

Summary of the meeting

The Committee on Considering the Draft Constitution of the Kingdom of Thailand Amendment
(No. ..) Buddhist Era

4th meeting

Wednesday 14th March 2012

At the Budget meeting room, 3rd floor, Parliament Building 3

The Committee on Considering the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Erareconsidered the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era , concerning readiness of election preparation of the Election Commission of Thailand (ECT) when the Constitution enforced. In the last meeting the meeting resolved to invite representatives from the ECT and office of the Royal Decree to clarify the above issue to the Committee.

The representative of the ECT confirmed that the ECT is ready to run the election within the period of time specified by the draft Constitution, which assigned the ECT to operate the election of Member of Parliament and finish the process within 75 days, after article 291 being enforced (announced in the Royal Gazette). There is concern about rules and procedures of the election which the draft's article 291/5 paragraph 4, mentioned that the election process must follow the rules specified by the ECT. By the way, it may use rules and procedures of constituency election of the Members of Parliament to enforce mutatis mutandis. The above issue is still unclear that it can be done or not, because there is no law supported the above regulations. Moreover, it is not clear that, which regulation will be in forced.

After that, the meeting discussed broadly and summarized as follow.

Issue 1: authority of the ECT is ambiguity that it can issue regulations according the draft's article 291/5 or not.

Issue 2: using rules and procedures of constituency election of the members of Parliament and acquirement of the Senators, to enforce mutatis mutandis, needs to make clear that, which subject matters will be enforced and which one will not. For instance, voting: can people vote in advance, outside the electorate, or extraterritorial? Furthermore, an election campaign: Can Senator applicants run an election campaign? Regulations about election expenses/ giving yellow card (suspending declaration of an election result) and red card (canceling an election result)/ opposing the election result, and disfranchisement, etc. Those subject matters must be clearly defined to prevent problem when it is in practice.

Issue 3: the period of enforcement of article 2 should be extended to be appropriate in order to open opportunity for the ECT to have more time to prepare for the election.

Conclusion of consideration

The meeting decided to maintain the original draft. If there are some problems occur concerning limitation period of time to run an election, or the ECT's rules and procedures of election. The Committee can extend the consideration time or amend the rules and procedures mentioned above when the article concerning election is being considered.

In this regard, the Committee assigned the ECT and the office of Royal Decree to study and compile issues which may cause problems and deter the performance under this Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era Along with suggestions of approaches to solve potential problems to the Committee as documentation and send to the Committee in order that the Committee can use them as supporting information for further consideration.

Miss Supakorn Hantrakul
Legal Officer Professional
Summarized

Mr. Anothai Rodmui
Assistant Secretary of the Committee
Reviewed
Sundari/translated



(Mr. Samart Kumpiranon)

Director of the Bureau of Committee 2