

UNOFFICIAL TRANSLATION

**ORGANIC ACT ON POLITICAL PARTIES  
B.E. 2550 [2007]**

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BHUMIBOL ADULYADEJ, REX;  
Given on the 6<sup>th</sup> day of October B.E. 2550 [2007];  
Being the 62<sup>nd</sup> year of the present reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have an Organic Act on Political Parties;

Whereas this Organic Act contains some provisions related to the restrictions of the rights and freedom of persons, of which Section 29 together with Section 31, Section 41, Section 45, Section 64, and Section 65 of the Constitution of the Kingdom of Thailand have provided that it shall be done only by the provisions of the law;

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

**Section 1** This Organic Act is called the “Organic Act on Political Parties B.E. 2550”.

**Section 2** This Organic Act shall come into force from the day following the date of its publication in the Royal Gazette.

**Section 3** The following shall be repealed:

(1) the Organic Act on Political Parties B.E. 2541 [1998];

(2) the Announcement No.15 of the Council for Democratic Reform under the Constitutional Monarchy on Ban of Political Gatherings and Any Other Political Activities, dated 21 September B.E. 2549 [2006];

(3) the Announcement No.27 of the Council for Democratic Reform under the Constitutional Monarchy on Amendment of the Announcement No.15 of the Council for Democratic Reform under the Constitutional Monarchy, dated 21 September B.E. 2549 [2006], dated 30 September B.E. 2549 [2006];

(4) the Act Amending the Announcement No.15 of the Council for Democratic Reform under the Constitutional Monarchy on Ban of Political Gatherings and Any Other Political Activities, dated 21 September B.E. 2549 [2006], B.E. 2550 [2007];

(5) the Act Amending the Organic Act on Political Parties B.E. 2541 [1998], B.E. 2550 [2007].

**Section 4** In this Organic Act:

“political party” means a group of persons joined to form a political party for which the application for formation has been acknowledged under this Organic Act, for the purposes of building the political will of the people through the democratic regime of government with the King as Head of State by nominating its members for election as members of the House of Representatives and carrying out other political activities on an ongoing basis.

“member” means a member of a political party;

“address” means the address under the law on household registration;

“donation” means the giving of money, property or any other benefit of financial value to a political party for the purpose of enabling the political party to carry out its activities or meet the electoral expenses of it or its candidates in the election of members of the House of Representatives, excepting fees and political party subscriptions as specified by the political party’s regulations;

“any other benefit of financial value” includes:

(1) charge-free discharge or reduction of debt;

(2) interest-free lending;

(3) fee-free guarantee;

(4) offer of use of venues, vehicles or property without rental or service fee or at a lower rental or service fee than the normal commercial rate charged to others;

(5) offer of use of personnel who are not employees or hired persons of a political party whereby the political party or its members do not have to pay or fully pay remuneration, excepting cases of volunteer work out of the normal working hours of such personnel;

(6) offer of services without service fee or at a lower service fee than the normal commercial rate charged to others;

(7) offer of a discount on products, services or properties greater than the normal commercial discount given to others;

(8) offer of travel or transportation of persons or things without charge or at a charge lower than the normal commercial rate charged to others;

(9) organizing parties, entertainments or other amusements without cost or at a cost lower than the normal commercial rate charged to others;

(10) offer of professional services such as medical, dental, nursing, architectural, engineering, legal or accounting, without charge or at a charge lower than the normal commercial rate charged to others;

(11) other matters that cause the political party or its members to gain a benefit of financial value, or not pay what would normally be due.

Actions under (5), (6), (7), (8), (9) or (10) which are done by a political party for its members and are not for the purpose of seeking votes for its candidates shall not be deemed the giving of any other benefit of financial value under this Organic Act;

“Fund” means the Fund for Development of Political Parties;

“Registrar” means the Registrar of political parties.

**Section 5** The Chairman of the Election Commission shall have charge and control of the execution of this Organic Act and shall have the power to issue Notifications, with the consent of the Election Commission, for the enforcement of this Organic Act.

The Notifications under paragraph one shall come into effect upon their publication in the Royal Gazette.

**Section 6** The Chairman of the Election Commission shall be the Registrar having power and duties under this Organic Act.

The Office of the Election Commission shall have the duty of processing the application for the formation of political parties, control and inspect the activities of political parties and perform functions in accordance with the provisions of this Organic Act.

**Section 7** In the performance of duties in accordance with this Organic Act, the Registrar shall have the power to summon relevant persons to give statements or submit documents for consideration or examination.

The Registrar shall be deemed the injured person under the Criminal Procedure Code and other laws, and exempt from all costs.

## **CHAPTER I**

### **FORMATION OF POLITICAL PARTIES**

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**Section 8** Fifteen or more persons, who have Thai nationality by birth or naturalization for not less than five years, are not under eighteen years of age, and not being under any of the prohibitions entailing electoral disfranchisement under the Constitution, can form a political party.

In forming a political party, the promoters of the political party shall convene a meeting to lay down its policy and regulations and elect its Executive Committee.

The meeting under paragraph two shall be in accordance with the rules and procedures determined by the Notifications of the Election Commission.

**Section 9** A political party shall have a name, initials, emblem, policy and regulations which shall not be of such a nature as to provoke racial or religious division in the nation, endanger the security of the State either inside or outside the Kingdom, or be contrary to its laws, public order, good morals or the democratic regime of government with the King as Head of State.

The name, initials or emblem under paragraph one shall not be the same as, consonant with or similar to that of another group of political party promoters, or that of a political party whose formation is recognized under Section 12, or that of a political party dissolved under this Organic Act.

**Section 10** The regulations of a political party must be consistent with the fundamental principles of the democratic regime of government with the King as Head of State, and shall contain at least the following:

- (1) the name and initials of the political party;
- (2) the emblem of the political party;
- (3) the location of the head office of the political party;

(4) the election, tenure and termination of the position of the Executive Committee of the political party and its committee members, as well as the powers and duties of the Executive Committee and its members;

(5) the plan and schedule to establish a branch of the political party, powers and duties of a political party branch, the election, tenure and termination of the position of a branch committee member and the powers and duties thereof;

(6) the general meetings of the political party and of its branch;

(7) the admission and dismissal of members;

(8) the rights and duties of members;

(9) the responsibilities of the political party toward its members;

(10) the discipline and ethics required of members, members of the Executive Committee and members of a branch committee of the political party;

(11) the rules and procedures governing the selection of candidates for the election of members of the House of Representatives on party-list and constituency bases;

(12) the administration of finance and property and the preparation of the accounts of the political party and its branches;

(13) the revenue of the political party, the determination of fees and political party subscriptions, and donations to the political party;

(14) the political education program(s) for members and the public;

(15) the conditions and procedures for termination of the political party and its branches.

The regulations of the political party must not be of the following nature or have the following stance:

(1) be contrary to or inconsistent with the fundamental principles of the democratic regime of government with the King as Head of State;

(2) be contrary to the status and the independent performance of duties of members of the House of Representatives under the Constitution;

(3) contain rules allowing a disciplinary or ethical offense to be tried without properly allowing the person accused to know of and defend themselves against the accusation;

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(4) contain rules allowing the termination of membership of a political party member who sits as a member of the House of Representatives because the member voted or did not vote on a resolution made at a meeting of the House of Representatives or at a joint meeting of the National Assembly.

(5) other matters as prescribed by the Election Commission in conformity with fundamental principles of the democratic regime of government with the King as Head of State.

The convening of a meeting by a political party among members of the House of Representatives who are members of the political party to consider and provide recommendations concerning political activities or the passing of a resolution at a meeting of the House of Representatives, shall not be prohibited under paragraph two.

**Section 11** The Executive Committee of a political party shall consist of a Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Registrar, Spokesman and other committee members elected from the political party's membership, provided they are of Thai nationality by birth, not under twenty years of age nor subject to any prohibitions under Section 102 (1) (2) (3) (4) (5) (6) (7) (13) and (14) of the Constitution.

Members of the Executive Committee of a political party shall have a term of office as provided for in the political party's regulations and which must not exceed four years. They may be elected for subsequent terms.

**Section 12** The person elected as Leader of a political party shall submit to the Registrar an application for the formation of political party together with the political party's policy, regulations and accounts showing particulars of assets and liabilities, a letter of consent for the use of a venue within the Kingdom as the political party's office, and a copy of the meeting's report on the formation of the political party.

The application for the formation of a political party under paragraph one must be in the form prescribed by the Registrar which, at a minimum, must include the following:

- (1) the name and initials of the political party;
- (2) the emblem of the political party;
- (3) the location of the head office of the political party;

(4) the names, occupations, addresses and signatures of the applicants for the formation of the political party;

(5) the names, occupations, addresses and signatures of members of the Executive Committee of the political party.

**Section 13** After receiving an application for the formation of a political party, the Registrar shall examine the particulars and ensure that:

(1) the promoters of the political party are fifteen or more qualified persons who are not subject to any of the prohibitions of Section 8 paragraph one;

(2) the name, initials and emblem of the political party and its policy and regulations are not of a nature or have objectives contrary to Section 9;

(3) the application documents for the formation of the political party contains complete and accurate particulars as per Section 10 and Section 12;

(4) the Executive Committee of the political party meets the specifications prescribed in Section 11.

