

# PERSPECTIVE

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## **Thailand’s Puzzling 2019 Election: How the NCPO Junta has Embedded itself in Thai Politics**

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### **EXECUTIVE SUMMARY**

- The “mixed-member apportionment” system that Thailand’s 2017 Constitution introduced to parliamentary elections has led to the changes in the country’s political landscape.
- Although the system was designed to help the military-backed Phalang Pracharat Party garner a large number of parliamentary seats, it also enabled a number of medium-size and small parties, including the Future Forward Party, to gain more parliamentary seats than expected.
- Eleven small parties with one or two seats each have pledged to support the pro-junta Phalang Pracharat Party in forming a government and to back the incumbent prime minister continuing in power.
- If these small parties join a pro-military coalition, the new government will face challenges managing a coalition of more than 20 parties.

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## INTRODUCTION

*“Please let it be known about an important thing in governing, that in the country, there are both good and bad people. No one will make all people become good people. So to give the country normality and order is not about making everyone become good people, but it lies in supporting goodness, so that good people govern the country, and restraining bad people from having power, in order not to create confusion.” (Unofficial Translation)*

His Majesty King Vajiralongkorn’s statement  
23 March 2019<sup>1</sup>

On 23 March 2019, King Vajiralongkorn released an unexpected announcement on the eve of Thailand’s national elections, saying that voters should support “good people” to rule Thailand. This announcement was broadcast on every television channel in the country through the Television Pool of Thailand. It expressed the hopes of His Majesty the King that all citizens and government officials — including civil servants, the military and the police — would help ensure national security and people’s happiness. Although this statement did not directly mention the next day’s elections, to a certain extent it signalled the future of the Thai political landscape after those polls.

It is not an overstatement to call the March 2019 elections in Thailand cryptic. Many observers raised concerns about their transparency.<sup>2</sup> The advance voting on March 17 was rife with irregularities, including parties’ confiscation of voters’ identity cards, voters receiving incorrect ballots and a lack of transparency in ballot transportation. After Election Day, 24 March, there were even more widespread suspicions of electoral fraud. The number of ballots counted in many constituencies did not match the number of voters who came to vote in polling stations; some ballots were ruled valid despite being marked with a cross over the candidate’s number instead of in the correct blank box, even as a ballot cast for another party in the same constituency was declared invalid because the ballot was marked twice despite only one cross being in the blank box;<sup>3</sup> and the Election Commission of Thailand (ECT) failed to release results in a timely fashion. The formal announcement of electoral results, both for constituency races and the allocation of party-list seats, was on May 9. It thus took more than a month for the ECT to release these outcomes even though the vote counting wrapped up on the day after the elections. All this electoral confusion led to calls for the impeachment of election commissioners. Young Thais calling themselves “the new generation people for social change” invited members of the public, including students, to sign a petition in support of impeachment via the [www.change.org](http://www.change.org) website.<sup>4</sup>

Although much about the 2019 elections raised suspicions, they also yielded numerous interesting results. These unprecedented outcomes include the electoral success of a pro-military party such as the Phalang Pracharat Party (PPRP); the failure of the Democrat Party (DP), Thailand’s oldest political party; the electoral success of the Future Forward Party (FFP); and the victories of many new medium- and small-sized parties such as the Phumjai Thai Party, the Thai Liberal Party led by former Police Commissioner Seripisut Temiyavet and the New Economics Party led by Mingkwan Sangsuwan, a former deputy prime minister who served under Thaksin Shinawatra.

The junta made efforts to introduce different forms of institutional engineering ahead of the elections. The goal was to ensure the victory of its party and the continuity of Prime Minister

Prayut Chan-ocah's leadership of a military-dominated government. While these mechanisms, including the new electoral system, were designed to support the military-backed PPRP and help it garner a large number of parliamentary seats, they also favoured medium- and small-sized parties, including the Future Forward Party, and enabled them to gain more parliamentary seats than expected.

