

CONSTITUTION OF THE KINGDOM OF THAILAND
AMENDMENT (NO.1),
B.E. 2554 (2011)

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

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

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

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

Section 1. This Constitution is called the “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section 94, section 95, section 96, section 97 and section 98 of the Constitution of the Kingdom of Thailand shall be repealed and replaced by the following provisions: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, comprising of three hundred and seventy-five members from elections on a constituency basis and one hundred and twenty-five members from elections on a party-list basis.

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

The rules and procedures for the 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 Installation of Senators.

In the case where the office of a member of the House of Representatives is 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 number of members elected on a party-list basis being less than one hundred and twenty-five, such members shall consist of the existing members.

In the case of any event causing a general election to result in less than five hundred members of the House of Representatives being elected but not less than

* Published in the Government Gazette, Vol. 128, Part 13a, Page 1, on 4th March B.E. 2554 (2011).

ninety-five per cent of the total number of members of the House of Representatives, such members shall be deemed to constitute the House of Representatives. However, the fulfillment of the total number of members of the House of Representatives shall be completed within one hundred and eighty days and such new members shall hold office for the remaining term of the House of Representatives.

Section 94. In the election of a member of the House of Representatives on a constituency basis, an eligible voter shall cast a vote for one candidate in each constituency.

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

The number of members of the House of Representatives in each *Changwat* shall be distributed on the basis the number of inhabitants per member of the House of Representatives under paragraph two as applied to the number of inhabitants in such *Changwat*. Any *Changwat* with inhabitants below the benchmark number of inhabitants per 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 member shall have an additional member of the House of Representatives for every such number of inhabitants attaining the benchmark number of inhabitants per 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 the said procedure shall be made to other *Changwat*'s 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. 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 several constituencies equal to the number of members of the House of Representatives obtainable, and 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 tallying 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 provide otherwise for the counting of votes, the calculation of total votes and the announcement of vote-count result as provided by the Organic Act on Election of Members of the House of Representatives and Installation of Senators.

Section 95. An election of members of the House of Representatives on a party-list basis shall be carried out by the election of members of the House of Representatives from the lists of candidates prepared by political parties whereby an eligible voter shall cast a vote for one list of candidates, and the area of the country shall be regarded as a constituency.

Section 96. Each political party shall prepare only one list of candidates for the election under section 95 comprising of not more than one hundred and twenty-five candidates, which shall be submitted to the Election Commission before the opening of applications for candidacy in the election on a constituency basis.

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

Section 97. The preparation of a list of candidates 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 fairly represent the regions with due regard to the opportunity and appropriate proportion, as well as the equality, of women and men;

(2) the listed names shall not replicate the list of candidates of another political parties, and shall not replicate the list of candidates for the election on constituency basis under section 94; and

(3) the list shall prepared in numerical order.

Section 98. The determination of the proportion of candidates to be elected from each political party's list shall be conducted by aggregating the votes received throughout the country by each political party as a basis for apportioning the 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 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 prescribed by the Organic Act on Election of Members of the House of Representatives and Installation 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 may prescribe that a preliminary tallying 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 provisions of (2) in section 109 of the Constitution of the Kingdom of Thailand shall be repealed and replaced by the following provisions:

"(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, promote the person next in order in the list of that political party to become a member of the House of Representatives, except where there is no other person remaining in the list who can be promoted to fill the vacant office, in which case the House of Representatives shall consist of the remaining members;”

Section 6. Subject to section 7, during the initial period, 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 a royal decree calling for the first general election of members of the House of Representatives after the date of promulgation of this Constitution comes into force.

In the period under paragraph one pending the coming into force of the provisions of the Constitution of the Kingdom of Thailand as amended by this Constitution, the provisions of the aforesaid sections prior to the amendments by this Constitution, including the Organic Act on Election of Members of the House of Representatives and Installation of Senators implementing such provisions, shall remain in force.

Section 7. The National Assembly shall complete its deliberation and approval of the amendments to the Organic Act on Election of Members of the House of Representatives and Installation of Senators to implement this Constitution within one year as from the date of promulgation of this Constitution.

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

Countersigned by:
Abhisit Vejjajiva
Prime Minister

Note: - The reasons for promulgating this Constitution of the Kingdom of Thailand Amendment are as follows. Whereas it is expedient to amend the provisions of the Constitution of the Kingdom of Thailand in order to ensure that the election of members of the House of Representatives be conducted in accordance with the fundamental basis of fairness, and to strengthen the democratic regime of government with the King as Head of State as well as to promote greater efficiency in the administration of the State, it is therefore necessary to enact this Constitution.