

Translation สำนักงานคณะกรรมการกฤษฎีกา

สำนักงานคณะกรรมการกฤษฎีกา

CONSTITUTION OF THE KINGDOM OF THAILAND

Office of the Council of State

AMENDMENT (NO. 1),

Office of the Council of State

B.E. 2554 (2011)

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สำนักงานคณะกรรมการกฤษฎีกา

BHUMIBOL ADULYADEJ, REX.

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

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Being the 66th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

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Thailand;

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

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Be it, therefore, enacted by the King the Constitution of the Kingdom of Thailand Amendment, as follows:

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

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

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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section 94, section 95, section 96, section 97 and section 98 of the Constitution of the Kingdom of Thailand shall be repealed and replaced by the following:

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* Published in the Government Gazette Vol. 128, Part 13 Kor, dated 4th March B.E. 2554 (2011).

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Remark: This translation is made by Office of the Council of State. Reference to Thai legislation in any jurisdiction shall be made to the Thai version only. This translation has been made so as to establish correct understanding about this Act to foreigners

“Section 93. The House of Representatives consists of five hundred members, comprising three hundred and seventy-five members through elections on a constituency basis and one hundred and twenty-five members through elections on a party list basis.

An election of members of the House of Representatives shall be by direct suffrage and secret ballot, and the forms of ballot paper shall be exclusive to each election basis.

The rules and procedures for an election of members of the House of Representatives shall be in accordance with the Organic Act on Election of Members of the House of Representatives and Obtaining 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 yet been held to fill the vacancy, the House of Representatives shall comprise 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 elected from the election 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 members shall hold office for the remaining term of the House of Representatives.

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

The benchmark number of inhabitants per one member of the House of Representatives in each constituency shall be calculated by averaging the number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of three hundred and seventy-five members of the House of Representatives.

The numbers of members of the House of Representatives in each *Changwat* shall be calculated by averaging the number of inhabitants per one member of the House of Representatives under paragraph two by the number of inhabitants in such *Changwat*. Any *Changwat* with inhabitants below the benchmark 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 benchmark number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants attaining the benchmark number of inhabitants per one member.

Upon obtaining the number of members of the House of Representatives of each *Changwat* under paragraph three, if the number of members of the House of Representatives is still less than three hundred and seventy-five, a *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 the subsequent *Changwat* in descending order of fractions remaining from the determination under paragraph three 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 a constituency. 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 in the number equal to such number of members of the House of Representatives as may be elected therein and, for this purpose, each constituency shall have one member of the House of Representatives. In a *Changwat* which is divided into more than one constituency, the boundaries of each constituency shall be adjoining and the number of inhabitants in each constituency must be closely apportioned.

Vote-counting shall be conducted at the polling station and the result of the vote-count shall be reported to the constituency for calculation of total number of votes in that constituency and the results of the vote-count shall be announced publicly at any single place in that constituency as designated by the Election Commission, except in a case of necessity arising in a particular locality, the Election Commission may prescribe otherwise for the counting of votes, the

calculation of total votes and the announcement of the result of the total vote-count in accordance with the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

Section 95. In an election of members of the House of Representatives on a party list basis, the person having the right to vote in an election shall cast a vote from the lists of candidates prepared by political parties; provided that only one party list may be voted for and the territory of Thailand shall be regarded as the whole constituency.

Section 96. The lists of candidates for the election under section 95 shall be prepared by political parties. Each party shall prepare one list which shall comprise not more than one hundred and twenty-five candidates, and submit the same to the Election Commission before the opening date for applications of candidacy in the election on a constituency basis.

If it appears that a submitted list of candidates for election of a political party, whether before or on the election day, is subject to any cause which results in the list of candidates on a party list basis of such political party having fewer candidates than the number of candidates submitted by such political party, that list shall be deemed to comprise the remaining candidates. In this case, it shall be deemed that the House of Representatives consists of the remaining members.

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

(1) the list of candidates shall consist of candidates who represent the regions equitably and in preparing the list of candidates, regard shall be had to the opportunity, approximate proportion and equality between women and men;

(2) the list of candidates shall not replicate the list of candidates of any other political party and the list of candidates for an election on a constituency basis under section 94; and

(3) the candidates shall be listed in numerical order.

Section 98. The calculation of the proportion of candidates in the list of candidates of each political party to be elected shall be conducted by aggregating the votes received throughout the country by each political party as the basis for calculating the apportionment of candidates to be elected from each

political party, which shall be directly proportional to the aforesaid aggregate votes.

The candidates named in the list of candidates of each political party shall be regarded as elected in accordance with the result in the numerical order specified in the list of candidates of each political party under the rules and procedure as prescribed in the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

The provision 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 may prescribe that a preliminary aggregation of vote-counting results be conducted at the *Changwat*.”

Section 4. Section 101 (5) of the Constitution of the Kingdom of Thailand shall be repealed.

Section 5. The provision of section 109 (2) of the Constitution of the Kingdom of Thailand shall be repealed and 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 an 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 become a member of the House of Representatives, except where there is no person to be elevated, in which case the House of Representatives shall consist of the remaining members”

Section 6. Subject to 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 the Constitution of the Kingdom of Thailand as amended by this Constitution shall not apply to the election of members of the House of Representatives until the date the Royal Decree calling for the first general election of members of the House of Representatives issued after the promulgation of this Constitution comes into force.

During the period in which the provisions of the Constitution of the Kingdom of Thailand as amended by this Constitution has not yet come into force as provided under paragraph one, the provisions of the aforesaid sections in force before the amendment by this Constitution, including the Organic Act on Election of

Members of the House of Representatives and Obtaining Senators enacted for compliance with such provisions shall continue to be in force.

Section 7. The National Assembly shall complete the consideration and approval of an amendment to the Organic Act on Election of Members of the House of Representatives and Obtaining Senators for compliance with this Constitution within one year as from the date of promulgation of this Constitution.

In the case where the execution under paragraph one cannot be completed within the specified period and a general election of members of the House of Representatives has to be held, the Election Commission shall have the power to issue a notification prescribing rules and procedures on the election of members of the House of Representatives in accordance with this Constitution to apply to such election; provided that the notification shall apply in lieu of the provisions of the Organic Act on Election of Members of the House of Representatives and Obtaining Senators which are contrary to or inconsistent with this Constitution.

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Countersigned by:

Abhisit Vejjajiva
Prime Minister

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Office of the Council of State

(Mr. Chukiert Ratanachaichan)
Deputy Secretary-General
Acting for Secretary-General of the Council of State

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