ECT informing voters of the number of their polling station and its location should be more accurate and delivered to voters directly. Sometimes, postal service letter carriers do not distribute letters individually, but rather at a communal gathering place, and distribution is taken care of informally. In these instances, many people might not receive the information.



Big effort for disabled voter

Polling station officials should check ID cards and especially the photos on them properly and verify that the face of the voter actually corresponds to the photo on the ID card. People bearing documents without photos should not be permitted to vote. If voters' ID cards have expired and they present the yellow document, they should be required to show an additional official identification card bearing a photo.

Thailand should introduce indelible ink for use in all elections in order to prevent phantom or multiple votes.

Polling station officials should state the name of each voter out loud before they take their ballot into the polling booth.

Polling station layouts need to be reviewed and, where necessary, revised, in order to ensure voter secrecy and prevent cheating.

The quality of polling materials, including ballot papers, should be improved in order to reduce the number of invalid ballots and the frequency of cheating.

The ECT should allow voters to mark their ballots with any sign, and not just count as valid those ballots marked with a cross (X).

Chiefs of polling stations must not allow any person unrelated to the election to sit in or around the polling station or unduly influence the polling process.

The ECT should issue a regulation or review section 65 of the election law regarding the right to vote in the case of people who arrive at the polling station by 3:00 pm but are still standing in line at the time the polling station closes (look at election law, section 65). Such people should be permitted to vote.

6. Civil Society

Independent organizations such as P-NET and Poll Watch should be allocated budget for election monitoring activities without conditions by the ECT. The grants should be channeled through other sources and not come directly from the ECT itself. The amount of financial support provided should be sufficient to permit them to train and deploy enough local observers to monitor the elections in all 76 provinces. The ECT should accept the crucial role of civil society and the media by understanding that ECT activities must be monitored by them.

7. Re-Elections

Re-elections should be announced by the ECT several days in advance of the actual polling day, so that all candidates have enough time to campaign. The ECT must conduct its duty impartially and make sincere efforts to collect evidence of irregularities when they exist so that yellow or red cards can be issued. ECT commissioners must take joint responsibility if they make a mistake in any case, so that problems such as that which occurred in constituency number 3 in Kanchanaburi Province will not happen again.

8. Power of the ECT

The Constitution should be reviewed in conjunction with a public hearing regarding the level of authority of the ECT. Specifically, the question of whether ECT judgements should be final or whether a right to appeal should exist needs to be discussed. At the same time, slots on the ECT should be fixed for representatives from particular groups, such as the media, NGOs, academics, lawyers, etc.

9. Buddhist Monks and Non-Degree Holding Candidates

Thailand may need to review the rights of Buddhist monks in order to establish conformity with international standards. It should also allow those who do not have a bachelor's degree to compete in elections. In politics, there is a great need for good leaders to provide good governance. Society needs leaders who have a vision of what they want to accomplish for their communities and the passion to see it through. While leadership skills may be taught at institutions of higher learning, leaders are actually self-made and not products of formal education. Besides, some essential leadership qualities such as integrity cannot be taught, but rather are acquired through self-discipline and relentless effort.

10. Prisoners' Right to Vote

It may be time for Thailand to study positive electoral developments from other countries, such as Indonesia and South Africa, where all prisoners are allowed to vote inside prisons. Prisoners have already been deprived of their physical rights. They should not in addition completely lose their political rights.

By-Elections Observation in Udon Thani on 23rd and 24th July 2005 (Election was on 24th July, 2005)

Reason's for By-Elections

The official reason for the By-elections to take place in Udon Thani's Constituency 2 was due the death of the former candidate **Mr. Attaphol Sanitwongchai**, who belonged to the Thai Rak Thai (TRT) party. In the situation of the elected candidate having died the Thai laws call for a by-election to be taking place in order to elect a new candidate to take on the responsibilities. The by-election was held to fill the House seat left vacant after the death of Thirada's brother, Attaphol Sanitwongchai, who plunged to his death from his Bangkok apartment last month.

Reason's for Observation

The ANFREL office was communicated that the new proposed Candidate No. 1, **Ms. Thirada Sanitwongchai** was in fact a close relative (elder sister) of the last TRT elected candidate who had died. With 2 other candidates who were also standing for the by-elections, this has come to an interesting political development for ANFREL to observe. It was informed that the Candidate No. 2 who had earlier registered was dropped as it was found out that the person had not cast the vote in the last general elections, additionally the candidate was also a member of two parties and therefore was considered in-eligible for the candidacy according to the election law. The Candidate No. 3 was from the Mahachon

party and all the other opposition parties to TRT had planned to combine their weight behind just one candidate. Thus Mahachon party leader Sanan Kachornprasart, Democrat Party Secretary-General Suthep Thaugsuban, Democrat Deputy Leader Witoon Nambutr and Chat Thai Deputy Leader Somsak Prisananantakun named Mr. Ong-at Wiset as their common candidate against the TRT.

Further more the seat was considered important as the opposition parties needed more seats in order to get the parliament open for house debates as the current ruling party has all the majority and were not going for the open house debates. The contest was thus turning out to be a one on one fight between the two candidates for the seat which was also important considering its strategic importance in the Thai elections. Also after the Senator elections where the rubber stamps were used this was the first general elections (although by-election) where the rubber stamps were going to be introduced to the people. During the Senator elections there were a lot of invalid ballots and the ECT was blamed for its

รายชื่อผู้มีสิทธิรับเลือกตั้งสมาชิกสภาผู้แทนราษฎร แบบแบ่งเขตเลือกตั้งจังหวัดอุดรธานี
เขตเลือกตั้งที่ 2 แทนส่วนแบ่งที่ว่าง
ในวันอาทิตย์ที่ 24 กรกฎาคม 2548

หมายเลข เขตเลือกตั้ง	รูปถ่าย ผู้สมัคร	ชื่อ - นามสกุล (อายุ)	การศึกษา สูงสุด	อาชีพและงานประจำ ในการแข่งขัน
1 โสมน โสม		นางสาวธีรา สนิทวงศ์ (40 ปี)	ปริญญาตรี	สุภาพสตรี
หมายเหตุ 3 คณะกรรมการการเลือกตั้งประจำจังหวัดอุดรธานี 2 ประกาศไม่รับสมัคร เนื่องจากเป็นบุคคล คู่สมรสกับสมาชิกสภาผู้แทนราษฎรคนเดิมในเขตเลือกตั้ง 2548 และพระราชบัญญัติประกอบ รัฐธรรมนูญ ว่าด้วยการเลือกตั้งสมาชิกสภาผู้แทนราษฎรและสมาชิกวุฒิสภา พ.ร.บ. 2541 มาตรา 23(3)				
3 สมาน		นายอง-อัท วิเสต (43 ปี)	ปริญญาโท	-

เลือกตั้งเป็น "หน้าใจ" เลือก "คนดี" ปกครองบ้านเมือง
สงวนลิขสิทธิ์ โดยผู้จัดทำเอกสารนี้ในเขตเลือกตั้งที่ 2 23 15:28
สงวนลิขสิทธิ์โดยสำนักงานคณะกรรมการการเลือกตั้ง

ECT Information sheet about the candidates for general public awareness

inadequate measures in addressing the particular situation. Thus to ANFREL's knowledge it came to be known that the ECT was putting in a lot of efforts towards election officials and the public to be educated on the use of the new rubber stamps.

Composition of the Team



ECT's information on the new rubber stamp and on voters duties

The team comprised of one international observer and three local observers.

Area Observed

The team covered the Constituency No. 2 of Udon Thani province with eligible voters totaling 119,705. The team observed about 14 polling stations. The results of the election observations are shared in the following sections.

Security

The security measures taken during the polling were adequate. The team observed that two police officials were present in some stations and in the absence of one, the local village head was recruited as a volunteer for the security of that particular polling station. Though for the counting of the ballot papers, soldiers and police personnel's were on the standby, the voting went on very smoothly and there were no reported incidents of violence during the visit of the team during the by-elections.

Election Administration and Training of Election Officials

The Udon Thani City Provincial Hall housed the Election Commission of Thailand (ECT) office. The ANFREL team met with Jelani Dechawanit, the Director of Campaign and Information Office from the ECT Bangkok office there. The ECT had set up its own calling center from where it was calling up all the listed eligible voters. These ECT volunteers were in a rotational batch of 50 students working for one or two hours and having direct lines and calling up the voters in the list provided by the ECT office. They were also calling up the voters who had not voted in the last general elections.



ECT Call Center, student volunteers calling up eligible voters for follow up and information

Voter Education and Public Awareness

The mobile van for voter education on using the new rubber stamp. The observers gathering information



The ANFREL team was told that the ECT felt that by following the process mentioned above the officials were informing the voters about the elections but also following up with them and making them aware about their responsibility and voting rights. During the process the officials also expected the volunteer-students to also get aware about the voting process, the election procedures and also get knowledge about democratic principles. The volunteers were also being sent in small groups to the villages to meet with the village heads and the other villagers to request them to come for the voting.

The team also came across a mobile van to educate the people on the new voting style with the rubber stamp. On inquiry it came to be known that the mobile team had covered 12 provincial sub offices and were going to cover the sub-district offices. They had pamphlets and also demonstrated to the people on how to use the new voting stamp and how to vote. We were told that the volunteers also allowed the people to try on their own on the use of the stamp and guided them if they went wrong. As per their feed back most of the time the younger generation understood but the older generation had difficulty in understanding the new system, but were willing to try.

Posters and Banners

During the tour of the city and other places, the ANFREL team found very few posters or banners of the opposition party, but saw a lot of posters and banners of the TRT and its candidate along with the Prime Minister. The team felt that not much effort was being made on campaigns, posters and banners. The team however could not find any posters or banners related to elections, use of rubber stamps, information about the candidates and people's duty towards democratic rights, these however were found only at the polling stations.

Media



Media groups at the main counting center

The local media was reporting the news about the progress of the elections in the local newspapers and news channels. However, it seemed that the coverage seemed more on what the candidates were doing during the day and what ceremonies they were attending. The focus seemed less on the local issues of concern. However, the media did extensively cover the elections at various places and reporting about the procedures.

Information on Candidates

The information regarding the candidates seemed limited to their personal and political background and also on what they were intending to do in the future. The focus rarely went on how the candidates were going to address the local populations issues of concerns. The ANFREL team also found the information about Candidate No. 2 lacking most of the time. The local population was hardly aware in some places that No. 2 had been declared ineligible and even to the team the complete information was not available upon inquiry. In some areas the voters were not even aware about the number of candidates were standing for the elections and even what was the candidates voting number on the ballot paper.

On the voting day, the official letter about the rejection of the 2nd Candidate came into the polling station in front of the team and it was put on the information boards outside the polling stations and other places for the voter's knowledge and public awareness.



The ballot boxes lined up for distribution and the election officials preparing the election materials

Logistics

The officials and the volunteers in most of the cases were contributing from their own in terms of lending the vehicles or other transportations towards the ballots, ballot boxes, security personnel. The ANFREL team also observed that the ballot boxes containing the ballots and other electoral materials, etc were sometimes kept in the houses of the village head and in some cases in open spaces in the shops connected with the house.

Gender Issues

In the polling booths and other places, the team found an equal number of women and men heading the polling stations and other positions of administration and responsibilities.

Preparation of the Elections

The team could not observe the beginning of the preparation, but in the Udon Thani ECT office the officials were cooperative in sharing the info even though they were busy in the preparations of the ballot boxes, the papers, etc. The team was also shown the list containing the general information regarding the areas, the offices, the district offices and the polling stations. The team observed the police officials having a meeting with the election officials. The team was informed that the meeting was related to the elections and the security measures to be taken to ensure smooth voting process.



The opening ceremony being observed and the voters practicing the use of the new rubber-stamp before going to vote

Observing the Elections

The team made to the polling station nearest to the main counting center as it was the biggest one by 7.50 am on the voting day. In the polling station, during the opening ceremony, the election officials, media personnel and other political



Elderly lady helped to go for voting



The local observer inquiring the elderly lady about the new rubber-stamp which she found easy to use

party representatives present were shown the empty ballot box which was then sealed. The voters started coming into the polling stations and after showing their National ID cards, checked their names in the lists of eligible voters. Before the voter went inside the cubicle for the voting, they were demonstrated on how to use the stamp.

A volunteer was assigned with the stamp and the testing pad for the voters to practice and to guide the elderly voters who were used to the pen in the voting procedures. The team then proceeded to observe the other polling stations in the constituency.

Counting

After the closing time of 3 pm the sealed ballot boxes were brought back to the main counting center, where the election officials received the ballot boxes. However, the center was quite chaotic as the space was not adequate and there were not many officials and volunteers to facilitate the reception of the ballot boxes. The situation got compounded as it was also raining outside and the volunteers were getting wet and in order to escape the rains were entering into the over crowded counting center. The counting process started at 8.40



Army personnel counting the ballot papers in front of the public

pm due to the delay in receiving of the ballot boxes from one of the polling station. The team observed that the Army personnel were mobilized for counting the votes after which they handed the counted ballot papers to the civilian volunteers of the ECT. The team observed that while counting the army personnel and the party agents arguing over the valid and invalid ballot papers due to the lack of clarity on this issue by the ECT. The team observed that this was delaying the counting process as any disagreement on the ballot paper was taken to the head of the counting station for the final decision.



The practice sheet for testing the use of new rubber-stamp



Election officials counting the ballots paper before the start of the voting

Results and Recounting

As per the information provided by the ECT official to the ANFREL team the following was the counts:

Total eligible voters	:	119,705
Voters turnout	:	74,114
Candidate No. 1:		39,251
Candidate No.3 :		28,760
Invalid ballots	:	3,065
Abstention	:	3,033
Missing votes	:	5

An initial vote count showed that Thai Rak Thai candidate Thirada Sanitwongchai beat her only competitor, Mahachon Party candidate Ong-art Wiset, by more than 10,000 votes. A total of 74,114 eligible voters cast their ballots during the by-election out of the 119,705 eligible voters in the district constituting about 61% voter turnout.

However, as per the last information given to the ANFREL team, the Mahachon party did not accept the results due to the inconsistencies and irregularities found in the number of ballots and the registered voters. The ECT ordered a new ballot count. During the process it was found that five ballots were unaccounted. The ANFREL team after talking to some of the officials found that the error was probably human and that the counting process might have been inappropriate. The process for receiving the ballot papers in stacks of 500 and after the counting the soldiers putting them back together could have caused the inconsistencies, as they themselves might have received incorrect stacks which may have

contained more or less than 500 ballots in one stack. The other possibility pointed out was in the entering of the data in the computer. Apart from these two factors the team could not find any other inconsistency.



The officials collecting the returning ballot boxes after the closing of the elections at the main counting center which is in chaos



The election materials just dumped at one corner in an open tent

The ECT officials found the irregularity and confirmed the human error in the data entry of all the eligible voters' data, the officials re-counted voters' list again and declared TRT candidate as the winner. The results were then accepted by the Mahachon party.



The new rubber stamp and some creative ways to prevent it from being used up-side down by putting tape and using thread to tie it up at the top side



Findings

1. Voter education and awareness

- a. The ECT Voters Calling Center initiative to contact the eligible voters and to make them aware about the elections, voting duties and democratic rights by involving the local school students as volunteers to contact the people by telephone and in groups is an innovative idea by the ECT. The ECT introduced the use of the rubber stamp for voting in order to solve the problem of the marker pen was also an innovative idea. At the various polling stations the local officials had used various creative methods to educate the local people on the use of the rubber stamp. In order to also stop the local people from using the wrong side of the rubber stamp the officials put tapes and threads on the handle of the rubber stamp. Both these ideas have been creative ideas in order to address the problem.



The ballot box being transported in the open pick up to the counting center

- b. The ECT did not provide appropriate timely information about Candidate No. 2, this information was only given at the night before the voting day and on the morning of the voting day as announced in the TV and to the head of the centers in a letter to put on the information board.

- c. The time devoted to educating the public about the new rubber stamp was little for giving demonstrations and practice by the people. The focus was on the use of the rubber stamp and not on the proper use and the process of the rubber stamp and the ballot paper.



The ballot box before the voting at the confectionery shop of one of the village head with open access to all

- d. Lack of proper information about the procedure to be followed when people are still in the queue to vote at the closing time? What is the process to follow and how it will be done? Was not clear.

2. *Security of the ballot boxes*

- The ballot boxes before the voting day were kept in the houses of the village heads or sometimes in the confectionary shops.
- In a few cases the ballot boxes were found to be transported in a car, rather than an open pick up truck as prescribed.

3. *Decentralization on decision making*

Some of the officials had to put out information regarding the local election situation, e.g. the death of the candidate, which had taken place for more than four months. But it needed to be cleared by the Election Commission in Bangkok.

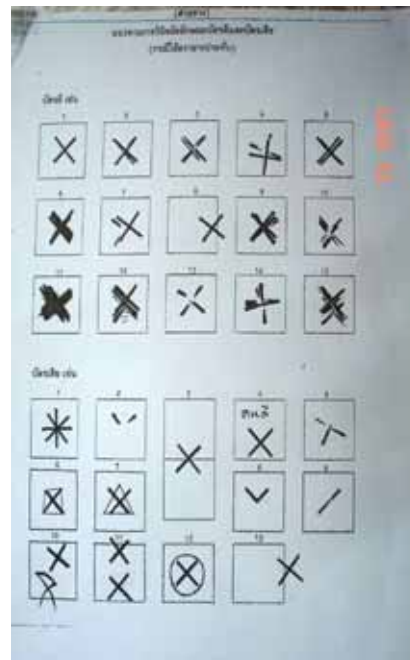
4. *Information clarification*

- Some of the ECT local officials, head of the counting center and volunteers were also not clear about the valid and invalid votes and ballot papers.
- Officials were also not clear about the sale of alcohol during the election time and some even consented that sale could be done. While the official rules clearly outline a ban on the sale of alcohol during election time.
- On the decision making processes needs to be decentralized so that officials can then take decisions on the spot about situations like voters in the queuing at closing time of the voting. Thus avoiding any conflict at the closing time with the voters.

5. *Valid and Invalid Voting and Ballot's*

The team found out some of the reasons for invalid votes after talking to some of the officials in the counting center while the counting was going on:

- Lack of information about the Candidate no. 2 and some people choose that candidate.
- Lack of proper education about the ballot paper to the elderly people who did not know how to read and write and therefore use the ballot paper upside down and thus stamp at the wrong boxes.
- Some of the elderly people used the stamp as a pen marker.
- Some of the people stamped the ballot paper more than one time but incorrectly and some were not clear as per the ECT standards, thereby rending the ballot invalid.
- During the demonstrations and practice on using the new rubber



ECT's information sheet on the valid and in-valid voting style

stamps which were done on a blank paper, some of the old villagers stamped on the back side of their ballot papers which is blank (looking same as during their demonstrations) while casting their vote, thus rendering the vote invalid.

Recommendations

1. The ECT needs to concentrate on the voters' education in a more focused manner using means of mass media like the radio, local newspapers and TV more vigorously to spread awareness about the election process, the voter's rights and duties and also on the new voting processes. More creative ideas and recommendations from the local provincial offices and officials needs to be promoted in order to address local administrative issues for smooth election processes.
2. The ECT needs to take steps to ensure that the counting officials, political party agents and the public clearly understand the ECT's information sheet on – How to decide the valid or invalid stamps while counting? The ECT needs to ensure more public and official awareness about this information, which is useful when the voters are going for the elections.
3. Village head's also needs to be educated about the security measures and precautions they need to take while taking the possession of the ballot boxes.
4. Counting officials either army, police or civilians also need to be educated about what constitutes a valid and an invalid vote.
5. The paper showing the public about valid and invalid vote needs to be made into posters and pasted as part of the information campaign for the public and the election officials.

Contributions to the report

- Sirirak Preedamatawong (sirirak@anfrel.org) ; and
- Chatchawan Rakchat (rang@anfrel.org)

Report written by:

- Sanjay Gathia,
International Observer – ANFREL (sanjay.gathia@gmail.com)
- Pongsak Chanon
Thai Observer – ANFREL (pongsak@anfrel.org)

Re-Elections in Uthai-Thani, Singburi, Phichit, Satun

Election was on 30th October, 2005

ECT announced another re-election in 4 provinces, which are Uthai-Thani, Singburi, Phichit, Satun. One red ticket has issued to the democrat MP in Satun province, the rest received yellow tickets. ANFREL has sent six observers and two observers from Poll Watch Foundation to observe this election in Uthai Thani, Singburi, Phichit but not to Satun because there is only one candidate from Democrat party competing in this election and it should not have much problem. This bring to the victory for coalition opposition to have 125 MPs, the lowest number required for it to launch a corruption impeachment motion against cabinet ministers.

The unofficial result has been known on the next day that the Thai Rak Thai party lost in Phichit, Uthai Thani but win in Sing Buri province.

- In Phichit, Mahachon party candidate Siriwat Kachornprasart got 39,412 votes to beat Thai Rak Thai's Nawin Boonset by over 17,000 votes.
- In Uthai Thani, Chart Thai's Thirapan Wirayuthawattana finished the race 10,000 votes ahead of Thai Rak Thai's candidate Prasaeng Mongkolsiri with 30,259 votes.
- In Satun, Horsaree Marem of the Democrat party was the only registered candidate. When voter turnout surpassed 20%, the minimum legal requirement in the event of a lone-candidate competition, he was declared the winner with 46,296 votes.
- In Sing Buri, Payap Panket, Thai Rak Thai candidate with yellow-carded by the Election Commission on suspicion of poll fraud in the last general election, won with 53,669 votes.

Thai Rak Thai.....375 seats
Democrat.....96 seats
Chart Thai.....26 seats
Mahachon.....3 seats

With a meeting with local organizations on the ground, ANFREL has found several points that need to be raised to ECT and political parties. Observers issued a statement in Thai language to call for political parties and election commission to reform their electoral administration. (see Appendix XI).



No secrecy for this booths setting

Appendix I

Chronology: Thailand House of Representatives election 2005

Compiled by Asian Network for Free Elections (ANFREL)

- November 4, 2004 **Mahachon party urges EC to check on TRT fair**
Bangkok Post
- The Mahachon Party will ask the Election Commissioner (EC) to look into a fair organized by the Thai Rak Thai as a showcase for government's achievements. EC chairman Pol Gen Wassana Puemlarp said the government as well as any political parties could organize such events, but there should be no cash hand-out since that would be into a gray area. From now on, the EC would keep a close watch on the activities of every political party. Democrat MP Thaworn Senniam also alleged yesterday that hundreds of tour coaches had been chartered to take people in southern provinces to the fair in Bangkok. "This is advance vote-buying. The EC should step in," he said.
- December 2, 2004 **Candidates cap of B1m gets small party approval**
Bangkok Post
- Small political parties fully support the Democrat party's suggestion that election campaign spending of individual candidates be limited to a million baht as was the case in the 2001 poll. Thirty-nine parties, mostly small with no MPs in the House, held an informal meeting with the Election Commissioner to set the campaign spending ceiling for each contestant. Only a few MPs in the 500-seat lower house filled out the poll agency's questionnaire in a recent survey. Seventeen said spending should not exceed 105 million baht while 14 preferred one million baht.
- December 7, 2004 **EC sets Feb 6 as election date**
Bangkok Post
- Parinya Nakchartri, a commissioner for election management, said the commissioner also set January 7-9 for applications from candidates wanting to stand on party lists, January 10-14 for candidates in constituencies, January 29-30 for advanced voting, and January 18-30 for overseas voting. Mr. Parinya said the date was decided to strictly according to the law, and not to the favor of any party.
- December 8, 2004 **Chuwit says he will campaign in city his way**
- Mr. Chuwit Kamolvisit, previously notorious for running top passage parlours in the city's red-light districts and his antagonistic relations with certain senior police officers, said he had earlier consulted with Chat Thai leader Banharn Silpa-archa about the party's electoral campaign approach which he confirmed would be conducted his way to win "hundreds of thousands of votes" in Bangkok.
- December 9, 2004 **EC must explain poll day decision**
- Banyat Bantadtan said his party (Democrat) was prepared for the campaign and had predicted the election date, originally set for Feb. 13 would be changed after Prime Minister Thaksin said the date was not suitable. "It can not be denied that people feel as if power-holders are interfering in an independent organization's affairs. If the commission cannot explain its decision, the public will raise doubts about its action and they will believe it results from interference."

