

Draft Constitution

29 January 2016





Monarchy

Principles unchanged



Rights & Freedoms



People's rights and freedoms

are guaranteed even if such rights and freedoms are not specifically stipulated in the Constitution



Must not affect the rights of others or national security



Everyone is protected equally under the law



Any restriction on rights and freedoms must be codified in law



Parliament



Senate

5-year term

House of Representatives

4-year term

X One Ballot

Representatives
By district
350 seats

Representatives
By party list
150 seats

Main Concepts of new electoral system

1. Every vote counts – encourage voters to cast their votes
2. Take into account both candidates and parties – to ensure competent candidates and strong parties
3. Allow coexistence among various groups without the feeling of winners/losers

The conduct of the General Election Based on the mixed system

- ✓ Use only one district-based ballot card
- ✓ Every vote counts and everyone benefits
- ✓ Distribute seats in the House of Representatives to all political parties according to the votes each party receives





Representatives By district

350 seats

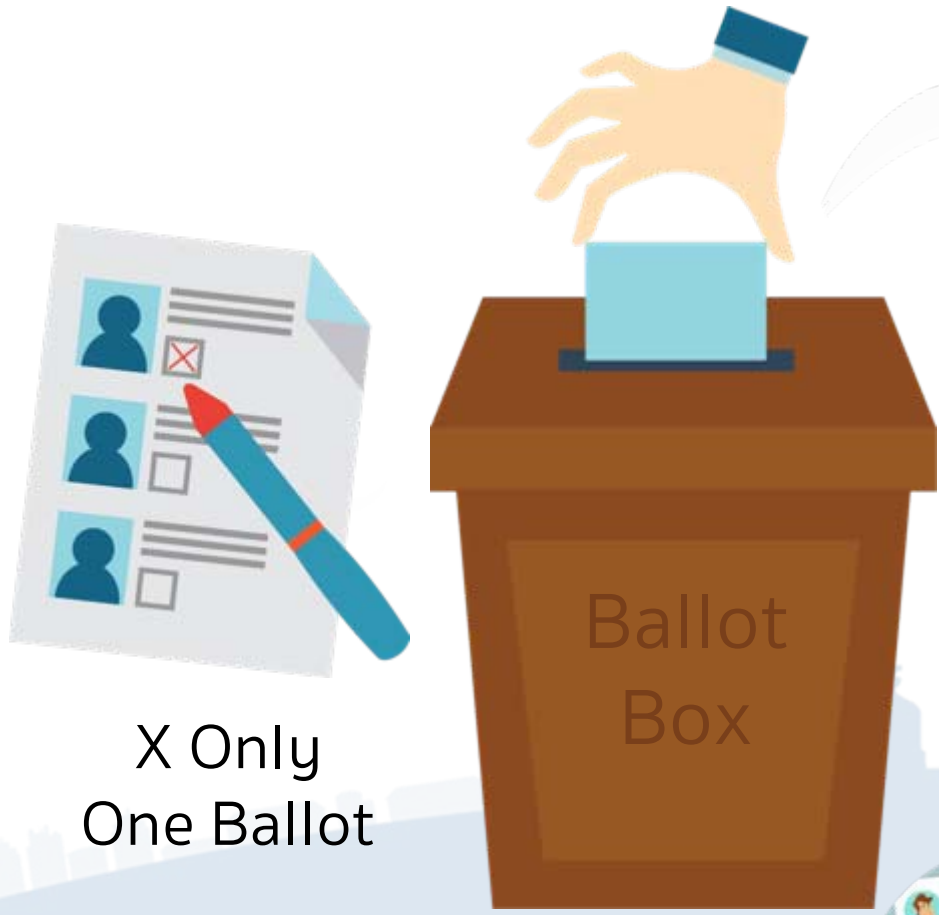
If the number of votes for "no one" exceeds those of every candidate, a re-election must be held.

(Existing candidates cannot compete in the re-election.)

Total votes received by a party determine the number of party-list reps of that party.

Representatives By party list

150 seats



X Only
One Ballot





Eligible Voters

1. Thai nationals or have obtained Thai nationality for no less than 5 years
2. 18 years old or older on election date
(Previously – Not less than 18 on 1 January of the election year)
3. Registered in household registration in respective electoral district for no less than 90 days

Restrictions

1. Monks, novice monks, ascetics, or priests
2. Those whose electoral rights have been withdrawn
3. Those detained by a Court order
4. Those with psychological disorder



Selection Process Senators




Senate

Qualifications

- ❖ Thai national by birth
- ❖ 40 years old or older, as of the date of application
- ❖ Have relevant knowledge, expertise or experience*
- ❖ Have relations with electoral district*

*(criteria as determined by organic law)

Duty

- ❖ Approve draft laws – comparable to “assembly of citizens” that comprises representatives from all sectors
- ❖ Approve appointment of holders of positions in independent bodies

Restrictions

- ❖ Husband-Wife Parliament: Have parents or children serving as member of the House of representatives or holder of political position
 - ❖ Had been a member of the House of Representatives/ member of political party/ Minister/ Local Council Member for no more than 10 years
- ❖ Have been a judge in the Constitutional Court or a holder of position in an independent body

Selection of Senators



Candidates come from the people – chosen among themselves – free of interference by political parties or politicians



People from all sectors are eligible

Apply at a local district office of house registration or of employment

EC screens qualifications and announces list of candidates



Selection at national level to finalize 200 senators

Selection at provincial level to put forward no more than 100 candidates

Selection at district level to put forward no more than 100 candidates

Candidates choose among themselves but not candidates from their own group to prevent block votes



