

**Constitutional Court Ruling No. 22/2567 (2024)**

Udon Thani Provincial Court

Applicant

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Respondent

Constitution, section 26

Election of Members of Local Assemblies or Local Administrators Act, B.E. 2562 (2019), section 65 paragraph one (1), section 108 paragraph two and section 126 paragraph one

Section 126 paragraph one of the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2562 (2019), provided that the court shall order revocation of the voting rights of individuals who engaged in vote-buying, which violated section 65 paragraph one (1), for a term of twenty years as such act was considered as a serious offence. This provision imposed a criminal penalty that fell under the jurisdiction of the Criminal Court.

Section 108 paragraph two provided that the court shall order the revocation of the voting rights of candidates who had caused the election which failed to proceed in an honest or fair manner for a term of ten years. Its scope broadly covered various types of misconduct, some of which may not be serious. This was regarded as an electoral offence and fell under the jurisdiction of the Court of Appeal.

Both cases represented distinct legal proceedings, one being an electoral case and the other a criminal case, because they differed in purpose, procedure, elements of the offence, involved organisations, and standards of proof.

Therefore, if a defendant's conduct met the elements of the offence as prescribed in each type of case, such person shall be found guilty and have voting rights revoked in both electoral and criminal cases. This did not amount to punishing a person more than once for the same act.

Furthermore, imposing the term of twenty-year revocation was proportionate to the severity of the offence, did not excessively infringe upon the rights and liberties of individuals, and were not contrary to or inconsistent with section 26 of the Constitution.

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