

Unofficial Translation

The Response of the Election Commission to Inquiries from Candidates for Member of the House of Representatives and from Political Parties

Question 1

Shall a person judged disfranchised by The Constitutional Court case on the dissolution of political parties be eligible to be a member of a political party, which is already formed or will be formed, but without being a member of the Executive Committee for such political party ?

Answer

According to Section 19 and Section 8 of the Organic Act on Political Parties B.E. 2550, a person who is eligible to be a member of a political party must not be under any of the prohibitions entailing electoral disfranchisement under Section 100 of the Constitution. Therefore, the person during his/her disfranchisement shall not be eligible to be a member of a political party.

Question 2

Shall a person judged disfranchised be able to make a speech at a political event, make an endorsement for the election of a democratic government with the King as Head of State or discuss solutions to solve national problems for a political party in an election campaign?

Answer

According to the Organic Act on Political Party B.E. 2550 Section 97, a political party dissolved due to the violation of Section 94, a person who was previously a member of the Executive Committee of a dissolved political party shall not be a member of the Executive Committee of a political party. Therefore, a person, not being a member of the Executive Committee of a political party or being a member of the Executive Committee of a political party but such position is called otherwise, performs duties similar to the duties of the Executive Committee may be deemed to be performing the same duties as the duties of the Executive Committee. In section 17 of the Organic Act on Political Party B.E. 2550, it is prescribed that the Executive Committee of a political party shall have the powers and duties to carry out activities of a political party in conformity with the Constitution, the laws, the political party's policies, regulations and resolutions. Therefore, in the case where the political party lays down its policy of having the Executive Committee arrange an election campaign ,a person making a speech together with a political party at a political event may be deemed to be performing the same duties as the duties of

the Executive Committee as prescribed under Section 97 of the Organic Act on Political Parties B.E. 2550.

Question 3

Shall a person judged disfranchised hold a consultant position in a certain political party or hold other positions in organizations of a political party such as a member of strategic assembly, a member of political institution, or vocational assembly where there are many qualified persons with knowledge and capability who will give advice on the political direction, methods, policies, strategies, means for political parties and other advice to the Executive Committee of a political party?

Answer

According to the Organic Act on Political Parties B.E. 2550 Section 97, a political party dissolved due to the violation of Section 94, a person who was previously a member of the Executive Committee of the dissolved political party shall not be a member of the Executive Committee of a political party. Therefore, a person, not being a member of the Executive Committee of a political party or being a member of the Executive Committee of a political party but such position is called otherwise, performs duties similar to the duties of Executive Committee may be deemed to be performing duties as the duties of the Executive Committee. Section 17 of the Organic Act on Political Parties B.E. 2550 prescribe that the Executive Committee of a political party shall have the powers and duties to carry out activities of a political party in conformity with the Constitution, the laws, the political party's policies, regulations and the resolutions. Therefore, in the case where the political party lays down its policy of having the Executive Committees direct, perform, and order any matters which will allow activities of political parties to be carried out properly and promote the political party's progression. Therefore, a person judged disfranchised who is appointed as consultant of a political party or other positions similar to the duties described above, as having the power to direct, perform, and order any matters which will allow activities of political parties to be carried out properly and promote the political party's progression, may be deemed to be performing the same duties as the duties of the Executive Committee as prescribed under Section 97 of the Organic Act on Political Party B.E. 2550.

Question 4

Shall a person judged disfranchised take photographs with candidates of a certain political party or have his/ her signature together with a position title or previous works achievements on posters or documents for an election campaign, or appear or participate in a program on television and radio for the purpose of election campaign for the benefit of such political party?

Answer

According to the Regulation of the Election Commission on Election Campaigns, Practices and Prohibitions Relating to the Election of Member of the House of Representatives and Any Other Actions by Political Parties, Candidates and Voters B.E. 2550 (4), in an election campaign, candidates or political parties, as the case may be, may engage in producing cut-outs containing names, photographs, candidate numbers, and photographs relating to candidates. Therefore, in cases where a person judged disfranchised takes photographs with candidates and posts them on posters where he/she is not a candidate, this shall be in contravention of Rule 4 (4) of such regulation and may cause confusion to people casting their votes. Such action should be avoided.

Question 5

Shall a person judged disfranchised be a representative of a candidate or a certain political party for supporting the election campaign of such candidate or a certain political party from the fact that they are relatives, spouse of a person judged disfranchised or other persons, or produce leaflets for the election campaign containing following sentences or sentences similar to “I am judged disfranchised, if you love me and want to support me please cast your vote for the candidate No..... Name of the political party....” ?

Answer

According to Section 17 of Organic Act on Political Parties B.E. 2550, the Executive Committee of a political party shall have the powers and duties to carry out activities of a political party in conformity with the Constitution, the laws, the political party’s policies, regulations and resolutions. Therefore, in the case where a political party lays down regulations and resolutions of having the Executive Committee arrange the election campaign, a person judged disfranchised arranges an election campaign by making a speech in the election campaign to support any candidates or political parties, producing leaflets containing following sentences or sentences similar to “I am judged disfranchised, if you love me and want to support me please cast your vote for the candidate No..... Name of the political party....” , being a representative of a candidate to support the election campaign or becoming a director of the Election, he/she may be deemed to be performing the same duties as the duties of the Executive Committee of a political party as prescribed under section 97 of Organic Act on Political Parties B.E. 2550.

Question 6

What is the scope for a person judged disfranchised to participate in activities of a political party?

Answer

The scope for a person judged disfranchised to participate in activities of a political party shall be considered in accordance with circumstances of each action and fact .