

-Unofficial Translation-

Constitution of the Kingdom of Thailand,
Amendment (No. 1)
B.E. 2554

BHUMIBOL ADULYADEJ, REX.
Enacted on the 3rd Day of March B.E. 2554
Being the 66th Year of the Present Reign

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej has been 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, Amendment be promulgated, as follows;

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

Section 2 This Constitution shall be enforced as from the date of its promulgation in the Government Gazette;

Section 3 The content under 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Section 94, Section 95, Section 96, Section 97 and Section 98 of the Constitution of the Kingdom of Thailand shall be repealed and shall be replaced by the following content;

“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 members of the House of Representatives shall be by direct suffrage and secret ballot and the ballot for the election of member of the House of Representatives shall be in one from for each election basis;

The rules and procedure for the election of members of the House of Representatives shall be in accordance with the Organic Law Act 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, whatever occurs, during the term of the House of Representatives, the member of members elected from the election one party-list basis being less than one hundred and twenty five, such members shall consist of the existing members;

In the case, whatever occurs, in the general election, the members of the House of Representatives elected being less than five hundred in number but not less than ninety five percent of the total number of members of the House of Representatives, such members is deemed to constitute the House of Representatives. However, the acquisition for the fulfillment of 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 in each constituency:

The determination of the ratio of the number of citizen to one member shall be made by reference to the division of such number of citizen 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 number of members of the House of Representatives of each Changwat, shall be determined by the division of the number of inhabitants in that Changwat by such number of inhabitants per one member as determined under paragraph two. 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 one 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 Changwat in respective order of fractions remaining from the determination under paragraph three until the number of three hundred 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, 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 and in a Changwat which is divided into more constituencies than one, the boundary as 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 vote-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 votes - counting in accordance with the Organic Law Bill on Election of Members of the House of Representatives and Acquisition of Senators.

Section 95 In an election of members of the House of Representatives on a party-list basis, a voter shall have the right to cast the ballot 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 party-list of candidates in the election under Section 95 shall be prepared by political parties. Each party shall prepare one list which shall contain not more than one hundred and twenty five persons and be submitted to the 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 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 consist of the list of candidates from equitably various regions and shall be provided opportunity, appropriate proportion and equality between women and men;
2. the lists of candidates shall not be repeated by the names in the lists prepared by other political parties and names of candidates in the election on the constituency basis under Section 94 and;
3. names of candidates must be placed in numerical order;

Section 98 The determination of the proportion of candidates in the list of candidates of each political party as being elected, the votes received by each political party shall be conducted by accumulating the votes received as whole country and calculated for reckoning the proportion of candidates to be elected of each political party, which shall be directly in the result of the accumulation of the votes, the candidates named in the list of candidates of each political party shall be regarded as being elected in accordance with the result of reckoning by numerical order, as specified in the list of candidates of each political party under the rules and procedure as prescribed in the Organic Law Act 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 the total vote-counting at Changwat”

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

Section 5 The content under (2) of Section 109 of the Constitution of the Kingdom of Thailand shall be repealed and replaced by the following content;

“(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 proportional 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 member”

Section 6 Subject to Section 7, at 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 in the election of the members of the House of Representatives until the due date of the Royal Decree is stipulated for the general election of members of the House of Representatives for the first time after promulgation of the Constitution becomes effective.

During the provisions of the Constitution of the Kingdom of Thailand as amended by this Constitution are not enforced under paragraph 1, the provisions of such Sections prior to the amendment by this Constitution and the Organic Law Act on the Election of the Members of the House of Representatives and Acquisition of Senators enacted according to such provisions shall be enforced.

Section 7 The National Assembly shall completely consider and give an approval of the amendment of the Organic Law Bill on the Election of the Members of the House of Representatives and Acquisition of Senators following the provisions within one year from the promulgation of this Constitution.

In the case where it cannot be carried out under paragraph 1 and shall the general election of the members of the House of Representatives must be carried out, the Election Commission shall have the power to announce the stipulation of rule and procedure on Election of the Members of the House of Representatives following this Constitution to enforce the election and the provision according to the announcement of the Election Commission shall be enforced instead of provisions of the Organic Law Bill on the Election of the Members of the House of Representatives and Acquisition of Senators that are contradictory to or inconsistent with Constitution.

Countersigned by:

Abhisit Vejjajiva

Prime Minister

Remark : The reason to promulgate the Constitution of the Kingdom of Thailand, Amendment (No.1) is that whereas it is expedient to amend the provisions of the Constitution of the Kingdom of Thailand in order to make the election of the members of the House of Representatives be in accordance with the principle of justice, strengthen the democratic regime with the King as Head of State, and provide effective administration of the State affairs, this Constitution, therefore, shall be promulgated.

บรรณานุกรม

สำนักภาษาต่างประเทศ สำนักงานเลขาธิการสภาผู้แทนราษฎร (๒๕๕๑). รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๕๕๐. พิมพ์ครั้งที่ ๑. กรุงเทพฯ: สำนักการพิมพ์ สำนักงานเลขาธิการสภาผู้แทนราษฎร

สำนักภาษาต่างประเทศ สำนักงานเลขาธิการสภาผู้แทนราษฎร (๒๕๕๑). รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๕๕๐. พิมพ์ครั้งที่ ๑. กรุงเทพฯ: สำนักการพิมพ์ สำนักงานเลขาธิการสภาผู้แทนราษฎร