## **THE NEW ELECTORAL SYSTEM AND VOTING RULES: WHO GAINS?**

For the first time, Thailand applied a "mixed-member apportionment" system (MMA) in the 2019 elections. Voters were allowed to directly select 350 lawmakers from single-seat constituencies. The ballots that they cast would count as both votes for the candidates in those races and simultaneously votes for those candidates' party in the allocation of party-list seats. The total number of votes that a party received nationwide via this single vote would determine the number of party-list members of parliament allocated to each party. Parties that were eligible to gain party-list seats in the first round of calculation should secure the minimum threshold of 71,065 votes. The threshold is by dividing the total of 35.53 million valid votes by the number of 500 MPs. However, parties that already garnered more constituency seats than the number for which this first calculation made them eligible would not be allocated more party-list seats, as in the case of the Phuea Thai Party in this election. The 150 party-list seats would then be distributed among parties according to the proportion of the votes that they received. Article 127 of the Organic Law on Elections stated that the ECT would announce the election results when the returns from at least 95 per cent of constituencies were ready.<sup>5</sup> On 6 May, the ECT finally endorsed the majority of results in the 24 March national ballot, but warned that it was still investigating allegations of wrongdoing that might affect the final tallies. If there were reported electoral fraudulence in any constituency, the votes from that constituency would be subtracted from the party's proportional representation total and the ECT would organize a new election. Votes gained in this new re-election would be used to re-calculate the allocation of party-list seats, and the ECT, according to Articles 130 and 131 of the Organic Law on Elections, could repeatedly re-calculate the allocation of party-list seats for up to one year after the contests of 24 March. Some incumbents holding party-list seats might thus be replaced by new parliamentarians as a result of the re-calculation process.

Concerning the formula to calculate the allocation of party-list seats, there were two opposing ideas.<sup>6</sup> In the first method, finalized by the Constitutional Drafting Committee, all seats remaining after the allocation of seats to eligible parties<sup>7</sup> are to be distributed to small parties that won votes less than a quota of approximately 71,065 votes. The opponents of this formula argued that it may violate the condition that no party can get more seats than it is entitled to. It was feared that the formula would thus have a serious impact on the formation of a legitimate government. If the eleven small parties receiving fewer votes than the 71,065-vote threshold on 24 March won places in the Lower House, those small parties will, it was argued, be easily wooed by the conservative faction – a development that will ultimately handicap the anti-military side. In challenging this first method, the pro-democratic parties proposed that party-list seats be allocated only to those parties that have received the quota of approximately 71,065 votes. To resolve this matter, the Ombudsman decided to call on the Constitutional Court to judge on the alleged contradiction between these two methods, which has raised controversy over the Election Commission's counting formula for party-list MP seats.

On 8 May, Thailand's Constitutional Court ruled that the contentious condition related to the formula to allocate party-list seats in the Organic Law on parliamentary elections did not violate the country's 2017 charter. This meant that a total of 27 parties, a new record in Thai politics, will join the parliament. The inclusion of small parties has dropped the threshold from one party-list seat per 71,065 votes to one seat per approximately 30,000 votes. Table 1 shows the electoral result in 2019 with the number of votes that each of these 27 parties gained.

*Table 1: 2019 Electoral Results*

|    | <b>Political Parties</b>       | <b>Number of Votes</b> | <b>Number of Constituency MPs</b> | <b>Number of Party-list MPs</b> | <b>Total</b> |
|----|--------------------------------|------------------------|-----------------------------------|---------------------------------|--------------|
| 1  | Phuea Thai Party               | 7,881,006              | 136                               | 0                               | 136          |
| 2  | Phalang Pracharat Party        | 8,413,413              | 97                                | 18                              | 115          |
| 3  | Future Forward Party           | 6,254,726              | 30                                | 50                              | 80           |
| 4  | Democrat Party                 | 3,957,620              | 33                                | 19                              | 52           |
| 5  | Phumjai Thai Party             | 3,734,055              | 39                                | 12                              | 51           |
| 6  | Thai Liberal Party             | 822,240                | 0                                 | 10                              | 10           |
| 7  | Chat Thai Phattahna Party      | 783,607                | 6                                 | 5                               | 11           |
| 8  | New Economic Party             | 485,574                | 0                                 | 6                               | 6            |
| 9  | Prachachat Party               | 481,143                | 6                                 | 1                               | 7            |
| 10 | Phuea Chat Party               | 419,121                | 0                                 | 5                               | 5            |
| 11 | Action Coalition for Thailand  | 415,202                | 1                                 | 4                               | 5            |
| 12 | National Development Party     | 244,770                | 1                                 | 2                               | 3            |
| 13 | Thai Local Power Party         | 212,953                | 0                                 | 3                               | 3            |
| 14 | Thai Forest Conservation Party | 134,532                | 0                                 | 2                               | 2            |
| 15 | Thai People Power Party        | 79,783                 | 0                                 | 1                               | 1            |
| 16 | Thai Nation Power Party        | 73,189                 | 0                                 | 1                               | 1            |
| 17 | People's Progressive Party     | 68,973                 | 0                                 | 1                               | 1            |
| 18 | Thai Civilization Party        | 60,354                 | 0                                 | 1                               | 1            |
| 19 | Phalang Thai Rak Thai Party    | 60,298                 | 0                                 | 1                               | 1            |
| 20 | Thai Teacher Power Party       | 56,308                 | 0                                 | 1                               | 1            |
| 21 | Populist Party                 | 56,215                 | 0                                 | 1                               | 1            |
| 22 | Thai People's Justice Party    | 47,787                 | 0                                 | 1                               | 1            |
| 23 | People's Reform Party          | 45,374                 | 0                                 | 1                               | 1            |
| 24 | Thai Citizens' Party           | 44,961                 | 0                                 | 1                               | 1            |
| 25 | New Democratic Party           | 39,260                 | 0                                 | 1                               | 1            |
| 26 | New Phalang Tham Party         | 34,924                 | 0                                 | 1                               | 1            |
| 27 | Thai Rak Tham Party            | 33,754                 | 0                                 | 1                               | 1            |
|    | <b>Total</b>                   | <b>35,441,920</b>      | <b>349</b>                        | <b>149</b>                      | <b>498</b>   |

