

**Constitutional Court Ruling No. 22/2564 (2021)**

Election Commission	Applicant
Mr. Chumpol Julasai, 1 <sup>st</sup>	Respondents
Mr. Buddhipongse Punnakanta, 2 <sup>nd</sup>	
Mr. Issara Somchai, 3 <sup>rd</sup>	
Mr. Thaworn Senneam, 4 <sup>th</sup>	
Mr. Nataphol Teepsuwan, 5 <sup>th</sup>	

Constitution, section 82 paragraph two, section 96(2), section 98(4) and (6), section 101(6), section 102 and section 105 paragraph one (1) and (2).

Section 101(6) of the Constitution provided that the membership of a Member of the House of Representatives terminated upon having a prohibition under section 98. Section 98(4) in conjunction with section 96(2) provided that a person under a prohibition from exercising the right to vote was a person whose right to vote had been revoked regardless of whether such case was final and the case of a person subject to a sentence of imprisonment and remained in prison by warrant of a court pursuant to section 98(6). The Constitution provided for the application of the prohibition of a person from exercising the right to apply for election candidacy under section 98 as a cause for termination of membership of a Member of the House of Representatives under section 101 because a Member of the House of Representatives exercised legislative powers and should therefore show behaviour and qualifications that was recognised and trusted by the public. Such a person should perform duties honestly, free from any blemishes for the common interest. Membership of a member of the House of Representatives should therefore terminate upon a judgment to revoke the right to vote or imprisonment and remaining in prison by a court warrant without unnecessarily waiting for a final judgment. Upon a finding of facts that the first, third and fifth respondents were subject to a judgment of the Criminal Court to revoke the right to vote, there was cause for termination of membership of all three Members of the House of Representatives under section 101(6) in conjunction with section 98(4) and section 96(2). Upon all five respondents being subject to a judgment of the Criminal Court imposing a term of imprisonment and remaining in prison by warrant of such court, there was cause for the membership of all five respondent Members of the House of Representatives to terminate under section 101(6) in conjunction with section 98(6) of the Constitution as from 7<sup>th</sup> April B.E. 2564 (2021), being the date of Constitutional Court order to cease the five respondents from performing duties pursuant to section 82 paragraph two of the Constitution. It was deemed that the date of Constitutional Court due reading of the ruling to the parties was 8<sup>th</sup> December B.E.

2564 (2021), which was the date when the offices of the Members of the House of Representatives of the first, second, third and fourth respondents became vacant under section 105 paragraph one (1) in conjunction with section 102 and section 105 paragraph one (2) of the Constitution.

As for the question of when the fifth respondent's membership of a member of the House of Representatives, it was found on the facts that the fifth respondent submitted a letter of resignation and there was a Notification of the House of Representatives, dated 31<sup>st</sup> May B.E. 2564 (2021), promoting the person in the next order of Palang Pracharath Party's party list to become a Member of the House of Representatives under section 105 paragraph one (2) on such date. Hence, a ruling was not required.