

Report of International Election Observation Mission December 2007
The Asian Network for Free Elections (ANFREL)



THAILAND

Restoring Democracy

Elections to the House of Representatives
December 2007

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Report of the
International Election
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by The Asian Network for Free
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Foreword

ANFREL was established in 1997 as Asia's first regional network of civil society organizations promoting democratization. It has a strong network of 15 partner organisations within Asia from whom it selects experienced election observers to take part in its various missions.

By drawing upon experts from within the region, we aim to develop the capacity of these individuals so that they may return to their home countries and more effectively promote democratic values and free elections.

ANFREL has significant experience coordinating international election observation missions in Thailand itself, receiving international funding to observe both the 2001 and 2005 general elections.

By working closely with the Thai election observation organizations such as the Poll Watch Foundation for Democracy and the People's Network for Elections in Thailand (P-NET), I believe that ANFREL election observers made a significant contribution not just to the fairness of this election, but in strengthening Thailand's democracy in the long-term. Just as domestic observers shared their local political knowledge, ANFREL observers imparted knowledge of their own countries and international best practice.

This report is the outcome of the information received from ANFREL observers deployed throughout the country, as well as analysis from its core Secretariat team based in Bangkok. It covers both the pre-election period, election day itself, and the post-election process. As well as being a record of ANFREL's activities, I hope that it will prove a valuable resource for students of Thai politics, as well as those with an interest in elections more broadly.

As the September 2006 coup and the weaknesses of this election demonstrated, democracy in Thailand still needs to be nurtured and developed. The challenge of building democracy in Thailand is long-term, and I firmly believe that Thai civil society and international organisations like ANFREL must continue to play an active role to build a deep-rooted respect for the rule of law, democratic institutions, and free and fair elections.

General Saiyud Kerdphol (Retd.)
ANFREL Chairperson

Acknowledgement

The Asian Network for Free Elections (ANFREL) would like to thank all those involved in making the election observation mission a success, including:

- The Election Commission of Thailand for accrediting ANFREL observers and briefing them
- The Australian Embassy in Bangkok and AusAid for the funding and support given to the mission
- Our local partners the Poll Watch Foundation for Democracy and the People's Network for Elections in Thailand (P-NET) who hosted ANFREL and gave our observers crucial local insight
- The Asia Foundation, particularly Tim Meisburger, for his support and expertise in training of our observers
- The International Foundation for Election Systems (IFES) for their translations and analyses of election laws and regulations, particularly regarding the investigation and adjudication process
- All of our international observers, whose impartial analysis was closely listened to by the international community and local stakeholders alike, and the interpreters who facilitated their work
- The assistants whose dedication ensured that the logistics and innumerable details of the mission were smoothly arranged

Finally, the ANFREL Executive Committee also acknowledges the coordination undertaken by the ANFREL Secretariat team in organising this successful mission.

Mr. Kingsley Rodrigo

ANFREL Secretary General, on behalf of the ANFREL Executive Committee

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Basic mission overview

Following an invitation from the Election Commission of Thailand, ANFREL organised an international mission to observe Thailand's election to its House of Representatives on 23rd December 2007. ANFREL was the only international organisation that deployed a substantive mission to observe the elections.

The twenty day mission involved 37 observers from 15 different countries, including a core Secretariat team based in Bangkok. As with all ANFREL missions, observers were sourced from ANFREL's network of local NGOs in Asia working on elections and governance.



ANFREL observers before deploying to the field

Arriving on 7th December, observers received a two-day briefing and were deployed in pairs on 10th December to provinces across the country. 16 provinces outside of Bangkok, covering all eight electoral zones, were strategically selected for observation to ensure both geographical coverage and targeted observation of provinces with a history of election violations. In all provinces, observers worked closely with ANFREL's local partner, the People's Network for Elections in Thailand (P-NET).

Advance voting was observed on 15th-16th December, election day itself on 23rd December, and re-elections in most constituencies throughout January 2008. Observers visited over 400 polling stations on 23rd December 2007, and 94 polling stations for re-elections.

The mission was lead by Mr. Damaso Magbual, ANFREL Vice-Chairman and former leader of The National Citizens' Movement for Free Elections in the Philippines, one of the world's largest election monitoring NGOs.



ANFREL Chief of Mission Damaso Magbual and ANFREL senior observer Wimal Fernando with Samak Sundravej, PPP leader

The primary purpose of the mission was to provide international and local stakeholders with an independent assessment of the electoral process, including:

- The neutrality and competence of the Election Commission of Thailand
- The neutrality of state officials, including civil servants, the police, and military
- The extent and nature of election violations and the effectiveness of the investigations and adjudications process
- The freedom of political parties to campaign
- The level of understanding amongst voters of the electoral system and the candidates and parties
- The administration of polling, including the counting of votes
- The legislative framework

Assessments and recommendations for each of these areas are detailed in this report.

This mission also contributed to ANFREL's long-term objective of strengthening the capacity of local civil society organisations to observe elections effectively. This includes both ANFREL's local partner in Thailand, P-NET, and international observers' respective organisations in their home countries.

Political context

The rise and fall of Thaksin

January 2001 saw the rise to power of former policeman and business tycoon Thaksin Shinawatra and his Thai Rak Thai (TRT) party in the first general elections held under the progressive constitution passed in 1997. In 2005, he was reelected with the strongest mandate that a Thai Prime Minister has ever received, winning 374 out of 500 parliamentary seats.

His rule, however, proved highly divisive. Highly popular in the north- and north-east of the country, Thaksin implemented a range of populist policies such as introducing healthcare for only 30 baht and a fund of one million baht available to each village. However, corruption allegations against him, his hard line approach to the conflict in southern Thailand and a 'war on drugs', as well as a lack of tolerance for independent institutions and the media, brought him many critics, predominantly from the middle class in Bangkok.

Large scale protests against Thaksin began in late 2005 and continued into early 2006, spurred on by allegations that he had misused his position of power to evade paying tax on the US \$1.9 billion sale of his telecoms company, Shin Corp. Tens of thousands protested in Bangkok and called for Thaksin's resignation, some camping outside of Government House.



Thousands of protestors in Bangkok gather to call for Thaksin's resignation

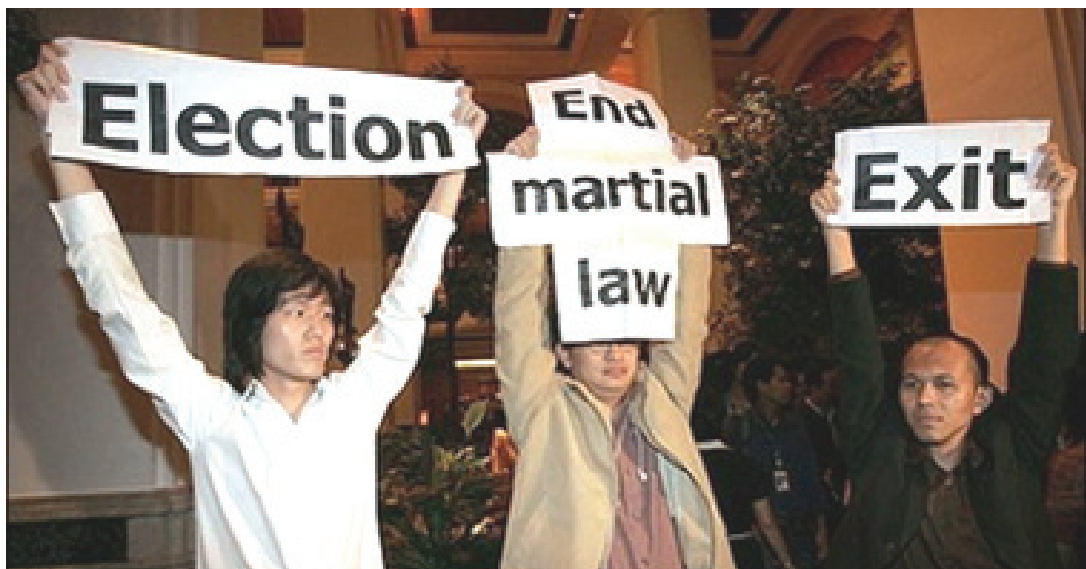
In an attempt to subdue the rising dissent, Thaksin called snap elections for April 2006, banking on his popularity outside of Bangkok to restore his mandate and legitimacy. They were boycotted by the opposition and marred by allegations of vote rigging. In many

constituencies, fewer than 20% of voters voted for a party, leaving parliamentary seats vacant and prompting a constitutional crisis.

The September 2006 coup

In May 2006, the Constitutional Court annulled the results of the April election and the Elections Commissions scheduled elections for October 2006. But before they could be held the military carried out a bloodless coup d'état on 19th September 2006 while Thaksin was at the UN General Assembly. It was Thailand's first coup in 15 years but its 18th since it became a constitutional monarchy in 1932.

Lead by General Sonthi Boonyaratglin, the coup leaders suspended the constitution, dissolved the Cabinet, both houses of Parliament, and the Constitutional Court. They branded themselves the 'Council for Democratic Reform' (later renaming themselves the 'Council for National Security', or CNS). Martial law was imposed and tight restrictions placed on the media – reporting of anti-coup activities or comments from Thaksin in exile were banned. Coup leaders alleged they seized power because Thaksin caused divisiveness, corruption, nepotism interfered in independent agencies, and insulted the King. They cancelled elections scheduled for October 2006 and promised to hand over power to a civilian government within one year. A National Legislative Assembly was appointed.



Protestors against the coup

The King did not make any public comment after the coup, a move interpreted by some as tacit acceptance. He endorsed General Sonthi Boonyaratglin as the head of the interim governing council, and later General Surayud Chulanont as interim Prime Minister. The international community were generally critical of the coup.

In the months after the coup, Thaksin and his supporters were targeted with legal action by the state. TRT was forced to disband in May 2007 by the Constitutional Tribunal for violating election laws, with 111 of its party members barred from participating in politics for five years

(including Thaksin himself). Many of Thaksin's assets were frozen, his financial dealings scrutinised, and he was warned not to return to Thailand.

Constitutional referendum and run up to the elections

In an August 2007 referendum, Thailand voted to approve a new constitution drafted by a committee appointed by the National Legislative Assembly. Almost 58% of voters voted 'yes' while 42% voted 'no' in the referendum. Turnout was around 60%. There were some impediments to the holding of a free and fair election, such as the imposition of martial law in 35 of Thailand's 76 provinces.

Though the government had announced an election would be held in late December 2007, it was not until 25th October 2007 that the royal decree fixing the election date was passed.

The election was seen as a contest between the People's Power Party, incorporating many former members of Thai Rak Thai and whose leader declared himself a nominee of Thaksin, and the Democratic Party. Speculation that neither party would win an outright majority lead to enthusiastic courting of mid-sized parties such as Chart Thai and Puea Pandin, and smaller parties such as parties such as Matchima Thipataya, Ruam Jai Thai Chart Pattana, and Pracharaj.

Constitutional and legal framework

Constitutional reform

Thailand's previous Constitution, passed in 1997, was widely praised at the time for its participatory drafting process and the wide ranging reforms it introduced. Unfortunately "some of the new institutions and processes intended by that charter to fight corruption were methodically corrupted over the past few years"¹, including the Election Commission.

Thailand's latest constitution was approved in the country's first referendum on 19th August 2007 with a 57% 'yes' vote. Its design, determined by a Constitution Drafting Committee appointed by the coup leaders, was largely a reaction against Thaksin era politics. For example, it contains term limits for prime ministers, makes declaring assets compulsory, and allows for the Prime Minister to be more easily impeached. While some of these amendments strengthen the transparency of government, some provisions have been criticised for weakening executive power and political parties so much that a return to the unstable coalition politics of the 1990s is more likely. Most political analysts deem the new constitution to be less democratic than that it replaced, both because of the means by which it was drafted and its content.

The new constitution introduced several changes to the electoral system. The number of Members of Parliament (MPs) has been reduced from 500 to 480. They are divided into 400 MPs representing constituencies and 80 MPs who are elected on a proportional representation basis.

Instead of single-member constituencies, Thailand now has 157 multi-member constituencies. The overall ratio of population per one member of the House of Representatives is 157,071 persons². However, the number of members in each constituency varies between one and three, depending on the population. e.g. voters in Ranong, Samut Songkram, Singburi and Trat provinces can vote for only one candidate while voters in 63 constituencies are able to vote for two members and voters in 90 constituencies can vote for three members. The fact that some voters are able to vote for more candidates than others lead to some confusion amongst voters as well as accusations that some voters have a greater input into the make up of the Parliament than others. Some political analysts, such as Dr Prinya Thaewanarumitkul, law lecturer at Thammasat University, believe that the multi-member system weakens by political parties by heightening intra-party competition and shifting the focus of voters towards candidates rather than their parties.

For proportional representation seats, the country is divided into eight zones, each of which has about the same population (between 7.6m and 7.9m people³) and is represented by 10 MPs. Voters choose a political party, which will receive seats directly proportional to the number of votes they receive. Under the 1997 constitution, the constituency for party list seats was nationwide, not divided into eight zones. A party had to receive at least 5% of the total vote to receive a seat. While the system under the 2007 constitution does not stipulate a

¹ IFES Pre-Election Technical Assistance Report, 26th April 2007, p.1

² Based on population data from the end of 2006, 62,828,706 people

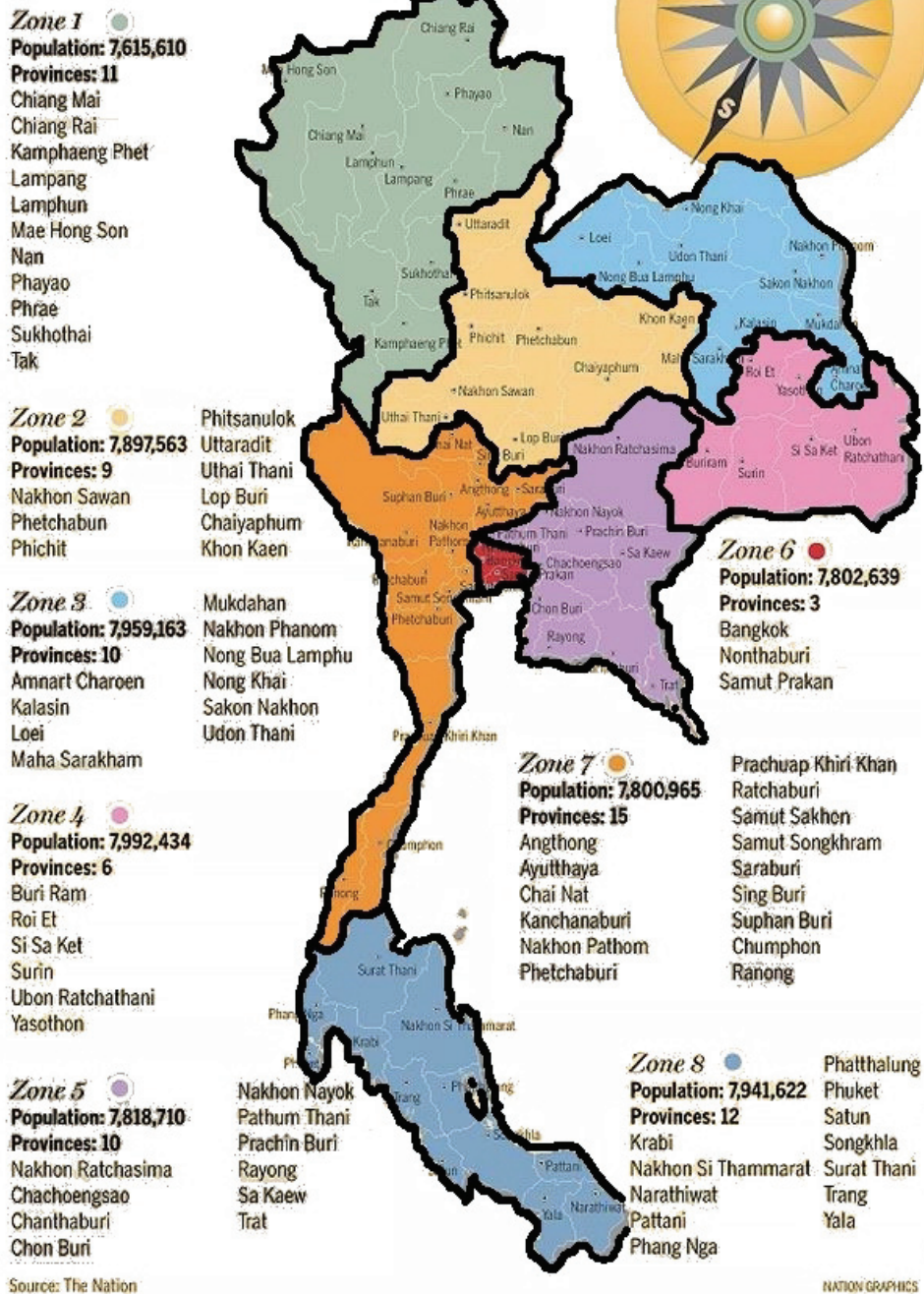
³ Average: 7,853,588 people

minimum percentage of the vote in the same way, in practice parties must secure 10% of the vote in the constituency (since there are 10 seats allocated for each of the eight zones)

The division of the country into zones of roughly equal population is inevitably difficult. In some instances, provinces that are quite different in nature are grouped together e.g. in zone seven, Chumphon and Chai Nat province, or zone five where Pratum Thani province is grouped together with Trat.

