

Independent Study	: Selection and Term of Election Commission
Author Name	: Mr. Manas Poolsawat
Degree	: Master of Laws (Public Law Program)
Academic year	: 2009
Advisory	: Dr. Poom moolsilpa

ABSTRACT

The Election Commission of Thailand was established by virtue of the Constitution of the Kingdom of Thailand B.E. 2550 to ensure that the general elections of members of the House of Representatives and the Senators, the local elections of members of the local assemblies and local administrators are organized in an honest and fair manner. The Commission shall possess apparent integrity and political impartiality. However, most of the Selection Committee members for the Election Commission are from the judiciary. Therefore, it casts aspersions on the judiciary influence over the Commission and the impartiality of the Commission. Moreover, the selection process does not involve the Thais in the Selection Committee. Thus, it is questionable whether the existence of the Commission is in accordance with the exercise of sovereign power - which belongs to Thai people - and the fundamental principles of the Independent Organizations under the Constitution or not. In addition, the Commission's considerably long term of office also casts doubt about the efficiency of the Commission. Further, the fact that the Commission serves only for one term leads to question whether it closes the opportunity of the experienced personnel to serve the country or not.

The research shows that most of the Selection Committee members for the Election Commission are from the judiciary, thereby influencing over the Commission: this is "judicial activism" and the Commission is no longer politically impartial. Hence, in the researcher's point of view, the number of the Selection Committee members from the judiciary should be reduced from five people to only three people – the President of the Supreme Court of Justice, the President of the Constitutional Court and the President of the Supreme Administrative Court – and replace the other two people from the judiciary with two representatives from the public

because the Commission is an Independent Organization under the Constitution that is a government organization exercising its power on behalf of Thai people. Additionally, the office term of the Commission should be reduced from seven years to five years because the Commission is in charge of organizing the elections of members of House of Representatives, members of the local assemblies and local administrators whose office term is four years, and the elections of the Senators whose office term is six years so as to avoid the election problems due to the concurrent vacancy in office. The research also shows that to limit the Commission office only for one term is not appropriate because it closes opportunity of the experienced personnel to serve the country.

The researcher recommends that, in the amendment of the Constitution of the Kingdom of Thailand B.E. 2007; the number of the Selection Committee members from the judiciary should be reduced and replaced with the representatives from the public, the office term of the Commission should be reduced and the limitation of one-term office should be repealed.