When the Registrar has examined the application and deemed that its particulars are complete and accurate, the Registrar shall, with the consent of the Election Commission, acknowledge the application for the formation of the political party and send a written Notification to its promoters within thirty days of the date of receiving the application.

If the Registrar has examined the application and deemed that any of its particulars do not comply with paragraph one, the Registrar shall, with the consent of the Election Commission, not acknowledge the application for the formation of the political party and send its promoters a written Notification giving reasons for refusal within thirty days of the date of receiving the application.

The promoters of a political party who disagree with the Registrar's order refusing the application for the formation of their political party may file a motion with the Constitutional Court opposing the order under paragraph three within thirty days of the date of receiving the Notification.

**Section 14** If the Registrar has examined an application for the formation of a political party and deemed that the application documents under Section 13 (3) contain incomplete particulars, or are ambiguous or defective, the Registrar shall, within fifteen days of the date of receiving the application, send the political party's

promoters a written Notification ordering the requisite amendment(s) be made within fifteen days of the date of receiving the Notification.

If an amendment is not made under paragraph one or is made incorrectly, the Registrar shall, with the consent of the Election Commission, refuse to acknowledge the application for the formation of the political party and send its promoters a written Notification giving reasons for refusal within seven days of the date that the refusal order is made. Section 13 paragraph four shall then be applied *mutatis mutandis*.

**Section 15** Where the Registrar deems that the name, initials or emblem of a political party as, shown in the application documents for the formation of a political party, are the same as, consonant with, or similar to the name, initials or emblem supplied in an application by other political party promoters on the same day and at the same time, the Registrar shall proceed as follows:

(1) send a written Notification to each of the concerned groups of political party promoters requesting them to mutually agree on which group will have the right to use the name, initials or emblem. After a mutual agreement has been reached and the names, initials or emblems of the concerned groups are not the same as, consonant with or similar to each other, the Registrar shall, with the consent of the Election Commission, acknowledge the applications for the formation of the political parties as per their mutual agreement. The said agreement shall be reached within fifteen days of the date of receiving the Registrar's Notification;

(2) where the concerned groups of political party promoters affirm that there will be no mutual agreement or when the specified period under (1) has elapsed without reaching any mutual agreement, the Registrar shall publicly draw lots to determine which group which will be entitled to use the aforesaid name, initials or emblem, and shall, with the consent of the Election Commission, acknowledge the application for the formation of the political party according to the result of the draw.

The Registrar shall send a written Notification of the result under (2) to the concerned groups of political party promoters within seven days of the result.

**Section 16** The Registrar shall acknowledge the application for the formation of a political party in the register of political parties and publish the formation of the political party in the Royal Gazette, specifying its name, initials, emblem, policy, regulations, and the names of its Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Registrar, Spokesman and other members of its Executive Committee.

The political party of which the application for the formation has been acknowledged by the Registrar shall be a juristic person.

## **CHAPTER II**

### **OPERATION OF POLITICAL PARTIES**

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**Section 17** The Executive Committee of a political party shall have the powers and duty to carry out political activities in conformity with the Constitution, the laws, the political party's policy, regulations and the resolutions of its general meeting with prudence, caution and honesty, in the interests of the country and its people and must promote democracy within the political party.

The Leader of a political party shall represent it in any activity involving a third person. For this purpose, the Leader of a political party may entrust one or more members of the Executive Committee to act on his or her behalf.

Members of the Executive Committee must share responsibility for the Executive Committee's resolutions and performance as per the rules prescribed in the political party's regulations and this Organic Act.

Members of the Executive Committee shall not be liable for responsibility under paragraph three, if able to prove that they were not involved in these actions and declared their opposition in the Executive Committee's meeting as recorded in the meeting minutes or, in case of there being no record in those minutes, that they submitted a written letter declaring their opposition to the Chairman of the meeting within seven days of the meeting.

**Section 18** The Executive Committee of a political party must control and ensure that its members do not conduct themselves in any way contrary to the Constitution, laws or the Election Commission's regulations or Notifications.

When a Royal Decree on the election of members of the House of Representatives is promulgated, the Executive Committee of a political party must control and ensure that its nominated candidates do not commit any act contrary to the Constitution, the Organic Act on the Election of Members of the House of Representatives and Senators, the Election Commission's regulations or Notifications, or which might affect the fairness and honesty of an election.

**Section 19** A person who is eligible to be a member of a political party must be of Thai nationality by birth, have the prerequisite qualifications and not subject to any of the prohibitions under Section 8 paragraph one. The applicant shall independently submit an application form at a place specified by the political party, together with supporting documents as prescribed by the Registrar, to the political party, and shall certify that he or she is not concurrently a member of another political party. The political party shall send a copy of the application form and supporting documents to the Registrar.

Where any political party fraudulently records the name of a person who is unaware of, or unwilling to accept, an application for membership of that political party, that person or their nominee may ask the Registrar to examine the matter and consider releasing him or her from the political party's membership, in which case that person shall be regarded as never having been a member of that political party.

The Leader of a political party shall prepare an accurate membership register and keep it at the political party's head office, ready for inspection by the Registrar or the Registrar's nominee.

The Leader of a political party shall notify the Registrar of an increase or decrease in membership providing a list of names, occupations and addresses of joining and leaving members according to the procedures prescribed by the Registrar, by the seventh day of the month every trimester, and shall, each year, prepare a summary of membership increases and decreases for the Registrar by January of the following year.

If the Leader of a political party fails to notify the Registrar within the period prescribed in paragraph four, the Registrar shall have the power to order him or her to provide Notification within a designated timeframe.

The membership register shall be in the form prescribed by the Registrar.

The Election Commission shall arrange to have the membership registers of all political parties recorded electronically, and shall assume that they are accurate and legally valid, unless proven otherwise.

**Section 20** Membership of a political party member terminates upon:

- (1) death;
- (2) resignation;

(3) being disqualified or subject to any of the prohibitions prescribed in Section 26;

(4) being dismissed by resolution under the political party's regulations due to serious violation of discipline, ethics or for another serious reason;

(5) the loss of status, cessation or dissolution of the political party of which the person is a member;

(6) being concurrently a member of more than one political party;

(7) other matters as prescribed by the political party's regulations.

The resignation of membership under paragraph one (2) shall be deemed complete upon submission of a resignation letter to the Registrar.

The termination of membership under paragraph one (4) in the case where the member is also a member of the House of Representatives, shall require a resolution by secret ballot of not less than three-quarters of the joint meeting of the political party's Executive Committee and members who are also members of the House of Representatives. If, within thirty days of the date the political party passes this resolution, the member lodges an appeal with the Constitutional Court objecting that the said dismissal resolution is of as specified in Section 65 paragraph three of the Constitution, but the Constitutional Court decides that the dismissal resolution is not of such a nature, it shall be deemed that the membership terminates from the date of the decision of the Constitutional Court. However, if the Constitutional Court decides that such resolution is as specified in Section 65 paragraph three of the Constitution, the member may apply for membership of another political party within thirty days of the date that the Constitutional Court's decision, or may continue their membership with the original political party.

An appeal made to the Constitutional Court under paragraph three shall be in accordance with the Organic Act on the Procedures of the Constitutional Court.

The Leader of a political party shall submit a report or documents concerning the resolution under paragraph three to the President of the House of Representatives and the Registrar within seven days of the date that the political party passed the resolution.

Termination of membership under paragraph one (5), should the member also be a member of the House of Representatives and unable to become a member of another political party within sixty days of the date of the resolution, shall be deemed effective from the day following the date that that sixty-day period elapses.

**Section 21** No political party shall admit a person not of Thai nationality under Section 8 paragraph one as a member or allow such a person to hold any position in the political party, or to act for the political party's benefit.

No person not of Thai nationality under paragraph one shall be a member or hold any position in a political party or participate in any of its activities.

Except for political officials, no political party members who are government officials holding permanent positions or receiving salaries, officers or employees of State agencies, or agencies under the State's control, or State enterprises or local governments, or are other State officers shall hold any position on the Executive Committee of a political party or be an officer of a political party or hold any other position in a political party.

**Section 22** No political party or any person shall give, propose or promise to give money, property or any other benefit of financial value, either directly or indirectly, with the intention of influencing any person to apply for membership of a political party.

**Section 23** No person shall request, receive or agree to receive money, property or any other benefit of financial value from a political party or any person with the intention of accepting an application for membership of a political party.

**Section 24** No person shall concurrently be a member of more than one political party.

**Section 25** No person, unless a political party, shall use any name, initials, emblems or words in such a manner that might cause the public to associate the person with a political party, or use any name in Thai script to construct the words "Political Party" or with any foreign script to be translated or read as "Political Party" in any seal, nameplate, letter, notice or other documents or in any communication.

**Section 26** Within one year from the date that the Registrar acknowledges the formation of a political party, such political party must organize membership enrolment and gain not less than five thousand members which, at a minimum, shall be from each region according to the list of regions and provinces published by the Registrar, and the political party shall have at least one branch in each region.