December 13, 2004
Bangkok Post

TRT denied B30m Virat “jump offer”

Former Democrat MP for Ranong province, Virat Romyen, has insisted Deputy Agriculture Minister Newin Chidchob offered him more than 30 million baht to switch over to join TRT to contest the upcoming election. Virat said Newin also promised that in exchange for the defection, TRT would push for the widening of the highway between Ranong and Chumphon provinces as had been asked for by Ranong residents. Both Newin and PM Thaksin dismissed the allegation as baseless.

December 14, 2004
The Nation

Fear of attacks in the south: chills campaigning

Many candidates avoid public appearances and speaking at rallies to reduce the chance of violence. Prospective MP candidates in the deep South are willing to handicap themselves in their election campaigns by opting to avoid staging public events for fear that militants might target participants.

MP hopeful Sommut Benjalak, who plans to contest in Pattani’s Constituency 1 under Mahachon’s banner, said yesterday that he would predicate any public forum in the campaign on the current security situation in the province.

“I just can’t commit to any decision right now,” Sommut said, adding that the almost daily attacks by armed insurgents across the province made him concerned about his supporters’ and his own safety.

He insisted, however, that no threat of violence would deter him from continuing personally visiting his constituents to boost their morale and listen to their problems.

December 17, 2004
The Nation

Concern that the ruling Thai Rak Thai party is trying to exploit state authorities to benefit its nation wide

A member of TRT party Tossapon Serirak denied that he was involved in the alleged problem even though his image on the state sponsored billboard was the same as that use in his political campaign. Election commissioner Parinya Nakchudtree said that before the decision would determine if the billboard violated the law it needed to receive a public complaint. In recent months Thaksin has been accused of manipulating the public-relations budgets of the government’s schemes in favor of the TRT in the attempt to secure a sweeping victory in the upcoming election.

December 17, 2004
Bangkok Post

Voting for TRT backs more Southern aggression

Mahachon leader Anek Laothammathat said if eligible voters in the southernmost provinces of Yala, Pattani and Narathiwat continue to support TRT, they could be seen as condoning its leader Thaksin’s aggressive approach to tackling violence in the region.

“The country has already experienced the bloodbaths at Krue Se mosque in Pattani and Tak Bai (district in Narathiwat). Mr. Anek said.

December 20, 2004
Bangkok Post

EC rejects TRT’s call to count invalid no vote ballots

The chairman of the Election Commissioner (EC) has rejected Thai Rak Thai’s

- proposal to count invalid and no-vote ballots for allocating House seats under the party list system, saying the change would be unconstitutional. On Sunday, Wichit Plangsriskul of the Thai Rak Thai's legal team proposed invalid and no-vote ballots be counted under the party-list system, which means small political parties would require a larger portion of the vote total in the party-list MPs. EC chairman Pol Gen Wassana Puelarp said there was no need for EC to consider because the MP and senate election law clearly set out the principles for allocating House seats under the party list system.
- December 23, 2004 **Watch dog warning on Chakkraphan libel case**
Bangkok Post
- The Rayong court found Chakkraphan (TRT candidate) guilty of defaming Pol Col Panajepet during the last election campaign, and sentenced him to a suspended one year jail term and a 20,000 baht fine. The court also revoked his election rights for 10 years. EC Chairman Wassana Puelarp said if the case was merely a defamation action between individuals, the damaged party could withdraw and that would be the end of it. However, if the case involved election violations, which were tantamount to criminal violations, such a case could not be settled or withdrawn and the commission could get involved.
- December 25, 2004 **P-Net seeks Constitutional Court ruling on poll results before election**
The Nation
- Warin Tiamchamrat, a secretary of the People Network for Elections (P-Net) urged polling agencies to seek a ruling by the Constitutional Court on whether the ban of poll results before the election should be banned.
- December 28, 2004 **PM urged to suspend weekly radio broadcast**
Bangkok Post
- Academics want PM Thaksin to suspend his weekly radio address to help people during the lead-up to the Feb 6 general election. During a panel discussion at Thammasat University, Laddawan Intarachak, lecturer in mass communications at Chiang Mai University said Mr. Thaksin tended to show his power in his broadcast. The program was useful to some extent, she said, but the prime minister should suspend the broadcasts once a royal decree for the general election was issued.
- January 4, 2005 **Thaksin's Tsunami performance sure to win TRT seats at election**
The Nation
- Analyst said that a crisis can always be turned into a golden opportunity. The electorate nationwide is fed a constant staple of news about the death and destruction caused by the killer Tsunami, Thaksin can shine as a leader by handling the crisis as efficiently as he did when two years ago Thai lives imperiled in Cambodia.*
- January 6, 2005 **Thai Rak Thai draw No. 9 on ballot paper**
The Nation
- The result of drawing lots for the general election on Sunday, February 6, 2005:
- No. 1 Chat Thai party
 - No. 2. Social Action Party
 - No. 3 Pattana Chat Thai Party
 - No.4 Democrat Party
 - No.5 Thai People Party
 - No.6 Khonkhoplodnee Party
 - No.7 Thai Nature Party

No.8 Thai Ground Party
 No.9 Thai Rak Thai Party
 No.10 New Aspiration Party
 No.11 Mahachon Party
 No.12 Thai Citizen Party
 No.13 Thai Chuay Thai Party

January 7, 2005 **Two more parties apply to join**
Bangkok Post

Two more political parties yesterday applied to contest in the party-list system, each fielding five candidates. They were Kasikorn Thai and Thai Alternative parties. Kasikorn Thai drew No 16 and Thai Alternative No 17. Following two days of registration, 17 parties have submitted their lists with a total of 558 candidates, comprising 464 men and 94 women.

Electoral Schedule for House of Representatives

January 7-9.....Application for Party List Candidates
 January 10-14Application for Constituency List Candidates
 January 29-30Advanced Voting
 January 18-30.....Overseas Voting
 February 6.....Polling Day
 February 11 and 24.....Official Result announcement

January 8, 2005
Bangkok Post

Surin candidacy douses Thai Rak Thai hopes

The Democrat party's decision to field former foreign minister Surin Pitsuwan in a Nakhon Si Thammarat constituency is a blow to Thai Rak Thai which had high hopes of gaining a foothold in the province. Thai Rak Thai deputy leader Sutham Saengprathum admitted Mr. Surin had a long, respectable political background and an international reputation. Thai Rak Thai is fielding Kanop Ketchart, son of the mayor of Nakhon Si Thammarat municipality. Mr Surin, a seven-time MP, and Mrs. Huwaidiya were yesterday paraded in an open car around Nakhon Si Thammarat town to kick off the campaign. "The 201 seats are for all Thais, no matter whether they favour Thai Rak Thai or the Democrats, to be assured that there will be no monopoly or dictatorship in parliament. "Whatever the new government does, it must be accountable,"said deputy party leader Abhisit Vejjajiva.

January 9, 2005
The Nation

Democrats: Give us 201 seats

The Democrat Party has appealed to voters to return it at least 201 seats in the 500-seat House so that it can become an effective parliamentary opposition to the Thai Rak Thai Party-led government.

January 10, 2005
The Nation

TRT accused of using health volunteers to campaign

The Democrat and Chat Thai parties yesterday accused the Thai Rak Thai party of using more than 100,000 health volunteers and some provincial health officials across the country to campaign ahead of the general election. Democrat list MP candidate Dr. Vallop Thaineua, a former permanent secretary at the Public Health Ministry, said health volunteers were ordered to campaign for Thai Rak Thai ahead of February's election. He said some health officials told

him they were forced to order health volunteers in their provinces to work for the party by gauging Thai Rak Thai's popularity ahead of the election and reporting back to the ministry.

January 11, 2005 **Hidden rifleman wounds canvasser**
Bangkok Post

A village headman who is a canvasser for Thai Rak Thai was shot in the head in the Chiang Mai Muang district yesterday. The gunman was believed to have used a rifle fitted with a telescopic sight and fired from a nearby high building, police said. Saming Duanpee, 47, of Doi Tao district's tambon Bong Ton, was in the Nakhon Chiang Mai Municipality's office car park. He had just attended a meeting on garbage management sub-contracting with 20 other local leaders, also canvassers for the Thai Rak Thai candidate in constituency 8, Phanintra Phakhakasem. He was seriously wounded and admitted to a local hospital. Two security guards were questioned, but police said they were too far away. Pol Lt-Gen Panupong Singhara na Ayudhaya said the motive was likely a business conflict, not politics.

January 11, 2005 **Thai PM orders Interior Ministry to register stateless people**
News Agency

Prime Minister Thaksin Shinawatra has instructed the Ministry of Interior to register stateless people of all groups so that legal identifications and Thai nationality could be issued and granted to them. The prime minister told TNA after chairing a meeting of the National Security Council (NSC) here yesterday that the meeting discussed strategies to address the problem of non-status people in the kingdom.

January 12, 2005 **The Vote count may be held up in South**
Nation

Election authorities in charge of the southernmost provinces of Yala, Pattani and Narathiwat have called for a relaxation of regulations to allow ballots to be counted the morning after election day. The move came on the back of mounting concerns that an ongoing campaign of violence by suspected Muslim militants in the deep South could throw a spanner in the works for the February 6 general election. The electoral regulations require ballot counts be carried out immediately and continuously until completion after all the ballot boxes in any given constituency have been taken to the counting station.

Yala's election director, Udom Pattanawong, said beginning ballot counts the following morning would "greatly reduce the risks". The EC source said concerns for safety had deterred several teachers and other civil servants from applying to man voting stations. One solution would be to recruit local residents to fill the vacancies. Hundreds of police and military reinforcements will be sent to the region to help local authorities keep law and order in the run-up to the general election, the source said. Even candidates have now shunned campaigning after dusk, as authorities cannot guarantee their safety at night.

January 12, 2005 **Canvasser's house shot up**
Bangkok Post

Gunmen sprayed the house of a Democrat canvasser in Phrae's Rong Kwang district with rounds from M-16 assault rifles early yesterday morning. Supin Thornsatmethee, wife of the canvasser, retired teacher Ekkasit Thornsatmethee, was alone in the house at the time. She was not injured. Police found eight spent M-16 bullet shells at the scene. Mr Ekkasit, 49, a canvasser for Democrat candidate Siriwan Prassachaksattru, was attending a funeral when his wife

called to tell him about the shooting. He said he had no enemies and believed the shooting was the work of people who were angry with him for being loyal to Mrs. Siriwan. Mrs Siriwan, a former MP seeking re-election in Phrae's constituency 2, pleaded for fair play, saying her supporters had been threatened and many of them were now too scared to canvass for her.

January 12, 2005 **Watchdogs gather in fraud-prone province**
Bangkok Post

Election officials, volunteers and political activists have been deployed to keep a close watch on vote campaigning of the Feb 6 general election in Samut Prakan, a province notorious for poll fraud.

January 13, 2005 **Sawai confident of son's victory**
Bangkok Post

Nakhon Ratchasima _ Senator Sawai Prammanee is confident his son will win constituency 1 in this northeastern province although his support appears to have gradually dwindled in favour of the Liptapanlop family.

January 15, 2005 **Election observers moving into place**
The Nation

With the clock ticking down to the February 6 general election, international observers are fanning out across Thailand. In the first round, six established international observers began work on January 14 under the aegis of the Asian Network for Free Elections (ANFREL), a Bangkok-based regional network of non-governmental election monitoring, democracy advocacy and human-rights organization in Asia.

January 15, 2005 **Govt offers poll bait, leaves Ua-arthorn projects dangling**
Bangkok Post

The government's Ua-arthorn projects are popular with the public, but for critics they are a business-oriented strategy designed to woo voters and line politicians' pockets.

January 16, 2005 **Newin in hot water again**
The Nation

The latest political faux pas by Deputy Agriculture Minister Newin Chidchob seems precariously close to breaking election law, the Election Commission (EC) said yesterday. Newin was accused by Democrat candidate Thavorn Senium of abusing state authority for political gain by holding a meeting at Songkhla's Centre of Rubber Research on Sunday with provincial authorities from Phatthalung and Satun. During the meeting he pledged to give Bt100,000 to each tambon if Thai Rak Thai wins the election. Thavorn said he has a taped record and photos of the meeting Newin attended. Thavorn, who also poked his head into the meeting room, said there were hundreds of people, in attendance, including provincial, local authorities and Thai Rak Thai candidates.

Even though Newin is not running for election, he is a state official who could run foul of election laws if he's found giving support to a particular candidate, said Parinya Nakchudtree, a member of the EC committee. Parinya added that the EC would investigate Newin's case after it receives evidence and a request to pursue a case from Thavorn. "It's not true; I've done nothing against the law," Newin said. "I've never given away any money." Newin said the meeting was about job creation in the three southernmost provinces and relief policies for tsunami victims.

January 16,2005 **EC: Cabinet members must remain neutral- jail or fines if found guilty of bias on duty**
Bangkok Post

The Election Commission (EC) has warned that all cabinet members who do not keep strictly neutral in the election campaign while carrying out their official duties can face up to 10 years' imprisonment and be hit with hefty fines. They can also be stripped of the right to contest elections for 10 years which would effectively prevent them becoming ministers again within that period. The warning followed a complaint filed by Democrat MP-hopeful Thavorn Senniam that Deputy Agriculture Minister Newin Chidchob recently called a meeting in Songkhla of provincial governors and senior officials and apparently promised 100,000-baht budgets for all villages if Thai Rak Thai was elected to power.

January 16,2005 **Democrats launch bid for 201 seats**
Bangkok Post

The Democrat party yesterday urged Bangkok voters to give it all the 37 city seats so that the party could attain its goal of 201 seats in the 500-seat House to become an effective parliamentary watchdog

January 16,2005 **43 candidates at risk of being red-carded**
Bangkok Post

Forty-three election candidates in the party-list system could be disqualified from the Feb 6 race, the Election Commission said. Commissioner Parinya Nakchatree said the candidates in question could be red-carded because they either failed to vote in the previous election or were members of two political parties.

All 43 candidates, from 20 political parties, were supposed to clarify with the agency yesterday. Some told the EC that their names were listed as members of other parties without their knowledge, said the commissioner. Mr. Parinya said the candidates could also face charges of having submitted false information to officials. There are 584 candidates contesting in the party-list system. A highly placed source in the EC said most candidates facing disqualification were at the bottom of the list. The candidates in question included four from Chart Thai, two from the Democrats and two from Mahachon, the source said. The EC expects to announce the party-list candidates tomorrow.

January 16,2005 **Thaksin not a selling point in Krabi**
Bangkok Post

Thai Rak Thai candidates in Krabi province are not using Prime Minister Thaksin Shinawatra as a selling point, saying their party leader has never been a favourite among southern voters.

January 17,2005 **Young challenger vs. old aristocrat**
The Nation

Unlike your average politician, Democrat Party hopeful Anwar Saleh doesn't have that plastic freeze-framed smile. And that could be to the advantage of this newcomer to national politics: many voters in the strife-torn South are wary of traditional politicians. The Pattani native, who is hoping to cash in on his youth and his engaging smile, was handpicked by the country's oldest party to square off against Vairote Pipitchpakdee, a local Pattani aristocrat who deserted to Thai Rak Thai after decades in the Democrat fold.

Like other candidates in the three-southernmost provinces, the two are facing off

at a time when this troubled region remains firmly in the glare of international attention because of the violence that has claimed about 500 lives over this past year. The hardest task facing the candidates is to explain how they would help broker a truce between insurgents and the authorities and ultimately bring an end to hostilities.

January 17,2005
The Nation

Satun race looks close with Jirayuth now running for TRT

With MP hopefuls diligently campaigning ahead of the February 6 ballot, another tight race is shaping up in Satun's Constituency 2, which former member Sanan Suthakul of the Democrat Party vacated to become a party-list candidate. The heated race in Satun made headlines this week, thanks to Deputy Agriculture Minister Newin Chidchob's latest political controversy: holding a meeting during which he allegedly abused his ministerial position to further Thai Rak Thai's political aims. Democrat Thanin Chaisamut, a four-term Satun MP for Constituency 1, is now standing in Sanan's old turf. But Thanin is a new face in Constituency 2 facing the rising popularity of rival Thai Rak Thai.

January 17,2005
Bangkok Post

Aekapoj seeks the Muslim vote

Aekapoj Wongaraya offers the traditional Muslim greeting "Assalamu Alaikum" (peace be unto you) at the doorstep of every home he visits, canvassing for votes in Bangkok's Khan Na Yao-Saphan Sung constituency. As the son of Deputy Education Minister Aree Wongaraya, Mr Aekapoj boasts a background of high stature and hopes to win the hearts of the people in the mainly Muslim community.

January 17,2005
Bangkok Post

Newin warns Thavorn he will file suit, claims cash-for-votes allegation a frame-up

Deputy Agriculture Minister Newin Chidchob has threatened to sue a Democrat MP who claimed to have caught him red-handed promising cash for votes for a Thai Rak Thai candidate in Phatthalung. The Democrat MP, Thavorn Senniam, is moving to have the Thai Rak Thai deputy minister investigated by the Election Commission. Mr Newin yesterday said he was prepared to give his side of the story and warned Mr Thavorn not to fabricate evidence to frame him.

Mr Thavorn showed up unannounced on Sunday at the rubber research centre in Songkhla's Hat Yai district where Mr Newin was meeting with state officials, including the governors of Phatthalung and Satun. The Democrat MP claimed to have a tape recording of Mr Newin promising to give 100,000 baht to every tambon in Phattalung's constituency 2 if the Thai Rak Thai candidate there won.

January 18, 2005
The Nation

Democrat Party canvasser' gunned down in Narathiwat

A former local official believed to have been a political canvasser in Narathiwat's Rangae district was yesterday shot dead outside his house, police said. Two men riding a motorbike shot Arhama Nilima in the chest and back with an M16 automatic rifle. Police said that Arhama's murder was either the result of a political conflict stemming from his reported work as a canvasser for a Democrat Party candidate in Narathiwat or the work of terrorists trying to create a climate of fear in the run-up to the election. However, the Democrat Party candidate in Narathiwat's Constituency 3, Waehama Baka, denied that Arhama was his canvasser.

January 19, 2005
Thai News Agency

More than 100,000 Thais registered for overseas vote

More than 100,000 Thais living overseas have registered to vote in the forthcoming general election, according to the Ministry of Foreign Affairs. "The number of Thais in foreign countries registering for the absentee vote has increased by 2.5 fold that of the last general election four years ago," said Foreign Ministry Spokesman Sihasak Phuangketkeow.

January 19, 2005
The Nation

Cash for votes scandal: 'Come get money if we win'

Songkhla EC official says he was at meeting chaired by Newin in which money was promised for a TRT victory. The "Cash for Votes" scandal escalated dramatically yesterday when a provincial Election Commission (EC) official said he was at the meeting where cash was offered for "campaign expenses" if Thai Rak Thai won seats in the South in the upcoming election.

Pol Colonel Mongkol Boonchum, chief of the EC's Songkhla Constituency 1, said he went to the meeting following a tip-off and met canvassers and some local officials who did not know he worked for the EC. The meeting at the Rubber Research Centre on Sunday in Songkhla's Hat Yai district sparked a major political uproar after the Democrat Party produced audio-visual materials to back up its claims that big money was offered those in attendance if Thai Rak Thai won seats in the area. Deputy Agriculture Minister Newin Chidchob, who chaired the TRT meeting, has vehemently denied the charges. Local officials, community leaders and canvassers were among those at the meeting.

January 20, 2005
The Nation

Police favor TRT, opponents charge

MP candidates for the Democrat and Mahachon parties yesterday accused police of favoring the government during the election campaign and alleged they had been harassed and intimidated by law-enforcers. Juti Krairerk, Democrat Party MP candidate for Phitsanulok's Constituency 6, said the party branch members in Constituency 5 had been threatened by police over the telephone.

January 21, 2005
The Nation

Accused Newin can continue to campaign

Deputy Agriculture Minister Newin Chidchob will be allowed to continue to campaign for the Thai Rak Thai Party despite being accused of breaking election law, party spokesman Suranant Vejjajiva said yesterday. Suranant said that Newin was still regarded as a Thai Rak Thai Party member and could continue his work for the party.

January 21, 2005
The Nation

Campaign strategy: PM switches his focus to North, Isaan

Prime Minister Thaksin Shinawatra has adjusted his election campaign strategy, choosing to focus on areas in the North and Northeast rather than the South, sources said yesterday. Thaksin stressed the importance of party leaders lending their support to candidates in the North and Northeast because other parties such as the Chat Thai were working hard to win seats there. The party also found from its own surveys conducted after election rallies in the South that its popularity had not improved. Thaksin said party members would launch an election rally next week by train from Ubon Ratchathani to Nakhon Ratchasima.

January 22,2005
Bangkok Post

Thaksin spurns challenge to debate other party leaders

Thai Rak Thai leader Thaksin Shinawatra insists he will not take part in a political debate with other party leaders, saying it is not a Thai tradition. Mr Thaksin was responding yesterday to Mahachon leader Anek Laothamatas, who challenged him to participate in debates with the leaders of other political parties. The prime minister said it was not a tradition in Thailand for senior people to get together and quarrel in front of an audience. Each party had its own way of presenting its policies to the people. Mr Thaksin denied he was afraid other party leaders would gang up on him.

January 22, 2005
the Nation

Mahachon candidate found carrying Bt 1.1 million in cash

Police investigated Kukiart Chusaksakulvibul, a Mahachon candidate running in Phayao, after they found Bt1.1 million in cash in his pickup truck. The police searched Kukiart's vehicle last Friday night and found, along with his campaign leaflets in the back seat, a briefcase stuffed with Bt1,000 bank notes. The police brought Kukiart in for further questioning but released the candidate after not finding any evidence of an illegal act having been committed.

Lt-Colonel Manote Meesakulkhun said that the police had returned the money and reported their discovery to the Election Commission (EC). Kukiart said the Mahachon Party had given him that money at a party meeting in Bangkok in order to finance his campaign. He said he still had the money with him at the time of the police search because he was driving back from that meeting, adding that he had no intention of buying votes.

