Public Statement
On the Observation of Thailand’s General Election on 14 May 2023

By We Watch

1. We Watch

We Watch is a civil society group led by youth volunteers with the core mandate to carry out election observation. The group was founded in 2013 and officially announced our public presence on 15 December 2017. In 2019, We Watch carried out its first mission of election observation in Thailand with the goal to ensure that the election, which is considered an essential process for any democracy, could successfully reflect the voices of the people who are the ultimate source of popular sovereignty.

We Watch’s approach to election observation and other work relevant to our mandate adheres to internationally recognized standards, including independence, equality, public participation, impartiality, and effective electoral management.

During the general election on 14 May 2023, We Watch works in collaboration with election observation volunteers and local networks established in every region across the country. The group has coordinators in five key regions, including the central, eastern, northern, northeastern, and southern regions, as well as provincial coordinators working at the local level. We Watch gives importance to the recruitment and training of our volunteers to be able to carry out election observation in line with fundamental principles and internationally recognized standards. We also initiated additional recruitment of individual volunteers who would like to observe this particular election. Moreover, we have partnered up with the “People’s Network for 2023 Election Observation” to ensure transparency and effectiveness of the electoral process.

We Watch received empirical evidence from people who actively participated and observed the election and reported irregularities to us. Upon the assessment of our findings, We Watch concludes that the 14 May 2023 election raised concerns in many areas which are emblematic of existing problems and limitations in the operation of the Election
Commission of Thailand (ECT), as well as the functioning of Thailand’s current electoral system.

2. Methodology for Election Observation

We Watch has more than 9,000 volunteers operating in various channels. These volunteers had observed at least 11,622 polling stations in 350 constituencies in 77 provinces across the country. We Watch’s volunteers, together with ordinary people, began election observation at 8.00 am when the voting started and stopped when voting finished at 5:00 pm. until the last step of counting votes.

The volunteers carried out election observation from the start of voting to the end, including the counting process. They produced brief reports to summarize the situation of the election that they observed.

3. Political context

Thailand’s general election on 14 May 2023 was a political legacy of the 2014 military coup and further shaped by the political landscape under the 2017 Constitution. In 2021, a constitutional amendment re-introduced “First-Past-The-Post” (FPTP), an electoral system previously used in Thailand. Under FPTP, there are two types of members of the parliament’s house of representatives: the first group is elected from their constituencies, whereas the second is elected through the party-list proportional representation system. This system replaced the Mixed Member Apportionment system used in the 2019 election, which provided each voter with only one ballot. The vote cast in that ballot would go to a chosen constituency-based candidate and contribute to the calculation of total party-list seats which the candidate’s party would get. This previous electoral regime gave rise to the multi-party system which has set the stage for Thai politics between the period after the 2019 election until the present. This characteristic manifested in the configuration of General Prayut Chan-o-cha’s ruling coalition led by Palang Pracharat Party which had to join hands with 19 other political parties to form a government. Notably, house members in the coalition only constituted 50.8% of the total number.
On the other hand, the aforementioned amendment of the 2017 Constitution only focused on changing the electoral system. This amendment was proposed by members of the parliament, and it was different in content from another failed amendment supported by a group of ordinary citizens. Similar to what happened in 2011, this amendment simply led Thailand to switch back to an old electoral system without any further political reforms. There are still political institutions established as a legacy of the 2014 military coup. These include many political entities that did not come from popular will, such as the appointed Senate, the National Strategy Committee, and independent organizations appointed by the Senate per constitutional provisions. Therefore, it cannot be said that the election held on 14 May 2023 took place in the context of truly free and open democracy.

However, one positive development is that up to 70 political parties registered to run for the 14 May 2023 election. These 70 parties sent 4,781 candidates to run for constituency-based seats, whereas 67 parties sent 1,898 candidates to run for a party-list seats. Forty-three parties submitted a nomination of 63 individuals to run for the position of Prime Minister.

This data shows reflected political parties’ strong enthusiasm in engaging in politics and presenting their values and goals to persuade people to vote for them to get a seat in the house of representatives. Such enthusiasm meets with active participation from the people as manifested in the number of people who came out to exercise their voting right. According to the ECT, there are 52,287,045 eligible voters (Data as of 24 March 2023), including 25,136,051 males and 27,150,994 females. The ECT informally announced that 75.22% of these eligible voters cast their votes in the 14 May 2023 election.

