

**Constitutional Court Ruling No. 2/2557 (2014)**

Election Commission

Applicant

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Respondent

Constitution, section 108 paragraph two;

Royal Decree to Dissolve the House of Representatives, B.E. 2556 (2013), section 5.

Section 108 paragraph two of the Constitution provided that the dissolution of the House of Representatives had to be done by the Royal Decree and the day for general election of Members of the House of Representatives had to be set merely to expedite the installation of Members of the House of Representatives and a new government to office in order to govern the country as provided by the Constitution. Such requirement was not absolute. Therefore, if there was a force majeure event or other necessity, or a potential cause for detriment to the nation, security of the state or other serious public calamity, a new general election day could be set in accordance with the cause of necessity. However, the change had to be effected by the enactment of a Royal Decree to change the general election day from the original date, not by a resolution of the Election Commission.

Section 5 of the Royal Decree to Dissolve the House of Representatives, B.E. 2556 (2013) provided for the Chairman of the Election Commission to have joint charge and control of such Royal Decree with the Prime Minister so as to entrust those two persons with the responsibility of administering the general election to proceed in an honest and fair manner in accordance with the spirits of the Constitution. Therefore, the prescription of a new date for general election of Members of the House of Representatives was the joint powers, duties and responsibilities of the Prime Minister and Chairman of the Election Commission.