

# PERSPECTIVE

RESEARCHERS AT ISEAS – YUSOF ISHAK INSTITUTE ANALYSE CURRENT EVENTS

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## **Bhumjaithai Party Reaps Windfall Benefits from Astonishing Outcome of Thai Senate Election**

*Termsak Chalermphanupap\**



*Thailand's Prime Minister Srettha Thavisin (2nd L) interacts with Interior Minister Anutin Charnvirakul, also Leader of Bhumjaithai Party (2nd R), alongside Commerce Minister Phumtham Wechayachai (L) and Energy Minister Pirapan Salirathavibhaga (R) during a group photo following a recent cabinet reshuffle at Government House in Bangkok on 7 May 2024. (Photo by Lillian SUWANRUMPHA/AFP).*

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**EXECUTIVE SUMMARY**

- Thailand's complicated senate election has produced an outcome full of surprises and irregularities.
- While the election system was designed to let candidates from 20 major occupation groups choose among themselves, organised movements managed to mobilise candidates to vote for a chosen few.
- One huge surprise is that a majority of the elected 200 candidates appears to belong to the Blue Camp, with close ties to Bhumjaithai, the second largest government party.
- At the same time, several big names from the Red Camp, with links to Pheu Thai, the largest government party, failed to win seats. One of them is former prime minister Somchai Wongsawat, a brother-in-law of former prime minister Thaksin Shinawatra.
- Another big surprise is the large-scale failure of candidates from the Democracy Camp who support reforms proposed by the embattled Move Forward Party. Fewer than 40 of the 200 elected candidates can be considered "pro-democracy reformists".
- One intriguing outcome is that candidates from Buriram, the home base province of Bhumjaithai in the lower Northeast, won 14 senate seats, the largest number, surpassing Bangkok which won only nine seats.
- With a large number of allies in the Senate, Bhumjaithai's political fortune, as well as bargaining power is on the rise, elevating it to be on par with Pheu Thai and Move Forward Parties.

## INTRODUCTION

Thailand's complicated senate election has brought many surprises, some of which hold significant political implications. More surprises are in store as a slew of complaints about irregularities and organised manipulations continue to emerge.

The Election Commission (EC) has quickly acknowledged that its officials have indeed encountered some of these irregularities; and have considered them as merely “inappropriate” but not criminally unlawful.

Several defeated prominent candidates disagree with the EC's optimistic assessment. They have demanded an urgent nationwide systematic probe. Others have even threatened to petition the Constitutional Court to declare the election null and void.

Should the senate election be nullified, there will be no new set of elected 200 senators to replace the infamous 250 senators appointed under the previous rules laid down in the Constitution. The latter's five-year term and mandate – which included participation in the selection of every new prime minister – expired on 11 May. If there are no new elected senators to replace them, the 250 appointed senators will continue to operate, albeit without the authority to join MPs in selecting any new prime minister.

Most probably, the senate election outcome will stand,<sup>1</sup> with just a few of the elected candidates being eventually caught for breaking laws and disqualified. In that case, the largest group of new senators, perhaps numbering more than 100, appears to belong to the Blue Camp, which is reputed to have close ties to Bhumjaithai (BJT), the second largest party in the ruling coalition of 12 parties led by Pheu Thai (PT).

Another big surprise is the poor showing of candidates from the Red Camp with ties to the PT. Several prominent candidates from this group unexpectedly failed, including former prime minister Somchai Wongsawat, a brother-in-law of former prime minister Thaksin Shinawatra, and former acting prime minister Niwatthamrong Bunsongphaisan, who headed the PT-led coalition government before the May 2014 coup.

Yet another surprise is the widespread failure of candidates from the Democracy Camp under the political influence of the reformist Thanathorn Jungroongruengkit, leader of the Progressive Movement, and of the dissolved Future Forward Party that preceded the Move Forward Party (MFP). The earlier fear that a groundswell of support for drastic reforms would see a majority of pro-MFP senators being elected turned out to be unfounded.

Even though the MFP came first in the May 2023 general election with more than 14 million votes, most of the candidates from the Democracy Camp did not enjoy much support for being “pro-democracy”. This was due chiefly to the fact that only those who were at least 40 could apply to stand in the senate election. A candidate must have at least 10 years of working experience in one of the 20 occupation groups prescribed in the Organic Act of 2018 on the Installation of Senators.<sup>2</sup> And voting was done only by the candidates. Therefore young voters under 40 – they constitute the main support base of the MFP – did not have any role in the senate election.