January 22,2005
The Nation

Campaign violations: Democrats attack PM's 'gifts'

Democrat Party spokesman Ong-art Klampaiboon called on the Election Commission (EC) yesterday to investigate what he said were Prime Minister Thaksin Shinawatra's electoral violations, including promises made after the promulgation of the Royal decree on the election. "The promises were made publicly and the EC should take action to ensure a fair election," Ong-art said. By law, a political candidate must not make any "promises to give" following the royal decree on an election. The royal decree for this year's election was announced on January 6. Ong-art said that Thaksin made such promises on eight separate occasions between January 8 and 16.

January 23 ,2005
The Nation

TV viewers to get results as soon as vote count begins

Under the alliance, more than 20,000 volunteers will report tallies from each of the 400 designated counting units to the seven television stations using AIS' cell-phone network. Seven television stations including Nation Channel TTV1 along with Advanced Info Service (AIS) and TOT Corporation have formed an alliance to deliver fast and accurate voting results on February 6 to voters across the country. Those stations will then present the updates to their audiences as soon as the tallying begins. Updated tallies will be shown on television until the tallying process is completed.

Tallying is expected to begin at 5.00pm, following the 3.00pm poll closing and continue until midnight. Channels 3, 6, 7, 9, 11 and ITV are also participating in the alliance, which will spend Bt50 million on the reporting of voting results. Nation Channel has recruited and trained the volunteers, who will be dispatched

to the vote-counting units across the country. Volunteers, who come from various professions, have received training during the past month and are ready for their task on February 6. TOT has taken charge of the tallying for party-list MPs.

January 24, 2005
The Nation

Hundreds of missing voter names ‘a technical error’

The chief election official of this southern province yesterday downplayed the issue of some 700 names missing from the list of eligible voters in Constituency 1, calling it a technical error. His response came after complaints by local members of the Democrat Party, who alleged that the error might have been part of attempted election fraud by the government.

Nakhon Si Thammarat election office director Thongchai Watthanapist said the error had been caused by a computer glitch at the offices of the provincial municipality. He said the glitch had prevented the names of some 700 voters belonging to 194 families from being printed out. He added that the missing names would be appended to the list of registered voters immediately. Earlier yesterday, the Democrats cried foul, insisting the names might have been intentionally omitted to prevent Democrat supporters from voting.

January 24, 2005
Bangkok Post

Disabled ready and keen to go voting

Despite physical limitations, disabled voters at a hospice run by Siri Wattana Cheshire Foundation in this northeastern province say they will exercise their constitutional right in the Feb 6 election.

In doing so, they are prepared to face some difficulties _ as in previous polls. To start with, pushing wheelchairs into polling units is tough. Some units are located on the second floor of a building. Moreover, since all polling units were arranged for able-bodied people, there was no space for wheelchairs.

January 25, 2005
Bangkok Post

Experts want air pollution on political agenda

Researchers and environmental officials are hoping that revealing the non-environmental effects of air pollution will help put the issue on the political agenda.

TRT candidate Siri cleared of poll law breach

The EC dismissed the Democrat party’s complaint that Siri Wangboonkerd, the TAT candidate for Bangkok’s constituency 1, had breached the election law. The complaint was filed after a wreath bearing Mr. Siri’s name and his party’s logo was sent to a funeral recently. Mr. Siri said that he was not the one who sent or placed the wreath at the funeral of a brother of one of his aides. Nor did he attend the funeral.

January 25, 2005
Bangkok Post

Govt has spent billions to wrest Trat away from Democrats

The outgoing government, led by Thai Rak Thai, approved development spending of about two billion baht for Trat province during its four-year term, seemingly with an eye to undermining the opposition Democrat party in one of its strongholds.

January 26, 2005 Bangkok Post	<p>Democrat seats goal leaves PM unmoved</p> <p>Prime Minister Thaksin Shinawatra has shrugged off the Democrat party's campaign target of winning 201 House seats, to keep his Thai Rak Thai party under check. He was confident his party would win more than half of the 500 House seats in the general election and be able to form the next government.</p>
January 27, 2005 Bangkok Post	<p>Democrat stronghold in North under threat</p> <p>The last Democrat stronghold in the North is under rising threat from Thai Rak Thai, with at least one of the three seats in Tak province likely to change hands, ending 58 years of Democrat domination.</p>
January 27, 2005 The Nation	<p>Democrats cry frame-up</p> <p>Senior Democrat figures yesterday insisted the party had nothing to do with stickers bearing quotes by Their Majesties the King and Queen seized near a party office on Monday night.</p> <p>Democrat deputy leader Abhisit Vejjajiva said that he had never heard of the party using such stickers for political purposes. Phiraphan Sariratvipak, the party's campaign director for Bangkok, said he believed the stickers were a frame-up. He said a parcel wrapped in brown paper had been left in front of their Klong Toei office. Party officials did not open it, but instead thought it best to take it to Klong Toei police station and have it checked out there. "All of a sudden, three Crime Suppression Division police cars rushed up, and three party officials were arrested," said Phiraphan.</p> <p>The CSD officers then seized the stickers. Phiraphan said it was suspicious that the CSD happened to be there to make the arrest at that exact moment. The arrest report indicated that the CSD officials had been tipped off by police radio. "This looks like an attempt to discredit the Democrats. We found several irregularities and believe it to be a set-up," he said.</p>
January 27, 2005 Bangkok Post	<p>Huge turnout expected in South</p> <p>More people are expected to vote in the restive deep South in this general election than last time around, to show their desire for change and an end to the violence.</p>
January 28, 2005 Bangkok Post	<p>Mahachon's candidate held on murder rap</p> <p>Police have denied bail to the Mahachon party's Ayutthaya candidate Surachet Chaikosol, after he turned up to answer charges of masterminding the killing of a Thai Rak Thai party canvasser.</p>
January 29, 2005 The Nation	<p>Polls open for folk who can't make the big day</p> <p>Selected polling stations nationwide opened yesterday for a total of 305,554 voters to cast their ballots ahead of the February 6 general election. This portion of the electorate had registered in advance with good reasons for being unable to vote on election day. Today is the final day for advance voting.</p>
January 30, 2005 Bangkok Post	<p>Critics riled over ad explosion</p> <p>Populist policies, the key engine behind the Thai Rak Thai party's landslide victory four years ago, are being promoted heavily by state agencies as the Feb 6 election nears.</p>

January 30, 2005 Bangkok Post	Billions spent in battle for Isan vote Massive amounts of money _ both legal campaign spending and illegal vote-buying funds _ are being dumped in the Northeast by political parties in the last leg of the Feb 6 general election campaign.
January 30, 2005 Bangkok Post	Banyat denies party printed stickers, just ‘mudslinging’ The Democrats have vehemently denied producing controversial poll stickers and downplayed warnings the issue could spell the beginning of the end for the party.
January 30, 2005 Bangkok Post	Keep the ‘dogs’ fighting after poll A week prior to the Feb 6 general election, academics are stepping up calls for voters to help keep politics in balance.
January 30, 2005 The Nation	Stickers not likely to be illegal, says EC boss The use of stickers containing quotes by Their Majesties the King and Queen is unlikely to be against the electoral law, Election Commission secretary-general Ekkachai Waroonprapha said yesterday. Ekkachai said his opinion was based on information he had gathered, but that his agency had not yet formally accepted the complaint against the Democrat Party because it was awaiting the findings of an initial investigation by its fact-finding team.
January 31, 2005 Bangkok Post	Mahachon candidate dies in Isan Sakchai Techakriangkrai, the Mahachon candidate contesting Buri Ram's constituency 2 and nemesis of the Chidchob family, died of sudden cardiac arrest at Buri Ram hospital yesterday.
January 31, 2005 Bangkok Post	Callers urge people to vote About 150 volunteers will be ringing up voters in the Northeast and urging them to go to the polls on Sunday.
February 1, 2005 Bangkok Post	Karun candidacy back on track An educational certificate forgery fiasco has taken a swing in favour of Thai Rak Thai election candidate Karun Hosakul after the vocational school he attended authenticated the certificate and party heavyweights came out in his defence.
February 1, 2005 The Nation	TRT benefits from ‘biased’ TV coverage Opposition parties languish as Thai Rak Thai rules the airwaves. Reports about the ruling Thai Rak Thai Party have dominated TV evening-news programmes ahead of Sunday's general election, a survey has found. Observations of evening-news programmes on six major free-TV stations between January 26-30 found that reports about Thai Rak Thai appeared most frequently – 220 times – and for the longest time – more than five hours. It was followed far behind by the Democrat Party, which amassed 160 reports for less than three hours, and the coalition Chat Thai Party, which appeared 102 times on evening-news programmes for a little over two hours. The TV stations are Channels 3, 5, 7, 9,

11 and ITV.

The results of the survey, which was conducted by Assumption University's Abac Poll Research Centre, were released yesterday. Judging by the frequency of coverage, news about Thai Rak Thai's major and smaller rallies as well as campaigning by candidates were three of the top-five most frequent reports on TV. Election news about Chat Thai and the Democrats came second and fifth, respectively, in terms of frequency.

February 1, 2005
Bangkok Post

Akha hilltribe voters may go for Mahachon

Hilltribe voters in this upper North province have become an important swing vote that will likely favour a Mahachon party candidate in the fierce competition that has seen the murder of a hilltribe political canvasser.

February 2, 2005
Bangkok Post

EC investigates Karun

The Supreme Court will allow the Election Commission (EC) to look into Thai Rak Thai candidate Karun Hosakul's alleged forgery of a vocational school certificate, possibly threatening his chance for election.

February 2, 2005
Bangkok Post

Poll watchdog shows partiality, says scholars

The Election Commission (EC) has shown its partiality in the lead-up to the Feb 6 general election, and could be ousted after the poll if it does not watch itself, academics say. "Don't say the commission is a paper tiger. It's just a little cat that can't do anything," said Chaoren Kampirapharb, a lecturer at Chulalongkorn University's faculty of law yesterday.

Democracy activists stepped up calls for the public to keep a close watch on not only cheating candidates but also the EC which they said had failed to keep politics clean and fair.

Kanin Boonsuwan, a former constitution writer, said the commission had failed to purge the election of three evils - money, influence and state power. "This election will be the worst in our history, with the party in power dominating the media. The EC has failed in its task of monitoring politicians," said Mr Kanin.

The constitution requires the EC to arrange equal airtime on radio and TV for each party, while prohibiting the government from buying airtime for propaganda. "But over the past month, the ruling party has used both radio and TV for its own campaign. What has the Election Commission been doing all this time?" said Mr Kanin.

Suriyasai Katasila, secretary-general of the Campaign for Popular Democracy, said many poll fraud complaints had come to light, but the EC had yet to issue yellow or red cards to any candidates, which was strange. The commission, he said, was unable to set a standard for its rulings, so fraudulent behaviour was able to flourish.

February 2, 2005
Bangkok Post

Election agency must lift its game

A huge question mark hangs over the independence and impartiality of the Election Commission in the minds of some people and private election watchdog

agencies. And with another general election just three days away, these suspicions concerning the national election body only seem to be swelling.

February 3, 2005
Bangkok Post

Court bars TRT's Karun from race

The Supreme Court has revoked embattled Thai Rak Thai candidate Karun Hosakul's right to contest Sunday's general election after his bachelor's degree was withdrawn, dealing his party a huge political upset. The court took one day to deliberate the case and hand down the verdict against Mr Karun yesterday. The Election Commission (EC) formally petitioned the court seeking to disqualify Mr Karun on Wednesday after being told that the Sukhothai Thammathirat Open University (STOU) had decided to take back a degree awarded to him. The court upheld the university's decision, which it insisted remained in effect and was fully binding on Mr Karun.

February 5, 2005
Bangkok Post

Karun's candidacy cancelled

Thai Rak Thai Party candidate Karun Hosakul was shown on TV with tears streaming down his face on the evening of Jan 31, after news broke out that he may have faked education documents, with no sign of TRT leader Thaksin Shinawatra coming to the rescue. The tears may incite some sympathy from Don Muang constituents, but they cannot dispel the fact that the candidate is in serious trouble over the allegations that his vocational certificate was indeed forged, said a Matichon editorial.

February 5, 2005
Bangkok Post

Nearly 40% vote overseas

Nearly 40% of eligible Thais living overseas exercised their right to vote in the general election, the Overseas Election Coordination Centre reported last week.

February 6, 2005
The Nation

Thai Rak Thai to sweep 374 seats

The latest result showed that Thai Rak Thai won 307 constituencies and 67 party-list candidates. Democrat gained 69 parliamentary seats and 25 party-list candidates. Chat Thai won 18 constituencies and 8 party-list candidates. And Mahachon gained only 1 seat in the Ubon Ratchathani. In contrast, Thai Rak Thai was dumped in three unrest southern provinces. The Wadah faction was disappointed. Voters in Yala, Pattani and Narathiwat crowded the polling stations on Sunday and voted for Democrat Party. It won 4 parliamentary seats in Pattani, 3 in Yala and 3 in Narathiwat, and left 1 seat for Chat Thai party in Narathiwat but none for Wadah faction of Thai Rak Thai.

February 6, 2005
Bangkok Post

Single party rule

Thai Rak Thai has made history by grabbing the lion's share of MP seats in a high-riding poll victory to lead a single-party government while critics also labelled yesterday's general election one of the dirtiest the country has ever seen.

Thai Rak Thai looks set to pull off a landslide victory. But even the most exaggerated predictions were dwarfed by the exit poll result pointing to the party's tally surpassing 350 seats from the constituency and party list elections. The party's huge electoral margin has virtually driven all other parties to oblivion. It has more than double the number of MPs as the Democrats, Mahachon and Chart Thai parties put together, according to the Suan Dusit exit poll.

February 6, 2005
Bangkok Post

Yesterday, complaints of vote fraud and campaign irregularities were just as common. The foul play evaded the eyes and ears of the Election Commission, sources said. Pollwatch Foundation deputy chairman Saiyud Kerdpol said the election was plagued with violence. Voters and candidates were intimidated and state power was twisted to manipulate votes.

Ballot boxes arrive unsealed

The candidate for the Democrat party in Yannawa, Korn Jartikawanit, yesterday filed an immediate petition to the Election Commission (EC), to stop the ballot count for fear of tampering.

Ballot boxes from booths 38, 41 and 49 were found unsealed when they arrived at the constituency's voting station late last night. "EC officials told me they ran out of official cellophane tape to seal all the boxes, which to me seems very suspicious," Mr Korn said.

February 6, 2005
Bangkok Post

TRT becomes the 'party of the North'

The Thai Rak Thai party successfully achieved its goal of being the "party of the North" yesterday after winning 70 of the 76 seats being contested, according to the Suan Dusit exit poll. The poll predicted that Thai Rak Thai would win 70 seats, the Democrat party five seats, while a single seat would be won by the Mahachon party.

The poll sees Thai Rak Thai winning all 37 seats in the upper northern region, including the party's toughest fight in Phrae province's constituency 2 where three-time Democrat MP Siriwan Prassachaksattru was up against Anuwat Wongwon, the son of veteran MP Narong Wongwan, from Thai Rak Thai.

February 6, 2005
Bangkok Post

Poll Watch: Fraud rife in North, Northeast

The Poll Watch Foundation says vote buying was rampant in the Northeast and the North for yesterday's general election. Tactics included multiple rounds of cash handouts and the distribution of pre-paid phone cards.

Poll Watch also accused the Thai Rak Thai-led caretaker government of violating the election law by abusing state power in presenting new projects in a bid to seek votes. However, it predicted that the Election Commission will not red-card anyone.

Warin Thiamcharas, secretary of the Poll Watch Foundation, said vote buying in this election in the North and the Northeast was more serious than in the 2001 elections. There were several rounds of vote buying in which people were paid 200 baht per head in the first and second rounds and 1,000 baht per head in the third round.

February 6, 2005
Bangkok Post

Move to allow voters more time

The Election Commission will seek an amendment to the law on election of MPs and senators, to allow voters who show up at polling units before and at closing time to cast their ballots. It was reported many missed the chance to vote due to long queues in yesterday's general election.

Commissioner Parinya Nakchatri said the EC would propose an amendment similar to the local election law which would allow all those turning up at

February 7, 2005
Bangkok Post

election units at 3pm closing time, to vote even though they would have to queue up for ballot papers after closing time.

Banyat, Sanan call it quits

The Thai Rak Thai party's landslide victory in Sunday's polls has sent the political careers of its political rivals into a tailspin, with Banyat Bantadtan calling it quits as the Democrat leader and Mahachon chief adviser Sanan Kachornprasart heading for the nearest political exit.

But in a time of crisis there are opportunities for the two parties. Both the Democrats, whose new leader was expected to be Abhisit Vejjajiva, and Mahachon, have pledged restructuring and reforms in many areas so they can emerge stronger.

Mr Banyat, whose party, according to unofficial poll results, could win around 94 House seats, said yesterday he will step down as Democrat leader at a meeting of party executives today because he failed to humble Thai Rak Thai in Sunday's general election or win at least 201 House seats.

Mr Banyat had announced shortly after being handed the Democrat leadership post in a close race in 2003 with Mr Abhisit, who is currently a deputy leader of the party, that he would resign if he lost in the national election.

“As the leader of this organisation, I feel compelled to show responsibility for the defeat, although several factors were involved in that loss,” Mr Banyat said.

The executive board was expected to appoint Mr Abhisit as acting Democrat leader. The leadership election contest, which Mr Abhisit is expected to win, must be held within 90 days.

February 7, 2005
Bangkok Post

Caravan of ‘thanks’ hits the road

Thai Rak Thai is organising a “caravan of thanks” throughout Bangkok in appreciation for the outpouring of votes the party received in Sunday's general election.

Party spokesman Suranand Vejjajiva said the party had put up billboards with messages to thank Bangkok voters across the city for their support.

The message of thanks from party leader Thaksin Shinawatra also promises the most effective government for the people over the next four years and it will also be published in several newspapers.

February 7, 2005
Bangkok Post

Toon faces uncertain future

The lone winning Mahachon candidate from Ubon Ratchathani is undecided yesterday about his future as the party looks to be on the verge of dissolution. Toon Jintavej, who defeated former MP Chatri Piriyaikijpaiboon of Thai Rak Thai in constituency 11 of Ubon Ratchathani, said if his party merged with Chart Thai, he would then decide if he should stay or move on to join another party. He said he would base his decision on the advice of voters who backed him in Sunday's general election. Key members of Mahachon are widely expected to dissolve their party following the embarrassing election outcome.

February 7, 2005
Bangkok Post

EC given more tapes of Newin's promises

Democrat MP Thavorn Senniam yesterday supplied the Election Commission (EC) with fresh evidence to prove Deputy Agriculture Minister Newin Chidchob tried to woo voters with cash. He gave the EC a set of audio recordings of what he said was Mr Newin's voice directing canvassers to mobilise support for Thai Rak Thai in return for cash rewards in the general election.

Mr Newin reportedly met farmers, many of whom were alleged to be his canvassers, and provincial governors at a rubber research centre in Songkhla on Jan 16.

Yesterday's move was Mr Thavorn's second attempt to prove Mr Newin's wrongdoing. Earlier, Mr Thavorn had given the EC another set of recordings but the commission was informed by the police later on the voice in the recording did not match Mr Newin's. The new evidence provided to the EC came with documents identifying the witnesses, he said.

He said he doubted if the police had done their best in their examination of the voice recording and accused the police scientific crime detection unit of producing findings favourable to the government. Professional sound engineers were needed to handle the case, he said. Mr Thavorn claimed there were many witnesses but they were afraid to speak up because they had little faith in the EC's ability to ensure their safety.

February 8, 2005
Bangkok Post

Voter turnout sets record at more than 72 %

More than 72% of voters cast their ballots in Sunday's general election - an unprecedented turnout in Thai political history.

February 8, 2005
Bangkok Post

Thaksin gets total control

Thai Rak Thai party leader Thaksin Shinawatra will have absolute say over the new cabinet line-up, including bringing in professional outsiders.

He will forego the common practice of allowing factions within the party to dress up their proxies to become ministers.

Amid growing concern that Thai Rak Thai's enormous parliamentary majority would emasculate watchdog agencies, there have been calls for Mr Thaksin to exclude individuals with a questionable past from the new cabinet.

February 8, 2005
Bangkok Post

Don Muang dud ballot inquiry

The Election Commission (EC) will probe why Don Muang constituency had the largest number of invalid ballots in the general election, at more than 21,000.

February 8, 2005
Bangkok Post

Opposition has its work cut out

Thailand's democratic development reached another milestone with Sunday's general election. In an unprecedented outpouring of support, voters gave the Thai Rak Thai party a clear mandate to return to office for a second term. Thai Rak Thai now looks set to form a single-party government. Despite some strong reservations at home and abroad about Thai Rak Thai's populist policies over the past four years, Thai voters have made their choice and all will need to respect it

February 9, 2005
The Nation

Record 52 female MPs elected, pledge to push women's issues

More female politicians were elected as MPs in this election than at any other time in the history of Thai politics, and some of these 52 new members of parliament have vowed to boost women's rights.

Penchisa Hong-oupathamchai, 36, a successful Thai Rak Thai party candidate from Angthong, told The Nation she would strive to make women equal to men in all areas, especially leadership, and co-operate with other female MPs to promote women's rights.

February 9, 2005
The Nation

Burnt Angthong ballots handed over to EC

A Thai Rak Thai candidate in Angthong yesterday submitted 197 partly-burned ballots to the Election Commission, which he suspected were evidence of election fraud.

Prachuap Pao-in, who contested Constituency 2, said the 92 constituency and 105 party-list ballots all had Thai Rak Thai's number "9" checked off. Prachuap said the ballots were sent to his office by someone signing an accompanying note as "An Angthong Resident". He said the note claimed that the ballots were collected from a vote-counting centre in Pho Thong district that was hit by two power outages during a vote count on Sunday night.

In Prachuap's constituency, Chat Thai candidate Somsak Prissanananthakul got the highest number of votes. Prachuap said an early vote count showed him and Somsak running neck-and-neck but he ended up losing by 8,000 votes.

February 9, 2005
Bangkok Post

EC plans re-polling on Feb 20

The Election Commission plans to organise re-elections on Feb 20 where needed and finalise all election results by March 25.

February 10, 2005
The Nation

Abhisit steps in as acting party leader

Abhisit Vejjajiva assumed the post of acting Democrat Party leader yesterday in the lead-up for the party to select a full-time successor to Banyat Bantadtan on March 12. Following Banyat's resignation as party leader on Tuesday, 47 board members selected first deputy leader Abhisit to head the party, which suffered a humiliating defeat at the hands of the Thai Rak Thai party in the general election.

"There won't be any changes until we have a new leader and board," Abhisit said, scotching a widely held belief that he would introduce policy changes and restructure the party on assuming the post in the aftermath of the defeat.

According to party rules, to elect a party leader, votes from three membership sectors are required – executives, branch directors and MPs.