**Sections 27** After the activities under Section 26 have been carried out, the first general meeting of the political party shall be organized within sixty days. If the Leader of political party does not convene a general meeting within the specified period, the Registrar shall have the power to order the Leader of the political party to call for a general meeting within a prescribed timeframe.

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At the general meeting of a political party under paragraph one, consideration shall, at a minimum, be given to the following:

(1) a review of the political party's accepted policy;

(2) a review of the political party's accepted regulations;

(3) the election of a new Executive Committee of the political party to replace the one elected under Section 8 paragraph two;

(4) the election of the Candidate Selection Committee, the Policy Committee and the Committee on Democracy Promotion within the Political Party;

(5) other activities proposed by the Executive Committee of the political party under Section 11, by at least four of its branch Chairmen, or not less than five hundred representatives of its membership.

Resolutions at the general meeting under (3) and (4) shall be decided by secret ballot.

**Section 28** A political party must convene a general meeting at least once a year.

The following shall be carried out by the general meeting of a political party:

(1) the amendment of the political party's policy;

(2) the amendment of the political party's regulations;

(3) the election of the Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Registrar, Spokesman and other members of the Executive Committee of the political party;

(4) the election of the Candidate Selection Committee, the Policy Committee and the Committee on Democracy Promotion within the Political Party;

(5) a report on the political party's activities during the past year;

(6) a plan for activities in the next year – particularly the acquisition of revenue, the promotion of public political involvement and the development of political personnel;

(7) the appointment of an auditor and the approval of the political party's annual financial statements;

(8) other activities under Section 11 proposed by either the Executive Committee of the political party, or by at least four of its branch Chairmen, or by not less than five hundred representatives of its membership;

(9) other activities as prescribed in the Notification of the Election Commission;

(10) other activities as prescribed in the political party's regulations.

**Section 29** The quorum for a political party's general meeting shall be as prescribed in the political party's regulations which, at a minimum, must consist of not less than half of the total membership of its Executive Committee, representatives from not less than half of its total branches, and representatives from its membership. A quorum requires at least two hundred persons.

The selection of representatives from the membership under paragraph one shall be in accordance with the rules and procedures prescribed in the political party's regulations, and shall take into account the size of each region's branch membership and the proportion of male and female members, in order to reflect the range of opinions of members from all levels of the political party.

Resolutions at a general meeting shall be decided by open ballot. However, in selecting persons under Section 28 paragraph two (3) and (4), or where the Executive Committee of political party, or if at least one hundred attendees at the meeting request it, resolutions shall be decided by secret ballot.

Without a general meeting, a resolution shall not be passed.

**Section 30** Not less than one-quarters of the members who are members of the House of Representatives, not less than one-third of members of the Executive Committee, not less than one-tenth of the total membership or no fewer than two thousand members (whichever is the lesser), shall have the right to request the convening of an extraordinary general meeting of the political party.

**Section 31** If it appears that the Leader, the Executive Committee or a member of the Executive Committee of a political party intentionally causes it to perform an act in violation of its policy or regulations, the Registrar shall have the power to issue a written warning directing the Leader, the Executive Committee or such member of the Executive Committee of the political party to cease or rectify such act within a period prescribed by the Registrar. Where a written warning is issued to a person who is not the Leader of a political party, a copy thereof shall forthwith be sent to the political party's Leader.

If the Leader, the Executive Committee or a member of the Executive Committee of a political party does not comply with the warning of the Registrar under paragraph one, the Registrar shall, with the consent of the Election Commission, have the power to apply to the Constitutional Court for an order that the aforesaid act cease or be rectified or that the Leader of the political party or its Executive Committee or any of that Committee's members, singly or collectively, be dismissed.

Where the Constitutional Court issues an order dismissing the Leader of a political party or its Executive Committee or any of that Committee's members, singly or collectively, such person(s) shall not be eligible for membership of the Executive Committee for a period of two years following the date of the Constitutional Court's dismissal order.

**Section 32** Where not less than one-tenth of the total membership or not less than ten thousand members, whichever is the lower, have the right to request the dismissal of the Leader or the Executive Committee, an extraordinary general meeting of the political party shall be convened within thirty days of the date the request is submitted to the political party.

The resolution for dismissal under paragraph one must have the support of not less than three-fifths of all votes of attendees at the extraordinary general meeting, and shall be decided by secret ballot.

Where a position-holder under paragraph one is dismissed, the general meeting shall select a person to fill the vacant position. Section 29 shall then be applied *mutatis mutandis*.

The provisions under paragraph one, two and three shall also apply *mutatis mutandis* to the request to dismiss the Chairman or any member of a political party's branch. The resolution for dismissal requires the support of not less than one-tenth of the total membership and can be passed only at an extraordinary general meeting of the political party's branch.

Action under this Section shall be occur only once during the term of the Executive Committee. However, if the Leader or any member of the Executive Committee of a political party serves as a Prime Minister, minister or member of the House of Representatives, the dismissal under this Section does not apply.

**Section 33** Where either not less than one-quarter of the membership who are members of the House of Representatives, not less than one-third of the membership of the Executive Committee, or not less than one hundred members

deem that a resolution or regulation of the political party on any matter would be contrary to the status and performance of the duties of members of the House of Representatives under the Constitution, or is contrary to, or inconsistent with, the fundamental principles of the democratic regime of government with the King as Head of State, they have the right to apply to the Constitutional Court for consideration and decision.

A resolution or regulation of a political party that comes under Section 10 paragraph two (3) (4) or (5), shall be deemed contrary to, or inconsistent with, the fundamental principles of the democratic regime of government with the King as Head of State.

If the Constitutional Court decides that a resolution or regulation is contrary to the status and the performance of duties of members of the House of Representatives under the Constitution, or is contrary to, or inconsistent with, the fundamental principles of the democratic regime of government with the King as Head of State, such resolution or regulation shall be repealed.

**Section 34** When a political party establishes a branch, the Leader of the political party shall send the Registrar a written Notification of its establishment within fifteen days of the date of that event.

The Notification of establishment of a political party's branch shall be in the form prescribed by the Registrar and shall, at a minimum, specify the location of the branch, and the names, occupations and addresses of branch committee members.

After having received the said Notification, the Registrar shall issue a certificate of acknowledgment for the branch's establishment within thirty days.

**Section 35** The branch committee of a political party shall consist of a Chairman, Vice-Chairman, Secretary, Deputy Secretary, Treasurer, Registrar, Spokesman and other committee members elected at a general meeting of the political party's branch from its members, who are of Thai nationality by birth, not under twenty years of age nor subject to any of the prohibitions under Section 102 (1) (2) (3) (4) (5) (6) (7) (13) and (14) of the Constitution.

Members of the branch committee of a political party shall have a term of office as specified in the political party's regulations but not exceeding four years per term and may be elected for subsequent terms.

**Section 36** The branch committee of a political party shall carry out activities in accordance with the Constitution, laws and the political party's policy and regulations.

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**Section 37** The branch committee of a political party must convene a general meeting of the branch at least once a year prior to the political party's annual general meeting. Where there occurs an election of members of the House of Representatives, whether a general election or a by-election, the political party's branch committee must convene an extraordinary general meeting, in order to approve the nomination of persons who shall be considered as constituency and party-list candidates in the provinces, as per the political party branch's responsibilities for the election of members of the House of Representatives.

The quorum for a general meeting of a political party branch shall be at least half of the total branch committee membership plus not less than fifty branch members.

The resolution to approve the nomination of persons under paragraph one and the resolution to elect a branch committee shall be decided by secret ballot. Resolutions on other matters shall be decided by open ballot. However, if either the branch committee or not less than fifty members of the political party branch request it, the resolution shall be by secret ballot.

Other activities that must be carried out by the general meeting of a political party branch, the procedures for proposal submission to the political party's branch's general meeting and the procedures of meetings shall be as prescribed in the political party's regulations.

**Section 38** A political party's consideration of the nomination of candidates for the election of the House of Representatives under both the constituency and party-list systems shall be the shared responsibility of its Executive Committee and its Candidate Selection Committee.

In considering the nomination of candidates for the election of the House of Representatives under paragraph one, the Candidate Selection Committee shall consider and make recommendations to the Executive Committee concerning the following lists of names:

- (1) list of the names of persons approved under Section 37 by the political party branch's general meeting;
- (2) list of the names of other persons as deemed appropriate.

The resolution of the Executive Committee on the nomination of candidates for the election of members of the House of Representatives shall be final.

**Section 39** In addition to considering the nomination of candidates for the election of the House of Representatives under both the constituency and party-list systems according to the procedures prescribed under Section 38, the political party's general meeting may allow for the passing of a resolution by attendees at the that meeting to select appropriate candidates for such election. In that case, the Executive Committee and the Candidate Selection Committee of the political party shall ensure that each attendee at the general meeting under Section 29 paragraph one can cast one vote. The persons with the highest number of votes for either constituency or party-list candidacy shall be selected as candidates for the election of the House of Representatives under the constituency or party-list systems, respectively.

When the general meeting of a political party has approved a resolution under paragraph one, the provisions concerning the political party's nomination, consideration, and selection of candidates for the election of the House of Representatives under Section 37 and Section 38 shall not apply. In each region, the nominations of persons to contest the vote under paragraph one must be approved by the branch committee of the political party in that region.