## UNIQUELY COMPLICATED SENATE ELECTION

Meechai Ruchupan, the chairman of the committee drafting the 2017 Constitution, explained in a book about the drafting exercise that he envisaged a new Senate which would be filled with elected members from different walks of life, instead of elitist politicians. He believed such a new Senate would be able to better present grievances from a wider spectrum of Thai society. He did not want a new Senate full of experts, retired generals, and senior intellectuals who would likely be linked to and influenced by political parties.<sup>3</sup>

Initially, there were real concerns that too many would apply and overload the election verification and logistic system. Much to the relief of the EC, only about 48,200 eventually applied to stand in the senate election. Each had to pay the candidacy fee of 2,500 baht (US\$70). In the first round of election in 878 districts on 9 June, the number of candidates was whittled down to 23,645.

In the provincial round in 76 provinces and Bangkok on 16 June, the number was further cut to 3,000. Finally, only 2,995<sup>4</sup> showed up for the final national round on 26 June.

On 27 June, the EC announced a tentative list of 200 elected candidates (10 from each of the 20 occupation groups) who will serve a non-renewable 5-year term, and a waiting list of 100 others (five from each of the 20 occupation groups).<sup>5</sup> If and when an elected senator is disqualified, resigns, or dies, then the first on the waiting list in the same occupation group is promoted to fill the vacancy.

Dr Nantana Nantawaropas, one of the elected candidates in Group 18 (Mass Media and Creators of Literature), labelled the one who designed the senate election system as a “sadist”; the system puts candidates in a cut-throat situation, like in a combination of “Squid Game + Survival + Gladiators” video games in which candidates must be ruthless, betraying, and making secret deals in order to survive and advance to win a senate seat.<sup>6</sup>

Dr Nantana, who is the dean of the College of Political Communication of Krirk University, lamented that fewer than 30 of the elected 200 candidates could be consider pro-democracy reformists like her.

## SIGNS OF IRREGULARITIES

Signs of irregularities and organised movements to win the senate election have been widely reported in the Thai media. They include: candidates staying in same hotels; candidates wearing similar colours of clothes; circulated lists of recommended candidates to vote for in each occupation group; and candidates who did not vote for themselves, etc.

Other irregularities include: eight provinces<sup>7</sup> in which BJT had won House seats in the 2023 general election gained 52 senate seats; the largest number of elected candidates, 14,<sup>8</sup> came from Buriram where all 10 MPs are from the BJT,<sup>9</sup> and which is the base of the BJT in the lower Northeast.<sup>10</sup>

One of the elected candidates in Occupation Group 16 ( Arts, Culture, Music, Entertainment, and Sports) is Praneet Gayrum, a 61-year-old driver for former House Speaker Chai Chidchob. Chai was the deceased father of Newin Chidchob, the influential mastermind behind the BJT. Praneet finished only secondary school. In his self- introduction, he describes himself as a senior footballer from 1984-2004.

More significantly, coming first in Occupation Group 1 ( Government and Security) is General Kriangkai Srirak, the chief advisor to BJT leader Deputy Prime Minister and Minister of Interior Anutin Charnvirakul. General Kriangkai, who is a retired former assistant army commander, has emerged as the new frontrunner to head the Senate, replacing former prime minister Somchai who failed in the final national round.

Senator Somchai Sawaengkan, one of the most outspoken members of the current Senate, faulted the EC for failing to more vigorously verify whether candidates truly belonged to the occupation groups that they applied for.<sup>11</sup> The EC’s rules allowed candidates to show merely a letter of guarantee of qualifications by someone else from the same occupation group. This opened a huge loophole for enterprising candidates to hire supporters to stand for election in order to put them in place to vote for “recommended” candidates. Many of these hired hands conspicuously did not vote for themselves.

However, EC Secretary-General Sawaeng Boonmee described as “orderly” the overall senate election. Nevertheless, he reported receiving (as of 27 June) 614 complaints of alleged wrongdoings.<sup>12</sup>

He conceded there were organised movements to win the senate election for certain candidates; there were even lists of “block votes” circulating among candidates in some movements. But he cautioned that these were merely “inappropriate” actions, which did not directly break any election law or EC’s rules for the senate election.<sup>13</sup>

Quite expectedly, BJT leader Anutin has insisted<sup>14</sup> that his party had nothing to do with the senate election – because that is forbidden. Candidates in the senate election must not be members of any political party, and according to Section 113 of the Constitution, elected senators shall not be guided or influenced by any political party.