*Source:* Election Commission of Thailand

Allocating party-list seats to smaller parties would benefit the pro-military coalition, which is more likely to get these small parties on its side. At the time of writing, there has been no official report on the number of coalition parties. However, on 13 May, eleven small parties with one or two seats each announced their support for General Prayut remaining prime minister and for the PPRP forming the government. If these small parties join the pro-military coalition, the new government will face many challenges, because it must manage a coalition of more than 20 parties. The number of coalition partners will also be a new record for the Thai parliament. Table 2 shows the number of coalition parties since 2001.

*Table 2: Number of Coalition Parties in Former Governments from 2001-2011*

| <b>Year</b> | <b>Number of Parliamentary Seats in Coalitions</b> | <b>Coalition Parties</b>  | <b>Opposition Parties</b> |
|-------------|--|---------------------------|---------------------------|
| 2001-2005   | 325<br>(of 500 total seats)                        | 3                         | 4                         |
| 2005-2006   | 377<br>(500)                                       | (single-party government) | 3                         |
| 2007-2008   | 315<br>(480)                                       | 6                         | 1                         |
| 2008-2011   | 264<br>(480)                                       | 4                         | 4                         |
| 2011-2014   | 300<br>(500)                                       | 6                         | 5                         |

*Source:* Election Commission of Thailand

Although politicians and scholars have criticized the prospect of having such a large number of small parties in the coalition government, claiming that it would lead to unstable government, the presence of such parties in parliament reflected the constitution's intention to make every vote count. During the drafting process, drafters expected a large number of political parties to gain seats under this new system. Allowing small parties to secure seats in the parliament may be the first step for those new and small parties to develop their organizations and put them in better position to compete in subsequent elections.<sup>8</sup>

## **THE SYSTEM AND SURPRISES**

Not only did the 2018 Organic Law on Elections introduce the complicated electoral system used in the March elections, but it also initiated other new regulations that caused many problems during those elections. These problems included the use of ballots which did not associate parties with the same number in all constituencies, the gerrymandering of certain constituencies, and the long duration of voting from 8.00-17.00. Extending the period to vote from seven to nine hours caused difficulties in some remote districts when it came to counting and reporting the electoral results on time.<sup>9</sup> The implementation of the law has coincided with a redrawing the political landscape, with results including the failure of the DP in its strongholds, the success of the progressive FFP, the formation of many new pro-Thaksin parties to secure votes, and the unexpected victory of pro-junta PPRP. That party garnered 8.43 million popular votes, compared to 7.92 million for the Thaksin-associated PT.

In this election, the DP experienced significant losses in its longstanding political bases, particularly Bangkok. Numerous well-known Democrat MPs who had dominated their constituencies for decades were defeated by PPRP and FFP candidates. The former included Jermmart Chuengrungsiri and Samart Maluleem, longtime DP incumbents in the capital. Many political scientists have argued that the announcement of DP leader Abhisit Vejjajiva that he unequivocally opposed Gen Prayut's holding onto power after the election was one of the significant reasons for its substantial losses at the polls.<sup>10</sup> Abhisit's pledge was immediately met with praise, scepticism and even outrage from former allies and party supporters. The electoral results proved this strategy to be a big mistake.<sup>11</sup> On the night of the elections, Abhisit stepped down as party leader.