February 11, 2005
Bangkok Post

Opposition hopes dim

The opposition's hopes of raising enough support to censure ministers for corruption and power abuse has dimmed after the Election Commission last night named three poll winners in Ubon Ratchathani, one each from the

February 11, 2005 The Nation	<p>Democrat, Chart Thai and Mahachon parties, as suspected violators of campaign rules.</p> <p>EC gives 210 MPs the nod, but is ready to 'card' 30 more</p> <p>The Election Commission (EC) has officially endorsed 210 candidates who won majority votes in the February 6 poll. Unofficial tallies yesterday showed that Thai Rak Thai would capture 376 of the total 500 seats, with the remaining 124 going to the Democrats (97), Chat Thai (25) and Mahachon (2). These three parties will form the opposition, which will not have the 125 MPs needed to pass a motion to impeach a minister.</p> <p>EC secretary-general Ekkachai Warunprapha said yesterday that the EC endorsed 210 winning candidates after double-checking with provincial election officials to confirm that there were no electoral complaints against them. The commission has received 297 electoral complaints and placed top priority on cases relating to the top vote winners, he said. "There are between 30 and 40 cases that we are consider may merit either a red or yellow card," he said.</p> <p>Yellow cards will be given to prospective MPs against whom accusations of electoral fraud are convincing but lack concrete evidence. Red cards are for those against whom accusations are backed by solid evidence. While yellow-carded candidates can contest by-elections, those who are red-carded are barred from running in an election. Charupat said the EC planned to complete the endorsement process for all winning candidates by February 25, even though it was likely that not all complaints would be investigated by then. "We can disqualify wrongdoers later," he said, adding that EC would accept electoral complaints for one year.</p>
February 12, 2005 Bangkok Post	<p>TRT is losing the South</p> <p>Although the Thai Rak Thai party won a landslide victory in the general election, it can hardly claim a clean sweep. According to the latest counts, the party only got one seat out of all 14 southern provinces and none at all in the three restive provinces.</p>
February 13, 2005 Bangkok Post	<p>A lot rests on shoulders of Abhisit</p> <p>The time has finally arrived for Democrat young-blood Abhisit Vejjajiva to take the helm of his party. He looks set to succeed Banyat Bantadtan, who resigned as party leader last week along with the entire executive board, to take responsibility for the party's crushing defeat in the Feb 6 general election.</p>
February 15, 2005 Bangkok Post	<p>Poll agency set to grill 3 Democrat winners</p> <p>It's crunch day for the opposition, with the Election Commission (EC) set to call three winning Democrat candidates to rebut allegations of electoral irregularities. They also asked the EC to recount the ballots or order election re-runs. Democrat Narapat Kaewthong, who contested Phichit's constituency 2, said poll workers first said there were more than 70,000 valid ballots but later reduced the figure to about 60,000.</p>
February 16, 2005 The Nation	<p>Mr Narapat said he suspected vote-counting officials had cheated.</p> <p>Election Commission: Ubon Democrat gets yellow card</p>

Vitoon Nambutr, Democrat Party candidate for Ubon Ratchathani's Constituency 3, yesterday became the first unofficial election winner to be handed a "yellow card" by the Election Commission, EC secretary-general Ekkachai Waroonprapha said.

The EC called a new round of voting on February 20 in the constituency, which Vitoon can still contest.

The election agency believed Thai Rak Thai candidate Kowit Thammanuchit's accusation that Vitoon had violated electoral law by distributing rice and cash to voters and promising to give them more benefits if he were elected.

Vitoon earlier produced witnesses to support his argument that the rice was distributed to disaster victims before the general election was called, and he had not promised anything other than government-funded projects.

February 16, 2005
The Nation

Candidate disqualified for belonging to two parties

The Election Commission yesterday disqualified a Democrat Party MP-hopeful in Kanchanaburi for holding membership of two parties, secretary-general Police Maj-General Ekkachai Warunprapa said.

The Democrat Party's vote-winning candidate, Paramet Photharakul, is also a member of the Mahachon Party. That is against the election law, Ekkachai said, adding that the EC has to order a new poll in Constituency 3 of Kanchanaburi.

February 16, 2005
The Nation

Mahachon pledges to remain in the fight

The Mahachon Party executive board yesterday reaffirmed its continuing pursuit of political activities despite its dismal showing at the February 6 polls.

"Mahachon remains 100 per cent as a full-fledged political party and will be a voters' choice in the next general election as well as other national and local elections and by-elections," its deputy leader Akapol Sorasuchart said.

The new party has geared up to contest by-elections to fill seats vacated by MPs disqualified for campaign violations, he said.

February 17, 2005
Bangkok Post

Newin is clear on cash for votes claims, watchdog says

The Election Commission has dropped its investigation into the audiotape alleged to be Deputy Agriculture Minister Newin Chidchob promising to allocate funding in exchange for votes in Satun and Phatthalung. "The investigation was terminated because police forensic experts found that the tape was not sufficiently audible to verify if it was Newin's voice," EC member Prinya Nakchudtree said yesterday.

February 17, 2005
The Nation

Popularity Contest: Democrats 'losing ground' in their southern stronghold

Despite winning almost all constituencies in the South on February 6, the Democrat Party may soon lose its stronghold in the region. The Democrats' popular party list vote in the 14 southern provinces increased only by 4 per cent, while Thai Rak Thai's soared by 200 per cent compared to the general election in 2001.

Deputy Agriculture Minister Newin Chidchob, who was assigned to oversee Thai Rak Thai's campaign in the South, said government performance was the main reason voters had favoured the ruling party.

Political pundits pointed out that the jump in the popular vote was thanks mostly to the party's sophisticated membership system and marketing practices that drew first-time voters.

Thai Rak Thai's popular votes rose by about 600,000, from 320,000 at the last election to almost one million in the recent poll. The Democrats' votes in the South increased by only 100,000.

February 19, 2005
Bangkok Post

No new poll after burned ballots

The ECT will not order a new election in three polling units in Ang Thong's constituency 2 following its investigation of the torching of 371 ballots in this central province. EC Chairman said the ballots which were burned were burned were authentic but were not likely to have been taken out of the ballot boxes after the voting.

They were most likely ballots left unused at the polling stations. "These papers were not folded. The holes punched on those papers also indicate they were unused ballots. People found to have stolen the ballots and burned them would face legal action," he said.

February 20, 2005
The Nation

Thai Rak Thai's victory: It was Thaksin who made up voters' minds

Thai Rak Thai's Phumtham gives an interview and explains what he thinks was behind the landslide victory of the party.

"There were three main factors. First, we have been paying serious attention to systematically expanding our party membership base, whereas old-style parties would only give importance to their own MPs. From a membership of 11 million, we now have 14 million and we are only one million votes short of our projected 20 million party-list votes.

The second factor is Prime Minister Thaksin Shinawatra. It was he who made voters make up their minds in advance. He has demonstrated that he could be relied upon and rise to the occasion. He proved himself by repaying IMF debts and dealing effectively with the bird-flu and tsunami crises, and the embassy burning in Cambodia.

The third factor is successfully reaching out to rural people through main policies. The direct approach toward those people was unorthodox but it won their hearts. Our election slogans featuring successes and pleading for continuity also proved to be very fruitful."

February 20th, 2005

Re-election in Ubon Ratchathani and Kanchanaburi provinces

February 21, 2005
The Nation

Invalid vote casts doubt over TRT win

TRT candidate Rawat Sirinukun's win in re-run Constituency 3 election in Kanchanaburi has been marred by a large number of invalid ballots. With voter turnout of 49.8 percent, Rawat received 23.8 percent of votes cast while invalid ballots exceeded an unprecedented 33 percent. The new voting round was called after winning Democrat candidate Paramet Potharakul was disqualified for having dual party memberships. In an apparent snub to Rawat, the sole candidate in 20th Feb. election, some 10,429 voters cast ballots without indicating their preference.

In Ubon Ratchathani's Constituency 3, Democrat candidate Withoon Nambutr defeated TRT's Kowit Thammanuchit by 183 votes. Kowit petitioned the EC for a vote recount, claiming there was a discrepancy between votes cast and voter turnout.

February 26, 2005
Bangkok Post

Abhisit urges police to offer some evidence

A police source, requesting anonymity, said deputy Democrat leader Khunying Kallaya Sophonpanich, Thanom Onketpol, former MP hopeful for Klong Toey, Pratthana Khongnak, who has worked for the Democrat leader's working groups, as well as two Democrat aides were suspects in the campaign sticker case.

A group of people in Klong Toey had sought legal action against the campaign stickers, which allegedly contain quotes of Their Majesties without royal consent. Mr. Abhisit said the Democrat party had nothing to do with the stickers, but that all members of the party would be willing to cooperate under the law. The party wanted to see evidence that he stickers were illegal, as alleged by police, because the public have yet to see what is alleged to be printed on them.

The result of Thailand General Election in 2005

The Election Commission made an announcement on 25 February 2005 that the result of the election held on 6 January 2005 are as follows:

Thai Rak Thai.....377 seats
Democrat.....96 seats
Chart Thai.....25 seats
Mahachon.....2 seats

July 24 th , 2005	By-election in Udon Thani province
October 30 th , 2005	Re-election in 4 provinces; Singburi, Pichit, Satoon, Uthai Thani
October 31 st , 2005 Bangkok Post	Thai Rak Thai gets by-election bloody nose
<p>The Thai Rak Thai party lost all but one of the seats up for grabs in Phichit, Uthai Thani, Satun and Sing Buri. Disappointment for the ruling party meant jubilation for the opposition bloc.</p> <ul style="list-style-type: none">• In Phichit, Mahachon party candidate Siriwat Kachornprasart got 39,412 votes to beat Thai Rak Thai's Nawin Boonset by over 17,000 votes.• In Uthai Thani, Chart Thai's Thirapan Wirayuthawattana finished the race 10,000 votes ahead of Thai Rak Thai's candidate Prasaeng Mongkolsiri with 30,259 votes.• In Satun, Horsaree Marem of the Democrat party was the only registered candidate. When voter turnout surpassed 20%, the minimum legal requirement in the event of a lone-candidate competition, he was declared the winner with 46,296 votes.• In Sing Buri, Payap Panket, Thai Rak Thai candidate with yellow-carded by the Election Commission on suspicion of poll fraud in the last general election, won with 53,669 votes. <p>Thai Rak Thai.....375 seats Democrat.....96 seats Chart Thai.....26 seats Mahachon.....3 seats</p> <p>The opposition now has 125 MPs, the lowest number required for it to launch a corruption impeachment motion against cabinet ministers.</p>	

Appendix II

THAI ELECTION LAW

BHUMIBOL ADULYADEJ, REX

Given on the 6th Day of June B.E. 2541[1998] ;

Being the 53rd Year of the Present Reign.

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

Whereas it is expedient to have an organic law on the election of members of the House of Representatives and senators;

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

Section 1 This organic law is called the "Organic Law on the Election of Members of the House of Representatives and Senators, B.E.2541 [1998]"

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

Section 3 The following shall be repealed:

- (1) Election of Members of the House of Representatives Act, B.E. 2522 [1979];
- (2) Election of Members of the House of Representatives (No.2), B.E. 2522 [1979];
- (3) Emergency Decree Amending the Election of Members of the House of Representatives Act B.E. 2522 [1979], B.E. 2526 [1983];
- (4) Emergency Decree Amending the Election of Members of the House of Representatives B.E. 2522 [1979] (No. 2), B.E. 2529 [1986];
- (5) Election of Members of the House of Representatives Act (No.3), B.E. 2535 [1992];
- (6) Emergency Decree Amending the Election of Members of the House of Representatives B.E. 2522 [1979] (NO. 3), B.E. 2538 [1995].

Section 4 In this organic law:

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

"Candidate" means a candidate for the election of members of the House of Representatives or a candidate for the election of senators, as the case may be;

"Election day" means the day fixed for voting according to the Royal Decree on election of members of the House of Representatives or senators, as the case may be;

"Constituency" means a locality designated as a constituency on a constituency basis, a constituency on a party-list basis or a constituency for the election of senators, as the case may be;

"Polling station" means an area designated for voting purposes;

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

"Changwat" [province] includes Bangkok Metropolitan Administration;

"Amphoe" [district] includes Khet and Khing-Amphoe;
"Tambon" [commune] includes Khwaeng;
"Changwat Central Office" includes Office of Bangkok Metropolitan Administration;
"Amphoe Office" includes Khet office and Khing - Amphoe Office;
"municipality" [municipality] includes Pattaya City.

Section 5 The Chairman of the Election Commission shall have charge and control of the execution of this organic law.

CHAPTER I Election of Members of the House of Representatives

- Part 1 General Provisions (Section 6 - 7)
 - Part 2 Constituency, Polling Station and Polling Place (Section 8 - 11)
 - Part 3 Election Officials (Section 12 - 19)
 - Part 4 Electors and Electoral Rolls (Section 20 - 28)
 - Part 5 Candidate and Candidacy (Section 29 - 39)
 - Part 6 Electoral Expenditure and Means of Election Campaigns(Section 40 - 50)
 - Part 7 Polling (Section 51 - 67)
 - Part 8 The Counting of Votes and the Announcement of the Result of an Election
(Section 68 - 78)
 - Part 9 Polling of an Elector having a Residence outside the constituency (Section 79
-85)
 - Part 10 Election Fraud (Section 79 - 85)
- CHAPTER II Election of Senators (Section 85/1 - 85/10)
CHAPTER III Election Petition (Section 94 - 97)
CHAPTER IV Penalties (Section 98 - 115)

CHAPTER I

Election of Members of the House of Representatives

Part 1

General Provisions

Section 6 In a general election of members of the House of Representatives, the Election Commission shall hold the following election:

- (1) An election of members of the House of Representatives on a constituency basis whereby the elector shall cast ballot according to constituency for one candidate in each constituency;
- (2) An election of members of the House of Representatives on a party-list basis whereby the voter shall cast ballot from the lists of candidates prepared by political parties provided that the party list of only one political party may be voted for and the territory of Thailand shall be regarded as the whole constituency.

Section 7 After the promulgation of the Royal Decree on a general election of members of the House of Representatives, the Election Commission shall publish in the Government Gazette the particulars relating to the election as follows:

(1) The date of application for candidacy in an election on a constituency basis which shall commence not later than twenty days as from the date the Royal Decree coming into force and the period of application shall not be less than five days;

(2) The date of submission of a party list in an election on a party-list basis which shall be the day before the date of an application for candidacy in the election on a constituency basis under (1);

(3) The number of members of the House of Representatives of each Changwat in an election on a constituency basis;

(4) The number of constituencies of each Changwat of which the details of Amphoe or Tambon or an area within each constituency must be specified. In case where there is a promulgation of a Royal Decree on an election of members of the House of Representatives to fill the vacancy of members of the House of Representatives on a constituency basis, the Election Commission shall publish the date of an application for candidacy in such election in the Government Gazette.

Section 7/1. The Election Commission shall complete an election within thirty days of the polling day.

Section 7/2. In case where the Election Commission calls for a new election, the Election Commission shall issue an order to extend or shorten the timeframe or to withhold from enacting procedures prescribed in this organic law so that a new election shall be held forthwith in a lawful, honest and fair manner. "Top"

Part 2

Constituency, Polling Station and Polling Place

Section 8 Upon a general election of members of the House of Representatives, the Election Commission shall publish in the Government Gazette the determination of constituencies of the election on a constituency basis. In any Changwat where the number of members of the House of Representatives to be elected is one, the area of that Changwat shall be regarded as the constituency but in a Changwat where the numbers of members is more than one, the Election Commission shall divide such Changwat into constituencies in the number equal to such number of members to be elected therein according to the constituencies provided by the Election Commission under the organic law on the Election Commission.

Section 9 The election committee of a constituency appointed by the Election Commission under section 12 shall designate a polling station in each constituency by taking into consideration the convenience of the voters according to the rules as follows:

(1) The area of each Tambon shall be a polling station except in the area of a municipality, Bangkok Metropolitan Administration, sanitary board or in a densely populated area, it may determine the road, lane or soi as the boundary of a polling station;

(2) A number of approximately eight hundred elector shall be used as a criteria to designate a polling station. If election Commission is of the opinion that it would be inconvenient or unsafe for electors to go to poll, it may disregard the number of electors and designate an additional polling station

A notification specifying polling stations shall be made not less than twenty days before the election day by posting such notification at Changwat Central Office, Amphoe Office, Municipal Office, Tambon Administrative Organization Office, Phuyai-Ban Office, and in

a densely populated area as it think fit and an outline map showing the boundary of polling station shall also be provided.

A change of boundary of a polling station may be made by giving notice of not less than ten days before the election day or may be lesser in case of emergency. In the latter case, the provisions of paragraph two shall apply mutatis mutandis.

Section 10. In designating a polling station under section 9, the election committee of a constituency appointed by the Election Commission under section 12 shall also designate the polling place of each polling station and the provisions of section 9 paragraph two and paragraph three shall be applied mutatis mutandis to the notification specifying polling places and changing polling places.

The polling place under paragraph one is a place that must be easily accessible by the public for polling and must have signs posted along the perimeter in accordance with the geographical conditions of the locality.

In any locality, if it is for the convenience or safety of electors, a polling place outside the polling station may be provided but it must be located near the polling station.

Section 11. The election on a party-list basis shall be organized at the polling station and polling place designated for an election on a constituency basis. "Top"

Part 3

Election Officials

Section 12. In an election of members of the House of Representatives, the Election Commission shall have the power to appoint persons to be the following election officials:

(1) The election director of a constituency having the duties relating to the application for candidacy of an election on a constituency basis and other necessary activities in compliance with this organic law;

(2) Members of the election committee of a constituency consisting of not less than nine persons having the duties relating to the designating of polling stations, polling places and places for counting of votes in the constituency, the making of elector rolls, the addition and the deletion of names of electors in the constituency including the duties to supervise the polling, the counting of votes and the announcement of the result of vote-counting.

The selection and appointment of the election director of a constituency and the election committee of a constituency shall be in accordance with the rules and procedures prescribed by the Election Commission in the Government Gazette.

For the purpose of election proceeding, the Election Commission shall have the power to appoint or entrust the election director of a constituency or the election committee of a constituency to appoint a sub-committee or a group of persons or any person to assist in the election proceeding as may be appropriate.

Sections 13. An election committee of a constituency shall appoint persons to be the following election officials:

(1) The committee of a polling station consisting of not less than seven members having the duties relating to the polling in each polling station;

(2) The vote-counting committee consisting of members in a number as it deems appropriate having duties relating to the counting of votes in a place for counting of votes of each constituency. The election committee of a constituency shall appoint state officials to provide security to the committee of a polling station and the vote-counting committee in performing their duties.

Section 14. The committee of a polling station under section 13 (1) shall consist of a Chairman and other two members appointed by the election committee of such constituency and a representative of a political party which nominates its members to stand for election in such constituency or submits a party list.

The political parties nominating its members to stand for election or submitting a party list shall submit the name of its representative, one person for each political party, to the election committee of a constituency not less than seven days before an election day for being appointed as member of the committee of a polling station.

In the case where the committee of a polling station under paragraph one consists of less than seven members, the election committee of a constituency shall appoint a candidate in such constituency to be an additional member to meet such number under section 13 (1).

On election day, at the time when the polling starts, if less than seven member of the committee of a polling station come to perform their duties, the election committee of such polling station present shall appoint a candidate in such constituency to be an additional member to meet the number of seven members.

Section 15. The election committee of a constituency shall appoint members of the vote-counting committee under section 13 (2) by selecting them from electors in such constituency and representatives of political parties whose members stand for an election or submitting party lists for an election shall also be members of the vote-counting committee in a number enough for such proceeding.

Rules and procedures for the selection of members of the vote-counting committee shall be prescribed by the Election Commission.

Section 16. Unless specifically provided under this organic law, the Election Commission shall have the power to prescribe the procedures on the performance of duties of the election director of a constituency, the election committee of a constituency, the committee of a polling station and the vote-counting committee.

Section 17. Members of the Election Commission, the election director of a constituency, the election committee of a constituency, the committee of a polling station, the vote-counting committee or any person appointed to assist in the election proceeding shall not willfully fail to perform or be dishonest to his or her duties or commit any act to obstruct the compliance with laws, notifications, rules or orders of the Election Commission or orders of the court relating to an election under this organic law.

In case where the person under paragraph one perform his or her duties in accordance with laws, notifications, rules or orders of the Election Commission or orders of the court relating to an election in good faith, he or she shall be protected and shall not be liable for any civil and criminal liabilities.

Section 18. In performing the duties in accordance with this organic law, the election director of a constituency, members of the election committee of a constituency, the committee of a polling station, the vote-counting committee and any person appointed to assist in the election proceeding shall be an official under the Penal Code as from the date of the appointment through the date of the termination of duties.

Section 19. The remuneration of the election director of a constituency, members of the election committee of a constituency, the committee of a polling station or the vote-counting committee and any person appointed to assist in the election proceeding shall be prescribed by the Election Commission.

The remuneration under paragraph one shall not be made to a member of the committee of a polling station who represents a political party. "Top"

Part 4

Electors and Electoral Rolls

1. Electors

Section 20. Electors shall have the qualifications and shall not be under the prohibitions under the Constitution and shall have the duty to vote at an election.

Section 21. In an election, any elector who fails to attend an election for the appropriate cause shall notify the person appointed by the Election Commission to each constituency of the cause of such failure not less than seven days before the election day. If the person appointed thereby considers that the notified cause is not reasonable, he or she shall notify the elector without delay by the period not less than three days before the election day.

The rule on consideration of the notification under paragraph one shall be prescribed by the Election Commission in the Government Gazette. In this regard, the Election Commission shall specify the details of cause of failure to attend an election of electors as guidelines for the consideration of the person appointed by the Election Commission.

In notifying the cause of failure to attend an election for voting under paragraph one, the elector may make it in writing and entrust a person to submit it to the Election Commission or send such notification by postal mail.

The Election Commission shall post up the list of persons submitting such notification, the place and method of notification at Changwat Office, Amphoe Office, Municipal Office, Tambon Administration Organization Office, Phuyai Ban Office and an appropriate densely populated area.

Section 22. In case the time of thirty days after the election day is elapsed, the Election Commission shall notify the name of electors who fail to attend an election for voting and do not notify the cause of failure under section 21 or notify it but such notification is not reasonable for the purpose that the elector shall notify the person appointed by the Election Commission the cause of such failure within sixty days as from the date of the notification. The person appointed by the Election Commission shall finish the consideration within ninety days as from the end of the period of notification of the cause and shall notify the elector of the result thereof without delay provided that the provisions of section 21 paragraph two, paragraph three and paragraph four shall be applied mutatis mutandis.

Section 23. In case where the elector fails to attend an election for voting without notifying the appropriate cause of such failure under section 21 or section 22 or has notified the cause but it is not reasonable, such person shall be deemed to be a person fails to attend an election for voting who does not notify the appropriate cause of such failure under section 68 paragraph two of the Constitution and shall lose the rights as follows:

(1) The right to petition an election of members of the House of Representatives, senators, local administrators or members of the local assembly;

(2) The right to petition an election of Khamnan or Phuyai Ban under the law on local administration;

(3) The right to be a candidate in a election of members of the House of Representatives, senators, local administrators or members of the local assembly;

(4) The right to be a candidate in an election of Khamnan or Phuyai Ban under the law on local administration;

(5) The right to request the National Assembly for the consideration of law under the law on public request for the introduction of bills;

(6) The right to request the local assembly for the issuance of local ordinances under the law on public request for the introduction of local ordinances;

(7) The right to request the Senate for the resolution removing a person under the organic law on counter corruption;

(8) The right to request for the removal from office of a member of the local assembly or a local administrator under the law on voting for the removal of a member of the local assembly or a local administrator. The loss of rights under paragraph one shall be for a period as from the election day on which such elector fails to attend for voting to the election day on which such elector attends therefor.

