

Constitution of the Kingdom of Thailand

Amendment (No. 1)

B.E. 2554

BHUMIBOL ADULYADEJ, REX.

Given on the 3rd Day of March B.E. 2554

Being the 66th year of the Present King

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the Constitution of the Kingdom of Thailand;

Be it, therefore, commanded by the King that the Constitution of the Kingdom of Thailand shall be amended as follows:

Section 1. This Constitution is called “Constitution of the Kingdom of Thailand Amendment (No. 1) B.E. 2554 (2011)”.

Section 2. This Constitution shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The provisions of section 93, section 94, section 95, section 96, section 97 and section 98 of the Constitution of the Kingdom of Thailand shall be repealed and replaced by the following provisions.

“Section 93. The House of Representatives consists of five hundred members, three hundred and seventy-five of whom are from the election on a constituency basis and one hundred and twenty-five of whom are from the election on a party-list basis.

The election of the members of the House of Representatives shall be by direct suffrage and secret ballot, and the ballot to be used in an election shall be varied upon the election basis.

The rules and procedure for the election of members of the House of Representatives shall be in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

In the case where the office of a member of the House of Representatives becomes vacant for any reason and an election of a member of the House of Representatives has not been held to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

Subject to Section 109(2), in the case where there occurs, during the term of the House of Representatives, any cause resulting in the members elected from the election on a party-list basis being less than one hundred and twenty-five in number, such members shall consist of the existing members.

In the case where there occurs, during the general election, any cause resulting in the members of the House of Representatives being less than five hundred in number but not less than ninety-five per cent of the total number of members of the House of Representatives, such members are deemed to constitute the House of Representatives. In this case, the acquisition for the fulfillment of the total number of members of the House of Representatives shall be completed within one hundred and eighty days and the new coming members shall hold office for the remaining term of the House of Representatives.

Section 94. In the election of members of the House of Representatives on a constituency basis, the person having the right to vote shall cast ballot for one candidate for such constituency.

The determination of the ratio of the number of inhabitants to one member shall be made by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year precedes the year of election by the number of three hundred and seventy-five members of the House of Representatives.

The determination of the number of members of the House of Representatives of each Changwat shall be made by reference to the division of the number of inhabitants for one member being obtained under paragraph two by the number of the inhabitants in such Changwat. Any Changwat with inhabitants below the number of inhabitants per one member under paragraph two shall have one member of the House of Representatives. Any Changwat with more inhabitants than the number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants as representing the number of inhabitants per one member.

Upon the number of members of the House of Representatives of each Changwat being obtained under paragraph three, if the number of members of the House of Representatives is still less than three hundred and seventy-five, any Changwat with the largest fraction remaining from the determination under paragraph three shall have an additional member of the House of Representatives and the addition of the members of the House of Representatives in accordance with such procedure shall be made to other Changwat in respective order of fractions remaining from such determination until the number of three hundred and seventy-five is obtained.

In a Changwat where the number of members of the House of Representatives to be elected is not more than one, the area of that Changwat shall be regarded as the

constituency and in a Changwat where the number of members of the House of Representatives is more than one, the area of such Changwat shall be divided into constituencies, the numbers of which equal to the numbers of members of the House of Representatives. In the case where a Changwat is divided into more constituencies than one, the boundary of each constituency shall be adjoining and the number of inhabitants in each constituency must be closely apportioned.

The counting of votes shall be conducted at the polling station and the result of the vote-counting shall be reported to the constituency for calculation of total votes-counting in that constituency and the result of the total votes-counting shall be announced publicly at any single place in that constituency as designated by the Election Commission, except that in the case where necessity arises in a particular locality, the Election Commission may otherwise prescribe the counting of votes, the calculation of total vote-counting and the announcement of the result of the total vote-counting in accordance with organic law on election of members of the House of Representatives and acquisition of senators.