Voting under this Section may be by postal ballot as prescribed in the political party's regulations.

**Section 40** The non-compliance of a political party with Section 37, Section 38 or Section 39 shall not affect the candidates of the political party in applying for, contesting or winning in the election of members of the House of Representatives.

**Section 41** Where there is an amendment to a political party's policy or regulations, or to the particulars under Section 12 paragraph two (5) which have been entered by the Registrar, or to the details on the form under Section 34, the Leader of the political party shall send a written Notification to the Registrar, within thirty days of the date of amendment, for consideration and recommended correction of these details.

An amendment under paragraph one will be complete only when the Registrar has acknowledged such amendment. Section 13 shall then be applied *mutatis mutandis*.

If the Leader of a political party fails to notify the amendment under paragraph one within the period specified therein, the Registrar shall have the power to order the Leader of the political party to forward the amendment within a prescribed timeframe.

The amendment of the published particulars under Section 16 shall be published in the Royal Gazette.

**Section 42** The Leader of a political party shall prepare an accurate report of the political party's activities during the past calendar year in accordance with the procedures prescribed by the Registrar and shall, by March of every year, submit a written Notification of its report to the Registrar for public disclosure, except where the political party has been established for less than ninety days from the last day of the calendar year.

If, by the specified period under paragraph one, a political party has not given notification of its report, the Registrar shall have the power to order the Leader of the political party to give notification of the report within a prescribed timeframe. If the prescribed timeframe has elapsed and there is not reasonable cause for the notification not being given, the Registrar shall, with the consent of the Election Commission, dissolve the political party.

**Section 43** A political party, any member of the Executive Committee, position-holder or officer of a political party shall not, directly or indirectly, assist or support a candidate in the election of senators.

### **CHAPTER III**

#### **FINANCE AND SUPPORT OF POLITICAL PARTIES**

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#### **PART I**

#### **FINANCE OF POLITICAL PARTIES**

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**Section 44** The Executive Committee of a political party shall have the duty and responsibility to administer the political party's and its branches' finance, property or any other benefit of financial value, and shall ensure the preparation of correct accounts under Section 45.

Where a branch of a political party has been established, the branch Chairman shall ensure the preparation and certification of the branch's accounts under Section 45 and their inclusion in the overall accounts of the political party.

**Section 45** The accounts of a political party and its branches shall consist of a(n):

- (1) journal showing revenue, funds received and expended;
- (2) record of donations under Section 62;
- (3) ledger;
- (4) account showing assets and liabilities.

The posting of account entries must be accompanied by complete and correct supporting documentation.

For the accounts under (1) and (2), an entry must be posted within fifteen days of the event occurring.

For the accounts under (3) and (4), an entry must be posted within fifteen days of last day of the month in which the event occurred.

**Section 46** A political party and its branches must close its accounts by the last day each calendar year.

In closing its accounts, it shall prepare financial statements which, at a minimum, consist of a balance sheet and statements of receipt and expenditure; where a political party has branches, its financial statements shall also include the accounts of all its branches.

A balance sheet must contain particulars of the political party's assets, liabilities and funds.

A revenue and expenditure account must, at a minimum, clearly show sources of revenue including donations, State subsidies and other funds and how funds were expended in political party operations, especially electoral expenses which must be detailed as prescribed by the Election Commission.

The financial statement must be audited and certified by an authorized auditor.

**Section 47** The Leader of a political party shall present the financial statements approved by the authorized auditor to a general meeting of the political party for approval by April of each year, and notice of the meeting shall be transmitted to the members in advance and posted at the political party's office and at every branch for not less than fifteen days.

The financial statements approved by the general meeting of a political party under paragraph one must be certified by the Leader of the political party in conjunction with the Treasurer. The Leader shall submit the financial statements together with the copies of accounts under Section 45 to the Registrar within thirty days of the date of approval by the general meeting.

When the Registrar has received the financial statements and copies of accounts under paragraph two, the Registrar shall, with the consent of the Election Commission, appoint one or more groups of five persons, each consisting of a representative of the Office of the Auditor General of Thailand, a representative of the Comptroller General's Department, a representative of the Revenue Department, a representative of the Anti-Money Laundering Office, and an officer of the Election Commission, to carry out the examination of financial statements under paragraph two and submit them to the Election Commission for consideration and public announcement.

The group of persons appointed under paragraph three shall be remunerated as prescribed by the Election Commission.

**Section 48** The revenue and property received by a political party under this Organic Act shall be exempt from taxation under the Revenue Code.

**Section 49** The Leader and members of the Executive Committee of a political party shall submit the accounts showing particulars of their assets and liabilities, and those of their spouses and children who have not yet become *sui juris*, together with copies of documentary evidence to verify the existence of assets and liabilities on the date of taking office, the date of the expiration of term or the dissolution of the House of Representatives, or the date of vacating office, whichever the case may be, as well as a copy of a completed personal income tax form for the previous tax year in an accurate, complete and timely manner to the Registrar within thirty days of the date of taking office, of the date of the expiration of term or the dissolution of the House of Representatives, or of the date of vacating office.

The accounts showing particulars of assets and liabilities under paragraph one shall be in the form prescribed by the Election Commission.

Persons under paragraph one who have already submitted accounts showing particulars of assets and liabilities as described in paragraph one, may send the copies of the accounts to the Registrar.

**Section 50** When the Registrar has received the accounts showing particulars of assets and liabilities as well as supporting documents under Section 49, and has

reasonable cause to suspect that any person who submitted the said accounts has not complied with this Organic Act, the Organic Act on the Election Commission, or the Organic Act on the Election of Members of the House of Representatives and Senators, the Registrar shall, with the consent of the Election Commission, appoint one or more groups of persons to investigate and take action under its authority.

The investigation's rules and procedures shall be in accordance with the specifications prescribed by the Registrar and with the consent of the Election Commission.

**Section 51** The Executive Committee of a political party must ensure that, in an election, the political party and its candidates do not spend expenses more than the amount determined under the Organic Act on the Election of Members of the House of Representatives and Senators.

Any Leader or member of the Executive Committee of a political party who has been an accomplice in, or knows of, a violation occurring under paragraph one, must prevent such conduct.

The provisions under this Section shall apply *mutatis mutandis* to the Chairman and members of the branch committee of a political party.

**Section 52** The Executive Committee of a political party shall allocate funds for electoral expenses to the political party's candidates in the following manner:

(1) expenses for an election of members of the House of Representatives on a party-list basis shall be allocated collectively according to the number of candidates nominated by the political party on the party list submitted to the Election Commission;

(2) expenses for an election of members of the House of Representatives on a constituency basis shall be allocated individually to candidates of a political party;

The expenses allocated under (1) and (2) shall be in accordance with the resolution of the Executive Committee of the political party.

The Executive Committee of the political party shall not allocate funds for the electoral expenses of the political party's candidates under (1) and (2) beyond the amount determined under the Organic Act on the Election of Members of the House of Representatives and Senators.

## PART II REVENUE OF POLITICAL PARTIES

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**Section 53** A political party may receive revenue from the following sources:

- (1) fees and political party subscriptions as prescribed by the political party's regulations;
- (2) proceeds from the sale of political party products or services;
- (3) money, property or any other benefit of financial value, derived from the political party's fund-raising activities;
- (4) money, property or any other benefit of financial value, derived from donations to the political party;
- (5) subsidies from the Fund for Development of Political Parties;
- (6) accruals of money and revenue, derived from the political party's property;
- (7) other revenues.

The acquisition of revenue under (2) and (7) shall be in accordance with the specifications prescribed by the Registrar and with the consent of the Election Commission.

**Section 54** A political party's fund-raising activities must be conducted openly and with clear objectives. At such activities, the money, property or other benefits of financial value gained from supporters and valued at one hundred thousand baht (THB 100,000) or more, shall be classified as donations.

Upon completion of a fund-raising activity, the political party shall submit a report, recording the revenue obtained and the activity, to the Registrar within thirty days of the date of the activity.

The report under paragraph two shall record the names of each financial supporter who donated one hundred thousand baht (THB 100,000) or more at the activity.

### PART III

#### DONATIONS TO POLITICAL PARTIES

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**Section 55** The provisions under this Part shall apply to donations made by the Leader, members of the Executive Committee, members of branch committees of a political party, or its members to the political party or a candidate of the political party in an election of members of the House of Representatives.

**Section 56** Under the provision of Section 54 paragraph three, donations of one thousand baht (THB 100,000) or more to a political party require the disclosure of donors' names for examination.

Any Leader of a political party, member of the Executive Committee, member of a branch committee or any members of a political party shall not receive money, property or any other benefit of financial value as a donation without disclosing donors' names under paragraph one or when the donation is made to him or her personally.

**Section 57** Under Section 54 paragraph three, a donation to a political party of five thousand baht (THB 5,000) or more must be done publicly in accordance with the rules and procedures prescribed by the Election Commission.

Donations of twenty thousand baht (THB 20,000) or more shall be done by bill of exchange or crossed cheque.

