

Initiative Process Act,

B.E. 2564 (2021)

**His Majesty King Phra Poramenthra Ramathibodi Sisin Maha Vajiralongkorn
Phra Vajira Klao Chao Yu Hua**

Given on the 25th Day of May B.E. 2564 (2021);

Being the 6th Year of the Present Reign.

His Majesty King Phra Poramenthra Ramathibodi Sisin Maha Vajiralongkorn Phra Vajira Klao Chao Yu Hua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on initiative process;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1 This Act is called the “Initiative Process Act, B.E. 2564 (2021)”.

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3 The Initiative Process Act, B.E. 2556 (2013) shall be repealed.

Section 4 In this Act:

“initiative process” means the submission of a petition for introducing a bill or a draft Constitution Amendment;

“eligible voter” means a person who is eligible to vote in the election of the Members of the House of Representatives as stipulated in the Constitution of the Kingdom of Thailand.

Section 5 A person who has the right to subscribe his or her name to a petition for introducing a law to the National Assembly must be an eligible voter on the day of introducing a bill under section 11 or a draft Constitution Amendment under section 16, as the case may be, and shall not be the person who is prohibited from exercising the right to vote.

There shall be not less than ten thousand eligible voters subscribing their names to a petition for introducing a bill.

There shall be not less than fifty thousand eligible voters subscribing their names to a petition for introducing a draft Constitution Amendment.

Section 6 The introduction of a bill to the National Assembly under this Act may be made only on the bill with the principles relating to Chapter III Rights and Liberties of the Thai People or Chapter V Duties of the State of the Constitution of the Kingdom of Thailand and in accordance with the criteria provided in section 77 of the Constitution of the Kingdom of Thailand.

The bill under paragraph one shall be prepared in the form of introducing a bill and dividing it into sections that sufficiently and clearly demonstrate the matter intended to be enacted, and contain the following documents:

- (1) a bill;
- (2) a memorandum of principles of the bill;
- (3) a memorandum of rationales for introducing the bill;
- (4) a memorandum of analysis and summary of the bill.

Section 7 In the preparation of a bill and documents under section 6, any eligible voter may prepare them by himself or herself or not less than twenty eligible voters may subscribe their names to a petition for the Secretariat of the House of Representatives to prepare them, in accordance with the rules and procedures stipulated by the Secretariat of the House of Representatives with the approval of the President of the National Assembly.

The Secretariat of the House of Representatives shall prepare the bill together with the documents under paragraph one for the petitioners within thirty days from the date of receipt of the petition. The Speaker of the House of Representatives may extend such period on a case-by-case basis but the total period for the preparation shall not exceed ninety days.

Section 8 In case at least twenty eligible voters, whether or not being the persons under section 7 paragraph one, wish to be the inviters under paragraph three, they shall propose a bill and documents under section 6 together with a document specifying the name list of such

persons and identification numbers of each of such persons together with their signatures to the Speaker of the House of Representatives for consideration.

In the case where the Speaker of the House of Representatives has considered and found that the bill under paragraph one contains the content as prescribed in section 6 paragraph one, he or she shall notify the persons specified in paragraph one in writing for further proceeding under paragraph three. In the case where the Speaker of the House of Representatives found that such bill contains the content not as prescribed in section 6 paragraph one, he or she shall notify in writing accordingly and return the matter to the said persons. The notification shall be made within fifteen days as from the date of receipt of all of the documents under paragraph one.

In the case where the said persons are notified by the Speaker of the House of Representatives that they can proceed further, the eligible voters who have subscribed their names under paragraph one may invite other eligible voters to subscribe their names for introducing such bill.

The invitation for eligible voters to subscribe their names under paragraph three may be made in writing or through electronic media; provided, however, that those who have subscribed their names have access to the documents under section 6 paragraph two.

In subscribing the name to such joint petition, there shall be evidence consisting of the name, surname, and identification number of the person subscribing his or her name as well as the statement which specifies that he or she voluntarily engages in introducing such bill and his or her signature, which shall then be submitted to the place or through electronic media specified by the inviters in the invitation letter or electronic media under paragraph four.

Eligible voters who are the inviters under paragraph three may request the Secretariat of the House of Representatives to receive and collect the evidence of the submission of a joint petition for introducing such bill, and in such case, the Secretariat of the House of Representatives shall proceed as they wish and disseminate the invitation to the public, and once the Secretariat of the House of Representatives has received the evidence of the joint petition from ten thousand persons, it shall notify the inviters who are the petitioners for further proceeding under section 11. In the case where the Secretariat of the House of Representatives owns any information technology system which can verify identities and examine the eligibility

of eligible voters, the submission of a petition for introducing a bill through such information technology can be carried out without their signatures.

In proceeding under paragraph six, the Secretariat of the House of Representatives may request King Prajadhipok's Institute for support and assistance.

The rules and procedures for proceeding under paragraph two and paragraph six shall be as prescribed by the Secretariat of the House of Representatives with the approval of the President of the National Assembly.

Section 9 During the invitation for the submission of a joint petition for introducing a bill, any principles or contents contained in the bill shall not be modified except for the modification of wrong contents which are not essential to the bill.

Section 10 In the case where the Secretariat of the House of Representatives receives and collects the evidence of the submission of a joint petition for introducing a bill under section 8 paragraph six, if after one year has elapsed from the date of receipt of the petition, the number of eligible voters who have subscribed their names to a joint petition for introducing the bill is less than ten thousand, the Secretariat of the House of Representatives shall notify the inviters who are the petitioners to arrange to have the number of persons subscribing their names as specified within ninety days as from the date of receipt of such notification. If such period has expired and the specified number of persons who have subscribed their names is not met, it shall notify the inviters who are the petitioners in writing accordingly and the Secretariat of the House of Representatives shall cease to proceed further.

