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THAILAND

Newsletter

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Updated Standards for Voting Systems at E-Meetings

E-meetings have gained popularity as a means for holding both board and shareholders' meetings during the Covid-19 pandemic. Board and shareholders' E-meetings are required to meet the security protocol standards set forth in the Notification of Ministry of Digital Economy and Society re: Standards for Electronic Conferencing Security, B.E. 2563 (the "**DE Notification**") as introduced by our previous newsletter ([LINK](#)).

On 7 September 2021, the Ministry of Digital Economy and Society issued the Notification re: Standards for Electronic Conferencing Security (No. 2), B.E. 2564 (the "**DE Notification No. 2**"), which became effective on 8 September 2021. The DE Notification No. 2 added additional definitions, measures and requirements on voting systems and has enabled the use of a separate voting system from the e-meeting control system.

Key Requirements of Voting Arrangements for E-Meetings

Voting arrangements under the DE Notification No. 2 are as follows:

- a voting system that allows attendees to vote electronically.
- a controller of the voting system who may be the same or a different person than the meeting control system controller.
- a meeting arranger who chooses its own voting system or that of a service provider.
- compliance with the measures for electronic voting, as follows:
 - universal and equal suffrage– allowing voting by all attendees eligible to vote and all votes will be counted towards a resolution;
 - free suffrage – attendees receive sufficient information and time for voting;
 - privacy – all votes are kept secret;
 - security (Information Technology Security) – a system that includes basic confidentiality, integrity, and availability standards; and
 - prior notification – all attendees are informed prior to the vote of the conditions for voting and counting procedures.

Process for Voting at E-Meetings

If the voting system is separate from the meeting control system, the following process must be included for voting through the voting system:

- identification of attendees before starting the voting process;
- communication with attendees during voting process;
- access to documents presented for e-Meetings by the attendees eligible to vote;
- storage of records or evidence of voting via the voting system;
- storage of computer traffic data of all voters as evidence; and
- a channel for attendees to notify meeting controllers of any disruptions during the vote.

Under DE Notification No. 2, a voting system can also be examined and certified for its conformity by the Electronic Transactions Development Agency (ETDA) or other agencies specified by ETDA in the same manner as a meeting control system. If the system is certified by the said agency, the system is considered to be compliant with the standards set forth in the DE Notification No. 2.

If you have any questions in relation to the issues raised in this briefing, please contact the authors in the left-hand column.

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