4. Situation of the election

During this election, the ECT had made efforts to promote the participation of civil society organizations in election observation. Under the law, independent organizations mandated to hold elections are subject to two key international principles: 1. Ensure voters can exercise their rights in whichever ways possible and 2. The voters’ voices must be
counted. We Watch found that all the Polling Station Committee (PSC) officials fully performed their duties throughout the election day, and most officials facilitated election observations well. Their performance of official duty significantly contributed to the smooth management of the election.

The election on 14 May 2023 marks one of the greatest heights for public enthusiasm for political participation since the first election took place in Thailand in 1933. On 14 May 2023, up to 75.22% of eligible voters exercised their voting right, making the second-highest ratio out of the 28 elections ever held in the country. This percentage constituted a total of 39,284,752 voters which, in Thai history, is the largest number of people casting the ballots in a single election. The electoral campaigns had become vibrant since early 2023 and intensified even further two months before the election date. Campaigning methods included publication of online materials, large- and small-scale speeches by candidates, door-to-door campaigning, and live-broadcasted debates in publicly available channels.

The first sign of public enthusiasm was evident in the active participation in advance voting for those casting a ballot outside and inside their constituency on 7 May 2023. Up to 2.2 million people registered to vote in advance, and they went out to exercise their right to vote from morning till evening. Still, there are some concerns regarding the process of transferring ballot boxes to people’s original constituencies for counting the votes. Furthermore, approximately 200,000 individuals who registered for advance voting reported that they could not switch back their voting date after registration and were no longer eligible to cast their votes on 14 May 2023.

However, in the overall assessment, We Watch views that the 14 May 2023 election was held without any critical incident and did not receive reports on the use of violence during the voting period. We found many people who went to vote in the early morning. In many areas, people waited to cast their vote before the station opened at 8.00 am. Some others come later in the day to cast their vote until the end time at 5:00 pm. During the nine-hour voting period, We Watch received many reports of irregularities. Furthermore, after the voting period ended, some volunteers, as well as ordinary people, continued to observe the counting
process at each polling station. In many stations, the counting went smoothly. Nonetheless, in some stations, people observing the counting process filed complaints and protested upfront how the PSC members carried out the voting process, particularly on the issues of informing the public of voting results, identifying spoiled ballots, and checking the number of total ballots provided ahead of the election and the number of those used. The polling stations where such interactions took place included those in Pathum Thani and Bangkok.

This phenomenon indicates that Thai people give importance to the election. This political process is not simply a channel for democratic expression, but also a significant juncture for realizing individual political visions. Even though this election is an important political activity that concerns more than 10 million people, it still has many issues well documented and reported by election observation volunteers and ordinary people. We Watch has analyzed key interesting findings and proposed the solutions as follows:

5. Relevant laws on election management

This election was announced after the issuance of the 2023 Decree on the Dissolution of the Parliament. The key laws governing the 2023 election included four organic laws on the election of the members of parliament, the selection of the senate, the Election Commission of Thailand, and political parties. These laws influence the design of the Election Commission of Thailand’s regulation on the election of the members of parliament in 2023, which did not only impact the electoral system, but also people’s enjoyment of their rights.

5.1. Even though the electoral system brought a return to the two-ballot system to elect constituency-based and party-list MPs, members of the Senate still hold the power to vote in the Prime Minister’s election.

5.2. Many groups have been subjected to disenfranchisement including monks, persons with mental illnesses, and prisoners including those held in pre-trial detention or convicted of minor offenses.

5.3 The two ballots contain different numbers for a candidate and their party. Each constituency-based candidate must draw up a number separately without any links to their party of affiliation. As these
candidates do not have the same number as their parties, voters became confused in the process of casting their votes.

5.4. Many people who registered for advanced voting lost their chance to vote for many reasons. In elections before 2014, those who registered for advance voting but could not make it were still allowed to cast their vote on the general election date.

5.5. The requirement to announce the election result within 60 days is considered too slow. This will cause a delay in allowing the newly elected government to begin its work. In elections before 2014, election results must be announced within 7 days after the election date.