Section 11 When not less than ten thousand eligible voters have subscribed their names to a joint petition for introducing a bill under section 8, at least one inviter shall submit to the Speaker of the House of Representatives the cover letter for submission of the bill together with the documents under section 6 paragraph two, the evidence of the submission of a joint petition for introducing the bill, and the name list of at least twenty but not more than thirty persons subscribing their names to the petition who are the representatives of the persons subscribing their names to the petition for execution of this Act.

In the case where the Secretariat of the House of Representatives proceeds under section 8 paragraph six, the proceeding under paragraph one can be carried out without presenting the evidence of the submission of a joint petition but the Secretariat of the House of

Representatives shall issue the certification of the accuracy and completeness of the submission of a joint petition in lieu of such evidence.

Section 12 After the Speaker of the House of Representatives has received the documents under section 11, he or she shall complete an examination of the accuracy and completeness of the principles and documentary evidence as required by this Act within forty five days. If it appears that the principles or documentary evidence is incorrect or incomplete, the Speaker of the House of Representatives shall notify the inviters in writing for rectification to ensure the accuracy and completeness within a prescribed period of time. If they are found to be correct and complete and section 13 has already been complied with, the Speaker of the House of Representatives shall proceed further pursuant to the Rules of Procedure of the House of Representatives.

The examination under paragraph one shall be in accordance with the procedures prescribed by the Secretariat of the House of Representatives with the approval of the President of the National Assembly.

If the inviters fail to proceed accurately and completely within the period as provided in paragraph one, the Speaker of the House of Representatives shall cease to proceed and return the matter to the inviters.

In the case where the bill which is introduced under section 11 is a money bill under the provisions of the Constitution of the Kingdom of Thailand, such bill shall be forwarded to the Prime Minister for consideration and endorsement.

In the case where a false signature is found and the specified number of persons who have subscribed their names to a petition is met after deducting such false signature, the Speaker of the House of Representatives shall proceed further.

In the case where a person who has subscribed his or her name to a joint petition withdraws his or her submission of a petition or dies after the petition has been submitted to the Speaker of the House of Representatives under section 11, it shall be deemed that his or her submission of a petition is valid.

Section 13 Before the Speaker of the House of Representatives proceeds pursuant to the Rules of Procedure of the House of Representatives as provided in section 12 paragraph one, the Secretariat of the House of Representatives shall disseminate the bill and arrange a public hearing of stakeholders, analyse any impacts that may occur from such law

thoroughly and systematically, as well as disclose the results of the public hearing and analysis to the public, and submit the same to the Speaker of the House of Representatives for further submission to the National Assembly together with the bill in order to take them into consideration.

Section 14 With regard to all bills which have been introduced under this Act and have lapsed because the term of the House of Representatives expires or the House of Representatives is dissolved and the Council of Ministers which is newly appointed after the general election does not make a request for further consideration of such bills under the provisions of the Constitution of the Kingdom of Thailand, if within one hundred and twenty days as from the date of convocation of the first sitting of the National Assembly after the general election, the representatives of the persons who have subscribed their names to a petition for introducing the bill under section 11 affirm the petition to the Speaker of the House of Representatives in writing for consideration of such bill further, such action shall be deemed to be the submission of a petition for introducing a new bill, and the Speaker of the House of Representatives shall proceed further pursuant to the Rules of Procedure of the House of Representatives.

Section 15 No submission of a petition for introducing a draft Constitution Amendment which has the effect of changing the democratic regime of government with the King as Head of State or changing the form of the State may be permitted.

Section 16 The provisions of section 6 paragraph two, section 7, section 8, section 9, section 10, section 11, section 12, section 13 and section 14 shall apply *mutatis mutandis* to the submission of a petition for introducing a draft Constitution Amendment except on the following matters:

(1) With respect to the submission of a petition under section 7, the number of persons subscribing their names to a petition shall not be less than one hundred and twenty persons.

(2) A draft Constitution Amendment shall be introduced to the President of the National Assembly and with respect to introducing a draft Constitution Amendment, the duty and power of the Speaker of the House of Representatives shall become the duty and power of the President of the National Assembly.

(3) With respect to the number of eligible voters who have subscribed their names to a joint petition for introducing a draft Constitution Amendment under section 10, the number is changed to less than fifty thousand persons.

(4) With respect to the name list of representatives of the persons who have subscribed their names to a petition for introducing a draft Constitution Amendment under section 11 paragraph one, there shall be not more than ten persons in the name list.

Section 17 If any person forges a signature in any initiative process, the court shall order revocation of the right to vote of such person for five years as from the date on which the court issues such order.

Section 18 The initiative process which has been lawfully carried out under the Initiative Process Act, B.E. 2556 (2013) and still in process prior to the date on which this Act comes into force shall be valid and shall be proceeded further under this Act.

Section 19 The President of the National Assembly shall have charge and control over the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Remarks :- The reasons for promulgation of this Act are as follows: The Initiative Process Act, B.E. 2556 (2013) currently in force is the law enacted pursuant to the provisions of the Constitution of the Kingdom of Thailand B.E. 2550 (2007). Therefore, some provisions of such Act are not in accordance with the Constitution of the Kingdom of Thailand and lack a mechanism to give assistance to the people in the preparation and proposal of draft laws efficiently. It is expedient to revise such Act so as to be appropriate and in accordance with section 133 (3) section 256 (1) and section 258 c. (4) of the Constitution of the Kingdom of Thailand, and thus it is necessary to enact this Act.