Electoral Rolls

Section 24. After the promulgation of the Royal Decree on an election of members of the House of Representatives, the election committee of a constituency shall prepare elector rolls for each polling station and post it up at Changwat Office, Amphoe Office, Municipal Office, Tambon Administrative Organization Office, Phuyai Ban Office, an appropriate densely populated area and a polling place or a nearby place not less than twenty days before the election day and shall also notify the name of electors in the house register to a head of household not less than fifteen days before the election day.

Section 25. Any elector or any head of household who finds that his or her name or the name of a person who has been listed in the house register has not been included in the roll of electors for the polling station in which he or she or that person is eligible to be an elector shall have the right to file an application to add the name in the roll with the election committee of a constituency not less than ten days before the election day.

After having received the application under paragraph one, the election committee of a constituency shall examine all evidences and, if it is of the opinion that the applicant or the person whose name appears in the house register is eligible, it shall order that the name of the applicant be forthwith added to the roll of electors. If the election committee deems that the applicant or the person whose name appears in the house register is ineligible, it shall dismiss the application and notify the applicant of the dismissal together with the reason therefor within three days from the date of receiving the application.

After having received the notice under paragraph two, the applicant shall have the right to file a motion, without any court fee, not less than five days before the election day with Changwat Court within whose jurisdiction he or she has domicile or with the Civil Court for the applicant who has domicile in Bangkok Metropolitan Administration for the court to decide whether the name is to be included in the roll of electors.

After having received the motion under paragraph three, the court shall forthwith proceed with the examination thereof. The order of the court shall be final and the court shall forthwith inform the election committee of a constituency of the order to ensure that it shall be executed accordingly. In case where the roll of electors has been posted up before the court order is received, the election committee shall make the amendment to every copy of the roll of electors accordingly.

Any act done in compliance with the previous order of the election committee prior to receiving the order of the court shall be valid under the law.

Section 26. Any elector who deems that the roll of electors under section 24 contains the name of a disqualified person shall have the right to file an application with the election committee of a constituency not less than ten days before the election day for the deletion of the name of such person from the roll of electors.

In case the election committee of a constituency deems it expedient either to delete the name of such person or to dismiss the motion, it shall issue an order deleting the name or dismissing the application as the case may be. Such order shall be notified to such person and the head of household and the provisions of section 25 paragraph three, paragraph four and paragraph five shall be applied *mutatis mutandis*.

If any head of household deems that the name of a person not being listed in his or her house register has appeared in the roll of electors and can prove that the name of such person is not listed in his or her house register, the election committee of a constituency or the committee of a polling station, as the case may be, shall issue an order deleting the name of such person from the roll of electors.

Section 27. In case where there is an action against any elector to be disfranchised and such elector has been disfranchised by the final judgement when the Election Commission is notified of such judgement, such disfranchisement shall be recorded in the house register and the election committee of a constituency shall forthwith post up the notice of disfranchisement by the order of the court at the Tesaban Office or Amphoe Office.

In case where the roll of electors has already been posted up, the election committee of a constituency shall announce the deletion of the name of such person under paragraph one from every copy of the roll of electors, and the provisions of section 25 paragraph five shall be applied *mutatis mutandis*.

Section 28. The head of household shall not make or shall not allow other persons to make an addition of the name of persons in his or her house register to corrupt an election if such person does not actually live in the house. "Top"

Part 5

Candidate and Candidacy

Section 29. Any person having the right to be a candidate in an election of members of the House of Representatives on a constituency basis or having the right to be nominated on the party list of political party for an election of the House of Representatives on a party-list basis must have qualifications and must not be under the prohibitions for the candidate in an election of members of the House of Representatives in accordance with the provisions of the Constitution.

Section 30. Any person who wishes to stand for an election shall have the right to stand for only one political party and stand for only one of either an election on a constituency basis or a party-list basis.

2. Candidacy on a Constituency Basis

Section 31. In case of candidacy on a constituency basis, the candidate of each political party who has the right to stand for an election in any constituency shall submit an application to the election director of such constituency at the place provided by the election director of such constituency within the period of application.

In submitting the application under paragraph one, the candidate shall submit the certification of candidacy issued by the leader of his or her political party, pay the fee of ten thousand Baht each and file all evidences of candidacy as prescribed by the Election Commission.

In case where the candidate has never been a member of the House of Representatives or a senator he or she shall have evidences of having graduated not lower than bachelor degree or equivalent as prescribed by law or certified by the Ministry of University Affairs or the competent state agency.

The Election Commission shall publish in Government Gazette the details relating to evidence of candidacy and procedures of application.

Section 32. After the election director of a constituency has received the application, he or she shall record the acceptance thereof as evidence and issue a receipt to the applicant on the same day. The election director 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 application. If the applicant is eligible, the notice of acceptance of his or her candidacy shall be posted up at Changwat Office, Amphoe Office, Tesaban Office, Tambon Administrative Organization Office, Phuyai-Ban Office, polling place or nearby place for which the candidate stand.

The notice under paragraph one shall contain the name of the candidate, photograph, his or her political party and the candidate's allocated number to be used at the polls in the form as prescribed by the Election Commission.

Section 33. After the election director of a constituency has issued a receipt to the candidate under section 32, the candidate is not permitted to withdraw his or her candidacy and the fee is vested to a fund for development of political parties in accordance with the organic law on political party.

Section 34. Any applicant whose name does not appear as a candidate in the notice of the election director of a constituency under section 32 shall have the right to file a motion with the Supreme Court within seven days from the date of the notice of list of the applicant eligible without any court fee for the proceeding. The Supreme Court shall decide whether the applicant is to be accepted as a candidate without delay. The Supreme Court shall promptly inform the election director of a constituency and the election director of a constituency shall forthwith comply with the order of the Supreme Court. If the court orders the acceptance of the candidate, the name of that person shall be notified under section 32, but it shall not affect any act done prior to the receiving of the court order.

To ensure fairness in undertaking the proceedings under paragraph one without delay, the president of the Supreme Court with an approval from the Board of Supreme Judges shall prescribe the details relating to such matters in the Government Gazette. Such

proceedings of the Supreme Court shall be completed by the day before the election day. The Supreme Court may assign the court of first evidence in a constituency to receive a motion, review evidences or enact other related proceeding as deemed necessary.

Section 34/1. In case where the candidate is found disqualified to compete in an election, the election director of a constituency shall examine the evidence of qualifications of such candidate without delay before submitting a motion to the Supreme Court to dismiss the application of such candidate.

To ensure fairness in undertaking the proceedings under paragraph one without delay, the president of the Supreme Court with an approval from the Board of Supreme Judges shall prescribe the details relating to such matters in the Government Gazette. Such proceedings of the Supreme Court shall be completed by the day before the election day. The Supreme Court may assign the court of first evidence in a constituency to receive a motion, review evidences or enact other related proceedings as deemed necessary.

In case where no motion under paragraph under is submitted to the Supreme Court or the Supreme Court does not hand a ruling on a motion to examine the evidence of qualifications of a candidate by the election day, the election proceedings shall be convened based on the existing application for candidacy and the proceedings of the Supreme Court shall be terminated. 3. Candidacy on a Party-Li

3. Candidacy on a Party-List Basis

Section 35. In case where any political party wishes to submit a party list for candidacy on a party-list basis, that political party shall prepare a party list in accordance with the following rules:

- (1) The party list shall consist of the name of candidates equally from various regions;
- (2) The political party which nominates any person shall receive evidence of consent from that person who shall be the member of that political party only;
- (3) The party list shall be prepared in the form as prescribed by the Election Commission by numerical order which shall not exceed one hundred persons.

Section 36. In case of the candidacy on a party-list basis, the leader of the political party or any person who is entrusted by him or her shall submit the party list prepared by the political party under section 35 to the Election Commission on the determined date and time together with the consent of the candidates pay the fee of ten thousand Baht each candidate and file all evidences of candidacy according to those prescribed by the Election Commission provided that the provisions of section 31 paragraph three shall be applied mutatis mutandis.

The Election Commission shall publish in the Government Gazette the details of evidence of candidacy and method of submitting the party list.

Section 37. When the Election Commission has received the party list under section 36, the Election Commission shall examine evidences of candidacy, qualifications and the prohibitions of the candidate. In case the Election Commission deems that they are correct, the list of political parties and the party list shall be posed up disclosely at the place under section 32 and the provisions of section 33 shall be applied mutatis mutandis.

4. The Candidates' Allocated Numbers to Poll at an Election On a Party-List Basis and a Constituency Basis

Section 38. In a general election, the political party submitting a party list shall be allocated the candidate identity number to poll at an election by respective order of submitting the party list. In case where the political party submits the party list at the same time and they are disagreeable, the drawing of lots shall be made between such political parties. In this regard, one political party shall receive one allocated number. If any political party also nominates its candidates in an election on a constituency basis, the same candidate's allocated number for the election on a party list basis of such political party shall be used as the candidate's allocated number for the election on a constituency basis of that political party in every constituency.

In case where any political party does not submit the party list but nominates candidates on a constituency basis, after submitting an application in any constituency, a candidate of such political party shall be given the candidate identity number next to the last number of the candidate's allocated number on a party list under paragraph one. If the candidate of other political parties which nominates candidates only on a constituency basis also submits an application, such candidate shall be given the candidate identity number in respective order of the applications. If several candidates submit the applications at the same time and the candidate identity numbers can not be agreed, the candidate identity numbers of such candidates shall be cast by drawing lots.

Section 39. In case of an election to fill the vacancy of members of the House of Representatives elected from an election on a constituency basis, candidates shall be given the candidate identity numbers in respective order of the applications. If the candidates submit the applications at the same time and the candidate identity numbers can not be agreed, the candidate identity numbers of such candidates shall be cast by drawing lots.

"Top"

Part 6

Electoral Expenditure and Means of Election Campaigns

Section 40. From the date of the promulgation of the Royal Decree on an election of members of the House of Representatives in any constituency to the date of election, the electoral expenditure and means of election campaigns shall be in accordance with the following provisions.

Section 41. In each election of members of the House of Representatives, the Election Commission shall issue the notification determining the electoral expenditure as follows:

(1) The amount of the expenditure of each candidate in an election on a constituency basis;

(2) The amount of the expenditure of a political party in an election on a party-list basis. In case where a candidate on a party list of any political party has paid in the election for any amount of expenses, such amount shall be included in the expenditure of the political party.

In determining the amount of expenditure in an election under paragraph one, the Election Commission shall consult the leader of every political party nominating the candidates for an election.

A candidate or a political party shall not pay in an election exceeding the amount of expenditure determined under paragraph one; provided that, such expenditure shall include all money or any other property paid or promised to pay by any person on behalf of the candidate or the political party or offered to be used for the purpose of the election campaigns without remuneration with the consent of such candidate or political party. In the case of offering property, its price shall be calculated in accordance with the rate of normal rent or remuneration in such locality.

Section 42. The candidate or the political party, as the case may be, shall appoint any person as appropriate to be a treasurer having responsibility for preparing and certifying income and expenditure accounts of the candidate or the political party in such election.

The preparation of income and expenditure accounts of the treasurer shall be in accordance with the rules and procedure prescribed by the Election Commission by publishing in the Government Gazette.

Section 43. Within ninety days as from the date of the announcement of the result of an election, each candidate or the political party nominating candidates on a party-list basis shall submit income and expenditure accounts prepared by the treasurer and certified by the candidate or the leader of the political party, as the case may be, to the Election Commission. The income and expenditure accounts shall at least contain all the paid expenses and the accrued payment including the relevant accurate and complete evidence.

After examining the particulars of expenses under paragraph one, the Election Commission shall announce the result of the examination of such expenses in accordance with the rules and procedures prescribed by the Election Commission.

In case where there is the election objection that any candidate or any political party has paid in an election exceeding the amount of expenditure prescribed by the Election Commission, such particulars of expenses and the relevant evidence shall be kept until the Election Commission has completed the procedure.

Section 44. No candidate nor any person shall commit any act to induce electors to cast a ballot for him or her or other candidate or any political party or to abstain from voting for any candidate or political party by the following means:

- (1) Providing, giving, offering, promising to give or preparing to give properties or any other benefits which can be calculated in money value to any person;
- (2) Giving, offering or promising to give money, properties or any other benefits whether directly or indirectly to the community, association, foundation, temple, education institution, asylum or any other institution;
- (3) Advertising for an election by organizing an entertainment;
- (4) Treating or promising to treat any person with meals;
- (5) Deceiving, forcing, threatening, intimidating, slandering or inducing the misunderstanding in the popularity of any candidate or political party.

Section 45. No person shall provide the vehicle to bring an elector to a polling place for an election or to take the elector back from a polling place or to arrange for taking an elector to or taking back from a polling place without paying normal fees or wages as a measure to induce or control the elector to vote for any candidate or political party.

The provisions in paragraph one shall not be applied to the case where the vehicle is provided by a state agency to facilitate an elector.

Section 46. No person not being of Thai nationality shall support an election campaign or commit any act for the benefit of an election in such a manner of being favorable or unfavorable to any candidate or political party except such act is committed to assist the government or committed in good faith in an ordinary course of business of such person.

Section 47. No state official shall exercise duties to be favorable or unfavorable to a candidate or a political party.

The provisions in paragraph one shall not include the performance of duty in an ordinary course of position of such state official for the advice of or the assistance in an election of a candidate or a political party which is not relevant to the performance of regular duties, regardless of whether such act may be favorable or unfavorable to any candidate or political party.

In the case where there appears the convincing evidence of any violation of the provisions of paragraph one, the Election Commission shall, if deems that any act may be favorable or unfavorable to any candidate or political party, have the power to order such state official to cease or suspend the act thereof. For this purpose, the Election Commission shall notify the superior of such official to order that such official shall vacate the office temporarily or shall attach to any ministry, sub-ministry, department, Changwat office or Amphoe office inside or outside the constituency or to prohibit such person to enter into a constituency.

Section 48. No person shall make an election campaign by any means, whether it may be favorable or unfavorable to any candidate or political party, from 6:00 pm of the day before the election day to the end of the election day.

Section 49. The Election Commission shall convene a meeting among the leaders of political parties nominating the candidates to stand for an election to consider and provide procedures for the state to support an election in the following matters:

(1) Preparing a place for posting up a notice and a poster relating to an election in the area of a public place owned by the state sufficiently and equally to make an election campaign to every candidate and political party;

(2) Publishing and circulating documents relating to an election to electors;

(3) Providing a place for candidates and political parties to run an election campaign equally. In this connection, the state may provide any entertainment or other activities to persuade an elector to attend such election campaign but such action shall not be engaged in supporting a particular candidate or political party;

(4) Prescribing rules and timeframe for political parties to run an election campaign through the radio and television broadcasting or to be on air through the radio and television broadcasting which shall afford equal opportunities to every political party;

(5) Other activities as prescribed by the Election Commission.

Section 50. Any candidate, political party or person other than the state shall be prohibited to prepare a place for posting up any notice and poster relating to an election at a public place owned by the state, to allocate radio and television broadcasting time to any political party or to perform other activities which the Election Commission prescribes that it shall be supported by the state. "Top"

Part 7

Polling

Section 51. The ballot box shall be perceptibly seen its inside and shall be sealed to prevent any unlawful opening of the ballot box or insertion of ballot papers in the ballot box after the polling is completed and shall be of specific description to prevent any changing of the ballot box.

The ballot paper for casting a vote for a member of the House of Representatives on a constituency basis shall specify all candidate identity numbers of all candidates in such constituency and shall have a space for an entry of a mark indicating the intention to cast a ballot for no candidate.

The ballot paper for casting a vote for a member of the House of Representatives on a party-list basis shall specify the allocated number and the name of every political party submitting a party list and shall have a space for an entry of a mark indicating the intention to cast a ballot for no candidate.

The ballot paper for casting a vote for a member of the House of Representatives on a constituency basis and a part-list basis shall be of distinctively difference.

The ballot box and the ballot paper shall be of description and size as prescribed by the Election Commission.

Section 52. On the election day, the polling shall commence from 8:00 am to 3:00 pm.

Section 53. Before the casting of ballot is commenced, the committee of a polling station shall count the total number of ballot paper of such polling station and shall post up a notice of the total number of ballot papers at the conspicuous place. When the polling is commenced, the committee of a polling station shall publicly open the ballot box for electors present at the polling place to see that the ballot box is empty and shall then close the ballot box in accordance with the procedures prescribed by the Election Commission and shall record such proceeding by having not less than two electors present at the polling place at that time to affix their signatures thereto except no elector present at that time.

Section 54. During polling hours, an elector who intends to poll shall identify himself or herself to the committee of a polling station by producing the identity card, the expired identity card or any other official card or evidence having a photograph which can identify himself or herself in accordance with the procedures prescribed by the Election Commission in the Government Gazette.

When the committee of a polling station has examined the name in elector rolls, the committee shall read the name and address of such person loudly. If no elector, candidate or

person raises an objection, the committee shall remark it in the elector roll by noting the card number and the issuing place thereof and shall order the elector to sign or take fingerprint in the elector roll as evidence in accordance with the procedure prescribed by the Election Commission. Then the committee of a polling station shall give the ballot paper to such person for voting.

In the case where there is an objector or the committee of a polling station suspects that the elector present is not a person named in the elector roll, the committee shall have the power to investigate and make a decision whether the person being objected or suspected is a person named in the elector roll. In case where the committee of a polling station passes a decision that the person being objected or suspected is not a person named in the elector roll, the committee shall record such decision and sign their names therewith.

Section 55. The casting of ballot shall be made by marking a cross on the ballot paper. And for facilitating the disabled in casting ballot, the Election Commission shall provide a facilitation for casting ballot of the disabled specifically or provide assistance in casting ballot under the supervision of the committee of a polling station.

Section 56. In the case where an elector intends to cast a ballot for no candidate nor party list of any political party, the elector shall mark a cross in the space for indicating the intention to cast a ballot for no candidate.

Section 57. The insertion of ballots in the ballot box shall be in accordance with the rules and procedures prescribed by the Election Commission.

Section 58. Any person who knows that he or she has no right to vote or to cast a ballot in such constituency shall not try to cast a vote or cast a vote by producing the identity card or other evidences not issued for him or her or which is counterfeited to the committee of a polling station.

Section 59. No elector shall use other papers which is not the valid ballot paper in accordance with section 51 to cast a vote. No elector shall take a ballot paper out of the polling place.

Section 60. No person shall mark a sign as a remark by any means on the ballot paper.

Section 61. No person shall insert a ballot paper into the ballot box without an authorization or do any thing in the elector roll to deviate the number of persons present to cast ballots from the actual or commit any act to increase the number of ballot papers from the actual number.

Section 62. No person shall commit any act without an authorization to prevent an elector to cast a ballot or the obstruct or to delay an elector to go to the polling place, to enter into the place for casting a ballot or to reach such place within the polling time.

Section 63. No elector shall require any property or other benefit for his or her own or for other persons to vote or to abstain from voting for any candidate or political party.

Section 64. In case where the polling in any polling station could not be made because of the riot, flood, fire or other force majeure, if such cause is occurred prior to the election day, the committee of a polling station shall fix a new polling place where electors shall be able to cast a ballot conveniently. If the new polling place can not be fixed, the committee of a polling station shall announce the cancellation of polling in such station and shall report to the Election Commission urgently.

In case where the force majeure in accordance with paragraph one is occurred on the election day, the committee of a polling station shall announce the cancellation of the polling in such station and report to the Election Commission urgently.

The Election Commission shall fix a new polling day of such polling station within thirty days as from the date the ceasing of the ground is known and shall announce such performance at least seven days prior to the polling day.

Section 65. When the closing time of the polling is reached, the committee of a polling station shall announce the closing of the polling and stop to distribute ballot papers and shall mark the remaining ballot papers to be the ballots which are not used in accordance with the procedures prescribed by the Election Commission. When the person present and received the ballot paper within the remaining time of polling in the polling station has already casted a ballot, the committee of a polling station shall close the space to insert a ballot paper of the ballot box.

The committee of a polling station shall prepare a statement concerning the total number of ballot papers, the number of persons present and receiving ballot papers and the number of the remaining ballot papers and signed by every member of the committee performs the duty at that time and then announce it to the elector present at such place.

Section 66. As from the time the ballot box is opened and closed or after the space to insert ballot papers of the ballot box is closed, any person without an authorization shall not open to destroy, damage, transform or nullify or take the ballot box, the ballot papers or the relevant documents and evidence which is delivered to the place for counting of votes by the committee of a polling station.

Section 67. The committee of a polling station of not less than five members shall forthwith take the ballot box and the relevant documents and evidence to the place for counting of votes of such constituency. In the case where any member of the committee of a polling station is unable to participate in the proceeding, the reason therefor shall be recorded in the delivery report of the ballot box of the committee.

The ballot box which is delivered from the polling station shall be marked a sign to prevent the opening or the changing of the ballot box by affixing signatures of every member of the committee of a .polling station thereto in such a manner which is perceptible in case of change or destroy; provided that, in accordance with the procedures prescribed by the Election Commission. . "Top"

Part 8

The Counting of Votes and the Announcement of the Result of an Election

Section 68. The counting of votes for an election in any constituency shall commence when all ballot boxes from all polling stations in such constituency arrive at the designated place of the counting of votes.

In case of geographical necessity in any constituency, the Election Commission shall provide an additional place of the counting of votes to finish the counting of votes without delay.

In case where ballot boxes from any constituency arrive at the designated place of the counting of votes later than twelve hours after the closing time of the polling without good reason or in case there is any convincing evidence that the conduct of an election in any polling station is not implemented fairly and lawfully, the Election Commission shall stop the counting or forbid the opening of ballot boxes from such station and order a new election for such station.

Section 69. For the purpose that the counting of votes shall be carried out openly and fairly in accordance with the provisions of the Constitution, the Election Commission shall prescribe in the Government Gazette the vote-counting procedures which must contain the following details:

(1) Procedures with respect to the receipt, the examination and the opening of ballot boxes and the examination of documents and evidences relating to an election for the accuracy of the number of ballot papers as receiving the ballot box which shall be corresponding to the number of ballot papers delivered to each polling station prior to the casting of vote and rules of consideration to have a new vote-counting or a new polling in such station in the case where the numbers of ballot paper is inconsistent;

(2) Procedures to keep ballot boxes or ballot papers for the counting of votes;

(3) Procedures of the vote-counting committee to gather all ballot papers and count them altogether at the designated place of the counting of votes which shall provide measures to make unknown from which polling station ballot papers are at the time of vote-counting and that the counting of votes shall be done continuously without postponing or impeding the counting of votes.

(4) Procedures to provide the designated place of the counting of votes and to read the casting of ballot in ballot papers which must be done publicly so as to facilitate the person presenting in the place of the counting of votes to see the proceeding;

(5) Procedures to examine the casting of ballot in any polling station when there is an objection that such casting of ballots is befallen unlawfully;

(6) Procedures on vote-counting and delivering the result of the vote-counting for an election on a party-list basis which shall provide the vote-counting in the designated place of the counting of votes in each constituency and shall notify the result of the vote-counting which is gathered from each constituency to the Election Commission to calculate the total result thereof throughout the country.

Section 70. The ballot paper on which an elector marks a cross indicating the intention to cast for no candidate shall be counted and the number of persons intending to cast a ballot for no candidate shall be announced.

In case an invalid ballot paper occurs in the counting of votes, such invalid ballot paper shall be separated and in any case it shall not be counted as a vote.

