

Title of Thesis : Legal Measures in Controlling Polling and Dissemination of Poll Results concerning Elections

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ABSTRACT

Today polling and dissemination of poll results concerning elections is playing an increasingly significant role in elections of many free democratic states, like Thailand. Several studies of Thailand's legal measures in controlling polling and dissemination of poll results concerning elections have been conducted. Like the Election Commission's Announcement regarding prohibition of announcement, advertisement, or any other actions which lead to understanding that any candidates or any political parties have received a certain votes in elections of members of the House of Representatives, Senators, members of local councils or local administrators, B.E. 2546; and the announcement of the resolution of the Election Commission after the meeting number 114/2547 on 27th August B.E. 2547, where there were many problems as follows,

1. The problem of legality of the Election Commission's announcement of dissemination of poll results concerning elections

2. The problem concerning the effects of the Election Commission's announcement on the freedom to express opinion, the freedom of the press, and the freedom of academics of disseminators of election poll results

3. The problem that the legal measures in controlling polling and dissemination of poll results concerning elections are not clear and there are ambiguities. Like in regarding polling in front of poll stations or the exit poll, there is only a resolution of the Election Commission regarding the election of Bangkok Governor; in regarding dissemination of poll results of

elections, the Election Commission's announcement regarding controlling dissemination of poll results of elections does not provide clear and detailed designation.

The findings of the research show that, even though the Election Commission has the authority to issue announcement regarding controlling polling concerning elections, such control however must not affect the freedom to express opinion, the freedom of the press, and the freedom of academics of disseminators of election poll results; furthermore the legal measures in controlling polling and dissemination of poll results concerning elections still lacks clarity and details, and there are ambiguities, in many issues.

As a result, this thesis proposes some solutions to the problems by suggesting legal measures that should be enacted regarding conducting exit poll in controlling polling of election, the types of election of which polling can be conducted, regulation of conducting polling and the time period of conducting polling of election; also it should be enacted the legal measures in controlling dissemination of poll results of election, like the method of poll results dissemination, time periods of prohibition of poll results dissemination, the correction of the disseminated poll results and dissemination of the correction.