As the table below shows, many more parties and candidates contested the election in 2007 as compared with 2005, despite the fact that fewer seats were available. This is particularly true for constituency list seats. This is due to a number of factors, including the withdrawal of the demand that candidates hold a Bachelor's degree (over 30% of candidates did not hold one), as well as the fact that the law required parties to field a full team of candidates in any given constituency. In some cases, this led to parties enlisting the candidacy of individuals who were not viable candidates, simply to fulfill the requirements of the law.

Candidates were not able to run as 'independents' as the law demanded that they be affiliated with a political party, a limitation which may be regarded as an infringement of one's political rights.



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Table 1: Table showing the number of parties and candidates contesting the election in 2007 versus 2005

	Election 23rd December 2007	Election 6th February 2005
Number of parties sending candidates for constituency seats	39 parties	24 parties
Number of candidates for constituency seats	3,894 candidates	1,707 candidates
Number of parties sending candidates for proportional list seats	31 parties	20 parties
Number of candidates for proportional list seats	1,260 candidates	582 candidates
Population	62,828,706 (at 31 December 2006)	63,079,765 (at 31 December 2003)
Eligible voters	45,092,955 persons	44,572,101 persons

The elected House of Representatives is overseen by a relatively weak Senate, which has 150 members, 76 of whom are elected, one for each province in Thailand, and 74 appointed by a seven member committee⁴ - a compromise solution after the coup leaders initially proposed a wholly appointed Senate. Appointments to the Senate were made in February 2008 while elections took place on 2nd March 2008.

Legal framework

To bring election law in line with the newly drafted Constitution, three key organic laws were promulgated on 6th October 2007: the law on the Election of members of the House of Representatives and installation of senators, the law on the Election Commission of Thailand, and the law on political parties. Detailed implementing regulations were issued in subsequent months, in some cases quite close to the election date itself, prompting complaints from political parties e.g. IFES highlight the case of regulations prescribing the process for adjudicating election-related grievances not being finalised until the second week of December, despite the fact that the ECT had been receiving grievances since the previous month⁵.

These laws were highly regulatory, in line with how Thai authorities have historically approached organising elections. The ECT is given a broad mandate that incorporates investigations and adjudications as well as election administration, and is empowered to severely punish election violations with, in the most serious cases, jailing candidates and dissolving entire political parties. Restrictions on campaigning are highly detailed, regulating

⁴ The committee comprises of: The President of the Constitutional Court, the President of the Election Commission, the President of the ombudsman, the President of the National Counter Corruption Commission, the President of the Office of Auditor General, a judge to be assigned by the general meeting of the Supreme Court of Justice, a judge to be assigned by the Supreme Administrative Court.

⁵ www.ifes.org/features.html?title=New%20Thai%20Parliament%20Faces%20Tough%20Legal%20Legacy

everything down to the size and number of posters allowed and which kind of organisations are allowed to organise campaign events.

Such heavy regulation, with high penalties for violations, proved both difficult to implement and risked controversy as the spectre of party dissolution and mass disqualification of candidates was raised. Details of particular aspects of the election law and regulations are discussed in the relevant sections of this report that follow.

Election administration

The Election Commission of Thailand

Prior to the 1997 Constitution, elections were administered by the Ministry of Interior. To limit the possibility of incumbent governments influencing the electoral process, the ECT was established and the first team of five Commissioners installed in 1997. After serving their three and half year term, a second team of Commissioners was appointed in 2000. However, the independence of this team was undermined by the Thaksin administration. The Constitutional Court annulled the April 2006 elections organised by the ECT for systemic violation of the secrecy of the vote, also finding three Commissioners guilty of malfeasance.

The current, third team of Commissioners was appointed after the coup in September 2006, all of whom have legal backgrounds. A new Secretary-General, Dr. Suthiphon Thaveechaiyarn, was installed to oversee the administration of the Commission. The new Constitution stipulates that Commissioners shall serve a single term of seven years⁶.

Election Commission structure

At a central level, the five Election Commissioners, one of whom serves as the Chairman of the ECT, assume ultimate responsibility for fulfilling the Election Commission's mandate. In carrying it out, they are supported by the Office of the Election Commission headed by the Secretary-General. This office is made up of five key bureaus that cover the broad range of work undertaken by the ECT: General Administration, Investigation and Adjudication, Election Administration, Political Party Affairs and Referenda, and Public Participation.

A similar structure, though without division into such bureaus, is replicated in each of the country's 76 provinces. Five Provincial Election Commissioners are appointed by the central ECT for a single term of four years, and have an administrative office supporting them. Operating beneath Provincial Election Commissions (PECs) are 400 Constituency Election Commissions (CECs). While in theory Provincial Election Commissions had the same mandates across the country, how active they were carrying out their duties varied considerably – the PEC in Chai Nat, for example, was highly professional and enjoyed the respect of election stakeholders in the province, while in other areas PECs were more heavily criticised. It should be noted, though, that the recruitment of staff to PECs, particularly the Chairpersons, has been greatly improved compared with the previous general election. PECs are now more competent and neutral than ever before but still require strengthening and oversight to improve their performance and trust amongst the public and election stakeholders.

In total, an estimated 1.3 million people were mobilized to assist with election administration⁷: 2,000 ECT officers; 10,000 persons appointed as constituency election commissions, constituency election directors, and staffs; 800,000 persons appointed as polling station committees for 80,000 polling stations; 200,000 security officers; 100,000 officials and employees of government agencies and state enterprises; and 200,000 voluntary election

⁶ Section 232

⁷ <http://www.ect.go.th/english/files/forum/forum3.pdf>

observers. Of these staff, just over 4,000 were focused on investigation work⁸. The total budget for the ECT's work was around 1.9 billion baht⁹ (or \$60m).

Mandate

The Election Commission has a broad mandate with significant powers not only to “control and arrange to hold an election”, “determine measures and controls of financial contributions to political parties and candidates”, but also “to conduct an investigation and inquiry for fact-finding and to adjudicate and make decisions on problems or disputes”¹⁰. In carrying out its investigative duties, the ECT has extensive powers to “summon any relevant document or evidence from any person, or summon any person to give statements as well as to request the Courts, public prosecutors, inquiry officials, State agencies, State enterprises or local government organizations to take action for the purpose of performing duties, investigating, conducting inquiries and passing decisions”¹¹.

The ECT's adjudication powers are equally broad, with the ability not to just disqualify candidates but even dissolve entire parties and order a new election “in any or all polling stations when there occurs convincing evidence that the election ... in that or those polling stations has not proceeded in an honest and fair manner”¹². They are, however, limited to 30 days after the election, after which the Supreme Court assumes responsibility.

The ECT is empowered by the Constitution¹³ and organic laws to enlist the support of other state institutions to assist with their work as they see fit. For example, they used the Ministry of Interior (to compile the electoral roll), the Ministry of Foreign Affairs (for overseas voting), the Ministry of Education (for voter education channeled through children and to recruit polling officers), Thai Post (to transport ballot papers), Local Administration Organizations, and the Department of Public Relations. More sensitively, both the police and army were mobilized to deter and investigate election complaints, an issue considered in later section of this report.

⁸<http://www.ect.go.th/english/files/electoral%20system/Polling%20Officers%20and%20Staffs.pdf>

⁹ See http://www.boj.go.th/english/how/press_releases_detail.asp?id=1915

¹⁰ Article 10 of the Election Commission Act

¹¹ Constitution, Section 236 (9)

¹² Constitution, Section 236 (6)

¹³ Constitution, Section 236 (4)

Campaign environment

The legislation governing campaigning is highly detailed and restrictive. For example, the ECT stipulates that:

- the dimensions and numbers of the posters put up will be limited according to ECT regulations¹⁴
- airtime on television and radio cannot be bought¹⁵
- candidates shall refrain from “slandering” their opponents
- the ECT must sanction election events organised by the media or NGOs

There raft of measures that are targeted specifically at vote buying that are dealt with in a separate section of this report.

Through such legislation the ECT was, to some extent, able to engineer a more level “playing field” for political parties. Preventing larger and wealthier from dominating advertising in the media worked to the benefit of smaller parties excessively, though coverage was still focused on the largest two parties. However, such restrictions also arguably constitute a breach of the freedom of speech of candidates and parties. By regulating the minutiae of campaigns, the ECT could also be overburdened by a deluge of complaints from rival parties over relatively minor issues – if not in this election than possibly in future elections.

If a breach of campaign regulations is suspected by the ECT or police, they are empowered to make a pre-emptive intervention – such as by confiscating money suspected to be used in vote buying¹⁶, or even arrest¹⁷. Again, while the desire to prevent election violations from taking place is sound, there is also a risk that legitimate campaign activities may be unfairly stopped if there is a presumption of guilt rather than innocence¹⁸.

As well as sustaining criticism for introducing such regulations so close to the election itself, the ECT was faced with the additional challenge of having to give guidance on individual, highly contentious issues that the law was not clear on. The People’s Power Party, widely perceived as a reincarnation of former Prime Minister Thaksin Shinawatra’s Thai Rak Thai party, faced difficulties in knowing to what extent they could refer to the banned party and banned politicians. The party consulted the ECT on whether they could, for example, use Thaksin’s image on campaign posters. These issues were complicated yet further when the ECT offered its judgments as “advice” rather than a regulation which had to be legally abided to, leaving candidates and parties in something of a legal limbo.

¹⁴ Section 60, Law on the Election of Members of the House of Representatives and Installation of Senators

¹⁵ Rule 10, The Regulation of the Election Commission On Election Campaigns, Practices and Prohibitions Relating to the Election of Members of the House of Representatives and Any Other Actions by Political Parties, Candidates and Voters

¹⁶ Section 107, Law on the Election of Members of the House of Representatives and Installation of Senators

¹⁷ Section 106, Law on the Election of Members of the House of Representatives and Installation of Senators

¹⁸ See IFES, Issues for consideration, The draft law on the election of members of the house of representatives and the selection of senators, Thailand



A campaign vehicle for the Democrat Party in Songkhla

Partly as a result of the stricter regulatory environment, campaigning was more muted than in previous elections. The most common form of campaigning was vehicles set up with speakers to advertise the party's or candidate's number that should be marked on the ballot. The use of door-to-door campaigning was limited. Poor outreach by political parties was a particularly acute problem in the three southernmost provinces, where campaigning was extremely subdued. The ongoing violence created a climate of fear within which candidates were reluctant to openly campaign e.g. in villages in Pattani (in districts such as Nong Chik, Khok Po and Mae Lan) not a single political party had campaigned at all. Nationwide, nearly 30% of the voters interviewed by ANFREL observers had not "received campaign materials or seen campaign activities from political parties/candidates".

The ECT's attempts to provide fora at which all political parties could campaign on the same platform, delivering speeches on a single stage, were not successful. At nearly every forum attended by ANFREL observers, turnout was less very low or non-existent. The most popular political parties in the area were the least likely to take part in such events. While disappointing, it is clear that the ECT's attempts to play a larger role in campaigning was not the best use of its limited resources.



An ECT organised candidate forum

The largest political parties did produce policy manifestos and did refer to them on some campaign materials and in national debates. However, reference to policies was less prominent in more grassroots campaigns by candidates, where personality rather than policy or ideology was stressed. That said, nearly two-thirds of those voters interviewed by ANFREL responded that they were “well informed about parties/candidates policies”.

In light of the electoral success of Thai Rak Thai, almost all of the political party manifestos were more ‘populist’ in nature. Academics criticised political parties for failing to adequately calculate whether such policies were financially viable.



PPP leader Samak Sundaravej, now elected Prime Minister, ,at a campaign rally

To reach grassroots communities, political parties made extensive use of canvassers, some of whom were local government officials such as village or district headmen – in contravention

of the laws prohibiting state officials from supporting parties or candidates¹⁹. Although voters in some provinces (e.g. Uttaradit, Yala) believed government officials did not favour any particular party, their neutrality of state officials, particularly village headmen has been challenged by voters in many other cases (e.g. Chiang Mai, Pichit, Nakhon Phanom). In Chiang Mai, one village headmen did not even attempt to disguise his support for the PPP to ANFREL observers. While some canvassers were motivated by a passionate belief in a particular party or candidate, others were driven more by the financial incentives that parties offered, reflected by the fact that canvassers were often canvassing for more than one political party.

Despite the heated competition between political parties, the elections were generally peaceful. However, Human Rights Watch have documented the killings of a number of canvassers during the course of campaigning – three from PPP, and one each from the Democrats and Chart Thai. Candidates themselves have been threatened and assassination attempts made (see annex ‘Cases of Election-Related Violence’ for more details).

There is also evidence to suggest that insurgents in the three southernmost provinces were preparing attacks, with 60-70 sticks of dynamite found prior to the election. Few security breaches took place in the south on election day itself – with heavy flooding possibly limiting mobility of insurgents – though one convoy transporting ballot papers in Pattani²⁰ was shot at on election day.

Restrictions on campaigning through martial law and interference by the military is covered in a later section of this report.

¹⁹ Section 57, Law on the Election of Members of the House of Representatives and Installation of Senators

²⁰ Trok Bon Subdistrict, Sai Buri

Civic and voter education

Though almost all voters were aware of the election and when it will be held (99% of those interviewed by ANFREL), not all appear to have understood changes to the electoral system, particularly voters in more rural areas (e.g. in Kamphaeng Phet, Nakhon Phanom, Chiang Mai, Ubon Rachathani, Surat Thani, Narathiwat, and Pattani). This concern was shared by both local government officials and voter education activists. Particular changes appear to have confused some voters:

- (i) that the numbers assigned to candidates for constituency seats and their parties on the proportional representation list are not the same
- (ii) that in most constituencies you can vote for more than one candidate (i.e. the change from single-member constituencies to multi-member constituencies)
- (iii) that the number of boxes you cross for constituency seats (three) is generally not the same number of boxes you cross for proportional representations seats (one)

Such problems were reflected in the number of invalid votes, particularly for proportional representation seats (5.57%) rather than those on a constituency basis (2.55%). It should be noted, however, that these figures probably underestimate the level of confusion amongst the electorate. For example, a voter who chose one single candidate in her constituency when she was able to choose up to three candidates, may have done so out a lack of awareness over her political rights rather than a deliberate choice to select just one candidate.

To its credit, the ECT and other election stakeholders ran higher profile voter education campaigns than in previous elections, enlisting popular celebrities to reach as wide an audience as possible. With the cooperation of the Ministry of Education, school children were informed about the election and in many cases passed on information to their parents. Information booklets on the election were sent to every household in the country. Nationwide, over 70% of those interviewed by ANFREL had “seen or received any election materials from the ECT”.

The ECT should also be congratulated for its much greater use of television and radio for voter education. In the run up to the election, advertisements and campaigns encouraging people to vote, explaining how to do so, and warning against vote buying ,were widely seen.

However, the fact that some confusion remained amongst the electorate, particularly more rural and elderly voters, highlights the limitations of such methods. While broadcast media was extensively used in voter education, the use of person-to-person outreach was relatively limited, particularly by the ECT itself (some local NGOs and university students ran small campaigns on voter education, attempting to get-out-the-vote and trying to deter vote buying).



An elderly voter sitting outside a polling station in Buri Ram

Vote buying

Vote buying has long been regarded as a key weakness in the electoral process in Thailand. The scale of the problem is by its very nature difficult to assess, though some economic and political analysts talk of a 20-30 billion baht expansion in the economy at election time. This election saw vote buying being placed on the 'national agenda', with high-profile voter education campaigns by the ECT, government sponsored initiatives to clamp down on the problem, and more punitive legislation passed. Nevertheless, nearly two-thirds of voters polled by Assumption University before the election expressed a willingness to accept bribes.



An anti-vote buying poster highlighting jail sentences for both vote buyers and sellers

Officially, expenditures for candidates contesting constituency seats should not exceed 1.5 million baht, while “expenditures for an election on a proportional basis for each political party shall not exceed 15,000,000 baht (fifteen million baht only) for each electoral constituency with an additional expenditure of twenty percent of the total expenditure for an election on a proportional basis for each political party”²¹. Party treasurers have to disclose accounts of this expenditure, but only after the election campaign is complete, not as it is ongoing.

Prohibitions are extensive, covering both the distribution of cash, in-kind gifts, and community projects, as well as the promise of such benefits in the future.²² Transporting

²¹ In the case where there are expenditures by candidates in an election on a proportional basis, such expenditures shall be included to the expenditures of political parties. The total amount of expenditures shall not exceed 15,000,000 baht . Rules 4 and 5, Regulation on The Limit of Expenditures for the Election of Members of the House of Representatives

²² Rules 6 and 7, Regulation on Election Campaigns, Practices and Prohibitions Relating to the Election of Members of the House of Representatives and Any Other Actions by Political Parties, Candidates and Voters

voters on polling day as an incentive to cast a vote for a particular party or candidate, a fairly common practice in many established democracies, is also prohibited²³.

The punishments, for both vote buyers and sellers alike is harsh. While denying vote sellers their right to vote in a future election has proved an insufficient deterrent, a jail sentence of five years or 100,000 baht is very harsh. Such punishments may be considered particularly excessive when applied to vote sellers rather than vote buyers. The consequences of not accepting a bribe for a popular political party marks one out as actively against them, which may incur serious consequences in some communities, while accepting a bribe does not preclude the possibility that voters will vote according to their conscience.