**Section 58** Donations through the indication of intent in an annual personal income tax form, by which each taxpayer may identify the name of a political party to receive an annual donation of one hundred baht (THB 100), shall be done in accordance with the rules and procedures prescribed by the Director-General of the Revenue Department.

The indication of intent under paragraph one shall not be included in the deduction under Section 61.

The Revenue Department shall prepare and submit to the Registrar the names of political parties to receive a donation under paragraph one together with the total amount of donations each political party is entitled to by such indicated intents, and transfer the money to the Fund for distribution to each political party entitled to the donation under this Section, in accordance with the rules and

procedures and within the timeline agreed by the Election Commission and the Revenue Department.

**Section 59** A natural person or a juristic person shall not make a donation exceeding ten million baht (THB 10,000,000) per year to one particular political party.

Before a juristic person makes a donation of five million baht (THB 5,000,000) or more to a political party, the juristic person must receive approval or ratification by resolution from its shareholders' meeting or from its members.

Any Leader of political party, member of the Executive Committee, or any member of a branch committee of a political party shall not receive from a natural person or a juristic person a donation exceeding the value prescribed in paragraph one.

**Section 60** When there is a donation to a political party, the political party shall issue a receipt of donation to the donor in the form prescribed by the Election Commission.

When there is a donation to a political party and within seven days of the date of receiving the donation, the Leader, a member of the Executive Committee, or a member of a branch committee, whoever receives the donation shall prepare a donation receipt record and send it together with the donated money, property or any other benefit of financial value and with relevant documents to the political party for it to be recorded in the political party's donation receipt account.

When a political party has received money, property or any other benefit of financial value as a donation, this shall be recorded in the donation receipt account of political party within fifteen days of the date of receiving the donation. The receipt or proof of donation shall be sent to the donor within seven days of the date of issue of receipt or proof of donation.

Where there is a donation to a political party, the Leader of the political party shall, each week, prepare an announcement accurately detailing the donors' names, and donated money, property or any other benefit of financial value. The aforesaid announcement shall be publicly posted by the first working day of the next week at the head office of the political party for not less than fifteen days, and sent to the Registrar within seven days of the date the announcement is made public.

**Section 61** A person donating money to a political party shall have the right to deduct the donation amount in the tax computation as prescribed in the Revenue Code. The deduction shall not exceed five thousand baht (THB 5,000) per year in the case of a natural person, and twenty thousand baht (THB 20,000) per year in the *Unofficial translation provided by IFES-Democracy at Large*

case of a juristic person, and shall be in accordance with the rules prescribed by the Director-General of the Revenue Department.

**Section 62** Under the provisions of Section 54 paragraph three, Section 56 paragraph one, and Section 57 paragraph one, the Leader of a political party shall ensure the preparation of a donation receipt account which shall contain the following particulars:

(1) every donor's name, address, amount of money, property or any other benefit of financial value donated;

(2) date of donation;

(3) copy of donation receipt.

Where the donation is giving, or allowing to be used, property or any other benefit of financial value, the value shall be calculated according to the normal rent or commercial remuneration rates in each locality or a value of right before being entered in the account. If the value cannot be calculated, the details of the property or any other benefit shall be specified comprehensively and clearly.

**Section 63** In the case of a cash donation, the Leader and the Treasurer of the political party shall deposit it at a commercial bank under Section 64 within seven days of the date of receiving the donation, and issue a receipt of donation to the donor within the date of accepting the donation receipt record.

In the case of a donation being made by bill of exchange or crossed cheque, the Leader and the Treasurer of the political party shall deposit it in the deposit account under paragraph one. If the payment by bill of exchange or crossed cheque is accepted by the issuing authority, the political party shall issue a receipt of donation to the donor by the date of acceptance.

**Section 64** The Leader and the Treasurer of a political party shall open an account at a commercial bank, specifying the political party as the owner of the account. The Leader of the political party shall record the number of deposit accounts and amount of money in each account and send a copy of this record, certified by the bank, to the Registrar within seven days of the date of opening the account.

**Section 65** No political party or any person holding a position in a political party shall receive money, property or any other benefit of financial value, if they know, or could be expected to know, that it was acquired illegally, or have reasonable cause to suspect that it was obtained from illegal sources.

**Section 66** No political party or any person holding a position in a political party shall receive a donation from any person with a view to carrying out or supporting any act subverting the security of the Kingdom, the Throne, the national economy or the affairs of State, or disturbing or threatening public order or good morals, or destroying national natural resources.

**Section 67** Members of a political party who hold no position in the political party shall not receive donations or request donations from non-members, unless authorized in writing by the Leader or the Executive Committee of the political party and, in that case, must conduct themselves in accordance with this Organic Act.

**Section 68** The Prime Minister, ministers and political officials shall not independently use their status or positions to solicit or induce donations to a political party or its candidates in an election of members of the House of Representatives.

Being involved in a political party's fund-raising activities without engaging in the conduct specified under paragraph one prior to the beginning of such activities shall not be considered a prohibition under paragraph one.

**Section 69** No political party shall receive a donation for carrying out its political activities from:

(1) a person not of Thai nationality;

(2) a juristic person under the law of a foreign country carrying out its business or activities or having its registered branch in or outside the Kingdom;

(3) a juristic person registered in the Kingdom consisting of persons not being of Thai nationality who hold share capital or hold more than fifty per cent of shares. In the case of a public company limited listed on The Stock Exchange of Thailand, the consideration under this subsection shall apply prior to the date of donation by using the date a shareholding was acquired according to the public firm's shareholder registration book at The Stock Exchange of Thailand;

(4) an organization or juristic person receiving capital or supporting money from a foreign country, and having an objective to carry out any activity for the benefit of persons not being of Thai nationality or having a manager or a member of its executive committee who is not a person of Thai nationality;

(5) a person, organization or juristic person receiving a donation with a view to carrying out the activities of a political party or any political activity from a person, organization or juristic person under (1), (2), (3) or (4);

(6) a person, organization or juristic person provided for in the Notification of the Election Commission.

**Section 70** No person, organization or juristic person under Section 69 shall make a donation to any political party or its members with a view to carrying out the activities of the political party or any other political activity.

**Section 71** No government unit, State agency, juristic person which is a State enterprise under the law on budgetary procedure, public organization, enterprise of which the State is a major shareholder nor other juristic person provided for in the Notification of the Election Commission shall make a donation to a political party.

An enterprise of which the State is a major shareholder under this Section means the enterprise in which the State is a partner or holds the largest number of shares when compared with each and all of the other partners or shareholders, or where the proportion of the controlled partnership stakes or shares is one-third or more of the total partnership stakes or shares of such enterprise.

**Section 72** In regard to donations to political parties under this Organic Act, the Election Commission shall have the power to issue measures and control procedures to ensure that the receipt of donations by political parties proceeds openly. The Election Commission may verify the validity of donations to political parties and issue Notifications, as the Election Commission deems appropriate, to ensure that donations to political parties are conducted appropriately.

A political party shall abide by the Notifications of the Election Commission.

#### **PART IV**

### **STATE SUBSIDY TO POLITICAL PARTIES**

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**Section 73** There shall be the Fund for Development of Political Parties in the Office of the Election Commission, operating as a revolving fund for subsidizing political parties and political party development activities as prescribed by the Election Commission. The Fund shall consist of the following money and assets:

- (1) money received from budgetary appropriations;
- (2) money received from the Revenue Department under Section 58

(3) state subsidy under Section 76

(4) application fees for candidacy in an election under the Organic Act on the Election of Members of the House of Representatives and Senators;

(5) fines received from administrative or criminal penalties under this Organic Act;

(6) money or property acquired by a political party in contravention of this Organic Act;

(7) money or assets devolved to the Fund under Section 96;

(8) money or assets donated to the Fund;

(9) fruits of the Fund;

(10) other revenues.

The remittance of fines under (5) or of money or assets under (6) to the Fund shall be in accordance with the rules and procedures prescribed by the Election Commission.

Money under (2) and (3) shall be allocated to each political party according to the taxpayer's donation intents that the Director-General of the Revenue Department submits to the Registrar under Section 58.

**Section 74** The Election Commission shall have the power and duty to allocate subsidies to a political party and control the revolving fund's expenditure for the development of political parties.

In allocating a subsidy to a political party and controlling the Fund, the Election Commission shall appoint a committee to act on its behalf, consisting of the Registrar as chairman, an Election Commissioner entrusted by the Election Commission, a representative of the Ministry of Finance, a representative of the Bureau of the Budget, a representative selected from members of political parties which have a member or members in the House of Representatives who hold(s) a position or positions of minister(s), a representative selected from the members of political parties which have a member or members in the House of Representatives who do not hold any ministerial position(s), a representative selected from members of political parties which have no members in the House of Representatives, and two qualified persons, as members and the Secretary-General of the Election Commission shall be a member and secretary.

Representatives of political parties under paragraph two shall not be members of the House of Representatives.

The term of office, meeting fee, the vacating of office of a member of the committee who is a representative of a political party and a qualified person, and the meeting of the committee under paragraph two shall be as prescribed by the Election Commission.

If not all the members of the committee under paragraph two are present, the attending members form the committee's quorum.