Section 95. In the election of members of the House of Representatives on a party-list basis, the person having the right to vote shall cast ballot for the lists of candidates prepared by political parties whereby the person having the right to vote cast ballot for one list and the area of the country is regarded as one constituency.

Section 96. Each political party shall make one list of candidates under section 95, the member of which not more than one hundred and twenty-five members and the list shall be submitted to Election Commission before the date an application for candidacy in an election on the constituency basis commences.

In the case where there occurs to the submitted list of candidates for the election on party-list basis of a political party, whether on or before an election day, any cause resulting in the remaining candidates being less than the number of candidates as specified in the submitted list, the remaining candidates are deemed to be candidates of such political party and, in this case, it shall be deemed that the House of Representatives consists of the remaining members.

Section 97. The preparation of the lists of candidates prepared by a political party for the election of the members of the House of Representatives on a party-list basis shall be as follows:

(1) the lists of candidates shall fairly consist of candidates of different regions and regard shall be had to opportunity and approximate proportion between women and men.

(2) candidates in the lists shall not be the same as candidates in the lists prepared by other political parties and shall not be the same as the candidates in an election on the constituency basis under section 94 and

(3) candidates in the lists shall be placed in numerical order.

Section 98. The determination of the proportion of candidates in the list of candidates of each political party shall be conducted by accumulating the votes received by each political party in each constituency as basis for reckoning the proportion of candidates to be elected of each political party which shall be reflected to the result of the accumulation of the votes as aforesaid, the candidates named in the list of candidates of each political party should be regarded as being elected in accordance with the result of reckoning by numerical order as specified the list of candidates of each political party under the rules and procedure as prescribed in the organic law on election of members of the House of Representatives and acquisition of senators.

The provisions of section 94, paragraph six shall apply mutatis mutandis to the counting of votes for the election of members of the House of Representatives on a party-list basis, provided that the Election Commission prescribes to conduct the preliminary calculation of total vote-counting at Changwat.

Section 4. No. (5) of section 101 of Constitution of the Kingdom of Thailand shall be repealed.

Section 5. The provisions in No. (2) of section 109 of Constitution of the Kingdom of Thailand shall be repealed and shall be replaced by the following:

“(2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a party-list basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to be a replacing member of the House of Representatives, except where there is no person to be elevated and, in such case, the House of Representatives consists of the remaining members.”

Section 6. Under section 7, in the initial period, the provisions of section 93, section 94, section 95, section 96, section 97, section 98, section 101(5) and section 109(2) of Constitution of the Kingdom of Thailand amended by this constitution shall apply with the election of the members of the House of Representatives until the Royal Decree on the first general election of member of the House of Representatives after the promulgation of this Constitution comes into force.

While the provisions of the Constitution of the Kingdom of Thailand amended by this Constitution has not come into force, the provisions of the aforesaid section before being amended by this Constitution and the organic law on election of members of the House of Representatives and acquisition of senators shall still be in force.

Section 7. The National Assembly shall finish the consideration and approval the amendment of the organic law on election of members of the House of Representatives and acquisition of senators within one year as from the day this Constitution comes into force.

In the case where the National Assembly is unable to finish the consideration and approval of such organic law bills within the period under paragraph one, and there shall be a general election of members of the House of Representatives, the Election Commission shall determine the rules and procedure of the election of members of the House of Representatives as prescribed in this Constitution, so as to be in force with such election. The determination of the Election Commission shall be in force instead of the provisions of the organic law bills on election of members of the House of Representatives and acquisition of senators for the parts that are not inconsistent with this Constitution.

Countersigned by:

Abhisit Vejjajiva

Prime Minister

Remark :- The reasons for promulgation of this Amendment of the Constitution of the Kingdom of Thailand are: Whereas it is expedient to amend the provisions of the Constitution of the Kingdom of Thailand in order for the election of members of the House of Representatives being conducted on a fair basis and promoting the strength of democratic regime of government with the King as Head of State and encouraging the most efficiency of the administration of the State affairs, it is necessary to enact this constitution.