## **BHUMJAITHAI IN NEW POLE POSITION**

Notwithstanding Anutin’s denial, the emerging consensus among Thai political commentators is that a majority of the elected 200 candidates, perhaps as many as 120, are pro-BJT, or belong to movements organised by skilful operators with close secret ties to the BJT. Such public perception will undoubtedly enhance the bargaining power of the BJT in the PT-led ruling coalition.

One immediate benefit for the BJT is in having a louder say in the strenuous process to amend the Constitution. In the 500-member House of Representatives, the BJT has only 71 MPs in the ruling coalition comprised of 315 MPs. But now the BJT can count on support from a large number of allies in the Senate to control the constitutional amendment process. Any proposed

bill to amend the Constitution requires the support of at least one-third (67) of the 200 Senators for further consideration, as well as for approval of the final amendments.

Moreover, the Senate can delay by at least 180 days any legislation that it dislikes. Twenty Senators may also petition the Constitutional Court to strike down any unpalatable bill of the House of Representatives.

The BJT opposes existing efforts of the MFP to include in a new general amnesty bill, those convicted of or charged for *lese-majeste* under the Criminal Code Section 112. Since Thaksin is being prosecuted for alleged *lese-majeste* as a result of his interview with a South Korean media group in 2015, the PT is seriously considering supporting the MFP in pushing for a comprehensive amnesty bill.<sup>15</sup>

Moreover, the Senate is directly in charge of vetting applicants and proposed nominees vying for prestigious posts on the EC, the (three) Ombudsmen, the National Human Rights Commission, the State Audit Commission, and the National Anti-Corruption Commission (NACC). The head of the NACC, Pol Gen Watcharapol Prasarnrajkit is due to retire on 9 September.

Most importantly, a majority of Senators can block or approve the nomination of proposed appointees to the powerful Constitutional Court (CC). CC chief justice Nakin Maketrairat and justice Panya Utchachon are due for retirement at the end of their 7-year term this November. Four other CC justices are going to retire in April 2027, and another CC justice in August 2027. Therefore, within the first three of its five years in office, the new Senate will select seven of the nine CC justices.

Undoubtedly, whoever is in the driver's seat of the Senate could also exert influence on the CC.

### **BHUMJAITHAI'S NEW ATTRACTIVE AURA**

Pending a crucial hearing in the CC is a case against the MFP in which the EC has accused the reformist party of attempting to undermine Thailand's rule of constitutional monarchy during its election campaign in early 2023, in wanting to reform the monarchy, and to amend the *lese-majeste* law. In January, the CC ruled against the MFP on this issue, and ordered it to stop abusing its political freedom and liberty when talking about monarchy reforms outside of the parliament.

Now the EC has asked the CC to punish the MFP with a party dissolution and a ban from national politics against the party's executive committee members, including Pita Limjaroenrat, the MFP's sole premiership candidate.

The hearing is expected to receive a final ruling in September. Should the MFP be eventually dissolved, its 138 MPs will have 60 days to join another party without losing their House membership. In this regard, several of these MPs may be drawn into the BJT's embrace. When the Move Forward (the predecessor of the MFP) was dissolved in February 2020, 10 of its 76 MPs joined the BJT.

The BJT hopes to attract more MPs from all other parties in order to strengthen its prospects to win the next general election, and to make party leader Anutin the next prime minister.<sup>16</sup> It is positioning itself as a high potential third choice in the ongoing struggle between the MFP and the PT. The surprise outcome of the senate election will further enhance the BJT's reputation, elevating its status to be on par with both the MFP and the PT. In the past, the BJT had been largely overlooked as merely an Isan regional party of opportunists without national appeal or the support of Bangkok voters.

### **WHAT WENT WRONG IN RED CAMP?**

When former prime minister Somchai applied to stand in the senate election in Chiang Mai, speculations quickly followed that he was being positioned by Thaksin to take over the Senate leadership post. Few doubted that he would fail.

Somchai, who is married to Thaksin's younger sister Yaowapa, did well in both the district and provincial levels of senate election in Chiang Mai, Thaksin's hometown and powerbase of the PT. But he failed to win enough votes even to get into a reserve list at the national level, largely because he lacked supporting organised movements, unlike those successful candidates from the Blue Camp. Another reason for Somchai's failure is his alleged over-confidence in his political experience and connections to Thaksin and the PT.<sup>17</sup>

Thaksin, on the other hand, blamed it on the "legacy of the authoritarians" in putting in place a complicated senate election system which completely "distrusts the people".<sup>18</sup> He prefers direct election of all senators.<sup>19</sup>

Weera Theerapat, an influential political commentator, stated on a TV programme on 28 June that according to one reliable PT insider, it was Somchai's own initiative to enter the senate race; and thus received no support from either Thaksin or the PT machine.<sup>20</sup>

### **SETBACK FOR THANATHORN AND REFORMISTS**

Also a big surprise is the widespread failure of candidates from the Democracy Camp with support of Thanathorn and his Progressive Movement. Initially, it looked entirely plausible that a majority of the elected candidates would be reformists inspired by Thanathorn. He and his colleagues on the Progressive Movement<sup>21</sup> had conducted seminars and training workshops to recruit candidates for the senate election.