A buffalo painted with an anti-vote buying message

In some provinces where there is a single dominant political party, little competition, and a strong civil society monitoring of the elections, there were few allegations of vote buying (e.g. Chumphon and Nakhon Si Thammarat in the south of Thailand). In other areas, many believe that stricter election law and more effective Provincial ECT offices limited election violations (e.g. Nakhon Phanom). However, while limited hard evidence of vote buying was collected by ANFREL observers, many reports and allegations were received. ANFREL believes that the vote buying remains pervasive, committed by all major political parties, and has not been successfully tackled despite the steps taken by the ECT and others.

At a macro-level, constitutional changes have arguably created the conditions for more prevalent election fraud. The return to multi-member districts, where two or three Members of Parliament will be elected for each constituency, generally increases competition within

²³ Section 55, Law on Election of Members of the House of Representatives and Installation of Senators

parties. This in turn puts greater focus on the individual rather than the party platform, which may encourage politicians to resort to vote buying as the means by which to differentiate themselves.

Methods of vote buying varied widely, including in-kind gifts, cash handouts, electronic transfer of funds, payment to attend party rallies, politicians funding birthday parties of journalists, free telephone cards and supermarket coupons, and free 'sightseeing' trips to different parts of Thailand: Allegations made to ANFREL observers included:

- A senior citizen alleged that his relatives in Don Khuang village in Sakon Nakhon province had received 40 baht per person from Chart Thai party
- A local NGO representative in Buri Ram claimed that he had personally received money from the PPP and other parties while in Baan Bua village
- A local NGO claimed that voters in Ban Tha Ruea (in Ban Na Doem district of Surat Thani province) received a 'new year gift' of rice, sugar, coffee, and 1000 baht from a local Democrat party leader
- Voters were reportedly transported by pick up truck to a Chart Thai party rally on 18th December (Pichit)
- Two voters reported that they had been offered 200 baht for their votes and 100 baht to attend campaign events (Chiang Mai)
- A journalist claimed that during advanced voting, local villagers had been instructed to place bets on a particular lottery and would be guaranteed to receive winnings (Kamphaeng Phet)
- A local academic in Buri Ram claimed that political parties had been buying buffaloes and building irrigation systems for villages
- A religious official in Khon Kaen alleged that several different parties in Khon Kaen were offering 100-300 baht per person and 1000 baht per family for their votes
- A candidate in Korat claimed the following methods of vote buying were being used in his constituency: politicians funding birthday parties of journalists, canvassers promising voters that they will be taken on a free trip after elections, free tickets and transportation to the South-East Asian Games, free telephone cards and supermarket coupons, and payment of installments for purchases of motorcycles

Some provincial ECTs remarked that certain methods of vote buying were particularly difficult to detect, such as purchasing phone credit for voters.



A P-NET monitor holding ox-tails handed out to buy the support of voters

The timing of vote buying also differed. Anticipating tougher legislation from the ECT, political parties and candidates allegedly ‘locked in’ support by buying votes in August and September in an attempt to avoid scrutiny closer to elections. One political party official in Chiang Mai claimed that vote buyers now pay money in advance to village heads, promising final payment of cash or payment in-kind if vote counts at the polling station reach a certain target level. Traditional techniques of vote buying close to election day, such as cash handouts on ‘barking dog night’ (the night before the election, 22nd December) were still allegedly practised, but canvassers have adapted their methods to reflect changes in election law.

For example, one voter in Klong Toei in Bangkok explained how a vote buying system took advantage of the fact that results were available at a polling station level, rather than at the district level as in previous elections. Canvassers would draw up a list of those in the area who expressed a willingness to vote for a party and would compare the number on that list to the number of votes cast for the party at the polling station. If the two numbers roughly tallied, voters would be paid by the canvasser 200-300 baht. While there are benefits to a more

transparent system of counting ballots, an unfortunate consequence is that vote buyers can more easily verify if a party canvasser has been 'effective' in delivering support.

When vote buying is seen as an acceptable part of political culture, with the seller and buyer both willingly entering into a financial exchange, it is perhaps not surprising that few people from the general public will report incidents of vote buying to the authorities. Views about vote buying remain rooted in a patron-client conception of the relationship between candidates and voters. To quote one candidate in Buri Ram: "This is not vote buying. It is generosity, helping poor people who have given their time listening to you so that they can feed their family after spending the day listening to you ... money plays a very important role in elections".

However, for those voters that do reject vote buying, a key challenge is the fear that prevents witnesses from coming forward. Those that may disapprove of vote buying told ANFREL observers that they were afraid of retribution from vote sellers if they reported cases to the ECT or police, and did not have faith in these institutions to bring the perpetrators to justice. Such fear also explains why few voters took advantage of new laws offering financial compensation for returning money gained from selling their votes. Most government officers, police, and ECT staff interviewed believed that vote buying was occurring but few prosecutions would be made for lack of witnesses.

The problem is compounded by a lack of investigative resources and sometimes a reluctance by the ECT and police to proactively investigate, an issue explored further in the section of this report on investigations and adjudications.

Military and police

Military

The role of the military in this election was contentious. The broader context, of course, was that the election took place under a military government whose leaders were those that directed the September 2006 coup, or were appointed by them. The martial law that was applied immediately after the coup was not wholly lifted by the time of the election, remaining imposed in particular districts in 26 out of the country's 76 provinces. While key figures in the government administration, particularly coup leader General Sonthi Boonyaratklin, had made overt comments against Thaksin and the PPP, the clearest evidence of their bias was the emergence in October 2007 of a strategic plan by the Council for National Security (CNS) to hinder the PPP's campaigning.



General Sonthi Boonyaratklin

The plan, addressed to General Sonthi and approved by him when he was still army chief and head of the CNS, is presented as an 'information dissemination' strategy to "expose the flaws of populist policies", "point out the similarities between policies of disbanded Thai Rak Thai Party and those of People Power Party", and "prevent the middle class from leaning toward the opposition". More worryingly, the plan also aims to deter "grassroots people from rallying in Bangkok", prevent "civil servants from supporting the opposition", and "circumvent opposition activities". Though the plan's authenticity was initially denied by coup makers, it was belatedly confirmed as genuine, and an ECT sub-committee investigating

the case ruled that they had acted with bias. Criticism was also leveled at General Sonthi as he chaired the government's panel set up to tackle vote buying, an obvious conflict of interest.

There is some debate as to whether this particular plan was implemented or not. The ECT argued it was not, overruled the findings of its sub-committee, and failed to even chastise the coup makers for approving such a plan. However, the mere fact it even exists and was approved is cause enough for criticism²⁴.

ANFREL did find evidence of military interference in the electoral process in particular areas. A senior army officer in Chiang Rai confided to ANFREL observers that officers in the area has been instructed to vote for Chart Thai party and candidates (PPP's main rival in the area) during advance voting on 15th December. In the same province, between 50-100 homes of PPP supporters were searched by the police on the pretence of 'searching for weapons' – no other homes from supporters of other parties were searched.



Army personnel voting in advance in Chiang Rai

The role of the Internal Security Operations Command (ISOC), in particular, must be challenged, which PPP candidates claimed monitored their activities excessively compared to those of other parties. Human Rights Watch documented a case where three armed soldiers from ISOC were arrested by police while they were monitoring the house of Sa-nguan

²⁴ See also the statement by Human Rights Watch, "Thailand: Military Interference Undermines Upcoming Elections: A Weak Election Commission Endorses Unfair Election Tactics", 20th December 2007

Pongmanee, a PPP candidate in Lamphun. In provinces in the north, north-east, and south, there was some resentment amongst voters of the military, either because of a perceived bias against the PPP or failure of the military government to deliver economic growth or security.

While the most egregious aspects of martial law were not been overtly applied very often to disperse rallies or detain party supporters, in some districts it undoubtedly created a climate of fear where freedom of expression and assembly was curtailed.



*PPP candidate Yongyuth Tiypairat being stopped and questioned
by army officers on the way to a campaign rally*

ANFREL observers did find that perceptions of the military as a legitimate election stakeholder varied though. In some areas, their contribution to voter education and security seemed valued e.g. voters in Sakhon Nakhon commented positively about an army radio station based at Krit Sri Wara army which had disseminated information about the elections and political parties manifestos, including that of the PPP.

Early in the election campaign, there was some controversy over the establishment of a government anti-vote buying committee chaired by General Sonthi, who had stepped down from his position as head of the Council for National Security and had been made Deputy Prime Minister. Given his position as a previous coup leader, Sonthi's position on this committee represented a clear conflict of interest, not to mention the overlap of the committee's work with the ECT's. However, while initial media reports indicated a possible operational role for the committee, its work was limited to voter education and fears of interference or overlap with the ECT were not borne out.

Police

The Royal Thai Police played an integral role in ensuring security on election day itself and in the pre-election period. Nationwide, 195,991 officers were deployed²⁵:

- At election centres across the country – 2,178 officers
- In intelligence units – 871 officers
- As security units – 155,056 officers
- As security units at political speeches, advance voting, and at each District Election Committee – 17,111 officers
- As security units in the three southernmost provinces and Songkhla's four districts – 19,658 officers
- As security units for the transportation and safe-keeping of ballot boxes composed of 1,117 officers



ANFREL Secretariat staff with Pol. Gen. Wichean Potephosree. Acting Deputy Police Commissioner

While the police requested 197 million baht for their operations, only 41 million baht was received²⁶. With the ability to deploy in such large numbers, the generally peaceful nature of the election can be at least partially attributed to the efforts of the police.

The role of the police in investigating criminal violations of election law is discussed in the Investigation and Adjudication section of this report.

²⁵ Data from a letter dated 22nd February 2008 to ANFREL from the Royal Thai Police

²⁶ ANFREL interview with Pol. Gen. Wichean Potephosree. Acting Deputy Commissioner General, 30th January 2008

Domestic and international monitors

The ECT extended strong cooperation to ANFREL, accrediting our observers, briefing them, and welcoming our observations as important contributions to improving the electoral process. However, the ECT did not display sufficient openness to the largest local and international organisations that expressed a desire to observe or monitor Thailand's elections.



*ANFREL Chief of Mission Damaso Magbual
interviewing Mr. Wasan Sitthiketh, a member of an artist's party*

The decision by the ECT to reject the offer of an election observation mission by the European Union (EU) was particularly disappointing. The ECT's argument that the EU would be welcome in Thailand but that the ECT would not sign the Memorandum of Understanding needed to allow them to come was disingenuous. Such agreements are common practice across the world and do not, as many in Thailand claimed, impinge on national sovereignty or local ownership of the electoral process. While the xenophobic reaction from the government, the press, legal associations, and political parties displayed a lack of understanding over the purpose of election observation, it was worrying that these views were echoed by Election Commissioners such as Sodsri Sathayatham.

With respect to local NGOs, the ECT has a significant budget to support their activities – nearly 100 million baht, with around two-thirds available to local NGOs (the rest covering the ECT's administrative costs of running the support programme). However, the ECT's undue criticism of the People's Network for Elections in Thailand (P-NET), the country's largest

monitoring network and ANFREL's local partner, was further evidence of the ECT's mixed attitude towards election monitors.

In the run up to the election, outspoken Election Commissioner Sodsri Sattayatham claimed that P-NET had not adequately accounted for funds allegedly given to them by the ECT in previous elections (at a time when Khun Sodsri was not an Election Commissioner). This comment, P-NET claimed, severely damaged its reputation and lead to questioning by its grassroots members about why they had not received funds that the ECT had supposedly given to P-NET. Later recognising that her comments were not true, Khun Sodsri refused to issue an apology, prompting P-NET to withdraw from formally cooperating with the ECT, though not from monitoring the elections entirely.



ANFREL observer Pradip Ghimire with a candidate and popular news reporter at a campaign event

The legal framework governing observation is problematic in that it does not contain specific provisions for observers – whether from international organisations, local NGOs, or political parties – to be granted ready access to electoral documents²⁷. Without a legal obligation to allow observers access to important documents of public interest, the ability of observers to pass an informed judgement on the ECT's administration and fairness is compromised. Requests by ANFREL for summary data of investigations and adjudications undertaken by the ECT did not receive a response.

The effectiveness of local NGOs in improving the freeness and fairness of the electoral process was mixed. While some local NGOs and university students ran campaigns on voter education, encouraging people to vote, and trying to deter vote buying, in general the focus was far more on monitoring the polls on election day itself rather than the fairness of the pre- or post-election environment. Given that the weaknesses in Thai elections generally do not

²⁷ See IFES, Issues for consideration, The draft organic law on The Election Commission of Thailand, 24 September 2007

take place on election day itself, a reconsideration in approach is necessary. Moreover, ANFREL observed that most of the local monitors mobilized on election day itself were inexperienced, inadequately trained, and were not at all proactive in identifying potential violations of polling procedure.

International assistance towards strengthening governance in Thailand prior to the September 2006 coup was relatively limited, with donors perceiving the country as a relatively healthy democracy within Asia. Some electoral assistance, though relatively small-scale compared with its Asian neighbours, was provided by international NGOs. The International Foundation for Election Systems (IFES) undertook an extensive Pre-Election Technical Assessment over six months before the election and proceeded to offer some technical advice to the Election Commission, particularly in reviewing draft legislation. IFES supported some voter education projects with local NGOs and worked on the issue of campaign finance. The National Democratic Institute (NDI) ran a series of workshops and candidate fora in the north and north-east of the country. However, no other international observation groups other than ANFREL observed the December 2007 elections.

Advance voting

Unprecedented voter turnout

The Election Commission allowed for two forms of voting in advance of 23rd December 2007. For those voters who were living outside of the constituency where their home address was registered, they were required to submit a request to the Election Commission 30 days in advance of the election (also known as absentee voting).²⁸ For those who were living in the same constituency that their home address was registered to, no advance registration was required. Both groups could exercise their right to vote in advance on 15th-16th December 2007, one week before the main election, or else at Thai Embassies for overseas voters. However, such votes would be counted on election day itself, 23rd December 2007, at district-level government offices

The turnout for advance voting was unprecedented – 2.95 million votes in total. Around 1.12 million voters turned out in their home constituency to vote in advance, as did 1.83 million of those who resided outside their home constituency (a high percentage of the 2.09 million who registered to do so). The turnout of Thai expatriate voters was 76%, almost double any previous election (turnout had never exceeded 40%). Out of all provinces, Bangkok ranked highest out of all provinces for the number of people voting both within and outside their constituency in advance.²⁹

Reasons cited for the large turnout included: high interest in the election; employers preferring that their employees vote in advance and arranging for their registration with the ECT *en masse*; civil servants who would be busy working at polling stations on election day itself; and even the desire of people to take a long holiday from work on the weekend of the election itself.

Such a large turnout posed a challenge for the Election Commission, who were only able to anticipate the numbers of those people who had registered in advance to vote, not those who were voting in their home constituency who were able to turn up on the day. Large queues and traffic jams resulted in some areas, though in general the Election Commission of Thailand administered polling in a competent manner. Even as problems emerged during the course of voting, they were quickly addressed: when ballot papers began to run out in some constituencies, more were quickly dispatched and few voters were left disenfranchised.

Inside the polling station

Nevertheless, the lack of time to prepare for such an unexpected surge of voters in some provinces did result in some administrative errors and inefficiencies, including:

1. Failure to guarantee secrecy of the ballot – at polling centres in Chonburi, Nonthaburi, and Pathum Thani, polling booths were positioned such that those outside the polling centre could see voters' ballots. Though no one was observed

²⁸ Section 95 and 97, Law on Election of Members of the House of Representatives and Installation of Senators

²⁹ Statistics from Election Commission and the Consular Department, http://news.xinhuanet.com/english/2007-12/17/content_7268725.htm

trying to influence voters as they cast their ballot, this error was later rectified in Chonburi after ANFREL observers questioned ECT staff.



Polling booths open to the public in Pathum Thani

2. Ballot boxes not sealed correctly – e.g. in Nakhon Ratchasima, four ballot boxes from the first day of advance voting in Nong Khai district were not sealed properly. The strings, sealing wax, and signatures of polling station committee members were only used during the closing of advance voting of the second day.
3. Unclear instructions – particularly during the opening of polling at 8am on 15th December, polling staff in some areas struggled to cope with queues of voters who were not well informed or directed. Not all polling centres had clear instruction boards at the front of polling centres had not been erected, contributing to the chaotic atmosphere.
4. Inaccessibility of voter lists - an insufficient number of voter lists were available in several polling centres which caused overcrowding in sections of those centres. Those that were available were not always easily accessible to voters.
5. Lack of understanding of electoral system – as some polling staff and local government officials themselves acknowledged, a minority of voters still did not understand how to cast their vote for constituency and party-list candidates correctly. Voters also did not seem well informed about the platforms of candidates and parties.
6. Weak presence of party agents or domestic election monitors – in most provinces, ANFREL observers were the only ones present in polling stations, and in almost no provinces did political parties or domestic monitors observe the transportation and storage of ballots. Those party agents that were present did not have a strong understanding of the polling process or the counting process for advance votes.

Outside the polling centre

Though the polling process itself was generally well administered, the overwhelming concentration of ECT staff in the polling centre itself risked neglecting election violations outside the centre.

1. Vote buying and illegal transportation of voters?

For example, little attempt was made to monitor the transport organised by companies to take their employees to and from polling centres and the reasons behind high voter turnout. While companies may have organised buses for convenience's sake and to bring voters back to their workplaces quickly, it is impossible for the ECT to assess any coercion on the companies' part without having a stronger investigative presence. Though mobile investigative teams made up of police, ECT staff, and others do exist, some provincial ECT staff admitted that their numbers and capacity were limited.