The following ballot papers shall be deemed as the invalid ballots:

- (1) The counterfeit ballot;
- (2) The ballot which has no mark indicating the intention;
- (3) The ballot which is unable to be identified the voting to any candidate or political party;
- (4) The ballot which has the description as prescribed by the Election Commission.

The election committee of a constituency shall mark the ballot paper under this sections as "invalid" and specify the ground of the invalidation whether the ballot paper is invalid in accordance with any sub-section aboved, and shall affix not less than three signatures thereto.

The provision in paragraph four shall not be applied to an invalid ballot specified under section 84, section 85 paragraph two and section 85/8 paragraph one.

Section 71. Any member of the vote-counting committee shall not cheat the counting of ballot papers or votes for an election, to sum up the votes incorrectly, to commit an act in any manner whatsoever without an authorization to dilapidate or damage the ballot paper or to make the ballot paper to be invalid, to commit any act in any manner whatsoever to an invalid ballot paper to be valid, to read the ballot paper incorrectly or to make the election report different from actual result.

Section 72. When the counting of votes is completed, the election committee of a constituency shall announce the result of the vote-counting in such constituency, the total number of the ballot papers, the number of the used ballot papers and the number of the remaining ballot papers from the cast and shall make a report of the counting of votes to the Election Commission forthwith.

The report of the result of vote-counting, the record of the number of electors which appear in elector rolls, the number of the electors presenting to accept the ballot papers to cast, the number of electors casting ballot, the number of electors indicating the intention to cast ballot for no candidate, the number of invalid ballots and the number of votes which each candidate receives shall be written in figures and words.

The announcement of the result of vote-counting, the report of the result of vote-counting and the method to keep ballot papers, documents and evidences shall be in accordance with the rules prescribed by the Election Commission.

Section 73. In case where the result of vote-counting is inconsistent with the report on the exercise of right to vote of the committee of a polling station, the election committee of a constituency shall prepare the re-counting of votes. If such re-counting is still inconsistent, it shall be reported to the Election Commission for a new election except if such inconsistency has no effect to the result of an election in such constituency or the counting of votes on the party-list basis, the Election Commission shall not hold a new election.

Section 74. In any constituency, if on the election day, there is one candidate standing for an election on a constituency basis and such candidate receives votes at least twenty percent

of the total number of electors in that constituency, the Election Commission shall announce such candidate to be the person elected.

In the case where one remaining candidate, standing for an election under paragraph one, receives votes of less than twenty percent of the total number of electors in that constituency, the Election Commission shall hold a new election in such constituency.

Section 75. In an election of members of the House of Representatives on a constituency basis, the candidate receiving the highest votes in that constituency shall be the person elected. In the case where there are persons receiving equal highest votes, it shall cast by drawing lots which shall be made before the election committee of such constituency in accordance with the procedures prescribed by the Election Commission.

Section 76. The calculation of persons elected in case of an election of members of the House of Representatives on a party-list basis shall be made by the proportion of candidates to be elected of each political party as follows:

(1) Gathering altogether the result of vote-counting received from the party list of such political party;

(2) Deducting votes from the party list of the political party of which receiving less than five percent of the total number of votes in accordance with (1) from the calculated number of votes for the proportion of candidates;

(3) Dividing the total votes remaining after the deduction under (2) by one hundred and the result shall be deemed as the number of the average votes per one member of the House of Representatives;

(4) Calculating the number of members of the House of Representatives of each political party, dividing the total votes from the party list of each political party receiving more than five percent, by the average number under (3) and then the result in round number shall be deemed as the number of elected members of such party which consists of the person in respective order of names in the list;

(5) In case where the total number of elected members of all political parties is less than one hundred, adding one more member to the political party receiving the highest number under (4) and to the next party receiving lower number respectively until the total number is one hundred.

The number of elected members of each political party calculated by the procedures under paragraph one shall not be more than the number of persons on the party list prepared by such political party.

Section 77. After receiving the result of the counting of votes in an election on a constituency basis under section 72 and the result of the calculation of the number of elected members of the House of Representatives on a party-list basis of each political party under section 76, the Election Commission shall announce the result of an election on a constituency basis and on a party-list basis.

Section 78. When the Election Commission has announced the result of an election, it shall notify the result of an election to the National Assembly for acknowledgement and publish it in the Government Gazette. The Election Commission shall also submit the party list of every political party to the President of the House of Representatives. "Top"

Part 9

Polling of an Elector having a Residence outside the constituency

Section 79. An election by an elector having a residence outside the constituency other than that specifically provided in this part shall be in accordance with this organic law.

Section 80. A person having his or her name appears on the house register in the constituency for less than ninety days up to the election day shall have the right to vote in the election on the constituency basis and on a party-list basis in the constituency in which his or her name finally appears on the house register for not less than ninety days.

The Election Commission shall have the power to prescribe rules, procedures and conditions to facilitate and ensure the exercising of the right to vote of an elector having a residence outside the constituency of which his or her name appears on the elector roll or having his or her name appears on the house register in the constituency for less than ninety days up to the election day.

Section 81. In case an elector has received the official order to perform duties outside the constituency where he or she has a right to vote or has a plan to travel outside of the constituency where he or she have to exercise the right to vote, the intent to exercise the right to vote before the election day shall be notified to the election committee of a constituency where he or she has the right to vote.

After having examined the right to vote of the person notifying his or her intent under paragraph one and deems that he or she is eligible, the election committee of a constituency shall designate a central polling place where such person can exercise the right to vote and notify a committee of a polling station the name of such person appears on the elector roll and not on the document concerned the place for exercising his or her right to vote.

Rules and procedures for notifying of intent to vote outside the constituency, central polling place and the number thereof and the date fixed for voting shall be prescribed by the Election Commission.

The Election Commission shall have the power to appoint a committee of the central polling place as well as to determine the preparation of the elector roll and the description of the central polling place, ballot boxes or any substitute, ballot papers, method of polling, custody of the ballot boxes and other activities necessary for voting as appropriate.

Ballot boxes of the central polling place may be attributed in the different form of that under section 51 or it may use other methods instead of using a ballot box to fit the characteristic of the vote.

Section 81/1. In an election of members of the House of Representatives which is not a by-election, an elector living outside the constituency where his or her name appears in the house register or where he or she is entitled to cast a vote under the provision in section 80 shall register for an advance voting at the central polling place in accordance with procedures prescribed by the Election Commission.

Twenty days after an elector under paragraph one has submitted the application for advance election, he or she shall have the right to vote in advance outside his or her constituency.

An elector shall cast his or her vote in Changwat where the application for advance voting is submitted and his or her right to vote in the original constituency shall be terminated unless there is a registration for a change of the polling place. The Election Commission shall record the application for advance voting in elector rolls and specify the designated polling place for advance election in elector rolls. An elector under paragraph one may apply for a change of Changwat where he or she wishes to cast a vote in advance. Twenty days after such request has been submitted, such elector shall be allowed to cast a vote in a new Changwat and the provision in paragraph two shall be applied *mutatis mutandis*.

An elector under paragraph one shall cast a vote to elect a candidate representing a constituency where his or her name appears in the house register for ninety days up to the election day as stipulated in section 80.

With the registration for an advance voting under paragraph one, an elector shall not be subject to the lose of rights under section 23 in case he or she fails to cast a vote for an election of members of the House of Representatives, a re-election or an election to fill the vacancy of members of the House of Representatives.

Section 81/2. In the proceeding under section 81/1, the Election Commission shall provide at least one central polling station in each Changwat. The proceedings regarding to balloting, vote-counting and other necessary procedures shall be herself in accordance with rules prescribed by the Election Commission.

Section 82. In case where an elector is a member of the armed forces or is an active military service, police, member of the territorial army or government official and have received the official order to perform duties in connection with the maintaining of public order or security and safety of the country outside the normal place of domicile, if the superior official of such person who is of the rank of colonel or the rank equivalent thereto deems that such person is unable to vote at the polling station where he or she has the right to vote, request for exercising of the right to vote before the election day shall be made to the Election Commission and the provision of section 81 shall be applied *mutatis mutandis*.

Section 83. An elector whose name appears on the elector roll of any constituency but whose residence is outside Thailand shall have the right to vote in the country where he or she resides.

After the notification of his or her wish to vote in a residing country under the provisions in paragraph one, such elector shall have the right to vote as prescribed in section 84.

Rules and procedures for notifying an intent to exercise the right to vote outside Thailand shall be prescribed by the Election Commission.

With the registration for a voting under paragraph one, an elector shall not be subject to the lose of rights under section 23 in case he or she fails to cast a vote for an election of members of the House of Representatives, a by-election or an election to fill the vacancy of members of the House of Representatives.

Section 84. In any country where more than five hundred electors have registered for a voting and have geographical location convenient for the proceedings of an election, the

Election Commission shall provide a polling station in such country. However in case the number of registered electors is fewer than five hundred or due to other necessities, the Election Commission may conduct postal voting or other balloting procedures as deemed appropriate. Rules and procedures for the proceeding of an election outside Thailand shall be prescribed by the Election Commission.

Section 85. In case of voting under part 9, the Election Commission shall proceed in advance to bring ballot papers for counting altogether on the election day except for the necessity in particular locality, the Election Commission shall provide otherwise.

In case where ballot papers arrive at the designated counting place after the counting has proceeded, such ballot papers shall be deem void.

In case where ballot papers from any constituency are missing or there is any convincing evidence of election fraud, the Election Commission shall forbid the counting of such ballot papers declare such papers as void. . "Top"

Part 10

Election Fraud

Section 85/1. In case the Election Commission has investigated prior to the announcement of the result of an election and found any convincing evidence that any candidate has violated this organic law or has facilitated other persons to commit such violations or has not stopped such violations and such violations have caused the conduct of an election to be unlawful and unfair, the Election Commission shall have the power to revoke the election right of such candidate for one year taking effect from the date of the notification of the Election Commission.

In case any candidate fails to stop or correct such violations under paragraph one without good reason, the Election Commission shall presume that such candidate has assisted the violations this organic law.

The ruling of the Election Commission to revoke the election right of the candidate shall be based on a consensus basis. After the Election Commission has revoked the election right of any candidate, such candidate shall also be subject to prosecution under the criminal procedure code.

In case an order to revoke the election right of the candidate is issued after the announcement of election results and such candidate receives the most number of votes on a constituency basis, the Election Commission shall order a new election in such constituency.

Section 85/2. To ensure that an investigation shall be conducted fairly without delay, the Election Commission shall appoint public prosecutors, other state officials, former public prosecutors, former judges or former state officials to form a committee and assist in the proceedings of an investigation.

Such public prosecutors and other state officials shall assist the Election Commission in accordance to the appointment order without prior approval from their respective organizations.

Rules and procedures for such proceedings shall be prescribed by the Election Commission.

The appointment of public prosecutors or other state officials in the first paragraph shall be in effect from the promulgation of the Royal Decree on election of members of the House of Representatives and the completion of the announcement of election results from all constituencies except the respective organizations of such prosecutors or state officials deem otherwise.

The remuneration of public prosecutors or other state officials in the first paragraph shall be prescribed by the Election Commission.

Section 85/3. A special panel comprising of chairpersons of all law drafting committees of the Council of the State who are not state officials with regular salary or members of a political party shall examine and issue a ruling on the validity of an order of the Election Commission to revoke the election right of a candidate. In case a chairperson of a law drafting committee of the Council of the State is unable to perform such duty, members of his or her law drafting committee shall select a fellow member of such law drafting committee to serve in a special panel. In case the replacement of such vacancy is not possible, a special panel shall comprise of the existing members.

In case a special panel issues a ruling contradicted to the order of the Election Commission to revoke the election right of the candidate, the Election Commission may maintain the original order and publish decision altogether with a ruling of a special panel in the Government Gazette.

A meeting and a ruling of a special panel requires at least a two-third of members and a ruling shall be made within five days after the receiving of a case from the Election Commission. In case a special panel has not made a ruling within such period, the Election Commission shall proceed with an order to revoke the election right of the candidate.

The remuneration of members of a special panel shall be prescribed by the Election Commission.

Section 85/4. In case the Election Commission has any convincing evidence that any person has acted in favor of a candidate or a political party in a manner that shall undermine the integrity of an election, the Election Commission shall order such person to stop or correct his or her actions within the designated timeframe.

In case such act in paragraph one is reported to the police or found such act under paragraph one violates this organic law, the police shall arrest a person who has committed such violation and proceed with relevant laws without delay. Such incident shall be reported to the election committee of Changwat which shall further report to the Election Commission.

Section 85/5. In case there is any convincing evidence of violations of section 40, the Election Commission shall have the power to seize cash and property of a person who has committed such violations.

Within three days of the seizure, the Election Commission shall seek a ruling by a provincial court or the Civic Court. On a unilateral hearing basis, a provincial court or the Civic Court shall proceed and hand a ruling within five days from the receiving of the case. In case a court ruling is in favor of the Election Commission, cash or property belongs to a person who has committed violations of this organic law shall be seized until after the announcement of election results.

Section 85/6. In case there is any convincing evidence that any election official has caused the conduct of an election to be unlawful and unfair before the polling day, the Election Commission shall cancel the balloting in such constituency or such polling station and order a new polling day.

Section 85/7. After the vote-counting has completed, in case there is any convincing evidence of election fraud in an election on a constituency basis, the Election Commission shall have the power to cancel the announcement of election results and order a new election for such constituency.

Section 85/8. Prior to the announcement of election results, in case there is any convincing evidence that any political party or members of any political party have violated this organic law or have involved in such violations for the benefit of the political party thereof, the Election Commission shall have the power to forbid the vote-counting in an election on a party-list basis for such constituency and declare the ballot papers in an election on a party-list basis from such constituency as void.

Affected area in paragraph one shall be based on a polling station or a constituency where the conduct of an election is tampered.

The provision in section 85/3 shall be applied with the proceeding in paragraph one mutatis mutandis.

Section 85/9. In case there is any convincing evidence that any elected member of the House of Representative has involved in an election fraud and has violated this organic law prior to the announcement of election results, the Election Commission shall have the power to revoke the election right of such person for one year. The proceeding of the Election Commission in this case shall be made within one year from the announcement of election results and the Election Commission shall report to the President of the House of Representative and the Prime Minister.

The provision in sections 85/3 shall be applied with the proceeding in paragraph one mutatis mutandis.

Section 85/10. In proceeding an investigation on election fraud and in preventing election fraud, the Election Commission or an appointed commissioner shall have the following power:

(1) Entering, searching and seizing documents, assets or evidences in houses, premises or vehicles without a court warrant when there is any convincing evidence of violations of this organic law provided that a detailed record on such proceeding is made. The power under paragraph one shall be in effect from the promulgation of the Royal Decree on election of members of the House of Representatives to the announcement of election results and the Election Commission may appoint other state officials to assist such proceedings as deemed necessary. In case the Election Commission entrusts members of the election committee or other state officials to enact the power under paragraph one, such proceedings shall be enacted with a court warrant;

(2) Requesting the Anti-Money Laundering Commission to provide a financial transaction report of a person which has involved in the conduct of an election. Such proceedings shall also be applied to the Bank of Thailand, registered commercial banks or other financial institutes.

CHAPTER II

Election of Senators

Section 86. After the promulgation of the Royal Decree on election of senators, the Election Commission shall notify prescribe in the Government Gazette the date of application which shall not exceed five days as from the date the Royal Decree on the election of senators coming into force and the period of the application shall not less than five days.

Section 87. A person qualified to be a candidate for senator shall have the qualification and shall not be under the prohibition to be a candidate of senators under the provisions of the Constitution.

Section 88. In an election of senators, the area of Changwat shall be regarded as a constituency. After the promulgation of the Royal Decree on election of senators, the Election Commission shall notify in the Government Gazette the number of senators in each Changwat by applying rules on calculation in accordance with the provisions of the Constitution.

A person having the right to vote may cast a ballot for one candidate for senator in Changwat in which he or she has the right to vote.

Section 89. The provisions of section 31, section 32 and section 34 except that concerning political parties shall be applied mutatis mutandis to the candidacy of senators.

A candidate at an election of senators shall pay the application fees of ten thousand Baht each. When the receipt thereof has been issued, the candidate shall not withdraw his or her candidacy and the application fees shall be devolved on the state.

Section 90. The provisions of part 2 regarding the constituencies, polling stations and polling places, part 3 regarding election officials, part 4 regarding electors and elector rolls, part 6 regarding the election expenditure and the method of election campaigns particularly section 44, section 45 and section 47, part 7 regarding the polling, part 9 regarding the polling of an elector outside the constituency and part 10 regarding election fraud under chapter I the election of members of the House of Representatives on a constituency basis except the provisions concerning political parties shall be applied mutatis mutandis to an election of senators provided that they are not contrary to or inconsistent with the provisions regarding an election of senators under the Constitution or this chapter.

In appointing a committee of a polling station, the Election Commission shall appoint one elector in such constituency to be a chairman of the committee and six members thereof but the provisions of section 15 concerning the right to nominate the representative of a political party shall not be applied and the committee shall be also regarded as the vote-counting committee.

The counting of votes shall be carried on at the polling place and the provisions of part 8 regarding the counting of votes and the announcement of the result of an election on a constituency basis except the provisions regarding political parties shall be applied to the counting of votes and the announcement of the result of an election of senators insofar as they are not contrary to or inconsistent with the provisions regarding an election of senators under the Constitution or this part.

For the purpose of the implementation of this section, the Election Commission shall prescribe the rules of an election of senators in the Government Gazette.

All other provisions regarding an election of members of the House of Representatives shall be applied to an election of senators, insofar as they constitute an offense and criminal penalty to any act in an election of members of the House of Representatives, with the same penalties.

Section 91. Subject to section 92, any candidate for senator or any other person shall not run an election campaign except an introduction of candidates. The introduction of candidates shall be made only by publishing introductory documents under the rules and methods prescribed by the Election Commission. In case the Election Commission deems it is necessary for the fairness to every candidate, it may determine the amount of the expenses of such publication.

The introduction under paragraph one means the publication of personal information including personal background, education, occupation and working experience.

Section 92. For the purpose of the fairness of the introduction of candidates, the Election Commission shall coordinate with the government agencies concerned to proceed as follows:

(1) To provide for the posting up of any announcement and the fixing of a signboard of an election and a candidate at Changwat Office, Amphoe Office or Local Administrative Organization Office or appropriate condensely populated area;

(2) To publish and send documents with respect to an election and candidates to an elector;

(3) To provide a place for the introduction of candidates;

(4) To allocate time for radio and television broadcasting of the introduction of candidates;

(5) *To perform other activities determined by the Election Commission.*

Section 93. In any Changwat where only one senator is to be elected, the candidate who receives the highest number of votes shall be elected. In any Changwat where more than one senators are to be elected, the candidate who receives the highest number of votes and the next candidate who receives the lower number in respective order to meet the total number of the senators to be elected in such Changwat shall be elected.

In case where several candidates receive equal votes causing the excess in number of senators to be elected in such Changwat, the candidates who receive equal votes shall draw lots to decide which candidate shall be elected according to the rules prescribed by the Election Commission.

In case where a number of candidates in any Changwat is equal or less than a number of senators to be elected, the candidate who receive votes not less than five percent of the total number of electors who come to poll shall be elected. If none of candidate shall be elected or there are some but less than the number of senators to be elected in such Changwat, the Election Commission shall hold a new election in such Changwat to have senators in such number. "Top"

CHAPTER III

Election Petition

Section 94. In case after the Election Commission has announced the result of the election in any constituency, an elector, a candidate, a political party which has a member standing as a candidate for an election in such constituency or which submit a party list deems that an election in such constituency or in any polling station in such constituency has not been lawful and fair, such persons shall have the right to petition the Election Commission within thirty days from the date of the announcement of election results except the petition under section 41 or section 43 for a new election shall be made within one hundred and eighty days from the date of the announcement of the result thereof.

Section 95. After having received the petition, the Election Commission shall conduct the hearing without delay and shall have the following power:

(1) In case it is deemed that an election in any polling station or in any constituency has been unlawful and fraudulent and that a new counting of votes or a new election should be held, the Election Commission shall order for a new vote-counting or a new election in such polling station or such constituency. In the case of an election of senators, the Election Commission may order for only a new counting of votes or a new election of a senator against whom the petition is made;

(2) *In case it is deemed that an election has been unlawful and fraudulent but there is no reasonable ground to hold a new counting of votes or a new election in such polling station or such constituency or of such senator against whom the petition is made, the Election Commission shall dismiss the petition.*

Section 96. In case where the Election Commission orders that a new election be held, the membership of the House of Representatives or the Senate of a person against whom the petition is made shall be terminated from the date the Election Commission issues the order provided that such order shall not affect activities performed by such person in the course of his or her duty before the President of the House of Representatives or the President of the Senate has been informed of such order.

In case where there is a new vote-counting and it causes the termination of membership of the House of Representatives or the Senate of a person against whom the petition was made, such termination shall be effective from the date the Election Commission announces the result of a new vote-counting provided that it shall not affect the activities performed by such person in the course of his or her duty before the announcement thereby.

Section 97. The hearing of petition shall be in accordance with the rules prescribed by the Election Commission. "Top"

CHAPTER IV

Penalty

Section 98. Any superior official or employer who obstructs or restrains or does not properly facilitate his or her officials or employees to exercise the right to vote shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 99. Any head of household who violates section 28 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 100. Any person who knows that he or she has no right to be a candidate for a member the House of Representatives or a senator allow any political party to nominate him or her for election on a partylist basis or applies for candidacy in violation to section 30 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 101. Any person who violates section 17, section 44, section 47 paragraph one, section 58, section 71 or section 91 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 101/1. Any person who make false allegations that a candidate or a person has violated this organic law shall be liable to imprisonment for a term exceeding two years or to a fine not exceeding forty thousand Baht and the court shall order the disfranchisement for a period of five years.

Any person who make false allegations under paragraph one which seek to result in the disfranchisement of the right to vote of a candidate or the withholding of the announcement of election results shall be liable to imprisonment for a term of five to ten years and to a fine of one hundred thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Any person who make false allegations under paragraph one to the Election Commission shall be liable to imprisonment for a term of seven to ten years and to a fine of fourteen hundred thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of twenty years.

In case false allegations under paragraph two and three have committed, facilitated or acknowledged by any leader of a political party, such political party shall be deemed as endangering national security and violating the Organic Law of Political Party.

Section 102. Any candidate or any leader of the political party who violates section 41 paragraph three shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand Baht or the triple amount of the amount

determined by the Election Commission whichever the heavier punishment, or to both and the court shall order the disfranchisement for a period of five years.

Section 103. Any treasurer who prepared the expenditure accounts in contrary to the rules and procedure prescribed by the Election Commission under section 42 paragraph two shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding twenty thousand Baht and the court shall order the disfranchisement for a period of five years and such person shall be prohibited to be a treasurer for a period of five years.

Section 104. Any candidate or any leader of the political party who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted but the evidence under section 43 was not completed shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both and the court shall order the disfranchisement for a period of five years. In case the particulars of expenses submitted under section 43 was fault, the candidate or the leader of a political party shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht and the court shall order the disfranchisement for a period of five years.

Section 105. Any person who violates section 45 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht and the court shall order the disfranchisement for a period of five years.

