

Act on Orderly Conduct of Referendum on Draft Constitution, B.E. 2550 (2007)

Translation

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Given on the 2nd day of August, B.E. 2550Being the 62nd year of the Present Reign**Section 1**

This Act is called "Act on Orderly Conduct of Referendum on Draft Constitution, B.E. 2550 (2007)"

Section 2

This Act shall be implemented the next day after its announcement in the Government Gazette.

Section 3

In this Act,

"Draft Constitution" means the draft constitution of Kingdom of Thailand as approved by the Constitutional Drafting Assembly on July 6, 2007.

"Referendum" means the referendum whether to approve or disapprove the whole draft constitution.

"The Constitutional Drafting Assembly Announcement" means the Constitutional Drafting Assembly Announcement on Regulations and Procedures over the Distribution of the Draft Constitution and the Referendum, B.E. 2550 (2007).

"Eligible Voter" means the eligible voter for referendum as regulated by the CDA Announcement.

"Voting Station" means the voting station as regulated by the CDA Announcement.

"Voting Place" means the voting place as regulated by the CDA Announcement.

"Election Commission" means the Election Commission that provided by the Organic Law on Election Commission of Thailand B.E. 2541 (1998).

Section 4

When the Election Commission of Thailand is assigned by the Constitutional Drafting Assembly, as to the Constitutional Drafting Assembly Announcement, to manage and supervise the referendum, the Election Commission shall be regarded as performing its authority according to Section 30 (3) of the Organic Law on Election Commission of Thailand, B.E. 2541 (1998).

In performing duty in paragraph 1, the Election Commission shall have the authority as provided by the Organic Law on Election Commission of Thailand B.E. 2541 and the CDA Announcement, and that Section 24 and Section 52 of the Organic Law on Election Commission of Thailand, B.E. 2541 shall also be implemented.

Section 5

In case the Election Commission finds any person violating this Act, the Election Commission shall have the power as provided by Section 16 of the Organic Law on Election Commission of Thailand, B.E. 2541.

Section 6

Any person obstructs the functioning of the Election Commission, Election Commissioner, the Provincial Election Committee, the Provincial Election Committee Member, Director of the Provincial Election Committee, the Voting Station Committee, the Voting Station Committee Member, Sub-Committee, or Sub-Committee Member appointed by the Election Commission as to the CDA Announcement, shall be imprisoned of not more than 1 year, or a fine of not more than 20,000 Baht, or both.

In case the obstruction in paragraph 1 is conducted with the physical abuse action, or threat to use the physical abuse action, the violator shall be imprisoned of not more than 2 years, or a fine of not more than 40,000 Baht, or both.

Section 7

Any superior or employer who obstructs or delays or refuses to offer his or her subordinates or employees appropriate convenience in their exercise of right to vote at a referendum, as the case may be, shall be punished with imprisonment of not exceeding two years or a fine of not exceeding forty thousand Baht, or both.

Section 8

Whoever destroys a ballot paper designed for the voting at a referendum without authorization, or commits an act in any manner whatsoever to dilapidate or damage a ballot paper on purpose or commits an act in any manner whatsoever to an invalid ballot paper to be valid shall be punished with imprisonment of not exceeding one year and a fine of not exceeding twenty thousand Baht.

If the offender according to the first paragraph is an official or anyone involved in the voting at a referendum process, he or she shall be punished with imprisonment of one year to ten years and a fine of twenty thousand Baht to two hundred thousand Baht.

Section 9

Any person commits the following acts during the time of voting:

- (1) To vote or try to vote while knowing that he or she has no right to vote or to cast a vote in such polling station;
- (2) To cast a vote by using paper other than ballot card;
- (3) To take a ballot card out of the polling station;
- (4) To mark a sign by any means on a ballot card to enable other person to know that it is of his or hers;
- (5) To resist order from any committee member at the polling station to leave the polling station by reason that he or she obstructs the voting by virtue of Section 20, paragraph 2, of the Announcement of the Constitutional Drafting Assembly;
- (6) To insert a ballot card into a ballot box without authorization or do anything to the voter's roll to deviate the number of persons actually present to cast votes or commit any act to increase the actual number of ballot cards;
- (7) To commit any act without authorization to prevent a voter from casting vote or obstruct or delay a voter from going to the polling station, entering the place for voting, or reaching such place within the polling hours; and
- (8) To cause confusion at the polling station, or commit any act to disturb or interrupt the voting.

Any person committing offense as in (1), (2), (3), (4) or (5) above shall be liable to imprisonment for a term of not exceeding 5 years or to a fine of 20,000 Baht to 100,000 Baht, or both. Any person committing offense as in (6), (7), and (8) above shall be liable to imprisonment of not exceeding 10 years and a fine of not exceeding 200,000 Baht.

Section 10

Any person commits the following acts:

- (1) To cause confusion to affect orderliness of voting;
- (2) To give, offer or promise to give or prepare to give anything or other benefits that can possibly be calculated in the form of money to anyone else to induce the eligible voters not to exercise their voting rights, to vote one way or another, or to abstain from voting;
- (3) To deceive, coerce, threaten, or influence eligible voters not to exercise their voting rights, to vote one way or another, to abstain from voting or to misunderstand the date and time of voting or the voting process;

- (4) To open, destroy, damage, deform, cause to vanish, cause to be useless, cease, take away, or obstruct the delivery of ballot boxes or ballot cards, except such acts committed with authorization;
- (5) To bet or organize betting to induce eligible voters not to exercise their voting rights, to vote one way or another, or to abstain from voting; and
- (6) To require any property or other benefit for his or her own or for other persons for not to exercise their voting rights, to vote one way or another, or to abstain from voting.

Any person committing offence as in (1), (2), (3), or (8) shall be liable to imprisonment for a term of not exceeding 10 years and a fine of 200,000 Baht. Any person committing offence as in (5) or (6) shall be liable to imprisonment for a term of not exceeding 5 years or to a fine of 20,000 Baht to 100,000 Baht, or both. The court may also order disfranchisement for a period of not exceeding 5 years.

Section 11

Whoever disseminates results of public opinion surveys on the voting at a referendum during a period of three days before the date of voting at a referendum to a closing time on voting at a referendum shall be punished with imprisonment of not exceeding three months or a fine of not exceeding six thousand Baht, or both.

Section 12

Any member of the committee at a referendum voting station who, on purpose, cheats the counting of ballot papers or votes at a referendum, sums up the votes incorrectly, commits an act in any manner whatsoever without an authorization to dilapidate or damage a ballot paper or to make a ballot paper to be invalid, commits an act in any manner whatsoever to an invalid ballot paper to be valid, to read a ballot paper incorrectly or makes the voting at a referendum report different from actual result shall be punished with imprisonment of one year to ten years and a fine of twenty thousand Baht to two hundred thousand Baht.

Section 13

The Chairman of the Election Commission shall have charge and control of the execution of this Act.

Enacted on August 2, 2007

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