Construction workers travelling to vote in Chonburi

In Songkhla, one voter interviewed informed an ANFREL observer that her employer “jokingly asked everyone working for him to vote for the Democrat party”. While the voter went on to remark that she still felt she could exercise her freedom to choose the candidate of her choice, she felt scared giving details of her company or employer's name. This anecdote highlights the possibility of coercion and the need for more proactive monitoring by the ECT and civil society.

Regarding other forms of vote buying, some voters and ECT staff felt that the scope for this has been limited due to tighter regulations. But others disagreed, stressing the difficulty of enforcing the law. One ECT provincial commissioner in Chonburi remarked that “though we have not received many complaints about vote buying, that doesn't mean it is not happening. It is more likely that party canvassers have just got cleverer about doing it.”

2. Storage of ballot boxes

For those voting in advance within their home province, ballot boxes should be stored at the local police station until they are counted on election day itself. In some cases, however, police stations were reluctant to accept responsibility for the ballot boxes and boxes were taken to offices of the ECT or local government.



Ballot boxes stored in Chonburi police station

Concern about the transparency of the storage of ballot boxes is justified. While party agents may sign a memorandum with the police acknowledging the box has been transferred, there are no seals or signatures of the ECT and party agents on the padlock itself. The ECT did not formally invite party representatives to inspect storage places, citing the fact that it would be difficult for representatives of all political parties to attend. However, political parties themselves should have been far more proactive - local ECT staff in many provinces expressed a willingness to allow party agents to observe the transfer of ballot boxes yet few did so.

Election day process and administration

Before Opening

Election day itself, 23rd December 2007, passed off without major incident. Polling was administered smoothly, with the 800,000 people mobilised as polling station committee workers across the country coping well with the 74% turnout³⁰. No systemic fraud was observed that would fatally undermine confidence in the election results. ANFREL mobilised 37 observers on election day who visited over 400 polling stations, each of which served a maximum of 800 voters.

Despite the tight deadline to which the ECT was working, pre-poll preparations were handled well. Deadlines for advertising the location of polling stations³¹ and appointing Polling Station Committees (PSCs) were met. Essential materials such as ballot boxes and ballots were delivered in sufficient number to election authorities in each constituency and collected by the PSCs on time - no polling station visited by ANFREL observers on election day did not have the essential materials they required. Though some poll workers remarked on the need for greater training given the changes in election law (particular to where and how ballots were counted) most had prior experience working in polling stations in previous elections and were confident in their work. A minority of polling staff remarked that they had not received the normal half-day training but had only received a manual to guide their work.

Before opening, PSCs arrived at about 7.00am to set up the polling station. In full view of any voters, party agents or observers present, the sealed packets of ballot papers were opened, counted, and a notice of the total number of ballots posted in a conspicuous place. At 8:00am the polling staff opened the ballot boxes and show any voters, party agents or observers that it is empty, then will close and seal the boxes with the official seals; this procedure was followed in 92% of the polling stations visited by ANFREL. Almost all stations opened on time (94% of those surveyed), though political party agents did not always take the opportunity to be there (party agents were present at 37% of stations visited by ANFREL), focusing on the counting process instead.

Polling Process

On arrival at the polling station, most voters would consult with voter aids such as the list of candidates, the voter list, sample ballots, etc., which were clearly displayed outside the station. Upon entering the station, voters showed an ID card (expired cards were considered legitimate) that included a photograph and the voter's identity number. A member of the Polling Station Committee (PSC) would then find the voter's name on the voter roll, and then announce his or her name.

While there were no widespread problems with the voter roll and its validation, several problems were observed by ANFREL:

³⁰ 32,759,009 voted persons out of an eligible 45,092,955 (as of August 2007)

³¹ The location of polling stations must be announced 20 days prior to the election

1. Missing names – some names of voters did not appear on the voter list, such as in Nakhon Phanom. In Pathum Thani, some police were allowed to vote in a station that they were not registered in.
2. Voter disenfranchisement – in Samut Prakkhan, at six polling stations at Bangplli Klang School, certain voters had red lines crossed through their names, none of whom were allowed to vote except in two instances. In one polling station in Nakhon Phanom, 110 voter names were marked by a ‘red line’ in the voter list meaning that they could not vote – only two voters among them challenged why. Election officials cited the following reasons for why a voter may be ‘red lined’: the voter is no longer alive, he became a monk, was imprisoned, declared insane, or otherwise restricted/disqualified according to the law. From voter interviews, it appears that some voters had been ‘red lined’ despite the fact none of the above criteria applied to them. While this left some voters disenfranchised, others challenged their ‘red lines’ with the ECT and were ultimately allowed to vote.
3. Multiple voting – there is reason to believe that those who voted in advance could in some cases vote again on 23rd December 2007. For example, in Samut Prakan (at Terapak District, Unit 3) a household with five voters attempted to “try the system” (to use their own words). Two of the five who voted in advance went to the polls and saw their names in the voter list with no qualification stating that they had already voted. There were other polling stations in the province where voters went to their respective polling stations only to be told that they have voted in advance when in fact they had not.
4. Failure to announce voter names – in only 17% of polling stations visited did poll workers call out the name of the voter clearly.

If no voter or party agent challenged the voter’s identity, then a PSC member would enter the voter’s ID number and form of identification in a space next to their name on the voter roll, and then ask the voter to sign or fingerprint the entry. A member would then record the voter’s ID number from the voter roll on the counterfoil (stub) of each ballot (each voter will receive two ballots, one for the PR election, and the other for the multi-member constituency election), and have the voter sign or fingerprint the counterfoil. The ballots would then be torn from the ballot books and given to the voter. This process was carried out efficiently across the country.



An ID card being inspected

After receiving the ballot papers, voters proceeded to an unoccupied voting screen and marked their ballot by making a cross or x next to the number of the candidate(s) and party they preferred. The secrecy of the vote, however, was not always guaranteed. In some polling stations in Maha Sarakham, Chonburi, Pattani, and Songkhla, the set up of booths allowed outsiders a view of voters casting their ballots – similar problems were observed during advance voting. Nationwide, over a third of polling stations visited by ANFREL were left vulnerable in this way, though no one was observed taking advantage of this to influence voters.

However, the presence of unauthorised individuals (i.e. not members of the PSC or voters) was observed in 20% of the polling stations visited by ANFREL. Such individuals included village headmen (*phuyaiban*), high-ranking local government officials, and police and army officers. For example, in Pattani³², anyone was free to move in and out of the station; in Surat Thani, relatives of the vice-mayor who were well known politically visited polling stations³³. Their presence leaves open the possibility of them exercising undue influence over voters' freedom to select the candidate or party of their choice.

Occasionally, officials who were authorized members of the polling station committee were observed trying to influence voters. For example one official in Maha Sarakham was seen trying to indicate to voters which party to vote for under the pretence of assisting voters confused by the polling process. The presence of *phuyaiban* on PSCs was common (e.g. in

³² Polling station 4 in Anubar school, Taluban, Saiburi

³³ Polling station 7, 8, 9 of Muang district

Khon Kaen, Chonburi, Samut Prakan, Maha Sarakham). Though not prohibited by law, the fact that *phuyaiban* are often politically active and also wield power over the every day of villagers in their area, could potentially impact voters' freedom of choice.

Closing process and counting ballots

Polling stations closed at 3.00pm, though if any voters were still waiting they were allowed to vote but no other voters could join the queue. This regulation was well adhered to.

After the last ballot was cast the PSC sealed the slot on the ballot box, counted the remaining unused ballots, and then punched or drilled a hole through the ballots to prevent their further use. Worryingly, on election day itself, over half of the polling stations surveyed by ANFREL did not count and pierce their ballots.

To determine the total number of voters who voted at the polling station, PSCs counted the checked names on the voters list. The total voters for the polling station, plus the unused and spoiled ballots, should equal the number of ballots received at the polling station. The number of ballots received, used ballots, and voters according to the voter's roll, was announced to any voters or other witnesses present, then recorded in a statement that will be signed by all members of the PSC and a copy of the statement posted at the station. This process was carried out faithfully in almost all polling stations observed, though in the central counting station in Pathum Thani, most of the ECT sub-district and ECT district teams had difficulties in making the balance of votes, implying there was inadequate training.



A ballot being held up for observers and the public to see during the counting process, with the counting sheet marking the vote count in the background

Immediately after the polling station closed, counting began. Members of the PSC were divided into two teams, one for each ballot box. First the ballot box was opened and the ballots inside counted, the number of which should have equalled the number of voters marked on the voter list. Next, the ballots were opened one by one and the committee would

determine if the ballot was valid³⁴. However, ANFREL observed a lack of uniformity in the manner in which the ballots were counted. At some polling stations, ballots for constituency seats and those for proportional representation were counted at the same time, while at others they were counted one after the other.

If a ballot was deemed valid, a committee member would show the ballot, and read out the candidates or party selected. The choices were then recorded on a tally sheet, in clear view of any observers or party agents. After a vote was counted, another committee member would punch a hole in it to prevent further use. Some polling officials punched a hole in the counted ballot immediately after it was counted while others grouped the ballots and punched a hole through a pile of ballots at the end of the counting process.

Immediately upon the completion of the counting of votes, the results were announced and the Vote Count Report prepared. One copy of the Vote Count Report was posted at the polling station. Used and unused ballots were stored in separate plastic bags, and then sealed, along with completed forms and other secure materials, in a ballot box. The Chairman and at least five other members of the PSC, and the security officer, would then deliver the ballot boxes and other election materials to the constituency ECT office. No major difficulties in the transportation process from polling stations to district and provincial election offices were observed.



Banks of computers at Sripatum University used to conduct a 'quick count'

At the same time as the ECT conducted its official count, an unofficial 'quick count' was undertaken. A coalition lead by Sripatum University included seven separate organisations, including media agencies such as *The Nation* and local government departments. Results from nearly every polling station in the country were fed into a central counting centre in Bangkok

³⁴ A ballot was judged invalid if it: is a counterfeit ballot paper; is an unmarked ballot paper; has marks for more candidates than there are seats in the constituency, or for more than one party in the proportional portion of the ballot; is marked in such a way that it is not possible to determine which candidate or party the voter chose; is marked for both candidates and party, and in the box for non-voting; it contains a signature or other identifying mark.

(through phone calls and mobile phone text messages, 'SMS') and posted online. It was from this source that major news organisations were able to report unofficial but reliable results on election day.

Independent observers and party agents

Despite the large number of confusingly named "ECT volunteers" mobilized as observers on election day, the observation undertaken by local organisations was generally inadequate. There was a general lack of observers, both from domestic monitoring organisation and political parties.

No single organisation was able to mobilize enough observers to cover all polling stations, nor a representative sample of the country. The counting of ballots cast during advance voting, which was carried out at district level government offices, was almost completely ignored by observers.

While P-NET maintains the widest network in the country with representatives in about two-thirds of Thailand's provinces, its monitoring presence was more limited than previous years. By not accepting ECT funding to maintain their independence, P-NET was unable to pay for the cost of training and working with a large number of volunteers. Other smaller NGOs and academic institutions (e.g. Thammasat University) attempted more localized observation. These observers often referred to themselves as "ECT volunteers", a confusing title which did not clearly indicate their institutional affiliation nor their independence. No attempt was made to collate the findings of smaller observer groups to make an overall assessment of the election process.

While those observers that were active on election day were generally given sufficient access to carry out their work³⁵, they were poorly trained, timid, and not proactive in identifying problems with the polling process or the broader campaign environment.

Political parties fielding candidates in a constituency had the right to appoint one party agent to observe voting and counting in each station, who may not converse with members of the polling station committee, or among themselves in a way that disturbs the polling process. If an agent violates any regulations the polling committee can order security officers to expel him from the station. No party agents were observed violating these regulations though many were unclear about their role, reflecting a lack of training from parties themselves. In the majority of cases, party agents were focused on reporting the results of the counting process to their parties rather than identifying problems in the polling process.

³⁵ Of the polling stations visited by ANFREL, 84% of observers and party agents witnesses were allowed to observe all aspects of the polling, and 95% of observers and party agents able were able to observe the entire counting process, including set-up

Investigations and adjudications

The powers invested in the ECT to investigate and adjudicate cases of election violations are wide ranging and the punishments they may issue are severe. Such severe penalties were invoked prior to the 2007 elections to dissolve the Thai Rak Thai party and ban 111 of its party executives from political activity for five years, including ousted Prime Minister Thaksin Shinawatra. Such controversial powers were extended through the new Constitution and election laws passed in October 2007, in an attempt to curb the widespread use of vote buying. Given such history, a highly polarised political environment, and the power that the ECT wields in dismissing candidates or dissolving entire parties, the investigations and adjudications process in Thailand was under close scrutiny both prior to and after the election.

Investigations

To investigate cases of election fraud, the ECT has its own Investigation and Adjudication Bureau reportedly comprising of about 1,200 investigators³⁶. However, the ECT is invested with the power to use other state agencies to assist with its work. In practice, a great deal of election investigation work, at least in the initial stages of the investigation process, was conducted by the Royal Thai Police. Typically, the ECT arranged for “mobile investigation units” in each province comprised of around 30-40 people, most of whom were police officers - in total, 2,178 police officers were deployed nationwide. Provincial military leaders interviewed by ANFREL also noted that soldiers were instructed to keep alert to any election fraud and to report such incidents to the ECT.

While formal petitions alleging election violations can be submitted to the ECT, more informal channels were typically used to report cases (such as through a telephone hotline to the ECT). The police investigated cases with criminal aspects and informed the ECT of its findings, who in turn evaluated the evidence presented to them and conducted further investigations if warranted. The steps to be followed by the ECT when it receives a complaints are complex.

The Special Branch Police, headed by Police Major-General Chaiya Siriamphankul, was also mobilized to conduct in-depth investigations – 702 officers were deployed from Bangkok across the country. It appears that they focused on more serious cases of election fraud and could employ high-tech equipment to conduct more sophisticated investigations. Special Branch police operated quite independently of other police officers working on election issues.

The mobilization of a large number of police officers and Special Branch officers to supplement the ECT’s own investigators undoubtedly increased the authorities’ overall capacity to investigate election violations. Given the widespread nature of vote buying, it is natural that the ECT would wish to make use of all the resources at its disposal. This strategy did produce some positive results, shown most clearly in the investigation of Yongyuth Tiypairat, a PPP candidate who successfully contested for a proportional representation seat in zone 1 in northern Thailand and was subsequently made Speaker of the House of

³⁶ IFES, Adjudication of Election Complaints: Overview and Assessment of the Legal Framework and Process, 8th February 2008

Representatives. Using a hidden camera, Yongyuth was filmed bribing local government officials from the town of Chiang Rai to campaign on his behalf. The strength of such evidence – collected by the Special Branch police – led to the ECT giving Yongyuth a ‘red card’. His case is currently being considered by the Supreme Court and he stands to lose his seat in Parliament and be prevented from political activities for five years.

However, the ‘outsourcing’ of investigative work to other state agencies also proved controversial and posed some significant challenges to the ECT. While the use of the police no doubt increased overall investigative capacity, the lack of transparency of the police’s operations provoked some suspicion from election stakeholders who found it difficult to assess their neutrality. After the PPP accused Special Branch Police Maj. Gen. Chaiya Siriamphankul of political bias, the ECT arranged for his transfer. While the evidence against Yongyuth appears damning, it is far less clear whether the Special Branch investigated allegations against each party and candidate with equal vigour. While the Royal Thai Police did share statistics of the number of cases they received³⁷, this data was not broken down by political party. Requests for such information from the ECT went unanswered.

With respect to local police mobilized in “mobile investigation units”, the greater problem appeared to be a more general reluctance to investigate complaints, for fear of provoking retribution from accused politicians. In Maha Sarakham for example, members of the public who wanted to report a case of vote buying were actively dissuaded from doing so by local police who cautioned them “not to cause trouble”. Police in Udon Thani did not vigorously investigate the case of Mr. Kwanchai Sarakham, a PPP canvasser and local radio host: an unknown group of men badly beat Kwanchai on 18th December and tried to burn down his radio station on 22nd December. The local police commander dismissed the case as “not political” and the ECT Chairwoman stated that because Kwanchai is not a candidate, it is beyond the ECT to look into the case closely.

Finally, many Provincial ECT staff, candidates, and members of the general public concluded that the numbers of investigators available was still insufficient given the scale of problems such as vote buying. While investigators did have some notable successes, their presence did not serve as an effective deterrent. While investigative work is, by its very nature, time consuming and difficult, there remains a stark contrast between the resources dedicated by the ECT to administering the polls and those allocated to investigations. Given that the weaknesses of Thai elections lie in the latter rather than the former, some reallocation of resources should be considered.

Adjudication

The penalties which the ECT may issue to candidates, parties, and even voters themselves are extensive and range from heavy fines to bans from political activity and jail terms³⁸. The ECT’s exclusive jurisdiction to adjudicate cases of election violations ends 30 days after

³⁷ In a letter to ANFREL dated 22nd February 2008, the Royal Thai Police stated that they had received 353 election-related criminal cases, with 21 cases involving candidates of political parties

³⁸ See IFES, Overview of Prohibitions and Penalties: Organic Law on Election of Members of the House of Representatives and Installation of Senators

election day³⁹, after which its judgement on cases must be considered by the Supreme Court. While the range of penalties at its disposal is broad, the main means the ECT used to punish candidates was through issuing ‘red cards’ and ‘yellow cards’ which disqualify election results in the constituency and demand a re-election. In the case of red cards, violators are not allowed to contest the re-election and are banned from contesting a seat for one year, while yellow carded candidates are allowed to take part in re-elections. This graduated penalty is a reflection of the lower threshold of evidence required for awarding yellow cards.