Section 106. Any person who, not being of Thai nationality, violates section 46 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Section 107. Any person who violates section 48 and section 50 or violates orders of the Election Commission prescribed under the provisions of section 85/4 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

Section 108. Any person who willfully causes damage or destroys the ballot paper or causes the ballot paper to be invalid or does whatever means to make an invalid ballot paper to be a good ballot paper shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding twenty thousand Baht and the court shall order the disfranchisement for a period of five years. If the wrongdoer under paragraph one is an election official, he or she shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 109. During the opening time to vote to the closing time thereof, in case any member of the committee of a polling station discloses the fact to anyone whether any elector has come to poll which is favorable or unfavorable to any candidate or political party shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Section 110. Any person who violates section 59 paragraph one or section 66 or willfully obstructs the sending of ballot boxes or the substitute to the place for counting of votes or commits any act to cause the delay of the sending thereof, shall be liable to imprisonment of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 111. Any person who violates section 59 paragraph two, section 60, section 61, section 62 or section 63 shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 111/1. Any person who violates section 85/10 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Any person provides information on the power of the Election Commission under section 85/10 (2) without lawful authorization shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 112. Any person who sales, distributes or provides alcohol beverage in a constituency during 6:00 pm of the day before the election day until the end of the election day shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

Section 113. Any person who bets or organizes the gamble for the result of an election shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 113/1. Any person who has been sentenced by the court on violations of this organic law, on committing election fraud or on making false allegations to induce the Election Commission to revoke the election right of a candidate or to withhold the announcement of election results which lead to the holding of a new election, the court shall order such person to be liable to incurred expenditures in the holding of a new election. The Election Commission shall not be liable to pay any court fee in this connection.

In case more than one person are liable to incurred expenditures in the holding of a new election, such persons shall share liability.

In case any elected member of the House of Representatives on a constituency basis has become a Prime Minister or a minister, such person altogether with his or her political party shall be responsible for incurred expenditures in the holding of a new election to refill the vacancy in his or her constituency according to the rules and procedures prescribed by the Election Commission.

Expenses paid by any person under this section shall be devolved on the state.

Section 114. In the case where there appears the offense under this organic law in any constituency, it shall be deemed that the candidate in such constituency is the damaged party under the criminal procedure code.

Section 115. Any person commits an offence under this organic law outside Thailand shall be punished in Thailand. "Top"

Countersigned by:
Chuan leekpai Prime Minister
Certified correct translation
(Dr.Ackaratorn Chularat)
Secretary - General of the Council of State
Office of the Council of State

This Website is maintained by Election Commission of Thailand
Phone: (662) 613-7333 Fax: (622) 219-3411
English Information supported and translated by Asian Network
for Free Elections (Anfrel)
webmaster : ectmedia@ect.go.th

Appendix III

2005 Thai General Election		
Ballot Number	Name of Party (in English)	Name of Party (in Thai)
1	Chatthai Party	พรรคชาติไทย
2	Social Action Party	พรรคกิจสังคม
3	Pattana Chat Thai party	พรรคพัฒนาชาติไทย
4	Democrat Party	พรรคประชาธิปัตย์
5	Thai People Party	พรรคประชาชนไทย
6	Khonkhoplodnee Party	พรรคคนขอปลดหนี้
7	Thai Nature Party	พรรคธรรมชาติไทย
8	Thai Ground party	พรรคแผ่นดินไทย
9	Thai Rak Thai Party	พรรคไทยรักไทย
10	New Aspiration Party	พรรคความหวังใหม่
11	Mahachon Party	พรรคมหาชน
12	Thai Citizen party	พรรคประชากรไทย
13	Thai Chauy Thai Party	พรรคไทยช่วยไทย
14	Labour Party	พรรคแรงงาน
15	National Democratic Party (N.P.D)	พรรคชาติประชาธิปไตย
16	Kasikorn Thai Party	พรรคศิกรไทย
17	Thai Alternative Party	พรรคทางเลือกที่สาม
18	The Green Party of Thailand	พรรครักษ์ถิ่นไทย
19	The Farmer Force party	พรรคพลังเกษตรกร
20	People Power Party	พรรคพลังประชาชน

Appendix IV

Electoral Schedule 2005

January 7-9	Application for party list candidates
January 10-14	Application for constituency list candidates
January 18-30	Overseas voting
January 29-30	Advance voting
February 6	Election day
February 11 and 24	Official results announced
February 20	Re-Election in Ubon Ratchathani and Kanchanaburi Provinces
March 4	Parliamentary opening day

Appendix V

Briefing and Training Schedule

31 Jan.- 1 Feb. 2005

SASA International Meeting Hall

30th Jan. 2005

18.30 am.

All STOs arrive Kritthai and Vitthayanivet
Register and Welcome Dinner by Gen. Saiyud Kerdphol
Introduction program for the next day
Dinner at Sasa Meeting Hall

31st Jan. 2005

08.30 - 09.20

09.30 -10.00

10.00 -10.30

10.30 -12.30

12.30 -13.20

13.30 -14.30

15.00 -15.30

15.30 -17.30

19.00 -20.00

1st Feb. 2005

08.30 - 09.20

09:20 - 09:45

10.00 - 12.00

12.00 - 12.30

12.30 - 13.30

14.00 - 15.30

15.30 - 16.00

16.00 - 17.30

17.30 - 18.30

18.30 - 19.30

Briefing

Breakfast

Distribution ANFREL materials

Go to Election Commission of Thailand (ECT)

Electoral process and law

LUNCH at ECT

Continue briefing and testing Electronic Machine at ECT

BREAK

Political Situation and the Role of Media in Thailand by Dr. Gothom Arya, Sunai Phasuk and the Nation

Buffet Dinner at Sasa Meeting Hall.

Briefing - Training

Breakfast

Field equipment distribution to STOs

Visit Poll Watch Foundation Office discuss on "the Role of Civil Society on Thai Election 2005"

by Sakool_Zuesongdham and Warin Tiemjaras
Meeting with Interpreter

LUNCH at Poll Watch office

Back to Sasa for training and discuss about Observer Code of Conduct, Checklist, Report by Herizal Hazri and Damaso Magbual

BREAK

STOs, LTOs and Interpreter group work

Meeting with LTOs and STOs Interpreters

Packing and ready to leave to provinces

DINNER at Sasa

Leave to provinces

Appendix VI

Observers Deployment List

(30th January – 11 February 2005)

No.	Name	Country	Province
1	Mr. Rasidan bin Muhamad Ramly	Malaysia	Narathiwat
2	Ms. Chiting Serena Chuang	Taiwan	
3	Mr. Amin Shah bin Iskandar	Malaysia	Chumporn
4	Ms. Haruka FUJITA	Japan	
5	Mr. Kamal Perera	Sri Lanka	Bururum
6	Mr. Takehiro HIRAYAMA	Japan	
7	Mr. Herizal Hazri	Malaysia	Samut Sakhon
8	Mr. Shanmuganathan a/l K Kathirvelu	Malaysia	Pichit & Pitsanulok
9	Mr. Shahiduzzaman	Bangladesh	
10	Mr. Tenzing Paljor	Tibet	Korn Khen & Loei
11	Ms. Anila Naheed	Pakistan	
12	Mr. Noel Medina	Philippines	Nakorn Srithammarat
13	Mr. Aimal Khan	Pakistan	Yala and Pattanee
14	Ms. Ana Rita Llamas Supan	Philippines	
15	Mr. Chi-hua Lin	Taiwan	Surat Thani
16	Ms. Lee Ying Ha	Malaysia	
17	Mr. Shigetsugu KOMINE	Japan	Phang Nga
18	Ms. Elin Bjarnegard	Sweden	
19	Mr. Takayuki TAKEYAMA	Japan	Chieng Mai
20	Ms. Samantha Burman		
21	Ms. Maria Christina Pascual	Philippines	Phrae
22	Mr. Ryuji KINOSHITA	Japan	
23	Mr. Masaru SATO	Japan	Surin
24	Mr. Kim Chhorn	Cambodia	
25	Mr. Mir Ahmad Joyenda	Afghanistan	Sri Saket
26	Dr. Mohammad Saeed (Niazi)	Afghanistan	
27	Mr. Renato Maburga	Philippines	Nakhon Phanom
28	Ms. Manju Khanal	Nepal	

29	Ms. Chee Su Lin	Malaysia	Khon Kaen
30	Mr. Supriadi	Indonesia	
31	Prof. Buddhadeb Chaudhuri	India	Ayutthaya
32	Mr. Denis K. Kadima	South Africa	
33	Mr. Tim Meisburger	USA	
34	Mr. Wimal Fernando	Sri Lanka	Samut Prakarn
35	Mr. Syed Shamsuddin	Pakistan	
36	Mr. Kingsley Rodrigo	Sri Lanka	Nakorn Pratom
37	Mr. Sok Sam Ouen	Cambodia	
38	Mr. Damaso Mabual	Philippines	Bangkok and Pratoomthani
39	Mr. Tomas Cabral	East Timor	
40	Mr. Valentim Ximenes	East Timor	

Appendix VII

Chapter IIA of the Constitution of Bangladesh

58B. Non-Party Care-taker Government

(1) There shall be a Non-Party Care-taker Government during the period from the date on which the Chief Adviser of such government enters upon office after Parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new Prime Minister enters upon his office after the constitution of Parliament.

(2) The Non-Party Care-taker Government shall be collectively responsible to the President.

(3) The executive power of the Republic shall, during the period mentioned in clause (1), be exercised, subject to the provisions of article 58D(1), in accordance with this Constitution, by or on the authority of the Chief Adviser and shall be exercised by him in accordance with the advice of the Non-Party Care-taker Government.

(4) The provisions of article 55(4), (5) and (6) shall (with the necessary adaptations) apply to similar matters during the period mentioned in clause (1).

58C. Composition of the Non-Party Care-taker Government, appointment of Advisers, etc.

(1) Non-Party Care-taker Government shall consist of the Chief Adviser at its head and not more than ten other Advisers, all of whom shall be appointed by the President.

(2) The Chief Adviser and other Advisers shall be appointed within fifteen days after Parliament is dissolved or stands dissolved, and during the period between the date on which Parliament is dissolved or stands dissolved and the date on which the Chief Adviser is appointed, the Prime Minister and his cabinet who were in office immediately before Parliament was dissolved or stood dissolved shall continue to hold office as such.

(3) The President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Adviser under this article: Provided that if such retired Chief Justice is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired next before the last retired Chief Justice.

(4) If no retired Chief Justice is available or willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired last and who is qualified to be appointed as an Adviser under this article: Provided that if such retired Judge is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired next before the last such retired Judge.

(5) If no retired judge of the Appellate Division is available or willing to hold the office of Chief Adviser, the President shall, after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among citizens of Bangladesh who are qualified to be appointed as Advisers under this article. Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Care-taker Government in addition to his own functions under this Constitution.

(7) The President shall appoint Advisers from among the persons who are-

- (a) qualified for election as members of parliament;
- (b) not members of any political party or of any organisation associated with or affiliated to any political party;
- (c) not, and have agreed in writing not to be, candidates for the ensuing election of members of parliament;
- (d) not over seventy-two years of age.
- (8) The Advisers shall be appointed by the President on the advice of the Chief Adviser.
- (9) The Chief Adviser or an Adviser may resign his office by writing under his hand addressed to the President.
- (10) The Chief Adviser or an Adviser shall cease to be Chief Adviser or Adviser if he is disqualified to be appointed as such under this article.
- (11) The Chief Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Prime Minister and an Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Minister.
- (12) The Non-Party Care-taker Government shall stand dissolved on the date on which the prime Minister enters upon his office after the constitution of new parliament.

58D. Functions of Non-Party Care-taker Government

- (1) The Non-Party Care-taker Government shall discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions its shall not make any policy decision.
- (2) The Non-Party Care-taker Government shall give to the Election Commission all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially.

58E. Certain provisions of the Constitution to remain ineffective

Notwithstanding anything contained in articles 48(3), 141A(1) and 141C(1) of the Constitution, during the period the Non-Party Care-taker government is functioning, provisions in the constitution requiring the President to act on the advice of the Prime Minister or upon his prior counter-signature shall be ineffective.

Appendix VIII



Asian Network for Free Elections

109 Suthisarnwinichai Road, Samsen Nok, Huaykwang, Bangkok 10320, Thailand
Tel: and fax: (662) 2762183, 6934939 Email: anfrel@anfrel.org

January 24, 2005

Statement # 2

Thailand

ANFREL's long-term observers urge the ECT, State Officers and Civil Society to correct problems for upcoming election: findings in the first-week observation

ANFREL (Asian Network for Free Elections) deployed an Election Observation mission that comprises of 45 observers from across Asia to assess the conditions and preparation and to observe on the level of the ECT involvement in the Thailand 2005 House of Representatives Election.

The Mission will assess the entire election process in terms of its compliance with international standards for democratic elections, focusing on the election campaign, the media condition, the work of the election administration and relevant government bodies, and the resolution of election-related disputes.

"If we need to increase the credibility and legitimacy of Thai election to the global level, foreign and domestic observers should be allowed to observe at each stage of the election," said General Saiyud Kerdphol, ANFREL's chairperson.

One month before the 6 February, ANFREL deployed 6 long-term observers to 6 regions (more than 20 provinces) throughout Thailand

"According to the first-week report of our long-term observers, the people in many areas have not achieved successful voter education, which could represent a major step towards electoral participation and transparency in the election", said Somsri Hananuntasuk, Executive Director of Asian Network for Free Elections (ANFREL). "The huge number of people in the Northeastern, the South, and also people in Bangkok are not aware to register for their advance vote. The wide range of information on the right to vote and the compulsory may promote eligible voters to effectively exercise their right."

"Despite electoral materials has been out on the media, it is questionable how effective of those materials in getting voters, especially the young people to join the election." added

Herizal Hazri, who is heading the long-observation in Chonburi. “Civil Society and media should be more active to fill up the gap for the voter education,” he added.

Based on the interviews made by Mr. Tenzing Paljor, ANFREL’s long-term observer in Khon Kaen, most voters learn about the elections through party canvassers and not from the ECT or the media.” “Voters were taught who to vote, not how to vote and made informative decision,” he added.

ANFREL’s observers also expressed concern about a number of violent incidents, which have created tensed atmosphere in the run up to the Election Day. These incidents included the killing of ECT officers, attacks on party agents and canvassers. “Election day is characterized by a high turnout of voters, violence would prevent any voters to participate in the Election Day,” said Mr. Amin Shah Bin Iskandar who is observing in the Southern area.

ANFREL urges the ECT to call for all political parties and all canvasser of political parties to promote peaceful campaigns and monitor state authorities and government officers to stay neutral.

For more information, please contact ANFREL’s Coordinator: Miss Somsri Hananuntasuk (01) 810-5306 (anfrel@forumasia.org)

***ANFREL’s Media Officer: Miss Srijula Yongstar (01) 654-1896 (srijula@forumasia.org)
Or visit our website: www.forumasia.org, www.anfrel.org***



Asian Network for Free Elections

109 Suthisarnwinichai Road, Samsen Nok, Huaykwang, Bangkok 10320, Thailand
Tel: and Fax: (662) 2762183, 6934939 Email: anfrel@anfrel.org

February 2, 2005

Thailand House of Representatives Election 2005

ANFREL PRE-ELECTION DAY MISSION STATEMENT

ANFREL is concerned by the election administration and electoral officers' training in preparation for the Thailand House of Representatives Election 2005 by the Election Commission of Thailand (ECT) as the Election Day is scheduled to be organized in less than one week. ANFREL calls on the ECT to demonstrate its fullest commitment and accountability in ensuring a free, fair and well-organized Thailand House of Representatives Elections 2004.

On the election administration, the combined observations by the ANFREL observers show inconsistency in the functioning of local Election Commissions and in the recruitment and training of polling station committees. There seems to be no agreement among local ECT:s on the criteria for appointing polling officials. ANFREL observers in some area report that polling personnel selected by villagers have been rejected without any clear explanations and replaced by people directly appointed by the local ECT. Observers have received different answers from ECT officials about the kind of criteria they use for appointing polling officials. This lack of a clear and common policy from the part of ECT is troublesome as it might increase arbitrary appointments.

ANFREL observers also expressed concerns about the uneven training of polling officials in different parts of the country. In some cases people selected to be on the polling committees did not even know that they were supposed to attend training or had they heard of a date for the event to take place. In some cases only the head of the polling committees have been called for training, and sometimes this training has been conducted in a very informal and disorganized way, so that the heads have not had any clear manuals and guidelines to bring with them to their respective polling committees. ANFREL therefore calls for the ECT to standardize the training modules and make training compulsory for the polling officials.

ANFREL observers have also had the opportunity to attend Advance Voting polling stations, and ANFREL believes that the lessons learned from these experiences are very valuable as they can point to possible problems that might arise on Election Day if not attended to.

Observers have pointed out that many people have taken the opportunity of Advanced Voting, and that polling station officials have seldom or never rejected a request to vote in advance. This makes Advance Voting Day very similar to Election Day however there is one big difference between these election days, which is that many of the Election Laws only apply to Election Day, not the Advance Voting Day. Therefore, there were no restrictions (for example) on canvassing outside the polling station, on driving voters to the polling station and on drinking alcohol on Advance Voting Day. ANFREL observers noted that these loopholes in the Electoral Law have allowed opportunities for manipulation during the Advance Voting Day.

Some of the observations from the advance voting are also related to the above concerns about insufficient or non-existent training of polling officials. Often polling stations were disorganized, there were no provisions for elderly and disabled people to form separate lines, and there were no maps to show how voters should proceed at the polling station. Moreover, ANFREL observers noted that the polling stations' set-up can were very different from one polling station to another. There thus seems to be a layout problem at many polling stations, which could be accounted for by a standardized system for setting up a polling station that all polling committees are made aware of.

For more information, please contact

ANFREL's Coordinator: Miss Somsri Hananuntasuk ((01) 810-5306 (anfrel@anfrel.org)

ANFREL's Media Officer: Miss Srijula Yongstar (01) 654-1896 (srijula@anfrel..org)

Or visit our website: www.anfrel.org



Asian Network for Free Elections

109 Suthisarnwinichai Road, Samsen Nok, Huaykwang, Bangkok 10320, Thailand
Tel: and Fax: (662) 2762183, 6934939 Email: anfrel@anfrel.org

Feb 8, 2005

Thailand House of Representatives Election 2005

ANFREL's Mission Statement

Formed in 1997 and based in Bangkok, ANFREL serves as a regional network of Asian election observation and human rights organizations with a clear mandate to promote regional democratization. ANFREL has observed elections in Thailand, East Timor, Indonesia, Pakistan, Cambodia, Malaysia, Bangladesh, the Philippines, Nepal, Hong Kong, India, Sri Lanka, Japan and Taiwan.

The Asian network for free election congratulated the nation and people of Thailand on holding successful election on February 6, 2005. Anfrel is a Bangkok based regional network of election monitoring and human right organization who mandate is to support democratic development in Asia.

ANFREL deployed 6 Long Term Observers and 39 Short Term Observers in 20 provinces of Thailand, and visited more than 350 polling stations and 30 counting centers. Observers in the ANFREL team came from 17 countries. Based on their observations and reports, ANFREL's overall assessment of the election is that the process was generally free and fair, and the results, by and large, represented the will of the people. Nevertheless, ANFREL observers noted problems in several areas, described below.

Summary of Findings

Muslim Areas in the South

The security situation in the three majority Muslim provinces in the south affected the political process. The heavy military presence inhibited campaigning, especially in the evening, meaning voters did not get as much information on the policies and platforms of competing parties and candidates. But, observers also reported that election-day turnout was high, that voters seemed confident, and the polling process was generally acceptable.

Tsunami Affected Areas

Our observers in Phang Na reported that in Constituency 2 the ruling party distributed aid to tsunami victims. Many people in the area received money and food directly from the Thai Rak Thai party. Although this was legal, we are concerned that this practice could have influenced the political process. Our observers noted that this constituency was the only one in the area that was won by the Thai Rak Thai party.

Administration of the election in this area had unsurprisingly been disrupted to some extent by the tsunami, but overall the election process was acceptable, and the ECT is to be commended for their effort in a difficult environment.

Voter and Civic Education

Observers noted that there was very little voter and civic education conducted by the ECT or civil society organizations in comparison to the last election. ANFREL does not believe that the civic and voter education activities in Thailand were adequate to ensure a fully informed and mobilized voting public.

Election Administration

Training of election officials was uneven. In some areas they were very well trained and the process went smoothly. In other areas, particularly rural areas, training was inadequate or non-existent, resulting in confusion in the polling place. The counting process was chaotic, and consequently difficult to observe effectively.

Domestic Observers and Party Agents

The observers reported that there were few party agents or domestic observers monitoring the process at the polling stations, and that those they saw seldom stayed at a station for more than a few minutes. This level of observation is insufficient to guarantee the polling and counting process. ANFREL is also concerned that the election law does not allow party agents to observe the process from inside the polling station, but oddly allows them to join the polling station committee.

Vote Buying and Misuse of State Resources

There were widespread and credible reports of political parties giving cash or gifts to voters in an attempt to influence their decision on election day. There were also many reports of officials using government resources for political campaigns. Observers asked many people if these gifts would influence their vote, and the vast majority, particularly in urban areas, said no: suggesting that at least in those areas political parties gained little from this practice. Nevertheless, in rural areas vote buying may still influence voters.

Bias in the ECT

Our observers reported that political parties, journalists, civil society organizations, and even junior staff of the ECT all questioned the neutrality of the ETC, particularly in the resolution of complaints. They alleged that the ETC purposely stalled on investigation of the ruling party, while concentration on any allegation against the opposition.

Media Bias

Although most of the observers did not speak Thai, it was visually apparent that much of

the television coverage of the campaign was focused on the Prime Minister. This, in effect, denied other parties the opportunity to get their message out through the mainstream media.

Recommendations

Voter Education – The ECT and civil society organizations should conduct more voter and civic education, including information on the policies and programs of parties and candidates, and a campaign in rural areas targeted against vote buying.

Election Administration – The ECT should take steps to ensure that all polling station officials are hired well in advance of the election so that all can be adequately trained.

Party Agents and Domestic Observers – To ensure that the election process is adequately overseen, political parties and civil society groups should be encouraged to develop effective organizations that can deploy well-trained party agents or non-partisan observers to every polling station and counting center.

Misuse of State Resources in Campaigning and Bias in the ECT – The ECT and government should develop systems and structures that will clearly separate the government and the political process.