Aside from misguided campaign strategies, DP losses were also a result of the use of the mixed-member apportionment system. This system, with its single ballot for both constituency and part-list contests, encouraged voters to cast their vote for political parties, instead of individual candidates. Candidates who won in Bangkok or in the DP's strong political bases would not have won without running under their party's banner. Most of the new candidates for office were new to politics. They had a short period of time to conduct political campaigns. Time for canvassing for votes was also very limited, with practices such as political rallies and roadshows being strictly regulated. Under these conditions, new candidates could not effectively introduce themselves to voters, especially in urban areas.

If Thailand had continued to use a system of separate ballots for constituency and party-list races, voters might have voted for DP constituency candidates and supported other political parties with their party-list votes, as was evident in previous elections. The number of party-list votes for the DP and the PT in Bangkok was not different from that in the 2011 elections, particularly in constituencies in which the former won. This shows that although voters cast their ballots for DP candidates in the constituency, they would split their vote to support other parties in the list system. In 2019, the DP, PPRP and FFP competed with one another for the same group of voters. Therefore, it was difficult for DP to win under this single-ballot system, and it offered an unclear policy platform, followed misguided campaign strategies, misunderstood the new electoral system and suffered from its ineffective political performance in the past.

The success of the progressive FFP led by Thanathorn Juangroongruangkit is also the product of mixed-member apportionment system. The party is barely a year old, and it is already among the largest parties by membership, with over 50,000 members according to the party's own figures.<sup>12</sup> The party itself has appealed to the younger generation of Thais, who make up around a tenth of the voters and who have grown tired of the preponderance of the conservative, and sometimes passive pro-junta, Democrat Party and the Shinawatra clan in Thai politics; this young generation is actively looking for political change. In the March elections, the FFP garnered more than six million votes, which allowed the party to secure 50 seats through the party-list system, together with 30 constituency seats for a total of 80 seats, the third largest yield in this election.

The formation of many new pro-Thaksin parties — including the Thai Raksa Chat Party, the Phuea Tham Party, the Phuea Chat Party and the Prachachat Party — was part of a strategic plan to maximise the number of votes for the bloc under this new system of proportional representation. These parties were also established as back-up parties in case the PT was disbanded. All of these parties had executives who were former members and

allies of the PT, such as the Wadah faction in Prachachat, the Red Shirt United Front for Democracy against Dictatorship faction in Phuea Chat, and former PT core member Chaturon Chaisaeng together with relatives of PT politicians in Thai Raksa Char. Despite the dissolution of that last party, which was related to the contested nomination of the king's sister as its candidate for prime minister, the other pro-Thaksin parties won 12 seats in this election.

The unexpected success of the pro-junta PPRP was also a result of this electoral system. The mixed-member apportionment system blocks large parties from getting more party-list seats than the total capped number of seats that any one party can gain, based on its percentage of total votes cast nationwide. As a result, the PT did not gain any party-list seats, and the number of constituency seats that it won exceeded the total capped number of party-list seats for which it was eligible. This system allows the PPRP with 115 seats to place second in this election and to compete with the PT to set up a coalition government.

## **WHAT IS NEXT?**

After the announcement of election results on 8 May and the declaration by 11 small political parties that they would back the incumbent prime minister and the main pro-army party, the PPRP and its allies — including Action Coalition for Thailand and the People's Reform Party — will control 132 seats. With the support of the 250 senators,<sup>13</sup> handpicked by the National Council for Peace and Order, it is likely that Prayut Chan-ocha will continue in office as prime minister, though at the head of a minority government.

However, since the elections have left the pro-junta PPRP without a clear advantage, other power brokers may end up ruling the country. At the time of writing, rumours are widespread about the possibility of a royally appointed prime minister, should the new parliament be unable to choose a prime minister from existing nominees. One of the candidates is privy councillor and long-time technocrat Ampon Kittiampon, who has been working with many cabinets and might be a good choice for bringing unity to the government.<sup>14</sup>

After a long-term political vacuum, Thailand needs a new government. The continued absence of a democratic government will have corrosive effects on Thailand's economy and foreign policy. Furthermore, the private sector needs clear policies in order to plan its investments. Thailand is also currently the ASEAN chair. There are plenty of important issues for Thailand to deal with during its leadership in 2019, including the Rakhine State crisis in Myanmar, the contentious South China Sea and the Regional Comprehensive Economic Partnership. The first ASEAN Summit in Thailand has been set for late June to avoid the country having a power vacuum during that important event. If Thai politicians still focus on staying in power, and on destroying their opponents, this zero-sum nature of Thai politics can seriously hinder the development of country in the long run.