Where a political party executive is directly involved or implicated in an election violation, provisions exist within the law to punish the entire the party though ultimately any decision on party dissolution rests with the Constitutional Court. While at the time of publication of this report, no party had yet suffered this fate, it remains a possible outcome for Chart Thai, Matchimatippatai, and the People’s Power Party, as executives from all three parties were given red cards.

The preliminary results of the election, the number of yellow and red cards awarded, and the impact of re-elections on the total number of seats held by each party are summarised as follows⁴⁰:

Table 2: Preliminary Results Announced by the ECT on 3 January 2008

Political Party	Preliminary Results		
	<i>Proportional</i>	<i>Constituency</i>	<i>Total</i>
The PPP	34	199	233
The Democrat Party	33	132	165
Chart Thai Party	4	30	37
Puea Pandin Party	7	20	24
Ruam Jai Thai Chart Pattana Party	1	8	9
Matchimatippatai Party	-	7	7
Pracharaj Party	1	4	5
Total	80	400	480

³⁹ However, prior to this deadline, ECT decisions on revocation of candidacy must be reviewed by the State Council. However, the Council’s judgments are not expected to contradict those of the ECT. Even if they do, the ECT may issue the penalty it has decided upon provided that they publish reasons for their decision. The Supreme Court, by contrast, is a more powerful and independent institution whose rulings are seen as much less of a ‘rubber’ stamp of ECT decisions.

⁴⁰ Data from IFES, Adjudication of Election Complaints: Overview and Assessment of the Legal Framework and Process, 8th February 2008. Investigations and adjudications were still ongoing at the time of publication. Therefore the final number of seats allocated to each party is subject to change.

Table 3: Mandates Endorsed by the ECT as of 22 January 2008⁴¹

Political party	Mandates		
	Proportional	Constituency	Total
The PPP	34	198	232
The Democrat Party	33	131	164
Chart Thai Party	4	31	34
Puea Pandin Party	7	17	24
Ruam Jai Thai Chart Pattana Party	1	8	9
Matchimatippatai Party	-	9	9
Pracharaj Party	1	4	5
Total	80	397	477

Table 4: Consequences of Red/Yellow Cards and Rerun Elections⁴²

Political Party	Red card	Yellow card	Consequences			Mandates as of the 27 January Rerun Elections
			Lost	Gained	Difference	
The PPP	4	16	20	16+4	-	233
The Democrat Party	-	2	2	1	-1	164
Chart Thai Party	2	1	3	0	-3	34
Puea Pandin Party		2	2	1+1	-	24
Ruam Jai Thai Chart Pattana Party	-	-	-	-	-	9
Matchimatippatai Party	1	-	1	+5	+4	11
Pracharaj Party	-	-	-	-	-	5
Total	7	21				480

The number of both yellow and red cards of awarded was not as large as some had expected in the immediate aftermath of the election given the large number of cases that the Commissioners were considering, many of which related to the PPP. Most cases were dismissed for lack of evidence. The table above shows that the overall impact of red and yellow cards on the number of seats held by each party was negligible.

⁴¹ Three remaining seats to be determined through re-run elections scheduled for 27 January 2008, (one seat in Prachin Buri Province (constituency no. 1) and two seats in Chai Nat Province. (constituency no. 1).

⁴² The "Gained" column depicts the number of seats won back by a given political party after it's candidates were yellow-carded in the same constituency as well as seats "picked up" in run-off elections in other constituencies, i.e. gained at the expense of other political parties. For example, the PPP lost 20 seats as a result of cards but managed to win 16 seats back from re-elections in constituencies where they were yellow-carded and 4 additional seats from yellow-carded candidates from other parties.

The timing of adjudications was driven primarily by the deadline of 22nd January 2008, thirty days after the election by which time the House of Representatives must convene⁴³. To do so, 95% of its 480 members (i.e. 456 MPs) must be endorsed by the ECT. While there is a constitutional provision that allows for the House not to convene, demanding that elections be held to fill vacant seats within 180 days, the ECT wished to meet the 22nd January deadline, quite understandably given the strong public pressure for the new government to be formed and start work.

However, this deadline obviously necessitated a trade-off in how thoroughly the ECT could investigate and adjudicate cases. With the ECT receiving over 1,000 complaints⁴⁴, it is difficult to imagine how any Election Commission could give due consideration to so many cases within such a timeframe, even if the Commissioners themselves only adjudicate the most serious cases⁴⁵.

There are also questions over the effectiveness and fairness of the penalties issued by the ECT. Almost all of the re-elections resulting from yellow cards, for example, mirrored those of election day itself. This implies that the aim of discrediting a candidate through a yellow card was not achieved. Moreover, unlike re-elections that result from red cards, punished candidates do not have to pay for the cost of the re-election, which falls instead on the taxpayer. The costs are not insignificant: in just one re-election observed by ANFREL in which one candidate had been given a yellow card, the Provincial ECT estimated the cost of re-election at seven million baht.

With respect to red cards, relatively few were punished but were done so harshly. The risk of highly severe penalties is that they “either tend not to be imposed, and lose their deterrent value, or are eventually imposed arbitrarily and unfairly by a dominant political party or other interest”⁴⁶. Graduated penalties that are more widely applied could potentially serve as a more effective deterrent.

Given the large number of complaints, it is logical that the Commissioners themselves only consider the most serious among them. However, the system of prioritization is highly complex and difficult for other election stakeholders and the general public to understand. Clearer procedures would help foster greater trust, particular from political parties and candidates.

It is also important that the ECT do not neglect complaints made against those who were not elected. While a focus on elected candidates is warranted in the immediate post-election adjudication phase, complaints made against other candidates, canvassers and party agents, and state officials, must be followed up in due course. At the time of writing, it did not appear that such cases were being pursued vigorously enough.

⁴³ Section 93 of the Constitution

⁴⁴ Estimation made in draft version of IFES, Adjudication of Election Complaints: Overview and Assessment of the Legal Framework and Process, 28th December 2007

⁴⁵ Adjudicating Sub-Committees, Provincial Election Commissions, and an Assisting Committee for Examining the File of a Case, all serve as intermediary levels between complainants and the five Election Commissioners

⁴⁶ IFES, Adjudication of Election Complaints: Overview and Assessment of the Legal Framework and Process, 8th February 2008

Finally, there is a need for greater transparency in the ECT's adjudication process. While some level of confidentiality is required for adjudications that are ongoing, clear summary data on the overall number of cases under consideration and which parties/organisations they relate to should be made available. Once a decision on a case has been reached, a written judgement should be made publicly available on the ECT website, much in the same way that the Supreme Court does. In short, a better balance can be struck between the sensitivity of adjudicating election violations and the need for transparency.

Re-elections

Following the awarding of “yellow card” and “red cards” to candidates found guilty by the ECT of election violations⁴⁷ – predominantly vote buying – ANFREL observed subsequent re-elections in seven provinces (Buri Ram, Udon Thani, Lampang, Nakhon Ratchasima, Nakhon Nayok, Phetchabun, and Prachinburi). In total, ANFREL observers visited 94 polling stations and found that the re-elections were generally administered competently and no systematic fraud was observed, much like election day itself. In some areas, lessons were learnt from election day and improvements made e.g. in Nakhon Nayok, where written instructions about how to handle election materials were given, leading to improved administration. However, there were weaknesses in the re-election process that deserve attention.



Votes being counted in Buri Ram

Inconsistent ballot counting and voter confusion

In Buri Ram, where red cards had been awarded to three PPP candidates, inconsistent counting of ballots was observed. At some polling stations, elections officials rejected ballots where voters chose one red-carded candidate and two eligible candidates for the three seats in their constituency. However polling station staff in other areas, when presented with similar ballots, accepted votes for the two eligible candidates. As well confusion about voting for disqualified candidates, voters in other areas, such as Phetchabun, Nakhon Nayok, and Lampang were not clear about how many candidates to vote for, as this number differed from the number of candidates on election day, resulting in unnecessary spoilt ballots.

⁴⁷ See previous section of this report, ‘Investigation and Adjudication’, for details on the number of cards awarded

Election-related violence

Unfortunately, the decision to award red cards to candidates provoked a strong response in some areas, often through peaceful protest but occasionally with violence. In Buri Ram on 13th January 2008, for example, a bomb exploded outside the house of a Puea Pandin candidate who had filed the complaint against the PPP candidates that received red cards. Death threats were received by the ECT Chairman in the province.



ECT Chairman in Buri Ram showing a letter issuing him with a death threat following the ECT's decision to award three PPP candidates in the province "red cards" for vote buying

Possible illegal campaigning

In Buri Ram, leaflets featuring an image of PPP candidates and criticising those who had reported election violations allegedly committed by the PPP – an oblique reference to Puea Pandin – were circulated in the province. PPP candidates denied they were involved in the printing and distribution of these leaflets, and had already been given red cards, though the Provincial ECT was investigating the case and considering further punishment.

Lack of observers

A disturbing lack of other observers at polling stations, either from civil society groups or political parties, were present at polling stations on during the re-elections, creating greater potential for polling fraud such as stuffing ballot boxes and altering vote counts. Local NGOs were not very active in the pre-election period to observe and report on campaign violations such as vote buying.

Low voter turnout

Low voter turnout was partly inevitable since many voters were working outside of their home provinces, and others were disillusioned with or tired of the political process. While Provincial ECTs worked hard to advertise re-elections, others (e.g. Nakhon Nayok) were less successful. Unlike election day, no national holiday was declared and many employers did not give workers the day off or even time to vote.

Storage of polling materials

Polling materials such as ballot boxes and ballot papers were stored the night before re-elections in various locations, such as the homes of those on polling station committees, local government offices, and the houses of village headmen (*phuyaiban*). While ANFREL did not observe any tampering of polling materials, the lack of security at these locations and inconsistent location should be addressed. Ideally, materials should be distributed in the early morning the day of the election rather than the day before.

Presence of phuyaiban on polling station committees

Local government officials, particularly village headmen (*phuyaiban*) and sub-district headmen (*kamnans*), continued to exercise strong political roles e.g. in Nakhon Ratchasima. A PPP canvasser in Udon Thani even boasted that the “majority of *phuyaiban* are with us”. Villagers in Lampang also informed observers that local government officials and police were aligned with the PPP.

Recommendations

Constitutional and legal framework

1. Amend the electoral system so that each person has the same voting rights. This could be achieved through having single-member constituencies throughout the country or multi-member constituencies whose number is consistent across the country (instead of between one and three members).
2. Ensure a 30% quota for women candidates in both proportional representation lists and first past the post constituencies.
3. Amend the Constitution so that the Senate overseeing the House of Representatives is wholly elected.
4. Consider amending Constitutional provisions that weaken the political party system.

Campaign environment

1. The ECT should take a less prominent role in mediating campaigning by political parties and candidates. The attempt to organise fora at which all parties could campaign on the same platform were admirable in their aim, but not successful. By regulating the minutiae of campaigns such as the size of posters, the ECT also leaves itself vulnerable to relatively frivolous complaints and over-burdening the ECT's adjudication capacity. Limited resources should be directed to dealing with the most serious election violations.
2. Issue regulations governing campaigning well in advance of the election itself to allow for feedback from all stakeholders, especially political parties, allowing them time to inform and train lower-level party representatives.
3. When responding to queries on campaigning restrictions from election stakeholders such as political parties, the ECT should not issue informal "advice" but offer a clear legal response.
4. Consider amending the provision in the law that prohibits the "slandering" of opponents. Again, while the ECT's goal of encouraging "cleaner" campaigns is worthy, the notion of "slandering" is too vague and represents a potential threat to the freedom of political speech.
5. Political parties should engage in more substantive campaigns. Voters must be exposed both to parties' policies and to candidates more directly. Lower levels of parties' organisation must be fostered and developed in between elections. Candidates should make much greater efforts to meet voters directly and engage in a dialogue with them. All political party leaders should participate in televised debates so that voters are clearly informed of their positions and policies.

6. Election related violence should be strongly denounced. While the number of election-related attacks and deaths were less than in previous elections, those that did occur received relatively little media coverage and comment from election stakeholders. Protection should be afforded to those who have a credible fear for their lives. Violent incidents should be more rigorously investigated and greater efforts made to bring their perpetrators to justice.

Civic and voter education

1. The ECT should use more “in person” voter education methods to complement written materials sent to households and media outreach.
2. Provincial ECTs should take a more proactive role in explaining the particularities of voting for constituencies in the province, clarifying exactly how many candidates can be elected in each constituency. While the ECT in Bangkok made excellent use of national media, Provincial ECTs should be encouraged to follow their example and make greater use of local media.
3. Special efforts should be made to reach out to voters in rural areas and elderly voters, both of whom did not receive adequate voter education.
4. Build on the success of voter education in schools by integrating civic education into the school curriculum.

Vote buying

1. Monitor vote-buying much more closely both pre- and post-election, not just around election day itself. Vote buyers have adapted their methods because of stricter laws and increased scrutiny on election day, while law enforcement and observation efforts remain overly focused on election day. Attention should be paid to vote buyers who “lock in” support months in advance of the election, particularly candidates and parties buying off local government officials. The increased transparency of counting votes at a polling station level has also lead to paying canvassers and voters *after* the election results have emerged, a phenomenon not given due attention by observers and election officials.
2. Offer stronger witness protection for those reporting vote buying, particularly in the most serious cases. Threats were allegedly received against some of those who testified against PPP candidate Yongyuth Tiyaipairat, for example. The ECT should work with police to make clear to the public what protection they can offer well in advance of the election.
3. Remove punishments for vote sellers. Though accepting money for one’s vote is not healthy democratic practice, if a voter rejects money it marks them out in the community as not a supporter of a party or candidate, with potentially serious consequences. By contrast, a voter can accept money and still vote according to their conscience. Moreover, even though there is an amnesty for those that accept votes

and then subsequently report it, punishing vote sellers discourages them reporting vote buying. This law is very difficult to enforce, reflected in the fact that no vote sellers were even charged, let alone prosecuted, for this crime during the election.

4. Political parties should be legally obliged to disclose campaign finances on an ongoing basis prior to the election, not just afterwards. Such information should be publicly available on the ECT website for the public and observers to scrutinize. Candidates should declare assets and disclose financial information to the Provincial ECT.
5. Develop means to deter civil servants from taking an active political role. Village headmen (*phuyaiban*) and sub-district chiefs (*kamnans*) are still influential canvassers and are often complicit in, or at least turn a blind eye to, vote buying.
6. Use voter education to highlight the link between vote buying and the corruption practised by politicians in government aims they seek to recoup their costs.
7. Seek greater cooperation from private banks to monitor electronic transfers of money.

N.B. Strengthening the investigations and adjudications process, recommendations for which are outlined further below, will also help address vote buying.

The military and police

1. Given Thailand's long history of military interference in the political process, the army, including institutions such as ISOC, must have a strictly limited role in elections, only undertaking security that cannot be handled by the police. Senior army officials should refrain from dictating orders to soldiers about who to vote for and compromising their freedom of choice.
2. Martial law should not be abused for political ends.
3. Infringements of the law committed by the military should be punished as severely as those committed by political parties and candidates. The ECT should strongly criticise any attempt at military interference in the election process and use the full provisions of the law available to them to prosecute those who do not remain politically neutral.
4. Strengthen the internal accountability within the police so that those officers who do not respond to reports of election violations are firmly disciplined.

Domestic and international observers

1. Amend the election law to enshrine both the rights and responsibilities of local and international observers, including the right to observe all aspects of electoral process and the responsibility not to interfere in it. As well as access to polling stations, ANFREL's experience points to the need for the ECT to strengthen its capacity to

respond to observer requests for documents and information in a timely manner.

2. Establish a separate independent body outside of the ECT to administer funding for local NGOs. Under the current system, NGOs ability to work independently and provide a check and balance on the ECT's work is compromised by receiving funding from them.
3. Increase international support for election stakeholders, particularly local NGOs. As the September 2006 coup and the persistent challenges of Thai elections show, Thailand is not as healthy a democracy as was previously assumed by international donors. Local NGOs require not only funding but technical advice to strengthen their relatively limited observation efforts.
4. Local NGOs should coordinate on a national level more effectively on both election monitoring and voter education. The aim should be to establish a strong, nationwide network of monitors who report on the entire election process using a consistent and rigorous methodology.
5. Local election observers should work before and after election day to a greater extent. They should be better trained in election law so that they can monitor the campaign environment more effectively and be able to file formal petitions with the ECT, rather than passing on their findings verbally.
6. Increase the observation of advance voting, the counting of advance voting ballots on election day itself, and re-elections, all of which were neglected by political party observers and civil society observers alike.
7. The ECT should see local observers more as working partners, independent from though complementary to their work. Election Commissioners should refrain from making unjustified criticisms on local NGOs.
8. An open invitation should be extended by the ECT to all international observation groups. While Thailand does not suffer from as serious a democratic deficit as some of its neighbours, international observers can still make valuable contributions that strengthen Thailand's electoral system. The ECT should explain to the public, staff at a polling station level, and other stakeholders, that international observers do not infringe on a country's sovereignty and international observers are explicitly prohibited from interfering in the electoral process.
9. Political parties should train their observers far more. Currently their role is limited to very basic observation, and reporting of election results from their polling station.