EC announces the final list of Senators

“Senators from the people”



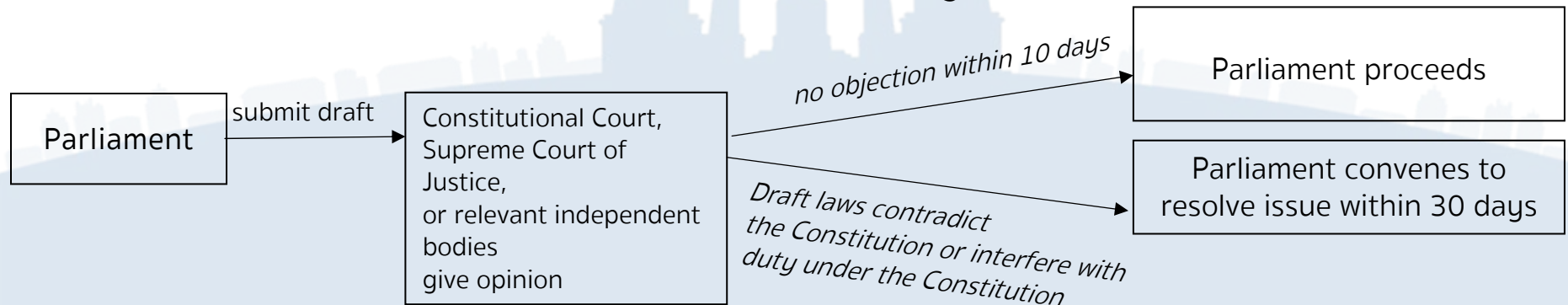
Organic laws



What Acts are required?

- ❖ Election of Members of the House of Representatives Act
- ❖ Selection of Senators Act
- ❖ Election Commission (EC) Act
- ❖ Political Party Act
- ❖ Procedure of the Constitutional Court Act
- ❖ Criminal Case Procedure for Persons Holding Political Positions Act
- ❖ Ombudsman Act
- ❖ Counter Corruption Commission Act
- ❖ Auditor-General Act

Process after endorsement by Parliament



Cabinet





Selection of the Prime Minister

1. Each political party can put forward a maximum of 3 names before an election is held.
2. No candidate shall be put forward by more than 1 party.
3. No party is required to submit a candidate – by doing so, a party chooses to opt-out from having a Prime Minister from its party.
4. A Prime Minister must come from a party that has no less than 5% of all elected members of the House of Representatives.
5. A Prime Minister must receive endorsement of no less than 10% of all elected members of the House of Representatives.
6. A motion to approve appointment of Prime Minister must receive simple majority of all elected members of the House of Representatives.





Independent Bodies under the Constitution: Independent, fair, courageous and free of prejudice



- ❖ Election Commission (EC)
Conduct election and referendum
- ❖ Ombudsman
Investigate grievances or allegations of injustice
- ❖ National Anti-Corruption Commission
Investigate corruption allegations
- ❖ State Auditor Commission
Monitor monetary and fiscal discipline of the State
- ❖ National Human Rights Commission
Investigate and report human rights violations



To jointly with the Constitutional Court codify
“central moral standard”

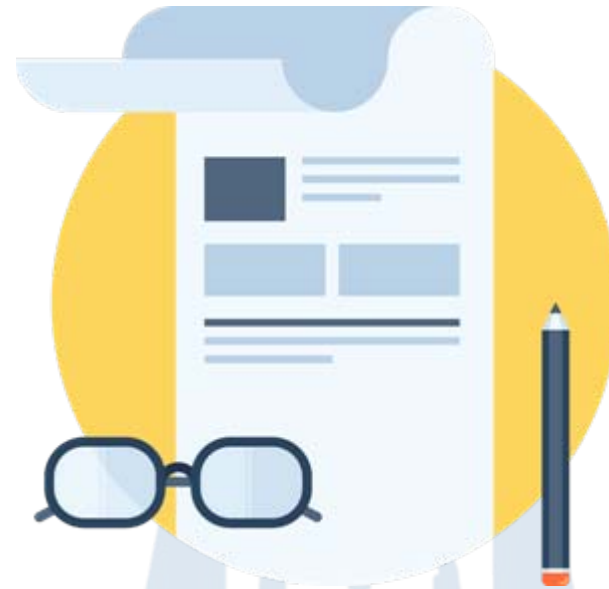
Amending the Constitution

Main principles remain unchanged

Important Points

- ❖ Cannot amend the Constitution to change a political system from the democratic system with the King as Head of State or to alter the type of State
- ❖ Amendments must be put forward by members of Parliament or no less than 50,000 eligible voters





Transitional Provisions



Privy Council	Remains in place
NLA	Performs duty of Parliament, House of Representatives and Senate until the day before the first parliamentary session
Courts & Independent Bodies	Continues their respective functions and responsibilities
Current Cabinet	Performs duty under this Constitution until the day before the first parliamentary session
NCPO	Continues to function until the new Cabinet assumes office
National Reform Steering Assembly	Continues to function for one more year
CDC	Continues to function to draft organic laws and draft laws on monetary and fiscal discipline and submit to the National Legislative Assembly (NLA)



Transitional Provisions

Elections of members of the House of Representatives and Senate shall be conducted within 150 days from the date organic laws are effective.

01.02.2016

Referendum