MFP leader Chaithawat Tulathon saw fewer than 20% of the elected candidates as reformists belonging to the Democracy Camp. He believes a majority of the elected candidates have secret connections to politicians.<sup>22</sup>

He also suspects that many of the elected candidates do not truly belong to the occupation groups to which they claimed to belong. In his opinion, such widespread shortcomings have defeated the stated purpose of electing senators based on their occupations.<sup>23</sup>

The senate election outcome could dampen the optimism inside the MFP. In the past, the thinking was that even if the MFP might be eventually dissolved, its successor party could and would continue to thrive on strong support from reformist voters.

Now, however, the new political landscape looks more complicated with the rising political fortune of the BJT. Formidable foes in the next general election now include the BJT and Anutin, with support of their allies in the Senate, in addition to the PT and Paetongtarn Shinawatra with support of her father, Thaksin.

## CONCLUSION

The surprise victory of the candidates from the Blue Group in the senate election has enhanced the political fortune of the BJT. This will lead to changes in the political landscape in Thailand and intensify competition in the general election in 2027.

It has also upset the political foes of the BJT, especially those in the PT and the MFP, so much so that some even call for an urgent constitutional amendment to “improve” the senate election system, perhaps by abolishing the 20 occupation groups, introducing direct election of all senators, or abolishing the Senate altogether.

However, no major political parties are expected to invest energy and manpower to change the senate election system for the time being.

The Thai public is now watching to see how effective the EC can be in catching cheaters and removing them from the new Senate.

## ENDNOTES

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<sup>1</sup> The Royal Gazette on 10 July published the list of 200 elected senators as certified by the Election Commission. See news of this development on Manager Online at [www.mgonline.com/politics/detail/9670000058812](http://www.mgonline.com/politics/detail/9670000058812), accessed 11 July 2024.

<sup>2</sup> Details of the 20 occupation groups, as well as an outline of the senate election system, appeared in the announcement in the Royal Gazette published on 12 September 2018. See the document at <https://www.ratchakitcha.soc.go.th/DATA/PDF/2561/A/068/1.PDF>, accessed 29 June 2024.

<sup>3</sup> “เปิดบันทึก ‘มีชัย รุชอุพันธุ์’ ต้นคิดที่มา สว.” [Revisiting the recollection of ‘Meechai Ruchupan’ who invented the senate election system] Thai PBS, 6 May 2024 at <https://policywatch.thaipbs.or.th/article/legal-6>, accessed 30 June 2024. Meechai’s article appeared in a “บันทึกไว้กันลืม” [Recorded so that it will not be forgotten] the lead article in a book *ความในใจของคณะกรรมการร่างรัฐธรรมนูญ ๒๕๖๐* [Inner thoughts of members on the committee drafting the constitution B.E. 2560 (2017 A.D.)]. The book was published in August 2018 by the Office of the Secretariat of the House of Representatives.

<sup>4</sup> See their photos and written short profiles at the website of the Election Commission at <https://senator.ect.go.th/>, accessed 29 June 2024.

<sup>5</sup> See the list at Matichon Online, 27 June 2024, at [https://www.matichon.co.th/politics/news\\_4650320](https://www.matichon.co.th/politics/news_4650320), accessed 29 June 2024.

<sup>6</sup> Interview in a TV programme *สมมุติว่า* [What if?], Thai PBS, 30 June, at [www.youtube.com/watch?v=Oi8N8MdL\\_HA](http://www.youtube.com/watch?v=Oi8N8MdL_HA), accessed 1 July 2024.

<sup>7</sup> Watch an analysis of the voting pattern of candidates in these eight provinces (Buriram, Ayutthaya, Satun, Ang Thong, Loei, Amnart Charoen, Yasothorn, and Surin) by a team of iLaw on Matichon TV



on 1 July at <https://www.youtube.com/watch?v=hoAMl3-m/>, accessed 2 July 2024. iLaw is a civil society organisation specialising in promoting democracy and human rights in Thailand.