Advance voting

1. Anticipate large numbers of people who wish to exercise their right to vote in advance and prepare polling station facilities accordingly to avoid the large queues and chaotic atmosphere in some areas. Prepare clear signage and instructions at the

front of polling stations.

2. Strengthen the management of the voter roll so that those who do and do not vote in advance are more accurately recorded, to limit both voter disenfranchisement and the possibility of multiple voting.
3. Ensure that the ballot boxes are stored in a consistent location and grant observers from NGOs and political parties the right to inspect such storage at all times between advance voting day and when ballots are counted on election day.

Election day process and administration

1. Polling booths should be set up such that the secrecy of the vote is more strongly protected.
2. Unauthorized persons such as prominent local government official should not be allowed inside polling stations.
3. Village headmen (*phuyaiiban*) should be prohibited from serving on polling station committees.
4. While polling staff generally knew their roles and worked very competently, the ECT should ensure that those who have not worked in poll stations before receive adequate training, not just an explanatory manual.
5. Polling station workers should remind voters of how many candidates/parties they can vote for to avoid confusion over the new electoral system.
6. A consistent counting process should be followed so that the two ballot boxes in each polling station are either counted simultaneously or sequentially.

Re-elections

1. Rules for invalidating ballots should be more clearly communicated to poll workers as re-elections present scenarios not faced by election officials on election day.
2. Candidates awarded red cards should respect the judgement of the ECT and should be strongly monitored to ensure that they do not campaign for their allies during re-elections.
3. To maximise participation in re-elections, the ECT should insist that voters in the constituency are given time off by their employers to exercise their right to vote.

Investigation and adjudication

1. Increase the resources – both in terms of staffing and finance – allocated to the Investigation and Adjudication Bureau of the ECT. Efforts should be made to bolster the Bureau’s capacity so that it is less reliant on state agencies to conduct its investigative work.
2. If using state agencies to conduct investigation , ensure they adhere to the same standards of transparency and neutrality expected of the ECT itself. The ECT in Bangkok should monitor whether or not PECs and the police are investigating complaints adequately.
3. Police officers used in “mobile investigation units” should receive more training and support so that they can work more effectively. Their overall numbers should also be increased.
4. The ECT should simplify the procedure for proceeding with complaints.
5. If they feel aggrieved, election stakeholders should submit a complaint to the ECT using a formal petition. Too often political parties and candidates made allegations in the media but did not make a formal complaint to the ECT that would aid their investigation.
6. Complaints against candidates who were not elected should not be neglected by the ECT. A clear system of prioritization of cases should be developed so that Election Commissioners can consider the most serious cases relating to elected Members of Parliament first but that all complaints are given due consideration eventually.
7. State officials – whether local government, police, or the army – should be investigated by the ECT as vigorously as candidates and political parties. Those found guilty of serious political bias should not be transferred to another position but relieved of their jobs entirely.
8. Both investigations and adjudications should be conducted over a longer period of time. While the desire to finish such work within 30 days of the election to meet the deadline for Parliament to open, such time constraints compromise the quality of the investigation and adjudication process.
9. Re-evaluate the form of penalties for election violations so that a more graduated system of penalties could be applied more broadly instead of a very few number being punished severely. The usefulness of “yellow cards” in particular should be re-evaluated. The low threshold of evidence required for a card to be awarded, their ineffectiveness in impugning the character of candidates from the perspective of voters, and their cost to the taxpayer are all problematic.
10. The investigation and adjudication process should be more open to the public and observers. The ECT should proactively release written decisions on its rulings in the

same way as the Supreme Court, and should offer summary statistics that are broken down by political party.

11. Consider separating out the ECT's adjudication role to the Supreme Court or a specifically established Electoral Court. As witness, prosecutor, judge, and jury, the ECT's mandate is arguably too broad to perform its adjudication responsibilities effectively and independently.

ANNEXES

Annex 1

ANFREL international election observers

Deployment location on election day

Zone	Areas	Observer	
1	Chiang Mai	Sukhgerel Dugersuren	Mongolia
		Sumiya Oyuntuya	Mongolia
	Phayao	Pradip Ghimire	Nepal
		Lashila	Burma
2	Uttaradit	Harun-Or-Rashid	Bangladesh
		Chandanie Watawala	Sri Lanka
	Phitsanulok	Pitour Sok	Cambodia
	Khon Kaen	Tenzing Paljor	Tibet
		Kazumi Abe	Japan
3	Maha Sarakham	Bidhayak Das	India
		Natalia Warrat	Indonesia
	Nakhon Phanom	Badri Prasad Siwakoti	Nepal
		Ansan Dav	Cambodia
4	Ubon Ratchathani	Mohammed Maskurudin Hafid	Indonesia
		Paula Flaminia da Silva de Corte Real Araujo	Timor Leste
	Buri Ram	Sanjay Kumar	India
		Melissa Lin Shi Min	Malaysia
5	Nakhon Ratchasima	Marie Grace Christina Garong Faylona	Philippines
		Sazzad Hussain	Bangladesh
	Chonburi	Debby Chan	Hong Kong
		Mr. Chatchawan Rhakchat	Thailand
6	Samut Prakan	Wimal Fernando	Sri Lanka
		Damaso Magbual (Head of Mission)	Philippines
	Bangkok	Ichal Supriadi (Mission Coordinator)	Indonesia
		Adam Cooper (Mission Asst.)	UK
	Prathum Thani	Sanjay Gathia	India
		Pongsak Chanon	Thailand
	Nonthaburi	Omar Farouk	Malaysia
		Somsri Hananuntasuk	Thailand
7	Chumphon	Mohamad Yunus Bin Lebai Ali	Malaysia

		Teresinha Maria Noronha Cardoso	Timor Leste
8	Surat Thani	Noor Rahmat Shah Bin Haron	Malaysia
		Yuli Rustinawati	Indonesia
	Nakhon Si Thammarat	Tariq	Pakistan
		Rosianna Rosy	Indonesia
	Songkhla	Salic Ibrahim	Philippines
		Taibah Istiqamah	Indonesia
	Narathiwat	Mustawalad	Indonesia
		Cik Nusratnajwani Binti Mohammad	Malaysia

Annex 2

Summary results of voter questionnaires

QUESTION	NATIONWIDE TOTAL		
	Yes	No	% Yes
I. Election Knowledge			
1. Do you know when the election day is?	420	6	99%
2. Do you intend to vote in advance (15 th -16 th Dec)?	84	342	20%
3. Do you understand the new electoral system?	284	143	67%
4. Do you understand how to vote?	380	46	89%
5. Are you well informed about parties/candidates policies?	270	152	64%
6. Have you seen or received any election materials from the ECT?	306	125	71%
II. Campaign			
7. Have you received campaign materials or seen campaign activities from political parties/candidates?	308	124	71%
8. Do you know of anyone has been offered or given money or gifts in-kind to encourage you to vote for a candidate or party?	39	399	9%
9. Have you been offered or given money or gifts in-kind to encourage them to vote for a candidate or party?	21	413	5%
10. Have any candidates tried to smear their opponents ('black campaign')?	61	359	15%
III. Neutrality of state officials			
11. Have you been instructed by any government official to favour any political party/candidate in the election process?	60	370	14%
12. Have police and military acted politically neutral?	259	134	66%
13. Have the local ECT acted politically neutral?	291	85	77%
V. Other comments about the election			
14. Are you confident the election will bring positive change?	276	119	70%
15. Are you voting because it is compulsory to do so?	220	207	52%

Annex 3

Summary results of election day checklists

QUESTION	NATIONWIDE TOTAL				
	Advance voting		Election day		
Environment	Yes	No	Yes	No	% Yes
Are there individuals inside or near the polling station trying to influence the way people vote?	5	67	2	149	3%
Is anyone near the center recording the names of voters?	5	67	1	150	3%
Is the center in a neutral location?	51	11	131	21	85%
Is polling held in public, and in the place designated by the election commission?	59	5	147	2	97%
Were you allowed to observe the polling?	67	7	149	3	96%
Were unauthorized people inside the polling place?	16	55	28	122	20%
Was any transport organised by political parties/candidates to take voters to the polling place?	24	46	2	121	13%
Before Opening	Yes	No	Yes	No	% Yes
Did all essential materials arrive, including the voter list and ballot papers?	39	8	82	0	94%
Did the PSC show the empty ballot boxes before sealing them?	28	5	64	3	92%
Was the polling station set up to ensure the secrecy of the ballot marking process?	49	6	81	15	86%
Did the precinct open on time (8:00 AM)?	31	4	71	3	94%
Were party agents present when the precinct opened?	2	23	32	34	37%
Polling Process	Yes	No	Yes	No	% Yes
Were observers and party agents witnesses allowed to observe all aspects of the polling?	42	15	89	9	85%
Were there any campaign materials inside the polling station?	4	56	45	98	24%
Are names of voters called out clearly?	6	52	20	102	14%
Are voters who are not on the list allowed to vote or eligible voters turned away?	14	56	12	102	14%
Can the voters mark their ballots in secret, without being observed by anyone?	55	16	89	57	66%
Were any voters challenged? (if yes, include total and details in comment section)	15	54	28	118	20%

Closing the Poll	Yes	No	Yes	No	% Yes
Did the precinct close at the correct time?	13	17	26	2	67%
Were voters in the queue at closing time allowed to vote?	31	3	26	1	93%
Were unused ballots counted and then pierced to prevent further use?	20	6	14	16	61%
Was the number of ballots received and the number unused announced and posted?	22	5	29	1	89%
Counting Process	Yes	No	Yes	No	% Yes
Were the used, unused, and spoiled ballots properly reconciled?	13	3	24	0	93%
Were observers and party agents able to observe the entire counting process, including set-up?	11	2	31	0	95%
Were ballots assessed and counted accurately for all candidates and parties?	11	3	32	8	80%
Were the results of the counting announced and posted?	12	4	34	6	82%
Were there any party agents present who refused to sign the vote count form?	12	4	18	18	58%
Were ballot boxes transferred securely and transparently to district centres?	4	4	27	12	66%

Annex 4

Pre-election report template

N.B. Pre-election reports were submitted by observers to the ANFREL core team on 14th, 18th, and 22nd December 2007

<i>Name of observer</i>	
<i>Period of observation</i>	
<i>Zone number</i>	
<i>Province (districts)</i>	

Summary

This section should be an overview of your observations during this period of reporting, highlighting the most important issues. It is best written *after* you have completed all other sections of this report.

Political context

1. Which parties have traditionally been strong in the area?
2. Who are the main parties competing in this election?
3. What level of support do these parties enjoy?

Voter views

1. Do voters know when the election will be held?
2. Do they understand the new electoral system (constituency seats + party list seats)?
3. Are the voters well informed about the platforms and policies of parties and candidates?
4. Do they know where their nearest polling station is?
5. Do ordinary citizens have freedom of association, speech, and movement?
6. Has any NGO, local ECT, or political party given any voter education in the area?
7. Do they know anyone who has been offered money or gifts in exchange for their vote? Have they themselves been offered money or gifts? What methods are being used to buy people

Campaigning

1. Are political parties and candidates free to assemble and conduct activities?
2. Who are the party agents and canvassers in the area? Has anyone tried to impede their work unfairly?
3. Are parties or candidates using threats or violence to influence voters' choices or to intimidate from casting a vote on election day?
4. Are parties and candidates abiding by the strict regulations on campaigning? Are any of them offering money or in-kind gifts? Have any parties or candidates recently spent money on community projects?

Security / military affairs

1. What is the security arrangement in the province (i.e. number of troops in area, how many deployed to polling stations etc)? Is the security environment conducive to a free and fair election?
2. Have a higher than usual number of military officers been deployed to the province/district? How are they perceived (by political parties, voters, etc)?
3. What role is the police playing with regard to the elections?
4. Have the police received any election-related complaints and how have they dealt with them?

N.B. If provinces and districts you observe are under martial law, please also consider:

1. How has the imposition of martial law affected campaigning?
2. Are the restrictions of martial law being imposed on all political parties equally, particularly detention by the military and the prevention of free assembly?

Government officials / civil servants

1. Are government officials remaining neutral in the election?
2. Are government facilities or resources being used to favour or disadvantage a particular political party?
3. Are village headman (*pooyaiban*) or sub-district heads (*kamnans*) playing a partisan political role? Are any of them party agents or canvassers?

Election Commission

1. Have the local ECT received the material and support needed to conduct the elections?
2. Are the local ECT officers well-trained and qualified to effectively fulfill their duties? How well do they know new election laws and regulations?
3. Have the location of polling stations been announced by the district registrar and advertised at government offices and at or near the polling station?
4. Has the voter list been displayed in public places?
5. Have the nine members of the Polling Station Committees been chosen?
6. Have Elections Commission officials received any complaints? How have these complaints been resolved?
7. Are local election administrators perceived as neutral (by political parties, the public, other observation groups, etc)?

Other observation/monitoring groups

1. What other observation groups, if any, are active in monitoring elections in your area?
2. Have they been impeded in their work in any way?

Media

1. Is local media covering the election in a neutral manner?

Unusual incidents / other remarks

List the observation activities carried out each day

Annex 5

Briefing programme for observers

Date/Time	Agenda	Speaker	Venue
8th Dec 2007			
08:30 – 10:30	Welcome Address / participants introduction / brief background on ANFREL, Open Forum for Democracy Foundation (Poll Watch), P-Net	ANFREL Secretariat Open Forum for Democracy Foundation (Poll Watch)	Asia Hotel
10:30 – 10:45	Coffee Break		
10:30 – 12:30	Political , Social and Economic background of Thailand	Sunai Phasuk, Human Rights Watch	Asia Hotel
12:30 – 13:30	Lunch		
13:30 – 15:30	Analysis of election law / campaign finance	Woothisarn Tanchai, King Prajadhipok's Institute	Asia Hotel
15:00 – 15:15	Coffee Break		
15:15 – 18:00	- Key principles in election observation - Observers Code of Conduct - Thai election photo study	ANFREL Mission Coordinator	Asia Hotel
9th Dec 2007			
08:30 – 10:15	- Interview format and questionnaire - Reporting system and check list	ANFREL Mission Coordinator	Asia Hotel
10:15 – 10:30	Coffee Break		
10:30 – 12:30	Background on deployment areas	ANFREL Mission Coordinator	Asia Hotel
12:30 – 13:30	Lunch		
14:00 – 16:30	Briefing on Elections Commission of Thailand and election laws / regulations	ECT staff	Asia Hotel
17:30 – 18:30	Deployment logistics / Finances / observation expenses	ANFREL Mission Coordinator ANFREL Finance	Asia Hotel
18:30 – 19:30	Dinner		
19:30 – 20:30	Deployment logistics / Finances / observation expenses	ANFREL Mission Coordinator ANFREL Finance	Asia Hotel
10th Dec 2007			

10:00 – 12:00	Overview of political parties / the media	Tulsathit Taptim, Editor of The Nation newspaper	The Nation office
14:00 – 14:30	Press conference	ANFREL Secretariat ANFREL observers	Asia Hotel
14:30 – 15:15	Lunch		

Annex 6

List of provinces under martial law⁴⁸

1. Amnartcharoen – districts of Chanuman and Patum Ratchawongsa
2. Buriram – districts of Nondindan, Bankruad, Pakam and Laharnsai
3. Chantaburi – districts of Khlung, Pong Namron and Soidao
4. Chiang Mai – districts of Chiangdao, Chai Prakarn, Fang, Mae-ai, Wianghaeng and Om-koy
5. Chiang Rai – districts of Khun Tan, Chiangkhong, Terng, Mae Chan, Chiangsaen, Mae Sai, Phaya Mengrai, Wiangkaen and Mae Fa Luang
6. Kanchanaburi – districts of Dan Makamtia, Tongphapum, Saiyoke, Srisawat, Sanklaburi, and Ban Kao subdistrict of Muang
7. Leoi – districts of Chiangkan, Dansai, Ta Li, Nahaew, Pakchom and Pu Rue
8. Mae Hong Son – every district
9. Nan – districts of Chalerm Prakiat, Tungchang, Bo Klue, Pua, Mae Charim and Song Kwae
10. Narathiwat – every district
11. Pattani – every district
12. Payao – Chiangkam district and Pusang subdistrict
13. Petchaburi - districts of Kaeng Krajan and Nong Yaplong
14. Pitsanulok – districts of Chart Trakarn and Nakorn Thai
15. Prachuap Kirikan – Kuiburi's Sam Kratai and Had Kam subdistricts; Tab Sakae's Kao lan, Na Hukwang, Huay Yang and Angtong subdistricts; Bang Sapan's Chai Kasem, Tong Mongkol and Rontong subdistricts; Bang Sapannoi's Chang Raek and Chairat subdistricts; Pranburi's Kaochao subdistrict; Samroi-yod's Raikao, Salalai and Silaloi subdistricts; Huahin's Huay Sadyai subdistrict; Muang's Kohlak, Klongwan, Huaysai and Ao Noi subdistricts
16. Ranong – districts of Kraburi, Kapur, La-un and Muang's Saidaeng, Paknam and Ratchkrud subdistricts
17. Satun – districts of Kuandon, Ta Pae, La-ngu and Muang's Ketri, Klongkud, Malang and Puyu
18. Songkhla – districts of Chana, Thepa, Nathawi, Sadao and Sabayoi
19. Srakaew – districts of Klonghad, Ta Praya, Wang Namyen, Wattana Nakorn, Aranyapratet, Koksung and Wangsomboon
20. Srisaket – districts of Kantalak, Kukan, Kunharn, Benjalak and Pu Singh
21. Surin – districts of Kabcheung, Buached, Panom Dongrak, Sri Narong and Sangka
22. Tak – districts of Tasongyang, Pobpra, Mae Ramad, Mae Sod, Umphang and Wang Chao.
23. Trad – districts of Klong Yai, Bo Rai, Muang, Koh Kud, Koh Chang and Laem Ngob
24. Ubon Ratchathani – districts of Kemrat, Kongchiam, Na Jaluy, Natarn, Namkun, Namyuen, Buntarik, Pibun Mangsaharn, Phosai, Srimuangmai and Sirintorn
25. Utaradit – districts of Nampad, Bankok and Faktha
26. Yala - every district

⁴⁸ As of 27th November 2007

Annex 7

Cases of election related violence⁴⁹

18 December: Three armed soldiers from ISOC were arrested by police while monitoring the house of Sa-nguan Pongmanee, PPP candidate. The incident took place in front of Sa-nguan's house in Muang district, Lamphun.