For more information, please contact:

ANFREL mission coordinator Ms. Somsri Hananuntasuk Tel: 01 81 05 306

ANFREL Headquarters 109 Suthisarnwinichai Road, Samsen Nok, Huaykwang, Bangkok 10320, Thailand Tel: (662) 2769846-7 Fax: (662) 2762183, 6934939 Email: anfrel@forumasia.org

Appendix IX

ANFREL in Media 2005 (General Election Mission in Thailand)

Media Outlet	Details	Date
1. The Nation	Interviewed ANFREL's long term observers	Jan 17, 2005
2. A Day Weekly	A weekly magazine focused on political analysis, interviewed Somsri Hanahuntasuk and published for 5 pages.	
3. BBC Thailand	ANFREL was interviewed by BBC Thailand about the current political situation related to the election and the recommendation to the ECT	Jan 21, 2005 (19.30 - 20.00)
4. Post Today (newspaper)	published ANFREL statement # 2	Jan 25, 2005
5. The Nation (newspaper)	Wrote an article about ANFREL's mission and published in the editorial page	Jan 26, 2005
6. Siam Raht (newspaper)	Mentioned about ANFREL's opinion on the lack of voter education	Jan 26, 2005
7. Manager (newspaper)	Interviewed long-term observer in the northern area	Jan 27, 2005
8. Esan voice.org (web)	published ANFREL statement # 2	www.esanvoice.org
9. Matichon (newspaper)	Published about observation in 4 competitive areas in the north	Jan 28, 2005
10. Manager	ANFREL's observation mission	
11. Naewna (newspaper)	ANFREL's observation findings about the misuse of government resources and vote-buying	Jan 30, 2005
12. Manager	About the cancellation of hotel arrangement to ANFREL's long-term observer in the north	Jan 30, 2005
13. Financial Times	Did some interview with Somsri Hananuntasuk	Jan 31, 2005
14. New Age International	Mentioned about vote buying	Feb 2, 2005
15. ITV (TV channel)	Recorded ANFREL's observer into a tribal village	Feb 5, 2005
16. German Press	Nicholas interviewed Somsri and some observers during the last campaign rally of TRT and Democrat parties	Feb 5, 2005
17. Manager (newspaper)	Reported on an open letter from ANFREL to the ECT about an election poster near the polling station	Feb 6, 2005
18. Metropolis 107 FM	Interviewed senior and long-term observers on air	Feb 6, 2005
19. Media Corp Radio	Followed observation's team during the election	Feb 6, 2005
20. Reuters News Agency	Interviewed ANFREL's coordinator at the counting centre in Bangkok	Feb 6, 2005

21. Thai News Agency	Published ANFREL's comments after elections	Feb 9, 2005
22. Bangkok Post (newspaper)	Published ANFREL's impressions and findings after 2005 Thai election	Feb 10, 2005
23. Post Today	Published ANFREL's impressions and findings after 2005 Thai election	Feb 10, 2005
24. Asia Media (the Asia pacific media network)	Published ANFREL's impressions and findings after 2005 Thai election	Feb 10. 2005

Election observers moving into place

■ Arun Devnath
The Nation

WITH THE clock ticking down to the February 6 general election, international observers are fanning out across Thailand.

In the first round, six established international observers began work on January 14 under the aegis of the Asian Network for Free Elections (ANFREL), a Bangkok-based regional network of non-governmental election monitoring, democracy advocacy and human-rights organisations in Asia.

Over 30 other observers are expected to arrive next from Asian countries, including Indonesia, the Philippines, Malaysia, Pakistan, Cambodia, Sri Lanka, Bangladesh and East Timor.

"Voters' choice in rural areas does not seem to be independent. Village leaders have a lot of influence over others," says Tenzing Paljo, a Tibetan who was an observer for the presidential election in Afghanistan last October and is now on a tour of constituencies in the northeastern province of Khon Kaen.

"People here are aware of the election. Many first-time voters such as university students are enthusiastic about the chance to vote."

The divide between rural and urban areas in Thailand appeared sharp in terms of election awareness, he said, citing his observation that villagers working as greengrocers and roadside vendors seemed con-

fused about the voting process, whereas their urban counterparts did not.

Another observer, Malaysian Amin Shah bin Iskandar, who also assisted in the recent presidential election in Afghanistan, detected a problem with the voters' list. When his Thai driver, who gave his nickname as Om, went to the district office in the southern province of Surat Thani to check his own name, he found that his late grandfather and uncle still appeared on the voters' list, bin Iskandar said.

The "non-voting" option in Thai elections was something new to Maria Christina Pascual, who came from the Philippines to join the ANFREL team. According to Thai election rules, voters who decide not to pick any candidate or political party on the list can mark a cross in the space for "non-voting" on the ballot.

Pascual, who was a volunteer in the 2004 Indonesian presidential election and is now working as an observer in the northern province of Phitsanulok, said a Thai journalist expressed concerns that Election Commission officials might come under "pressure" from government bigwigs during ballot-counting.

The three other long-term observers who will monitor the run-up to the election and the campaigns are Kamal Perera from Sri Lanka, and Herizal Hazri and Rasidan bin Muhamad Ramly, both from Malaysia.

OPINION & ANALYSIS

Thai electoral system fails the grade

Monks can't vote and the vast majority of Thais cannot stand for election. This can hardly be fair

By DAMASO G. MAGBUAL

Manila—Thai law denies Buddhist monks the right of suffrage. Likewise, a person must have a university degree and be a bona fide member of a political party to run for public office. While international observers try to evaluate election laws in the context of a nation's history, culture and politics, the restrictions in Thailand are not in accordance with internationally accepted norms and standards.

Article 21 of the Universal Declaration of Human Rights provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone also has the right of equal access to public service in his country. And the will of the people shall be the basis of the authority of government, with this will being expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent voting procedures.

This provision is reinforced by the Covenant on Civil and Political Rights, which provides under article 25 that: "Every citizen shall have the right without unreasonable restrictions to vote and to be elected at genuine elections."

The Copenhagen Document of 1990 (Thailand is not a signatory to this document) further reinforces these two documents as it admonishes participating states to "respect the rights of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination".

Suffrage is a human right and not a privilege bestowed by the government on its citizens. It is universal, meaning all recognised citizens except those reasonably restricted by law (underage, convicted criminals) have the right to vote. Restrictions by reason of religion, race, colour, sex or status, as in the case of monks, are unreasonable and discriminatory. Monks are citizens and should be allowed to vote.

Observers of the Feb 6 election in Thailand noted not only the inadequacy of voter education

in the lead-up but also the absence of groups to conduct voter education either from the government or from civil society. Monks are revered religious figures and can provide this need. This role fits the monks perfectly well by reason of their moral authority.

Experience tells us that religious leaders can play an important role in the political life of

The search for leaders in government should not be limited to politicians with college degrees. To do so would limit the options available to the citizenry that exercise the decision in the choice of their leaders.

their countries. Their active participation in elections as non-partisan observers has greatly contributed to bringing about free and fair elections.

Namfrel, or the National Citizens Movement for Free Elections, counts among its many volunteers the clergy of the Catholic Church, Muslim ulamas and ministers from various evangelical groups. The Committee for Free Elections of Chile was organised on the encouragement of the Catholic clergy. This group monitored the 1988 referendum on the nominee for president of the military junta. Its efforts triggered the advent of democracy and the downfall of the dictatorship in Chile. Transcencia of Peru enjoys the full support of the Catholic clergy. This is a model election observation group in the Latin American countries.

History is replete with examples of successful achievers in various fields of human endeavour without the benefit of formal schooling. Abraham

Lincoln led his country at a critical period in its history. Yet he received practically no formal education. He is probably the most loved president of the United States.

American carmaker Henry Ford and oilman John D. Rockefeller remind us that it is possible to attain great heights without the benefit of formal education. The achievements of these two men are immortalised in the annals of business and philanthropy. Thomas Edison much preferred the confines of his laboratory than the four walls of a university. He is undoubtedly the greatest inventor of all time. The world of information technology would not be what it is today without Bill Gates. The list is endless. And these successful men have one thing in common: None graduated from a university.

I do not wish to denigrate the value of formal education. Rather, I contend that its absence in a man is no hindrance to successful achievement regardless of his goal in life, be it in politics, business, community service or any other calling.

In politics, there is a need for good leaders to provide good governance. We need leaders who have a vision of what they want to accomplish for their communities and the passion to see it through. While leadership skills may be taught in institutes of learning, leaders are self-made and not products of formal education. Besides, there are essential leadership qualities such as integrity that cannot be taught. These are acquired through self-discipline and relentless effort.

The search for leaders in government should not be limited to politicians with college degrees. To do so would limit the options available to the citizenry that exercise the decision in the choice of their leaders.

Finally, if we agree that education has for its goal the total development of the human person, all his faculties and powers, then we too can agree that education does not end with a college diploma. It persists through life and remains a

constant endeavour of every human being. An "educated" man is one who knows how to acquire knowledge and apply it in the attainment of his goals in life.

The law on political parties defines what cannot be the goal of a political party, which is not "to provoke racial or religious segregation of the nation, endanger the security of the State" (Section 10), but it does not define what the reason for being of a political party should be. Hence, there is a basis for what the media have observed as a lack of differentiating characteristics among the competing political parties. The parties are mere groupings of people with compatible political ends if not geographical accident (the South is Democrat while the North is Thai Rak Thai).

Political parties are springboards for ideas, programmes of government and good governance and ideology. These are but some of the factors that ought to divide the various political parties.

With no basic differences between the political parties, individuals in their capacity as independent candidates should be allowed to run for public office and provide the citizenry with viable alternatives for governance. Too often independent candidates are disappointed with political parties that are mere vehicles for self-interests. They should not be denied the opportunity to ventilate their ideas for national growth and development.

While we may not be able to pinpoint one model of a perfect democracy, there are basic principles that are indisputable. One is participation. Democracy thrives on the active participation of the entire citizenry. To impose unreasonable restrictions on who can vote and who can be elected violates this key democratic principle. It is discriminatory.

Damaso G. Magbual is a senior board member of Namfrel, or the National Citizens Movement for Free Elections, Philippines

Appendix X

26 February 2005

41/48



PRESS RELEASE

1024 Wisconsin Avenue N.W., Suite 401 Washington D.C. 20007
Tel: (202) 944-1600 Fax: (202) 944-1611 <http://www.thaiembdc.org> E-mail: thai.wen@thaiembdc.org

The result of Thailand General Election in 2005

1. The Election Commission made an announcement on 25 February 2005 that the result of the General Election held on 6 January 2005 are as follows:

Political Party Name	Number of member of Parliament	Number of member of parliament by Election	Number of Constituency member of parliament	Number of Party List	Total
THAI RUK THAI	309	1	310	67	377
DEMOCRAT	69	1	70	26	96
CHARTTHAI	18	0	18	7	25
MAHACHON	2	0	2	0	2
TOTAL	398	2	400	100	500

2. The House of Representatives will be summoned to convene its processing on 7 March, 2005. The House of Representatives will elect the Prime Minister on 9 March, 2005.

Appendix XI



Asian Network for Free Elections

109 Suthisarnwinichai Road, Samsen Nok, Huaykwang, Bangkok 10320, Thailand

Tel: 01 8105306 Fax: (662) 2762183, 6934939 Email: anfrel@anfrel.org

แถลงการณ์

อันเฟลเรียกร้องพรรคการเมืองและ ก.ก.ด. ปฏิรูปการทำงานเลือกตั้ง

จากผลการสังเกตการณ์เลือกตั้งซ่อมของ เครือข่ายเอเชียเพื่อการเลือกตั้งเสรี (Asian Network for Free Elections หรือ ANFREL) ใน 3 จังหวัด คือ จังหวัดพิจิตร สิงห์บุรี อุทัยธานี เมื่อวันที่ **30 ตุลาคม 2548** ผู้สังเกตการณ์ ขอแสดงความยินดี กับการเลือกตั้งและการนับคะแนน ที่ได้ผ่านพ้นไปได้อย่างสงบและสันติ รวมถึงความกระตือรือร้นของผู้ไปลงคะแนนเสียงทั้ง 4 จังหวัด (รวมจังหวัดสตูล) จากการทำงานภาคสนามของอันเฟลในสามจังหวัดที่มีการเลือกตั้งใหม่ คณะผู้สังเกตการณ์มีข้อเสนอต่อ พรรคการเมืองและคณะกรรมการการเลือกตั้งดังต่อไปนี้

ข้อเสนอต่อพรรคการเมือง

1. อันเฟลขอให้พรรคการเมืองต่างๆ **เคารพกฎกติกาของการเลือกตั้งอย่างเคร่งครัด** ทั้งรัฐบาล และฝ่ายค้านควรยกเลิกวิธีการชนคน แจกเงิน ให้สัญญา หรือหาเสียงจูงใจอย่างไม่สร้างสรรค์ ดังที่เกิดขึ้นกับการเลือกตั้งครั้งที่ผ่านมา
2. ทุกพรรคใช้เงินหาเสียงเกินอัตราที่กำหนดไว้ ซึ่งในครั้งนี้จะเห็นได้อย่างชัดเจนว่า **ผู้สมัคร ทุกคน ใช้เงินเกิน 1.5 ล้าน** แม้ว่า ก.ก.ด..จะหละหลวมในเรื่องนี้ แต่พรรคการเมืองควรเป็นฝ่ายทำ ตามกติกา และส่งรายงานการเงินตามความเป็นจริงเพื่อสร้างมาตรฐานที่ดีต่อไป
3. ทั้งพรรคฝ่ายค้านและรัฐบาลควรแยกแยะให้ได้ว่าทุกคนหาเสียงในฐานะของพรรค **ไม่ควรนำ กลไก และบุคลากรของรัฐไปใช้ในการหาเสียงส่วนตัว** ทั้งทางตรงและทางอ้อม
4. **ควรจะมีการอบรมตัวแทนพรรค (party agents) ประจำหน่วยเลือกตั้ง** (ทั้งผู้ที่เป็นกรรมการหน่วย และอาสาสมัครพรรค) ให้มีความรู้ในการสอดส่องดูแลความถูกต้องในหน่วย และนอก หน่วย อีกทั้งยังทำหน้าที่ **ถ่วงดุลย์กับตัวแทนพรรคฝ่ายตรงข้ามและเจ้าหน้าที่หน่วยทั้งหมดด้วย** ที่ผ่านมามีตัวแทนหน่วย ยังไม่มีความรู้ว่าจะต้องดูในรายละเอียดของหน่วยเรื่องใดบ้าง และบางคนทำผิดกติกาเสียเอง เช่นส่งสัญญาณ เบอร์ผู้สมัครของตนให้ผู้มาเลือกตั้ง พูดคุยชักชวนและแอบมองเข้าไปในคูหาเลือกตั้งเมื่อผู้ไปใช้เสียงมาลงคะแนน
5. **ผู้สมัครไม่ควรใช้หวั่นกดดัน** กำนันผู้ใหญ่บ้าน เพื่อให้คนในพื้นที่ของเขตเลือกตั้งต่างๆ มาเลือกตั้งให้ตน การใช้ข่มขู่ของคนในชุมชนดังกล่าวจะทำให้ผู้มีสิทธิเลือกตั้งจำกัดความเป็นอิสระในการตัดสินใจ ซึ่งมีข้อเสียของการส่งเสริมประชาธิปไตยในปัจจุบัน

ข้อเสนอต่อคณะกรรมการการเลือกตั้ง (ก.ก.ต.)

1. ก.ก.ต.ควรอนุมัติงบประมาณในการเลือกตั้งให้เร็วกว่านี้ และใช้บุคลากรในสำนักงานใหญ่ สนับสนุนการทำงาน ก.ก.ต.ต่างจังหวัดอย่างคุ้มค่าและเป็นกลาง เพื่อให้การทำงานเลือกตั้ง โดยองครักษ์ มีประสิทธิภาพ น่าเชื่อถือ และรวดเร็ว
2. ศึกษารูปแบบใหม่ในการทำความเข้าใจกับ ก.ก.ต.จังหวัด และข้าราชการที่ทำงาน เกี่ยวข้องกับการเลือกตั้ง ให้เห็นความสำคัญของการวางตัวเป็นกลาง ไม่เลือกปฏิบัติ และเพื่อสร้างความมั่นใจให้ กับทุกฝ่าย เจ้าหน้าที่ไม่ควรทำตัวใกล้ชิดผู้สมัคร หรือ พรรคการเมืองใด เป็นการพิเศษ
3. ควรทบทวนและทำความเข้าใจต่อบทบาทกรรมการหน่วยทุกครั้งเมื่อมีการเลือกตั้ง ไม่ว่าจะเป็นกรรมการจะเคยมีประสบการณ์มาก่อนหรือไม่ก็ตาม เพื่อให้ทุกคนมีความเข้าใจถึงเหตุและผลตรง กันว่าเหตุใดจึงต้องมีการจัดหน่วยตามที่กำหนด และดำเนินการตามขั้นตอนที่ได้วางไว้ อันเฟลสึงเกิดเห็นว่า ในครั้งนี้ไม่มีเจ้าหน้าที่หน่วยคนใดทำการตรวจรูปในบัตรผู้มีสิทธิเลือกตั้งว่า ตรงกับหน้าผู้มาใช้สิทธิหรือไม่, ประธานหน่วยยังปล่อยให้มีการติดแผ่นหาเสียงหน้าหน่วยเลือกตั้ง และใช้บ้านอบต. หรือบ้านคนเป็นที่เลือกตั้ง เป็นต้น
4. ผู้สังเกตการณ์ไม่เห็นด้วยอย่างยิ่งที่ ก.ก.ต. สำนักงานใหญ่มีมติ(จากที่ประชุม ก.ก.ต.ครั้งที่ 75/2548) ให้หน่วยเลือกตั้งทุกเขต หันดูหาสำหรับลงคะแนนออกสู่สาธารณะชน นับเป็นการละเมิดกติกาการรักษาความลับของผู้มา ลงคะแนนเสียงอย่างรุนแรง การแก้ปัญหาบางอย่างน่าจะปรึกษาหารือจากหลายฝ่าย หรือศึกษามาตรฐานสากลว่าได้แก้ปัญหาต่างๆกันมาอย่างไร จึงไม่ควรนำการแก้ปัญหาไปสั้กยอยไปทำลายหลักการใหญ่ ดังเช่นที่เกิดในกับการเลือกตั้งสองครั้งที่ผ่านมา อันเฟล ได้เคยเสนอ การป้องกันการนำโทรศัพท์และกล้องถ่ายรูปเข้าคูหาลงคะแนนแล้วว่า สามารถทำได้ โดยเตรียมภาชนะวางที่โต๊ะทางเข้าหน่วย ให้ผู้มาใช้ สิทธิวางโทรศัพท์มือถือ และกล้องถ่ายรูปก่อนที่จะ เดินเข้าไปรับบัตรลงคะแนน ซึ่งได้ปฏิบัติกันเ็นบางประเทศขณะนี้ ประเด็น นี้ใครเรียกร้องให้ ก.ก.ต. กรณาทบทวนเปลี่ยนการจัดคูหาหันหน้าไปเป็นแบบเดิม เพื่อรักษา ความลับและเป็นการ เคารพ สิทธิของผู้มาลงคะแนนทุกคน
5. ก.ก.ต..ควร ตรวจสอบการใช้เงินหาเสียงของพรรคการเมืองดังที่ได้กล่าวมาแล้วข้างต้นว่า ผู้สมัครทุกคนใช้เงินเกิน 1.5 ล้านหรือไม่ การตรวจสอบจำเป็นต้องขอความร่วมมือจากโรงพิมพ์ ธนาคารเอกชน ธนาคารออมสิน เจ้าของโรงแรม สถานที่หาเสียง และเจ้าของยานยนต์ต่างๆ รวมทั้งไม่ควรอนุญาตให้มีการอนุมัติงบประมาณโครงการหรือแจกซองจากภาครัฐไปยังชุมชนในเวลาใกล้วันเลือกตั้ง ยกเว้นกรณีฉุกเฉินเท่านั้น
6. การป้องกันบัตรเสีย ควรจะดูที่เจตนาของผู้มาใช้สิทธิเป็นหลักว่าต้องการลงคะแนนให้ผู้ใด ไม่ควรดูว่ากาบาทที่ประทับลงไปบัตรนั้นสมบูรณ์หรือไม่หรือประทับซ้ำที่เดียวกันเกินหนึ่งครั้ง เพราะบัตรเสียหลายใบมีเหตุมาจากโต๊ะที่รองรับคูหาลงคะแนนไม่เรียบซึ่งทราบว่ทางโรงเรียน หรือวัดต่างๆ มักให้อุปกรณ์ที่ไม่ดีมาให้ใช้ในแต่ละครั้ง การกาบาทเป็นเรื่องใหม่สำหรับชาวบ้าน อันเฟลเห็นว่าบางหน่วยไม่ได้มีการสาธิตให้ทดลองประทับตราหน้าหน่วยก่อนเข้าไปคูหาลงคะแนน ดังนั้นควรอนุโลมให้บัตรลักษณะดังกล่าวเป็นบัตรดีได้
7. ก.ก.ต.จำเป็นต้องทำงานการมีส่วนร่วมของภาคประชาชนให้มากขึ้น โดยให้ความร่วมมือกับองค์กรตรวจสอบการเลือกตั้งที่มีประสบการณ์ยาวนานและองค์กรใหม่ๆที่วางตัวเป็นกลาง และไม่ควรรสร้างเงื่อนไขจำกัดมากเกินไป จนทำให้การทำงานขององค์กรดังกล่าวขาดความเป็นอิสระ ทั้งนี้เพื่อเป็นการถ่วงดุลย์กับพรรคการเมือง และเจ้าหน้าที่การเลือกตั้งที่ ก.ก.ต..กลางตรวจสอบไม่ถึง

ผู้สังเกตการณ์เห็นว่าหากจะให้เป็นไปตามเจตนารมณ์ของรัฐธรรมนูญที่ส่งเสริมการมีส่วนร่วมแล้ว ก.ก.ด. ควรกำหนดให้มีสัดส่วนของภาคประชาชนในการทำงานทุกระดับมากกว่านี้ ที่ผ่านมามีคนจาก ภาคราชการมากเกินไป

8. ควรจะทำการอบรมอาสาสมัคร ก.ก.ด. ถึงบทบาทหน้าที่ว่ามีอะไรบ้าง และอาสาสมัคร มีความสำคัญอย่างไร เป็นเรื่องที่น่าแปลกกว่าอาสาสมัครเกือบทั้งหมดไม่ทราบรายละเอียดว่าตน มีหน้าที่ สอดส่องดูแลอะไรบ้างและอย่างไร หลายคนมานั่งที่หน่วยโดยไม่มีความรู้พื้นฐานด้าน การเลือกตั้งเลย

อย่างไรก็ตาม ผู้สังเกตการณ์เห็นว่า การเลือกตั้งครั้งนี้มีพัฒนาการที่ดีหลายอย่าง ซึ่งจะสังเกตได้จาก ความเข้าใจการเมืองการเลือกตั้งของประชาชนทั้งสี่จังหวัดดีขึ้น มีการให้การศึกษาเรื่องการเลือกตั้ง มากขึ้น สื่อมีความพยายามพูดถึงการใช้กลไกรัฐทำให้ข้าราชการระวังตัวทำงานอย่างระมัดระวัง และได้ เห็นการใช้เจ้าหน้าที่ตำรวจรักษาความปลอดภัยมากกว่าการใช้กำนันผู้ใหญ่บ้าน อันเฟลยีนดีที่เห็น ประธานหน่วยเกือบทุกหน่วยของสิงห์บริกล้ำตัดสินใจปรับเปลี่ยนคูหาเลือกตั้ง โดยหันคูหากลับที่เดิม ทำให้ผู้มาใช้สิทธิสะดวกใจมากขึ้น และที่พิจิตรมีการพัฒนาหน่วยนับคะแนนให้โปร่งใส สามารถ มองเห็นการดำเนินงานได้ทุกขั้นตอนได้จากด้านนอก นอกจากนั้นทั้งสี่จังหวัดยังได้นำเจ้าหน้าที่จาก พื้นที่อื่นมาทำงานในเขตเลือกตั้งดังกล่าว ซึ่งเป็นการเสริมความเป็นกลางได้ดีกว่าเก่า

-----3 พฤศจิกายน 2548