This research aims to study the path in developing and promoting “right to no vote” for candidates of Members of the House of Representative in Thailand. It explores idea, spirit and history of related laws and problems which concern this issue comparing with international experiences, such as Bangladesh, Canada and the United States. Then, it will adopt patterns with advantages, and disadvantages of those experiences and apply to Thai practices.

After studying, This study found that Thailand has some advancements in this matter. These progresses include forms of “right to no vote” which indicate “no vote” option on the ballot paper, separation of counting ballot paper between “no vote” and others without spoiled ballots, and announcement of “no vote” ballot paper to public. Besides, according to the fundamental law or election of Member of the House of Representative and senators (2) B.E. 2554, Article 88 assigns that “right to no vote” has legal effect if any constituency has only one applicant and receives fewer votes than the votes cast, it must set a new election in that constituency. However, the result of “right to no vote” in Thailand has not covered the constituency that has many candidates and party list.

Therefore, This study suggests that the legal effect of “right to no vote” should be extended to the constituency that has many candidates by setting a new election in a case that such constituency has total “right to no votes” over total candidates. This new election will not limit the right of old candidates to apply this new election. A proceeding concerning election cancellation according to article 88 paragraphs 3 and 4 of the fundamental law of election Members of the House of Representative and senators (2) B.E. 2554 will be adopted to make the “right to no vote” reach the ultimate purpose.