17 December: A truck belonged to Thawisak Pho-Ngarm (37), canvasser of Aphinan Kambang Pue Phan Din candidate in Prajuab Kirikhan, was torched. The incident took place near Thawisak house in Mu 1 tambon Khao Noi, Pran Buri district, Prajuab Kirikhan. Thawisak reported that he had been threatened before. After the incident, Thawisak has been relocated to a safe house in Bang Saphan district (provided by Aphinan, exact location unknown). A complaint was filed with local police.

15 December: Prasong Sintuchai, canvasser of PPP in Prae and village headman in Mu 8 tambon Hua Muang, Song district, was shot dead in his house.

14 December: Den Yongkit (57), Canvasser of PPP in Muang district, Krabi, reported an assassination attempt. Gunmen opened fire into his house in Mu 11 tambon Krabi Noi, Muang district. No one was injured.

9 December: Payong Ananthasuk (52), former TAO chairman in tambon Boyang, and also canvasser of Chada Thaiseth and Nophadol Pholsen Chart Thai candidates in Uthai Thaini, was shot dead. He was shot in his house (Mu 6 Ban Ngiew Pom, tambon Boyang, Sawang Arom district) with a shotgun.

7 December: Somsak Morichat, Democrat candidate in Chiang Mai, reported an assassination attempt. He was shot (which he narrowly escaped) with 11mm gun while he was visiting his canvassers in that evening. He reported many phone threats telling him to withdraw from the contest. Somsak represents indigenous constituency (Karen). Democrat coordination center in Chiang Mai requested police protection for Somsak.

1 December: Manit Pijitbanjong (45), Democrat canvasser in Pak Payom distict, Pattalung, was shot dead. He was killed with a shotgun while driving his pickup truck on a local road in Ban Tro, tambon Tamnan, Muang district.

19 November: Mayusoh Satapo (54), canvasser of Dr Waemahadi Waedao Pue Phan Din candidate in Narathiwat, was shot and seriously injured. Mayusoh was attacked with M16 and AK47 rifles while driving his pickup truck on a local road in Mu 1 tambon Lamphu, Muang district, Narathiwat.

5 November: Binsoh Masae (48), canvasser of Narong Duding Democrat candidate, and village headman in Mu 5 Ban Paju, tambon Patae, Yaha district, was shot dead with

⁴⁹ Compiled by Human Rights Watch

bodyguard. Binsoh was attacked with AK47 rifles while driving his pickup truck on a local road in front of a mosque in Mu 7 Ban Kato, tambon Patae, Yaha district, Yala.

22 October: Dr Charnchai Silapauaychai Phrae (53), PPP canvasser and PAO chairman of Prae, was shot dead while jogging in a sports stadium in Muang district.

5 October: Man Rodkeaw (66), PPP canvasser, and kamnan of tambon Ban Na, Wachirabarimi district, was shot dead with his bodyguard. He was shot with M16 rifles while driving his pickup truck on a local road in Mu 8 Ban Huay Hang, tambon Nong Lum, Wachirabarami district, Pijit.

Annex 8

Election timeline

6 Jan 2001	Thaksin Shinawatra and his Thai Rak Thai (TRT) party win general elections on a populist platform of economic growth and development. He wins control of 296 of 500 seats in the House of Representatives.
Jan 2004	Muslim radicals launch an insurgency in the southern provinces. Thaksin responds with a strong military response that fails to quell the rebellion and brings strong criticism from human rights groups.
6 Feb 2005	Thaksin wins general election with an even larger majority (374 seats) on the back his popularity in rural areas and high visibility in the aftermath of the Boxing Day tsunami.
Sep 2005	State-run television cancels a television news programme hosted by publisher Sondhi Limthongkul, saying the show that was often critical of Thaksin was 'irresponsible'.
Nov 2005	Sondhi begins weekly rallies that draw thousands of people and accuses the government of corruption, abuse of power, censorship and mishandling the Muslim insurgency.
23 Jan 2006	Thaksin's family sells its controlling stake in Shin Corp., the telecoms empire he founded, to a Singaporean firm for a tax-free US\$1.9 billion. Critics allege the sale involved insider trading and that national assets were sold to a foreign government, increasing anti-Thaksin sentiment.
4 Feb 2006	Tens of thousands of protesters gather in Bangkok for the first major demonstration demanding Thaksin's resignation.
24 Feb 2006	Amidst growing protests Thaksin dissolves Parliament and calls snap elections for 2 April 2006.
13 Mar 2006	Protesters march on Government House, Thaksin's office, and vow to stay camped out until he resigns.
2 Apr 2006	Elections are boycotted by the opposition. TRT party wins 57 percent of votes but unopposed TRT candidates for 38 seats fail to get the necessary quorum of 20% of eligible votes, preventing parliament from opening.
4 Apr 2006	After an audience with King Bhumibol and under increasing pressure, Thaksin announces that he would not accept the post of Prime Minister after the Parliament reconvenes but that he would continue to be Caretaker Prime Minister until his successor is elected by the Parliament.
Apr-May 2006	Thaksin takes a seven-week break from politics, but returns as caretaker Prime Minister and struggles to schedule a new election over increasing legal challenges.
8 May 2006	The Constitution Court invalidates the results of the April elections and calls for new elections.
30 May 2006	The Cabinet endorses an Election Commission proposal to hold a new round of elections on 15 October 2006.
24 Aug 2006	Thaksin accuses several army officers of plotting to kill him after police find a car containing bomb-making materials near his house.

19 Sep 2006	Military launches a coup d'état while Thaksin is in New York at the UN General Assembly. Led by General Sonthi Boonyaratglin, the coup leaders brand themselves the 'Council for Democratic Reform' (CDR), suspend the constitution, and dissolve the Cabinet, both houses of Parliament, and the Constitutional Court. Coup leaders later refer to themselves as the 'Council for National Security' (CNS)
20 Sep 2006	CDR issue a statement explaining their reasons for taking power, alleging Thaksin caused divisiveness, corruption, nepotism interfered in independent agencies, and insulted the King. General Sonthi announces that King Bhumibol Adulyadej endorsed him as the head of the interim governing council and promises to restore democracy in a year's time, implying elections scheduled for October 2006 are cancelled.
1 Oct 2006	Retired General Surayud Chulanont is appointed interim Prime Minister.
2 Oct 2006	Thaksin and most leading TRT figures resign from the party.
31 Dec 2006	Eight small bombs go off in Bangkok killing three people and injuring more than 38. No one claims responsibility. Coup leaders imply Thaksin is behind the bombs but a police investigation later alleges that southern insurgents were behind the attacks.
26 Jan 2007	Martial law is lifted in 41 of Thailand's 76 provinces but remains in place in another 35 provinces.
29 Mar 2007	Preliminary date for general elections set for 16 or 23 December 2007.
30 May 2007	TRT is dissolved by the Constitutional Tribunal for violation of election laws, with 111 party members barred from participating in politics for five years.
6 July 2007	The Constitution Drafting Committee votes unanimously to pass the draft constitutional charter.
31 July 2007	Final draft of constitutional charter is published. Major changes to the previous constitution include: making almost half of Senators appointed rather than elected, limiting the Prime Minister to two four year terms, banning the Prime Minister from major holdings in private companies, and making it easier to impeach the Prime Minister.
19 Aug 2007	A referendum on the constitution is held, with 57% voting 'yes' and 42% voting 'no', paving the way for elections later in the year. Turnout was around 60%. Pro-Thaksin areas generally rejected the constitution.
27 Aug 2007	Prime Minister Surayud Chulanont sets the election date as 23 December 2007.
11 Sep 2007	The Assets Scrutiny Committee (ASC) resolves to charge Thaksin and his wife with concealing their shares in Shin Corp, in violation of the constitution and the National Counter Corruption Act.
11 Sep 2007	'Pua Paendin (For the Motherland) Party' is created, grouping together more than 200 veteran Thai politicians, including many former TRT members.
11 Sep 2007	Elections Commissioner Sodsri Satayatham accuses the People's Network for Elections in Thailand (P-NET) of misusing ECT funds. P-NET later shows that the ECT has not given any money to P-NET in the past five years. Sodsri's refusal to apologise for her mistake leads to P-NET stopping cooperation with the ECT.

12 Sep 2007	The Elections Commission of Thailand decides not to sign a MoU with the European Union without which they cannot send an Election Observation Mission.
14 Sep 2007	Two smaller parties, Ruam Jai Thai and Chart Pattana, merge to create the Ruam Jai Thai Chart Pattana party. The group is composed of both former Democrat and TRT party officials.
21 Sep 2007	CNS announce that martial law will remain in place in some provinces even after the election.
4 Oct 2007	Former Council for National Security chairman and coup leader General Sonthi Boonyaratglin is appointed Deputy Prime Minister in charge of security affairs and Interior Minister (the government ministry responsible for working with the Elections Commission).
4 Oct 2007	Puea Pandin (For the Motherland) party is registered, declaring that they would not be allied with any political party or group.
13 Oct 2007	Martial law removed in some areas but upheld in 27 provinces.
15 Oct 2007	The Television Advertising Censorship Board refuses to air a PPP advertisement, claiming that it needs approval from the ECT. Other parties had had their advertisements aired without problem.
16 Oct 2007	The Cabinet approves a royal decree setting 23 rd December as the date for the general election.
24 Oct 2007	PPP leader Samak Sundaravej claims he has documents from the CNS showing that the Council had approved a plan to prevent the PPP from coming to power. The Prime Minister, General Sonthi, and the CNS all initially doubt the documents are genuine but later admit their existence.
25 Oct 2007	PPP seek guidance from the Elections Commission on whether former prime minister Thaksin Shinawatra can act as its adviser.
5 Nov 2007	Academics criticise populist policies offered by political parties.
7 Nov 2007	Numbers assigned to parties contesting party list seats.
7 Nov 2007	PPP leader Samak Sundaravej refuses to participate in a direct debate with his rival, Democrat leader Abhisit Vejjajiva.
8 Nov 2007	Chart Thai leader Banharn Silapa-archa declares that he will not join a coalition with the PPP.
11 Nov 2007	ECT seeks cooperation from the Anti-Money Laundering Office and commercial banks to monitor transactions of political parties and election candidates.
12 Nov 2007	Democrats declare ambition to win 180 seats.
13 Nov 2007	Candidates for constituency seats register and are assigned numbers.
13 Nov 2007	Democrats agree not to field candidates in Chart Thai strongholds as part of an agreement to cooperate with each other ahead of the election.
14 Nov 2007	PPP deny allegations that banned Thai Rak Thai party executives were involved in selecting its election candidates, claiming that they play only an advisory role.
15 Nov 2007	ECT issue strict regulations on vote-buying which punish those who receive money or any kind of present from a candidate or candidate's canvasser with one to five years in jail, and/or a Bt20,000-Bt100,000 fine.
15 Nov 2007	After growing tensions between PPP leader Samak Sundaravej and the media, party-list candidate Mingkwan Sangsuwan replaces him in debates

	with party leaders.
16 Nov 2007	ECT rules that banned party executives cannot make campaign speeches, have their pictures depicted on campaign posters, or take part in public rallies.
20 Nov 2007	Upon request by the PPP, the National Human Rights Commission decide investigate whether the campaign prohibition for 111 banned executives breaches their human rights.
21 Nov 2007	PPP accuses ECT of helping their rivals, the Democrats.
22 Nov 2007	Three PPP candidates in Korat are investigated by the ECT for vote-buying.
24 Nov 2007	ECT announces that nearly 1.9 million people are registered to vote outside of their province, five times as many as in 2005.
24 Nov 2007	Chart Thai announce that they are willing to form a coalition with any political party, denying a previous deal with the Democrats.
26 Nov 2007	ECT announces it has evidence from a NGO that a political party has been buying votes in a northern province using money orders through post offices. Allegedly, 200 voters had received between Bt1,000 and Bt2,000.
27 Nov 2007	ECT warns pollsters that the release of misleading poll results on party popularity risk could result in a jail term of ten years. The National Police Commissioner is questioned by the Prime Minister's Office on why the Special Branch Police Bureau conducted an election opinion poll.
28 Nov 2007	Thai Rum Ruay Party leader Pathom Ansakul is detained for questioning about his involvement in a pyramid scheme.
28 Nov 2007	Chart Thai party deputy leader Chuwit Kamolvisit quits from the party claiming he could not accept party leader Banharn Silapa-archa's lack of political commitment.
30 Nov 2007	A fact-finding committee appointed by the ECT finds, in a 3-2 ruling, that the CNS was guilty of acting with bias by drawing up a plan to stifle the PPP. The ECT consider what subsequent action to take while the CNS ask the ECT to halt their investigation, claiming they have legal immunity.
3 Dec 2007	ECT summons original copies of CNS documents purporting to undermine the PPP and announces it will rule on the matter by 11 th December 2007.
4 Dec 2007	Matchima Thipataya Party leader Prachai Leophairatanat announces he will step down as party leader after being convicted for stock manipulation.
6 Dec 2007	Prachai reverses his earlier decision to quit as leader as Matchima Thipataya Party.
8 Dec 2007	Access to a pro-Thaksin website, www.hi-thaksin.org is blocked after messages were posted saying that a vote for People Power Party leader Samak Sundaravej was the same as a vote for Thaksin.
9 Dec 2007	The Provincial EC in Buri Ram recommends the transfer of five government officials for political prejudice.
9 Dec 2007	The Provincial EC in Mae Hong Son finds thousands of dead people on the voter roll.
11 Dec 2007	The National Security Council (NSC) chief tells the EC that the military revoked their anti-PPP plan but does not present any supporting documents.

11 Dec 2007	Deputy Prime Minister Sonthi Boonyaratglin orders the Anti-Money Laundering Office and the Immigration Bureau to conduct a full investigation into 60 million baht in cash carried into the country by six Hong Kong businessmen on suspicion the funds were meant to finance campaign activities.
12 Dec 2007	Democrat party candidates in Nakhon Phanom lodge a complaint with the ECT alleging fraud by two PPP candidates for distributing VCDs featuring a speech to voters by Thaksin.
12 Dec 2007	The ECT files a criminal complaint with the police accusing the PPP of forging a signature on a membership application for Puea Pandin deputy leader Sittichai Kwosurat.
12 Dec 2007	More than 1,000 protesters block the entrances of the Parliament to demand that the National Legislative Assembly refrain from passing legislation.
13 Dec 2007	Three policemen in Chiang Rai are transferred after being accused of political bias.
15 Dec 2007	The first of two days of advance voting begins.
18 Dec 2007	The ECT denies allegations made by the PPP that the record turnout for advance voting was fixed.
19 Dec 2007	Key figures in the Council for National Security and the Police move into Chiang Rai, a PPP stronghold, to "observe the security situation".
20 Dec 2007	The Internal Security Operations Command (ISOC) suggests that the smoke grenade "attack" on a PPP branch in Bangkok was a set-up.
20 Dec 2007	The ECT rules out handing out any "red cards" before the election.
21 Dec 2007	Human Rights Watch question whether the election will be free and fair in light of evidence of military interference.
23 Dec 2007	ELECTION DAY (70.27% turnout).
23 Dec 2007	PPP declare victory.
26 Dec 2007	Three PPP candidates in Nakhon Ratchasima receive "yellow cards".
31 Dec 2007	More than 300 people rally in Buri Ram in support of the ECT after it disqualified three winning PPP candidates in Buri Ram.
1 Jan 2008	PPP announce the formation of a 4-party coalition government with Ruam Jai Thai Chart Pattana, Matchimathipataya and Pracharaj. Together they hold 254 seats in parliament.
2 Jan 2008	ECT member Somchai Juengprasert says he is uncomfortable with the job and would prefer to return to work as a judge.
3 Jan 2008	The ECT instructs poll officials to investigate a complaint in Suphan Buri that officials acted in favour of Chart Thai leader Banharn Silpa-Archa.
3 Jan 2008	PPP leader Samak Sundaravej claims a "dirty invisible hand" is trying to prevent the PPP from forming government with smaller parties.
4 Jan 2008	The ECT sets aside 83 winners from the election for possible electoral violations, with 65 from the PPP.
4 Jan 2008	The Supreme Court agrees to consider a petition alleging that the PPP is a nominee of Thai Rak Thai.
5 Jan 2008	PPP lodge a complaint about the ECT's actions against its candidates in Buri Ram. Ten thousand PPP supporters rally outside the Provincial EC in