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- <sup>1</sup> “Support good people to rule this country,” says King of Thailand on eve of election”, *Prachatai*, 24 March 2019.
- <sup>2</sup> “Advance voting in Thailand rife with irregularities, observers say”, *The Straits Times*, 22 March 2019 (<https://www.straitstimes.com/asia/se-asia/advance-voting-in-thailand-rife-with-irregularities-observers-say/>, accessed 7 May 2019).
- <sup>3</sup> “Ko ko to chaeng khosongsai khan khanaen bat sia pen bat di nap thuktong tam rabiap kotmai thuk prakan” (Election Commission explains question concerning declaration of valid and invalid ballots, says these were counted according to the law), *Khao sot*, 30 March 2019 ([https://www.khaosod.co.th/election-2019/news\\_2364255](https://www.khaosod.co.th/election-2019/news_2364255), accessed 20 May 2019)
- <sup>4</sup> “Thailand’s general election: By-elections to be held, ballots to be recounted in some areas”, *The Straits Times*, 4 April 2019 (<https://www.straitstimes.com/asia/se-asia/thailands-general-election-by-elections-to-be-held-ballots-to-be-recounted/>, accessed 8 May 2019).
- <sup>5</sup> Puchada Sirivunnabood, “Dilemmas in the new electoral system”, *The Nation*, 25 November 2017 (<http://www.nationmultimedia.com/detail/opinion/30327564/>, accessed 7 May 2019).
- <sup>6</sup> Allen Hicken, “Calculating the Party List Seats—UPDATED”, *Thai Data Points*, 29 March 2007 (<https://www.thaidatapoints.com/post/calculating-the-party-list-seats/>, accessed 9 May 2019).
- <sup>7</sup> Eligibility here refers to parties that won fewer total votes than a quota of approximately 71,065 votes. If the first round of calculation to allocate party-list seats did not fill all 150 seats, the ECT would allocate the remaining seats to other eligible parties. In the event, the parties ranked from 17 to 23 in Table 1 won fewer than 71,065 total votes but have been awarded party-list seats in parliament.
- <sup>8</sup> Interviews with the members of the 2016 Sub-Committee to Study Principles of the Organic Law on Parliamentary Elections, Bangkok, February 2018.
- <sup>9</sup> “Prayut ‘angry’ at EC gerrymandering allegations”, *The Nation*, 30 November 2018 (<http://www.nationmultimedia.com/detail/politics/30359621/>, accessed 9 May 2019).
- <sup>10</sup> Kanokrat Lertchoosakul, “Explaining the surprises and upsets of Thailand’s 2019 election”, *New Mandala*, 30 April 2019 (<https://www.newmandala.org/explaining-the-surprises-and-upsets-of-thailands-2019-election/>, accessed 8 May 2019).
- <sup>11</sup> Teeranai Charuvastra, “Abhisit rules out voting for Prayuth”, *Khao sot*, 11 March 2019 (<http://www.khaosodenglish.com/politics/2019/03/11/abhisit-rules-out-voting-for-prayuth/>, accessed 7 May 2019).
- <sup>12</sup> “Sathiti phak anakhot mai”(Statistic on the Future Forward Party), *Future Forward Party*, 10 May 2019 (<https://futureforwardparty.org/member-statistic/>, accessed 8 May 2019).
- <sup>13</sup> The term of the Senate was set at five years, while that of the House was for four years. The same Senate may well then participate in voting for another prime minister in four years’ time. Therefore, observers of Thai politics estimate that the National Council for Peace and Order junta will continue to wield substantial power for at least one more decade after the end of its direct rule.
- <sup>14</sup> “Lue saphat ‘Doktoe Amphon’ ma raeng” (Rumours spread that Dr Ampon coming on strong), *Thai rat*, 6 May 2019 (<https://www.thairath.co.th/news/politic/1560541>, accessed 6 May 2019).

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