6. Voting process

Even if the PSC attempted to serve as the key mechanism to facilitate a smooth management of this election, We Watch noted many observations and concerns that should be taken into account in order to address all the flaws in this election more effectively. The voting process is one of the most concerning areas for We Watch and ordinary citizens who have observed the 14 May 2023 election. The key issues have been summarized below:

6.1. Effectiveness in managing polling stations: Key concerns include the following:

Polling stations did not provide convenient access for persons with disabilities, elderly persons, and other vulnerable groups. It was found that some polling stations did not suit the conditions of persons with disabilities and elderly people in wheelchairs. In many polling stations, voters need to go up to an elevated space without a ramp for wheelchairs. Such conditions were identified in the provinces of Chumporn, Loei, Khon Kaen, Uttaradit, Ubon Ratchathani, Trang, Bangkok, Surat Thani, and Chonburi.

There were also issues with providing wrong information about candidates. Many polling stations provided a vinyl sign with wrong or incomplete information about candidates.
In addition, there were concerns about impartiality. In some cases, there were campaign signs next to or near a polling station. Meanwhile, campaign posters were reportedly found on the official announcement board in front of some polling stations.

The system for reporting the election results to the public was ineffective. It provided the results in a delayed and inaccurate manner.

6.2. Lack of confidentiality: In many stations, voting booths had no board or wall covering the area behind. This could allow for those outside the booths to see who or which party a voter is choosing. Such a setup was found in some polling stations in Bangkok, as well as the provinces of Surat Thani, Ubon Ratchathani, Chaiyaphum, Rayong, Nakhon Srithammarat, Samut Prakan, and Lopburi.

Furthermore, there was a report that officials accidentally tore up ballots in a polling station in Bangkok. According to the information received, the official did not provide a new ballot and only fixed the torn part with a tape.

6.3. Errors in the list of eligible voters: Some examples of reports included:
- Unknown persons listed in one’s household registration;
- Persons still listed in their original household registration, even if that person has moved a long time ago;
- Persons listed in a constituency outside of their household registration;

6.4. Irregularities related to revealing key documents that must be open to public:

1. Document titled “Sor Sor 5/5,” which contains information on how many ballots in total were provided and how many eligible voters were registered in a particular polling station

2. Document titled “Sor Sor 5/7,” which contains information on how many ballots were used and how many remaining ballots there were in a particular polling station
For these two items, there were significant irregularities including:

- Not putting these documents up on the board in front of the polling stations;
- Putting these documents inside the polling stations where ordinary people could not see;
- Putting these documents up without providing details or providing wrong information;

3. Document titled “Sor Sor 5/18,” which contains the election result, including how many votes each candidate and each political party received in a particular polling station

Similar to the previously mentioned documents, it was found that this document was not shown to the public and sometimes contained wrong information. In addition, under the law, this document did not need to be returned to a district office of the ECT. It must be put up in front of polling stations to allow people to check the votes. However, it was found that in many stations, officials immediately took away this document after the process had ended.

6.5. Concerns about the conduct of PSC’s duties: The observation reports could be divided into two categories as follows:

Pre-voting period: Reportedly, some officials misunderstood some information, which affected people’s exercises of their rights. For example, in some stations, the PSC officials:
- Did not verify the identities of voters;
- Did not tell the voters to fold their ballots before dropping them into the boxes;
- Prohibited voters from using their own pens;
- Prohibited voters from using an ID card with an old address and told them to get a new ID card before voting;

Voting period: Many reports said
• The decision whether a ballot was good or spoiled was sometimes mishandled. There were also instances of announcing wrong results aloud or putting wrong results into the counting board.
• Misunderstandings about how to handle documents that must be open to public, as aforementioned.

6.6. Issues related to election observation.
Many reports indicated that polling officials in many constituencies did not understand the principle of transparency and people’s right to observe the electoral process. Such a lack of understanding posed many obstacles to observers as follows:
• Officials refused to allow activities by observers who are not accredited by political parties or the ECT.
• Officials did not allow volunteers to take photos of key documents, such as the report on the number of ballots and the vote counting process, which must be open for public knowledge.
• Officials did not allow volunteers and ordinary citizens to take photos or record videos during the counting of votes.

7. Urgent recommendations on post-election managements

1. The ECT should reveal the number of ballots mishandled during the advance voting period and determine solutions for this issue. Clear evidence should be presented to the public.

2. In order to prevent any damage to national governance and build trust among people, the ECT should promptly and effectively investigate the election results in every constituency and announce the official results as soon as possible. The authorities may use the timeframe provided in past election laws used in 2011 which required the announcement to be within seven days after the election date, including publicly announce vote results of each polling station within this timeframe.