	Buri Ram.
6 Jan 2008	ECT chief fraud investigator Police Major-General Chaiya Siriamphunkul resigns as chair of the fraud investigation sub-committee, amid allegations by the PPP that he was not impartial.
7 Jan 2008	Council for National Security arranges for protection for ECT officials in Buri Ram.
8 Jan 2008	The ECT issues red cards to two Chart Thai candidates, Monthian Songpracha and Nanthana Songpracha, and issues 10 yellow cards to candidates from PPP, Chart Thai and the Democrats suspected of cheating.
8 Jan 2008	The leader of the Puea Pandin party, Suvit Khunkitti, declares that the party and Chart Thai party will join the PPP coalition.
9 Jan 2008	The ECT issues a red card to Sunthorn Wilawan, candidate in Prachin Buri for the Matchimathipataya party, bringing the total number of red cards to six.
9 Jan 2008	Potjaman Shinawatra, wife of Thaksin Shinawatra, returns to Thailand and attends the Supreme Court where a corruption charge is read.
11 Jan 2008	The ECT issues a red card to PPP candidate Prasop Busarakham in Udon Thani's Constituency 3.
11 Jan 2008	A group of Chart Thai politicians led by Uychai Watha threaten to leave the party if it joins the PPP coalition.
13 Jan 2008	A witness making fraud allegations into the ECT inquiry into PPP deputy leader Yongyuth Tiyapairat seeks police protection.
14 Jan 2008	The ECT issues two yellow cards to Puea Pandin candidates in Nakhon Ratchasima constituency 6 and to a PPP candidate in Chaiyaphum's constituency 2.
14 Jan 2008	The ECT's Secretary-General instructs the ECT Law and Litigation Office to decide whether to investigate allegations that EC Commissioner Somchai Jungpraser had leaked information to the PPP deputy leader.
15 Jan 2008	The ECT issues yellow cards to three more PPP candidates, in constituency 1 of Phrae province.
17 Jan 2008	Matchimathipataya candidates win the three seats in the by-election in Buri Ram and two PPP candidates win the by-election in Chaiyaphum.
20 Jan 2008	The Buri Ram by-election results are challenged by Puea Pandin and Democrat candidates, who allege vote-buying.
21 Jan 2008	In by-elections in seven provinces, PPP candidates win 14 seats, Puea Pandin two and Democrats one. Most yellow-carded candidates were victorious.
22 Jan 2008	Parliament opens with PPP leader Samak Sundarajev nominated as Prime Minister and PPP deputy Yongyuth Tiyapairat elected as Speaker.
23 Jan 2008	The Council for National Security meets for the last time.
25 Jan 2008	Nominations for the Senate election close, with 505 candidates nominating for 76 seats. Another 74 will be appointed positions.
28 Jan 2008	The Democrats nominate their Abhisit Vejjajiva for the position of Prime Minister
29 Jan 2008	Parliament elects Samak Sundarajev as Prime Minister. Matchimathipataya wins two seats in the Chai Nat by-election and PPP wins one in Prachin Buri.

30 Jan 2008	The National Counter Corruption Commission announces a probe into malfeasance allegations against Samak during his time as Governor of Bangkok.
31 Jan 2008	The ECT sets up a panel to inquire into the possible dissolution of the Matchima Pitapaya and Chart Thai parties, stemming from electoral violations by party executives.
1 Feb 2008	The ECT rules that Prachai Leophairatana, leader of Matchima Pitapaya, is no longer a member of the party, dating from when he resigned on 4 December.
6 Feb 2008	The Cabinet is sworn in.

Sources: The Associated Press, The Bangkok Post, The Nation, BBC News, Election Commission of Thailand

Annex 9

Selected press statements issued by ANFREL

29th November 2007

ANFREL to send observers for Thai elections

The Asian Network for Free Elections (ANFREL) will send 38 international election observers for the Thai general elections scheduled for 23rd December 2007.

“These elections are crucial to the restoration of Thai democracy. Having international observers present will make the election more credible both in the eyes of the international community but also, more importantly, the Thai public,” said Ms. Somsri Hananuntasuk, ANFREL’s Executive Director.

The observers, who are from civil society organisations based all over Asia, will arrive next week and be in Thailand for a total of 20 days. They will be deployed to strategic provinces in eight zones across the country, particularly those where the risk of election fraud is anticipated to be higher. Observers will work closely with the People’s Network for Elections in Thailand on the ground.

“It’s clear that there is a need for a strong observation presence, both from international organisations like ANFREL and also domestic monitoring organisations. As well as the endemic problem of vote-buying, we remain concerned about the role of the military in politics. Martial law and the Internal Security Act, if passed, must not be used to curb legitimate political activities.”

“There also seems to be low public awareness of changes to the electoral system and new laws that the ECT have introduced. We urge political parties, NGOs, the government and the ECT to do everything in their power so that voters can make a well-informed decision come 23rd December, free from intimidation,” concluded Ms. Hananuntasuk.

15th December 2007

Voters remain confused about electoral system, ill-informed of party policies, and reluctant to report vote buying

Today ANFREL released its first pre-election report outlining its concerns ahead of the December 23rd election. The report, a summary of findings from 37 observers between 10th and 14th December, underlined the need for greater voter education by the Election Commission of Thailand (ECT) and political parties.

“One week before the election, it is worrying that many voters still do not seem to understand the new electoral system or party’s policies. Political debate has been reduced to being for or against political personalities. Campaigning has been less vigorous than in previous elections, particularly in the three southernmost provinces,” said Ichal Supriadi, ANFREL Mission Coordinator.

Observers found that voters expected prevalent vote buying but few were willing to cite details or report such cases to the ECT or police, despite the introduction of stricter laws. “People are scared to speak out against powerful people living in their communities,” continued Supriadi.

Regarding advance voting beginning today, political parties have expressed concern to ANFREL observers about the transparency of the process. “The ECT should ensure that advance voting is as transparent as possible – particularly the storage and transportation of ballots - to build trust with political parties,” concluded Supriadi.

17th December 2007

ANFREL releases advance voting report

**Polling administered satisfactorily except for secrecy of ballot
Alleged election violations by military and a private company**

Today ANFREL released its report on advance voting that took place 15th-16th December, summarising its findings from its 37 election observers deployed across the country.

Despite the unprecedented number of voters, the Election Commission generally coped well with polling administration, apart from some polling centres where the secrecy of the vote was not ensured. In addition, limited attention by the ECT on monitoring activities *outside* polling centres means that election violations may have taken place unchecked.

In polling centres themselves, some infractions of polling procedures were observed. For example, the inside of polling booths in Chonburi, Nonthaburi, and Pathum Thani were easily seen by those outside the polling centre, violating the secrecy of the ballot. Ballot boxes were not adequately sealed in one district in Nakhon Ratchasima.

“The ECT should make sure such errors do not take place on election day. Between now and then they must also ensure that ballot boxes used for advance voting are stored transparently. Concerns expressed by political parties should be allayed to ensure as credible an election as possible,” said ANFREL Mission Coordinator Mr. Ichal Supriadi.

A senior army officer in Chiang Rai, who asked to remain anonymous, alleged that army units had been instructed by superiors to vote for Chart Thai party in the proportional list system and a Chart Thai candidate for the constituency seat.

In one case in Songkhla, a voter who had been transported to the polling centre by her company spoke of her employer asking his employees to vote for the Democrat party.

“Cases of coerced voting – whether by the military or private companies - are difficult to prove. This highlights the need for much more attention by the ECT and civil society on what happens *outside* polling centres, both in the next week and on election day itself,” concluded Supriadi.

20th December 2007

**ANFREL calls on voters to return money to Election Commission
to combat vote buying**

Voters still confused about election system

In its third pre-election report released today, ANFREL expressed concern over vote buying and the lack of understanding of the new election system amongst voters.

“Today our local partner, the People’s Network for Elections in Thailand (P-NET), has released information about villages in Maha Sarakham where residents in several villages have decided to return money they received from party canvassers to the Election Commission. We encourage voters everywhere to follow this fine example and fundamentally improve the fairness of Thai elections,” said Mr. Damaso Magbual, ANFREL’s Head of Mission.

ANFREL’s report released today details allegations of vote buying reported to its observers involving several large political parties giving cash, in-kind gifts, and payment to attend campaign events.

“The fact that such allegations are made across the country and against many parties suggests that the problem of vote buying is real and prevalent. Sadly, people generally have little faith that the perpetrators will be brought to justice.

“We hope that the Maha Sarakham cases will bring Thailand a step closer to elections free from money politics. We call on all political parties to refrain from vote buying and allow for voters to make an independent decision,” said Mr. Magbual.

ANFREL also expressed concern that voters still do not understand the new electoral system. “With only a few days to go before the election, it is worrying that many people interviewed by ANFREL observers are confused about how to vote. Not everyone understands the changes to the constituency and party-list systems. The risk is that election results will not accurately reflect public sentiment,” stated Mr. Magbual.

The report also notes that the administration arrangements for this weekend’s election appear to be in place, with the Election Commission successfully meeting deadlines to designate polling stations and select polling staff. However, ANFREL observers have expressed some concern that the level of training given to new polling staff has not allowed them to gain a complete understanding of election law and polling procedures.

Thailand: Smooth Poll, Post Election Challenges Ahead

The Asian Network for Free Elections (ANFREL) commends the Election Commission on holding Thailand's elections, the results of which generally reflect the will of the people.

"Polling itself on election day was smooth except for some infractions of polling procedures. Our concern is more with election violations in the pre-election period and how the ECT will deal with cases of election fraud in the next two weeks," said Mr. Damaso Magbual, ANFREL's Head of Mission.

"We urge the ECT to pursue cases of vote-buying vigorously but to do so equitably. They must not be seen to award red and yellow cards unfairly. So far the decision-making of the ECT has not been open enough," continued Mr. Magbual. ANFREL will observe any re-elections that take place.

Despite new legislation, money politics remains pervasive. "People are scared to report vote buying to the authorities because they fear for their own safety and doubt that anyone will be successfully prosecuted. Authorities are sometimes reluctant to investigate," said Magbual.

Some government officials have not remained neutral, particularly village headmen (phuyaiban). "They continue to canvass for political parties and are even on polling station committees, where they can potentially influence voters."

Regarding the role of the military, Mr. Magbual remarked "Though martial law has not been applied in a heavy handed way as in Pakistan, its presence is inconsistent with international norms. In Chiang Rai, our observers received credible information that the army coerced their own soldiers and intimidated PPP supporters."

Though turnout for the elections was generally high, ANFREL notes with the concern the large number of spoilt ballots for the party-list seats. "This confirms our suspicions that many people did not really understand the new election system and that voter education should be improved," he continued.

In order to improve voter education, tackle vote buying, and watch over government officials who are supposed to remain neutral, stronger monitoring by Thai NGOs is required. "An alternative funding mechanism should be developed where money does not flow come from the ECT, allowing NGOs to maintain their independence," concluded Magbual.

11th January 2008

ANFREL observe re-elections

**Candidates encouraged to respect election law while
ECT must be consistent in awarding yellow and red cards**

The Asian Network for Free Elections (ANFREL) will observe re-elections in Thailand issued after candidates were disqualified for election violations by the Election Commission of Thailand.

Beginning in Nakhon Ratchasima on Sunday, ANFREL observers will observe a sample of the re-elections that will be held, including those in Buri Ram scheduled for next week.

“In this sensitive political context when a government has yet to form, re-elections must be well administered and their results are accepted by all election stakeholders,” said Ichal Supriadi, ANFREL’s Mission Coordinator.

Regarding cases of election violations still under investigation, ANFREL encourages the Election Commission to be open in their rulings and inform the public of their decision making in detail. All yellow and red cards must be considered and awarded in a just manner.

“To build trust with the public, the ECT should publish written rulings on each case on their website. Though some information from investigations is obviously sensitive, the ECT should proactively release as much as evidence as possible to the public so that their rulings can be more easily scrutinized.

“All candidates are urged to refrain from committing election violations to ensure a smooth and credible election. Repeated vote buying risk creating further re-elections which would alienate voters and could delay the opening of Parliament,” concluded Supriadi.

Annex 10

Media coverage of ANFREL mission

Extensive coverage of ANFREL's mission appeared in English-language and Thai media, and in both broadcast and print media. Coverage by international media focused predominantly on election day itself, though pre-election and post-election observations were picked up by the local press. As well using ANFREL's own website, for the first time ANFREL launched an election blog (<http://blog.nationmultimedia.com/anfrel>). This was hosted by *The Nation* group and prompted many comments from readers. Numerous opinion-editorials written by ANFREL staff appeared in *The Bangkok Post*.

The list below is a short selection of the coverage of ANFREL's mission in the English-language print media:

6th September 2007

EU monitors would boost credibility of poll: Anfrel, *The Nation*

<http://www.nationmultimedia.com/worldhotnews/read.php?newsid=30047900>

1st November 2007

Upholding the standards of a free and fair election, *The Bangkok Post*

http://www.bangkokpost.com/News/01Nov2007_news17.php

http://www.anfrel.org/mission.asp?current_id=412

12th November 2007

Anti-vote buying plan appears doomed, *The Bangkok Post*

http://www.bangkokpost.com/News/12Nov2007_news17.php

http://www.anfrel.org/mission.asp?current_id=417

8th December 2007

Armm poll watchdog invited observer in Thai elections, *Sun Star*

<http://sunstar.com.ph/static/dav/2007/12/08/news/armm.poll.watchdog.invited.observer.in.thai.elections.html>

10th December 2007

Anfrel observers to observe the December election, *The Nation*

http://www.nationmultimedia.com/2007/12/10/politics/politics_30058626.php

11th December 2007

Anfrel urges Thai military to stay neutral, *The Bangkok Post*

<http://www.ect.go.th/english/month/dec11.htm>

14th December 2007

Filipino Muslims to observe Dec 23 polls, *The Bangkok Post*

http://www.bangkokpost.com/breaking_news/breakingnews.php?id=124418

16th December 2007

Polling booths crowded, *The Nation*

<http://www.nationmultimedia.com/search/page.news.php?clid=2&id=30059237>

18th December 2007

Asian observer criticise weekend voting, *The Bangkok Post*

http://www.bangkokpost.com/breaking_news/breakingnews.php?id=124499

19th December 2007

Election watchdog Anfrel questions military neutrality, *The Nation*

http://www.nationmultimedia.com/2007/12/19/politics/politics_30059550.php

21st December 2007

Thai Election On Track, Says International Observers, *Bernama*

http://www.bernama.com/bernama/v3/news_lite.php?id=303873

http://www.anfrel.org/mission.asp?current_id=477

23rd December 2007

Thailand's military rule rejected by voters, *The Daily Telegraph*

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/12/23/wthai323.xml>

24th December 2007

Military 'trying to disrupt Thai election', *The Daily Telegraph*

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/12/23/wthai123.xml>

24th December 2007

PPP surges into the lead, *The Bangkok Post*

24th December 2007

Pro-Thaksin party claims victory in Thailand's post-coup election, *AFP*

e.g. http://www.channelnewsasia.com/stories/afp_asiapacific/view/318857/1/.html

25th December 2007

Deposed Thai Prime Minister Plans Return, *Associated Press*

e.g. http://www.usatoday.com/news/topstories/2007-12-24-3024461585_x.htm

26th December 2007

Election gets passing grade, observers say, *The Nation*

<http://www.nationmultimedia.com/search/page.news.php?clid=5&id=30060327>

http://www.anfrel.org/mission_data/anfrel_nation_news.jpg

24th December 2007

Pro-Thaksin party claims Thailand election win, *Agencies*

<http://www.news.com.au/story/0,23599,22968550-2,00.html>

7th January 2008

Uncertainty Over Parliament Reopening, *IPS*

<http://ipsnews.net/news.asp?idnews=40687>

12th January 2008

Anfrel to keep close watch, *The Nation*

<http://www.nationmultimedia.com/search/page.news.php?clid=5&id=30062025>

12th January 2008

Samak still confident PPP can form coalition, *The Bangkok Post*

http://www.bangkokpost.com/120108_News/12Jan2008_news11.php

http://www.ect.go.th/english/month51/jan_12_51.html

25th January 2008

Anfrel's views on poll's shortcomings, *The Nation*

<http://www.nationmultimedia.com/search/page.news.php?clid=5&id=30063382>

4th February 2007

Thailand's Imperfect Election, *The Bangkok Post*

http://www.fnfasia.org/analyses_commemtaies_detail.php?know_id=919&sub_name=12

The election to Thailand's House of Representatives on 23rd December 2007 was a landmark in many ways. After nearly sixteen months of military rule, it restored democratic rule to the country. It was the first election held under a new Constitution which brought in widespread changes to the electoral system, and was regulated by new, stricter electoral laws. After the dismissal of the previous team of Election Commissioners in 2006, the election was also the first test for a new set of Commissioners who hoped to restore faith in the independence of the institution.



ANFREL and P-Net's leaders meet with General Sonthi Boonyaratkalin discussing the government's anti vote buying initiative

The election was mostly free and fair, the results reflecting the general will of the people to restore a government allied with ousted Prime Minister Thaksin Shinawatra. Polling was conducted smoothly, barring some isolated irregularities. No systematic fraud that would fatally undermine confidence in the election results was observed. Nevertheless, the endemic problems of Thai elections – vote buying, the bias of state officials, and weaknesses in the investigations and adjudications process – were not solved, despite the introduction of new laws and regulations. Such challenges must be addressed to build confidence in the electoral process in Thailand.