<sup>8</sup> See details of the 14 elected candidates from Buriram in Prachatai, on 27 June 2024, at <https://prachatai.com/journal/2024/06/109730>, accessed 29 June 2024.

<sup>9</sup> Buriram’s population is only about 1.57 million, and yet it won 14 senate seats; whereas Bangkok with 5.47 million of population won only 9 seats; and Chiang Mai with 1.79 million of population won only two. Twelve provinces did not win any seat at all. But this is due chiefly to the election system based on occupation groups rather than on size of population.

<sup>10</sup> See a news report about him in Matichon Online on 27 June 2024 at [https://www.matichon.co.th/politics/news\\_4650749](https://www.matichon.co.th/politics/news_4650749), accessed 29 June 2024.

<sup>11</sup> “ ‘สว.สมชาย’ ชัด กกค. ไม่มีมืออาชีพ ” [Senator Somchai blames the EC for being unprofessional], Tops News Live, 29 June, at [https://www.youtube.com/watch?v=n30DQ8A0Pk&ab\\_channel=TOPNEWSLIVE](https://www.youtube.com/watch?v=n30DQ8A0Pk&ab_channel=TOPNEWSLIVE), accessed 29 June 2024.

<sup>12</sup> “ กกค. เชมมี 614 คำร้องปมเลือก สว. สอบแล้วสอบทีหลัง สิ้นผลทางการ 3 ก.ค. ” [The EC has received 614 complaints about the senate election; will investigate and remove those found guilty; still awaiting official outcome of the election on 3 July], Bangkok Business News, 27 June 2024, [www.bangkokbiznews.com/politics/1133365](http://www.bangkokbiznews.com/politics/1133365), accessed 29 June 2024.

<sup>13</sup> *Ibid.*

<sup>14</sup> “ อนุนทิน บัดพัลวัน ‘สว. สีน้าเงิน’ โอดโดนให้ร้าย ‘บิ๊กเกรียง’ แต่เพื่อน พี่เนวินซังคกรอบ ” [Anutin denies having anything to do with the ‘Blue Senators’, complaining about the accusation; claiming that ‘Big Kriang’ is merely a friend; and even an elder sister of Newin failed], Thai Post, 28 June 2024, [www.thaipost.net/highlight/611734](http://www.thaipost.net/highlight/611734), accessed 29 June 2024. ‘Big Kriang’ is retired General Kriangkai who is now the chief advisor to Anutin. In the first round of the senate election, Mrs Ussanee Chidchob failed to go through. But she belongs to a different faction in the influential Chidchob family.

<sup>15</sup> In the past, the PT used to be quite ambivalent on this sensitive issue. But now since Thaksin has been charged under Section 112, the PT is leaning towards supporting the MFP’s initiative to seek amnesty for those convicted of or charged for *lese-majeste*.

<sup>16</sup> See the author’s article in November 2022 about Anutin’s prospects in ISEAS Perspective No. 2022/111, at <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2022-111>, accessed 2 July 2024.

<sup>17</sup> See analyses of Somchai’s failure in the Thai PBS news report on 29 June at <https://www.thaipbs.or.th/news/content/341524>, accessed 29 June 2024.

<sup>18</sup> “ ‘ทักษิณ’ โอดรัฐประหารทำระบบเลือก สว. พัง ” [‘Thaksin’ complains and blames the coup for destroying the senate election system], Thai PBS news on 28 June 2024, at <https://www.thaipbs.or.th/news/content/341508>, accessed 29 June 2024.

<sup>19</sup> *Ibid.*

<sup>20</sup> รายการคุยให้คิด [Discussion as food for thought] weekly programme on Thai PBS TV, 28 June at <https://www.youtube.com/watch?v=cFNpCbgno1s>, accessed 29 June 2024.

<sup>21</sup> After the dissolution of the Future Forward Party (FFP) in February 2020, Thanathorn joined force with Dr Piyabutr Saengkanokkul (FFP secretary-general) and Ms Pannika Chor Wanich (FFP spokesperson) in establishing the Progressive Movement ( คณะก้าวหน้า ) to serve as a civil society organisation to promote public participation in government at all levels.

<sup>22</sup> “ ชัยธวัช ตั้งข้อสังเกต สว. ที่ผ่านการคัดเลือก ส่วนใหญ่เกี่ยวข้องกับการเมือง ” [Chaithawat notes that most of the elected senators seem to have ties to politicians], The Standard, 27 June, at <https://thestandard.co/chaithawat-observe-the-senator/>, accessed on 29 June 2024.

<sup>23</sup> *Ibid.*

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