**Section 75** The subsidy for political parties shall be allocated annually to those political parties which have stood candidates at the latest general election of members of the House of Representatives and have received votes on a party-list basis equivalent to not less than zero point five per cent (0.5%) of the aggregate of votes cast for all political parties in the party-list election, or have received votes on a constituency basis equivalent to not less than zero point five per cent (0.5%) of the aggregate of nationwide votes cast for all candidates in the constituency election.

The Election Commission shall distribute the subsidy to entitled political parties by allocating forty per cent (40%) of the total amount of the subsidy according to the number of votes obtained from an election on a party-list basis, forty per cent (40%) of the subsidy according to the number of votes obtained from an election on a constituency basis, ten per cent (10%) of the subsidy according to the number of branches of a political party that meet the requirements prescribed by the Election Commission, and ten per cent (10%) of the subsidy according to the number of active members who paid annual subscription fees, under the rules and procedures prescribed by the Election Commission. No one political party shall receive more than half of the total allocation granted in a year.

In the case of a newly established political party, the subsidy shall be distributed to that political party under this Section only after it has completed all operations under Section 26 and nominated candidates for the election of members of the House of Representatives.

**Section 76** The State shall allocate subsidies to political parties entitled to donations under Section 58 at the rate of five per cent (5%) of the total amount of donations specified in all indicated intents.

The total subsidy under paragraph one allocated to all political parties shall not exceed half of the allocation the Fund grants to political parties in a year. If it

does exceed half this allocation, the subsidy amount for political parties shall be reduced proportionally.

**Section 77** A political party receiving a subsidy under Section 75 and Section 76 shall annually prepare an operation and expenditure plan for the political party and submit this to the Election Commission in accordance with the rules and procedures prescribed by the Election Commission.

The Office of the Election Commission shall carry out the monitoring and evaluation of activities of the political party to ensure compliance with the political party's submitted operation and expenditure plan.

**Section 78** The subsidy for political parties under Section 75 shall be reduced proportionally or terminated under the following conditions:

(1) If a political party does not have a member elected in the general election of members of the House of Representatives for two consecutive terms, the subsidy calculated under Section 75 for the political party shall be reduced by half.

(2) If a political party does not have a member elected in the general election of members of the House of Representatives for three consecutive terms, the subsidy calculated under Section 75 for the political party shall be reduced by three-quarters.

(3) If a political party does not have a member elected in the general election of members of the House of Representatives for four consecutive terms, the subsidy under Section 75 for the political party shall be terminated.

For the purposes of this Section, the term "does not have a member elected" shall include a political party not nominating a member for the election of members of the House of Representatives.

This Section will not apply to a political party which does not have a member elected in a by-election of members of the House of Representatives.

**Section 79** The Registrar shall allocate airtime to every political party which has a candidate elected as a member of the House of Representatives. In allocating such airtime, consideration will be given to the number of each political party's members in the House of Representatives, in order that each political party may report its activities not less than twice a year free of charge under the rules and procedures prescribed by the Election Commission.

State radio and television stations shall allocate airtime as prescribed by the Registrar.

**Section 80** If a political party, a position-holder in or a member of a political party has bought airtime on a radio or television station, bought advertising space in a newspaper, or advertised by other means, for political purposes, the expenses incurred shall be included in the calculation of the political party's expenditure in the next election.

**Section 81** The Election Commission may provide every political party assistance with the following:

- (1) postal fees;
- (2) telephone or telecommunication service charges;
- (3) printing of publicity materials;
- (4) office rental fees for the political party and its branches;
- (5) public utility expenses;
- (6) venue rental fees for general meetings of the political party and its branches, or for election campaigns;
- (7) other matters as approved by the Election Commission to ensure that every political party can run its political activities equally.

The assistance under this Section shall be in accordance with the rules, procedures, conditions, and expenditure amounts prescribed by the Election Commission, and shall take into account the actual expenses of a political party and its branches.

**Section 82** A political party receiving a subsidy must spend it in accordance with the provisions of this Part and *Part V: Expenditure of Political Parties*, and shall prepare and submit an accurate report of the expenses from each calendar year's subsidy to the Election Commission by March of the following year. Section 42 paragraph two shall be applied *mutatis mutandis*.

**Sections 83** Where a political party which has received a subsidy has not complied with Section 77, the Registrar shall recall that subsidy, along with interest accrued, as specified by law, and remit it to the Fund according to the rules and procedures prescribed by the Election Commission.

**Section 84** Where the Registrar deems that a political party which has received a subsidy has not complied with Section 44, Section 45, Section 46 or Section 47, the Registrar shall recall the subsidy, along with interest accrued, as specified by law, and remit it to the Fund according to the rules and procedures prescribed by the Election Commission.

**Section 85** If a political party which has received a subsidy, has subsequently lost its status as a political party, been terminated or dissolved under *Chapter IV: Loss of Status, Cessation and Dissolution of Political Parties* of this Organic Act, the political party shall remit the subsidy to the Fund according to the rules and procedures prescribed by the Election Commission.

**Section 86** If a political party does not remit its received subsidy to the Fund according to Section 83, Section 84 and Section 85, the Leader of the political party together with its Executive Committee members shall be jointly responsible for paying the remittance to the Fund as a joint debtor.

## PART V EXPENDITURE OF POLITICAL PARTIES

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**Section 87** A political party must use its expenses for carrying out political activities or nominating a candidate in the election of members of the House of Representatives in the following areas:

- (1) remuneration of political party staff and expenses for the development of political personnel
- (2) expenses for the administration of the political party and its branches
- (3) electoral expenditure as prescribed in Section 52
- (4) expenses for the promotion of democracy in the political party
- (5) expenses in developing political knowledge and involvement among the general public
- (6) other expenses as prescribed by the Election Commission

The report on expenses, detailing expense entries, shall be in accordance with the specifications prescribed by the Election Commission.

**Section 88** No political party nor any person holding a position in a political party shall spend the political party's funds or sell its assets in contravention of the provisions of Section 87.

**Section 89** No political party, any person holding a position in a political party, nor any member of political party who is also a member of the House of Representatives or a holder of political position shall give money, property or other benefits of financial value to a person, a group of persons or a juristic person, unless it is a customary gift. The amount, rules and procedures shall be as prescribed by the Election Commission.

If any person holding a position in a political party or any member of a political party who is also a member of the House of Representatives or a holder of a political position violates paragraph one by donating or supporting money, property or other benefits of financial value to a person, a group of persons, or a juristic person in the constituency or the cluster of provinces in which the donor or supporter is a candidate for the election of members of the House of Representatives, such donation or support shall be considered as expenses for the election campaign of *Unofficial translation provided by IFES-Democracy at Large*

that person and shall be included in the calculation of expenditure for that person in the next election of members of the House of Representatives.

If a political party violates the provisions of paragraph one, the money, property or valuables concerned shall be considered electoral expenses under Section 52, and shall be included in the calculation of the political party's expenditure in the next election of members of the House of Representatives.

**Section 90** A person, a group of persons or a juristic person shall not request donations or support in terms of money, property or other benefits of financial value from a political party, a holder of a position in a political party, or a member of political party who is also a member of the House of Representatives or holding a political position.

## **CHAPTER IV**

### **LOSS OF STATUS, CESSATION AND DISSOLUTION OF POLITICAL PARTIES**

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#### **PART I**

#### **LOSS OF STATUS OF POLITICAL PARTIES**

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**Section 91** A political party shall lose its status as a political party for any of the following reasons:

(1) the political party has not complied with Section 26 within the specified timeframe;

(2) the political party has not nominated a candidate for the general election for members of the House of Representatives for two consecutive terms or eight consecutive years, whichever is the longer;

(3) the number of its members is reduced to less than five thousand for one entire year;

(4) the political party has held no general meeting or political activity for one entire year without reasonable legal cause.

If the Registrar deems, or a motion is filed with the Registrar, that the circumstances specified in this Section apply to a political party, the Registrar shall conduct a comprehensive investigation. If the Registrar deems that any of the aforesaid circumstances apply, the Registrar shall, with the consent of the Election Commission, publish in the Royal Gazette that the political party has lost its status as a political party.

Where the Leader of the political party losing its status under paragraph two is of the opinion that the published order of the Registrar is not in accordance with this Organic Act, the Leader, or members of the Executive Committee, of such political party may file a motion with the Constitutional Court to cancel the published order under the rules and procedures prescribed in the Organic Act on the Procedure of the Constitutional Court.

The provisions of this Section shall not apply to a case where the political party has a member sitting as a member of the House of Representatives.

## **PART II**

### **CESSATION OF POLITICAL PARTIES**

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**Section 92** A political party shall be terminated for any of the following reasons:

(1) where the political party's regulations require cessation, except where the political party has a member sitting as a member of the House of Representatives, in which case the dissolution shall proceed under Section 93 paragraph one;

(2) the political party has merged with another political party under *Chapter V: Amalgamation of Political Parties*;

If the Registrar deems that the circumstances specified in paragraph one apply to a political party, the Registrar shall conduct a comprehensive investigation. If the Registrar still deems that any of the aforesaid circumstances apply to the political party, the Registrar shall, with the consent of the Election Commission, order the cessation of the political party.

When the cessation of a political party has been ordered under paragraph two, the Registrar shall publish the order in the Royal Gazette.

### **PART III**

#### **DISSOLUTION OF POLITICAL PARTIES**

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**Section 93** Where a political party must be dissolved by virtue of its own regulations, but that political party still has members in the House of Representatives, or where a political party has not complied with Section 42 paragraph two or Section 82, that political party shall be dissolved.

When the Registrar deems that the circumstances specified in paragraph one apply, the Registrar shall, with the consent of the Election Commission, file a motion with the Constitutional Court within fifteen days of the date of the appearance of such circumstance. If the Constitutional Court considers that the circumstance applies to the political party as described by the Registrar, the Court shall issue an order dissolving the political party.

Where the Constitutional Court has issued an order dissolving a political party, the Registrar shall publish the order in the Royal Gazette.

**Section 94** The Constitutional Court may issue an order dissolving a political party which has carried out any of the following:

(1) an act to overthrow the democratic regime of government with the King as Head of State or to gain power in the administration of the State by unconstitutional means, or an act which the constitution considers as intended to gain such power;

(2) an act contrary to the Organic Act on the Election of Members of the House of Representatives and Senators or contrary to the Rules or Notifications of the Election Commission, causing an election not to proceed in an honest and fair manner;

(3) an act which may be harmful to the democratic regime of Government with the King as Head of State under the Constitution;

(4) an act, either inside or outside the Kingdom, which may endanger the security of the State, or be contrary to law, public order, good morals;

(5) an act in violation of Section 21 paragraph one, Section 43, Section 65, Section 66, Section 69 or Section 104 of this Organic Act.

**Section 95** If the Registrar independently, or after being notified by the Executive Committee of a political party deems that, upon examination, the political party has committed any act under Section 94, the Registrar shall, with the consent of the Election Commission, inform the Attorney General and furnish him or her with the relevant evidence. The Attorney General shall consider the matter within thirty days of the date of receipt of the information. If the Attorney General deems it appropriate, he or she shall file a motion with the Constitutional Court for the dissolution of the aforesaid political party. If the Attorney General does not file a motion with the Constitutional Court, the Registrar shall form a working group consisting of representatives of the Registrar and the Attorney General to gather evidence and tender a recommendation to the Attorney General to file a motion with the Constitutional Court. If the working group cannot settle the matter within thirty days of the date of its establishment, the Registrar, with the consent of the Election Commission, shall have the power to file a motion independently.

If the Registrar deems it appropriate to suspend the activities of a political party which has committed an act under Section 94, the Registrar shall, with the consent of the Election Commission, request the Attorney General to apply to the Constitutional Court for an order temporarily suspending the activities of that political party.

In a case where the Constitutional Court has issued an order dissolving a political party, the Registrar shall publish the order in the Royal Gazette. No person shall use the name, initials or emblem of that political party, or any consonant with or similar to those of the aforesaid dissolved political party, for political activities or to receive any benefit.

**Section 96** Where a political party loses its status, is terminated or dissolved according to the provisions prescribed in this Chapter, except in the case under Section 92 (2), the Leader of such political party shall submit all accounts, balance sheets and documents relating to the finances of the political party to the Registrar within thirty days of the date of loss of status, cessation or dissolution. The Office of the Auditor General of Thailand shall liquidate all accounts within six months of the date of the Registrar's notification. If the Office of the Auditor General of Thailand is unable to complete the liquidation within six months, the period may be extended for not more than a further six months.

The Leader and members of the Executive Committee of a political party being processed under paragraph one shall remain in their duties until the liquidation is completed, but shall not carry out any political activities on behalf of the political party that has lost its status, or is terminated or dissolved.

Any property which is left after the deduction of liabilities and expenses incurred in the liquidation shall be transferred to the charitable organizations specified in the regulations of the political party. If this does not occur, it shall become the property of the Fund.

The provisions of the Civil and Commercial Code, Book III, Title XXII, *Chapter V: Liquidation of Registered Partnerships, Limited Partnerships and Limited Companies* shall apply *mutatis mutandis* to the liquidation of a political party.

**Section 97** Where a political party has been dissolved due to the violation of Section 42 paragraph two, Section 82 or Section 94, a person who was previously a member of the Executive Committee of the dissolved political party shall not, within a period of five years from the date of the dissolution, apply for the formation of a new political party, be a member of an Executive Committee of a political party, or promote a new political party.

**Section 98** Where the Constitutional Court has dissolved a political party under Section 82 or Section 94 and there is credible evidence that the Leader of the political party or any member of the Executive Committee has participated in, been an accomplice to, ignored or known of the offense without curbing or rectifying it, the Constitutional Court shall repeal that Leader's or Executive Committee member's right to stand for election for a period of five years from the date of the dissolution order.

## CHAPTER V AMALGAMATION OF POLITICAL PARTIES

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**Section 99** During the House of Representatives' term of office, there shall be no amalgamation of political parties that have sitting members in the House of Representatives.

**Section 100** Political parties may be merged to establish a new political party or be merged to become part of a major political party.

**Section 101** Where the merger of political parties is to establish a new political party, the political parties concerned shall each obtain the approval of a general meeting of its members.

When the general meetings of each political party have approved the merger, the Leader and ten Executive Committee members of each political party shall have a joint meeting to:

- (1) set the political party's policy;
- (2) prescribe the political party's regulations.

Upon completion of the activities in paragraph two, a joint meeting of members of all the political parties concerned shall be convened to form the new political party under Section 8. Members of the political parties shall receive at least seven days prior notice of the meeting. Any further action shall be in accordance with the provisions on the formation of political parties.

**Section 102** When the Registrar has acknowledged the formation of the new political party under Section 101, the Registrar shall, under Section 92 paragraph two, order the termination of the merged political parties. Members of these political parties shall now be members of the new political party and the property, assets, rights and liabilities of the merged political parties shall be transferred to the new political party, effective from the date of the Election Commission's issuance of such order.

Where the Election Commission has issued an order under paragraph one, the Registrar shall publish the order of termination and amalgamation of the political parties in the Royal Gazette.

**Section 103** Where the merger of political parties is the merger of one or more political parties with a major political party, the political parties to be merged shall request prior approval from the general meetings of each political party.

When the general meetings of each political party have approved the merger, the Leader of the political parties concerned shall jointly notify the Registrar of the intended merger and the Registrar shall request the Election Commission under Section 92 paragraph two to order the termination of the minor political party(ies) that merged with the major political party, effective from the date of the Election Commission's issuance of the order. Section 87 shall then be applied *mutatis mutandis*.

## CHAPTER VI PENALTIES

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**Section 104** A political party or person who knowingly and falsely conspires, plots or supports any person, in undertaking any activities that deceive other persons or the Election Commission into believing that another political party or another person has committed an offense under this Organic Act, shall receive twice the punishment provided by law for that particular offense.

A political party or person who knowingly and falsely conspires, plots or supports any person, in undertaking any acts of malice against the Leader, member of the Executive Committee, member of a branch committee of a political party, or position-holder in that political party, shall be liable for a term of imprisonment of two to ten years or a fine of forty thousand baht (THB 40,000) to two hundred thousand baht (THB 200,000), or both.

If the violator under paragraphs one or two is a political party, that political party shall be dissolved. If the violator under paragraphs one or two is a person, the court shall order their political disenfranchisement for a period of five years.

### PART I CRIMINAL PENALTIES

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**Section 105** Where there appears convincing evidence that a member of a political party's Executive Committee has violated the provisions of Section 18 paragraph two or that the political party's Leader, a member of its Executive Committee, Chairman or any member of a political party's branch committee has conspired in, ignored, or known of the conduct noted under Section 51 paragraphs two or three, without acting against such conduct, the person shall be liable for imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht (THB 10,000), or both.

If the person under paragraph one has presented evidence showing that he or she appropriately acted against the violation, that person shall be exonerated even if the violation occurred.

**Section 106** A Registrar of a political party who falsely records the name of any person for membership of that political party under Section 19 paragraph two, or any Leader or Registrar of a political party who falsifies the political party's membership register under Section 19 paragraph three, shall be liable for imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht (THB 20,000), or both.

**Section 107** A member of the Executive Committee or a branch committee of a political party who intentionally causes a political party to violate Section 21 paragraph one shall be liable for imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht (THB 40,000), or both, and the court shall order their political disfranchisement for a period of five years.

**Section 108** Any person who violates Section 21 paragraphs two or three shall be liable for imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht (THB 40,000), or both.

**Section 109** Any person who violates Section 22 or Section 23 shall be liable for imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht (THB 10,000), or both.

Where the violation under paragraph one is in the election of members of the House of Representatives, the violator shall be liable for imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht (THB 40,000), or both, and the court shall order their political disfranchisement for a period of five years.

**Section 110** Any person who violates Section 25 shall be liable for imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht (THB 20,000), or both.

Whenever fifteen or more persons intentionally and falsely conspire to carry out activities purporting to be a political party or to commit any act purporting to be a political party without having been registered as such, such persons shall be liable for imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht (THB 40,000), or both.

**Section 111** A member of the Executive Committee of, any holder of a position in, or any officer of a political party that assists or supports a candidate in a senate election under Section 43 shall be liable for imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht (THB 10,000), or both.

**Section 112** A Leader or member of the Executive Committee of a political party who fails to comply with Section 49 or intentionally submits an account showing particulars of assets and liabilities together with supporting documents that display false statements or conceal facts that should be disclosed, shall be liable for imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht (THB 10,000), or both.

**Section 113** A member of the Executive Committee of a political party who violates Section 52 paragraph three shall be liable for imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht (THB 10,000), or both.

**Section 114** Any person who fails to comply with Section 54, Section 56, Section 57, Section 59 paragraphs one or two, Section 60 or Section 65 shall be liable for imprisonment for a term not exceeding three years or a fine of not less than three times the money, property or any other benefit of financial value given to the political party, or both, and the court shall order their political disfranchisement for a period of five years.

**Section 115** A Leader of a political party, member of the Executive Committee, or member of a branch committee of a political party who fails to comply with Section 59 paragraph three shall be liable for imprisonment for a term not exceeding three years or a fine not exceeding sixty thousand baht (THB 60,000), or both.

**Section 116** A Leader of a political party, member of the Executive Committee, member of a branch committee or any of a political party's members who fail to comply with Section 66, Section 67 or Section 69 shall be liable for imprisonment for a term of two to ten years or a fine of forty thousand baht (THB 40,000) to two hundred thousand baht (THB 200,000), or both, and the court shall order their political disfranchisement for a period of five years.

**Section 117** A Prime Minister, minister or political official who violates Section 68 paragraph one shall be liable for imprisonment for a term of two to ten years or a fine of forty thousand baht (THB 40,000) to two hundred thousand baht (THB 200,000), or both, and the court shall order their political disfranchisement for a period of five years.

**Section 118** Any person who fails to comply with Section 70 shall be liable for imprisonment for a term not exceeding ten years or a fine not exceeding two hundred thousand baht (THB 200,000), or both.

**Section 119** A Head of Units under Section 71, or committee member authorized to decide approvals on behalf of such Units, who violates Section 71 shall be liable for imprisonment for a term not exceeding ten years or a fine not exceeding two hundred thousand baht (THB 200,000), or both.

**Section 120** Any person who violates Section 95 paragraph three or Section 97 shall be liable for imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht (THB 40,000), or both.

**Section 121** A Leader of a political party who fails to comply with Section 96 paragraph one shall be liable for imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht (THB 20,000), or both.

## **PART II**

### **ADMINISTRATIVE PENALTIES**

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**Section 122** Any person who fails to comply with the order of the Registrar given under Section 7 paragraph one shall be liable for an administrative fine not exceeding five thousand baht (THB 5,000).

**Section 123** A Leader of a political party who fails to comply with Section 19 paragraph four, Section 47 paragraph one or Section 87 paragraph two shall be liable for an administrative fine not exceeding fifty thousand baht (THB 50,000).

**Section 124** A Leader of a political party who fails to comply with Section 20 paragraph five, Section 34 paragraph one, Section 41 paragraph one or Section 47 paragraph two shall be liable for an administrative fine not exceeding fifty thousand baht (THB 50,000) and a fine not exceeding five hundred baht (THB 500) per day until the situation is rectified.

A Leader of a political party who fails to comply with the order or the warning of the Registrar under Section 19 paragraph five, Section 31 paragraph two, Section 41 paragraph three, Section 42 paragraph two or Section 82 shall be liable for an administrative fine not exceeding one hundred thousand baht (THB 100,000) and a fine not exceeding one thousand baht (THB 1,000) per day until the situation is rectified.

**Section 125** Any person who violates Section 24 shall be liable for an administrative fine not exceeding three thousand baht (THB 3,000).

**Section 126** A member of an Executive Committee or branch Chairman of a political party who fails to prepare the accounts of the political party or its branch, as required under Section 44, or prepares the accounts but omits a particular entry(ies), enters a false particular in an account, makes any amendment to an account, conceals or fabricates any evidence which may result in an incorrect record of actual receipts and expenditure of the political party, or fails to comply with Section 46, shall be liable for an administrative fine not exceeding one hundred thousand baht (THB 100,000).

**Section 127** A Leader of political party who fails to comply with the order of the Registrar given under Section 27, or with Section 62, Section 64 or Section 72 paragraph two shall be liable for an administrative fine not exceeding one hundred thousand baht (THB 100,000).

**Section 128** A Leader of a political party, member of the Executive Committee, member of a branch committee of the political party or any of its members who fails to comply with Section 63 or Section 88 shall be liable for an administrative fine equal to or not exceeding twice the money, property or any other benefit received as a donation.

**Section 129** The Chief Executive Officer of any State radio or television station who fails to comply with Section 79 paragraph two shall be liable for an administrative fine of two hundred thousand baht (THB 200,000) and an administrative fine of five thousand baht (THB 5,000) per day until the requirements prescribed by the Registrar are complied with.

**Section 130** A Leader or member of the Executive Committee of a political party who fails to comply with Section 83, Section 84 or Section 85 and, after having been warned by the Registrar, continues to not comply shall be liable for an administrative fine not exceeding twice the allocated subsidy together with interest accrued, as specified by law, to be remitted to the Fund.

**Section 131** Any person who violates Section 90 shall be liable for an administrative fine of twice the received money, property value or other benefit of financial value.

**Section 132** The law on administrative procedure shall apply to the administrative fine prescribed under this Part, by which the Registrar or a person nominated by the Registrar shall be an authorized officer in charge of administrative fines and control. Administrative fines shall be remitted to the Fund.

Should any person fail to pay the administrative fine under the order of the Registrar or the Registrar's nominee, their property shall be seized or sequestered. The State official or other person in charge of register issues or occupying the property of the person failing to pay the administrative fine, must comply with the order of the Registrar or the Registrar's nominee. If a person who fails to pay an administrative fine has a right to claim money from a third party, that third party shall make payment to the Registrar or the Registrar's nominee.

## TRANSITORY PROVISIONS

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**Section 133** Initially, certain provisions of this Organic Act shall not apply to specific cases under the following conditions:

(1) the selection of election candidates under Section 38 and Section 39 shall not apply during the first general election following the date of this Organic Act coming into effect;

(2) donations through indications of intent under Section 58 and the allocation of State subsidies to political parties under Section 76 shall not apply for one year after the date of this Organic Act coming into effect;

(3) the operation under Section 80 shall not apply to the first general election after the date of this Organic Act coming into effect;

(4) the prohibitions under Section 88, Section 89 and Section 90, and the act of administrative offense under Section 122, Section 123 and Section 125 shall not apply for one year after the date of this Organic Act coming into effect.

**Section 134** During this initial stage, where a political party, its Leader, any of its Executive Committee members, branch committee members, position-holders, members or any other persons commit a criminal or administrative offense under this Organic Act for the first time, the court or the Election Commission (whichever the case may be) shall consider the criminal or administrative penalty under this Organic Act by taking into account the seriousness and circumstances of the offense, the consequences of the offense, and other reasonable circumstances. The court or the Election Commission shall impose a criminal or administrative penalty at any lower level than is prescribed under this Chapter.

**Section 135** Any political party under the Organic Act on Political Parties B.E. 2541 [1998] shall be a political party under this Organic Act.

Where a political party registered under the Organic Act on Political Parties B.E. 2541 [1998] has not acted to have not less than five thousand members or to have the requisite number of political party branches prescribed under Section 26, or has not acted in accordance with this Organic Act, the political party shall complete the requirements prescribed by Section 26 within one year after the date of this Organic Act coming into effect.

If a political party does not complete the requirements in paragraph two, it shall lose its status as a political party.

**Section 136** The Fund for Development of Political Parties at the Office of the Election Commission under the Organic Act on Political Parties B.E. 2541 [1998] shall be the Fund under this Organic Act.

**Section 137** Where a person is a member of more than one political party before the date of this Organic Act coming into effect, this person's membership of all political parties shall be terminated under Section 20 as from the date of this Organic Act coming into effect.

**Section 138** A political party which has received a subsidy for its plan and project for the year B.E. 2550 [2007] from the Fund for Development of Political Parties shall proceed with and complete its activities within the agreed timeframe and must satisfy all the requirements prescribed by this Organic Act.

**Section 139** A political party which has been terminated or dissolved prior to the date of this Organic Act coming into effect shall be deemed as having lost its status, terminated or dissolved under this Organic Act, whichever the case may be.

**Section 140** The Director-General of the Revenue Department shall complete the stipulation of rules under Section 61 and of rules and procedures under Section 58 with the consent of the Cabinet within one year of the date of this Organic Act coming into effect.

If the Director-General of the Revenue Department does not complete these tasks under paragraph one, the Election Commission shall assume that responsibility and the Revenue Department shall comply with and abide by this arrangement.

Countersigned by:

General Surayut Chulanon

Prime Minister

*Note on Purpose of this Organic Act: As the Constitution of the Kingdom of Thailand provides that there shall be an Organic Act on Political Parties to establish the procedure on the formation of political parties, the operation, finance and financial support of political parties, as well as the cessation and dissolution of political parties, it is therefore obligatory to enact this Organic Act.*

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