

Organic Act on Political Parties  
B.E. 2560 (2017)

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His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun  
Given on this 30<sup>th</sup> day of September B.E. 2560 (2017)  
Being the 2<sup>nd</sup> year of the present reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been pleasantly pleased to proclaim that;

It is deemed appropriate to issue the Organic Act on Political Parties.

This Organic Act consists of some provisions limiting personal rights or freedoms, which Section 26 along with Section 34 and Section 37 of the Constitution of the Kingdom of Thailand permit such actions by virtue of laws.

The reason and necessity to limit personal rights and freedoms in this organic act is to have the foundation, the management, and the activities operations of political parties be open and verifiable, to have opportunity opened for members to broadly participate in policy determination and the nomination of election candidates, including to have the measures for political parties to be able to perform independent operations without being predominated or instructed by any person that is not a member of political party, whereby the enactment of this act is according to the condition legislated in Section 26 of the Kingdom of Thailand's Constitution.

Therefore, by and with the advice and concurrence of the National Legislative Assembly acting as the Parliament, His Majesty the King has graciously ordered the enactment of this Organic Act as follows:

Section 1      This Organic Act shall be called the "Organic Act on Political Parties B.E. 2560 (2017)".

Section 2<sup>1</sup>      This Organic Act shall be effective as from the day following its publication in the Government Gazette onwards.

Section 3      The following shall be repealed:

**Remark:**

This translation has been prepared by the Office of the Election Commission of Thailand for information purposes only. Whilst the Office of the Election Commission of Thailand has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

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<sup>1</sup> Government Gazette Vol. 134 / Chapter 105 Gor / Page 1 / 7<sup>th</sup> October B.E. 2560 (2017)

- (1) The Organic Act on Political Parties B.E. 2550 (2007)
- (2) The Organic Act on Political Parties (No. 2) B.E. 2554 (2011)

Section 4 In this Organic Act:

“Political Party” means group of persons who jointly found a political party and register it under this Organic Act.

“Member” means member of political party.

“Member Registrar” means a person holding a position as the registrar of political party.

“Articles” means articles of political party.

“Donation” means giving money or property to political party other than the fees and dues, and also means giving other benefits calculable into money as specified by the Commission to political party.

“Other Benefits” also means permission to use property, service, or discount without pay or with uncommon commercial pay, including decrease or remission of the debt to which political party is a debtor.

“Fund” means the fund for development of political parties.

“Commission” means the Election Commission.

“Registrar” means the political registrar under Section 6.

“Office” means the Office of the Election Commission.

“Province” also means Bangkok.

“Constituency” means areas specified to be a constituency to elect the proportional members of the House or Representatives or to select the senators, as the case may be.

Section 5 The Chair of the Election Commission shall preserve this Organic Act.

Section 6 The Secretary-General of the Election Commission shall be the Registrar and shall have duties and authorities under this Organic Act, which shall be under supervision and control of the Commission.

Section 7 For the duty performance of the Registrar under this Organic Act, the Registrar shall be authorized to summon relevant persons to give clarification or deliver relevant documents or evidence for consideration.

Section 8 In case there is no provision having stated otherwise in this Organic Act, any action that requires direct notification, submission, or delivery of letter or document to any person shall be deemed as having been legally notified, submitted or delivered under this Organic Act had it been notified, submitted or delivered to such person at their domicile or address as shown in the registration evidence

under the civil registration laws. In case there is provision in this Organic Act stated that any action shall be announced or publicized to the general public, the announcement or publicity shall be deemed as having been legally performed under this Organic Act had it been announced or publicized in the information technology system or any other system or method which is easily accessible by the general public.

In case there is any provision in this Organic Act having stated that the Commission or the Registrar is authorized to prescribe or issue an order for any matter and there is no specific procedure stated, the Commission or the Registrar shall prescribe such matter by issuing announcement, regulation, or order, as the case may be. In case such announcement, regulation, or order shall be enforced on the general public, it shall be published in the Government Gazette and shall also be announced under Paragraph One. In case there is specific procedure to issue any announcement, regulation, or order, the Commission or the Registrar shall also clearly specify time period for each and every step of such procedure.

## Chapter 1 Political Party Foundation

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Section 9 Not fewer than five hundred persons who have the same political ideology as well as the qualification with no prohibitions as follows may jointly found a political party under this Organic Act;

- (1) Being a Thai national by birth. In case a person became a Thai national by naturalization, such person must have acquired a Thai nationality for not less than five years.
- (2) Being not less than twenty years old.
- (3) Not being a person prohibited to use the right to apply as election candidate under Section 98 (1) (2) (4) (5) (6) (7) (8) (9) (10) (11) (14) (16) (17) or (18) of the Constitution.
- (4) Not being in a period of the prohibition to hold any position in political party under this Organic Act.
- (5) Not being a member of another political party, the other political party's registration application submitter under Section 11, or a person who notifies the political party foundation preparation under Section 18.

For the benefits of the operation of political party, a political party shall have the initial fund of no less than one million baht, which each and every political party founder shall contribute not less one thousand baht but not more than fifty thousand baht into the initial fund.

Section 10 Before submitting an application to found a political party, the political party founders under Section 9 shall have a meeting in which there must be not fewer than two hundred fifty attendees to perform actions as follows;

- (1) To determine the name, initials, logo, political ideology declaration, policy, and articles of political party.

(2) To select political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members of political party.

(3) To perform other actions required for the political party foundation as specified by the Commission.

The name, initials, and logo of political party under (1) shall not have descriptions under Section 14, and shall not be identical, cognate or similar with the name, initials, and logo of any other political party which has been registered or whose registration application has been submitted under Section 9, or any other political party which was dissolved within the last twenty years, or any other political party which has been informed under Section 18, and shall not be identical, cognate or similar with the name of the King or royal family member, or intentionally mean the King or royal family member.

For the meeting under Paragraph One, there must be the minutes of meeting in writing, and the resolutions of the meeting shall be according to the majority vote of the attendees. One attendee shall have one voting right in the vote which must be an open vote, and the power of attorney to vote on behalf of another person is not permitted.

In case the Registrar approves the political party foundation registration under Section 17, the meeting under Paragraph One shall be considered the first annual general meeting of the political party.

Section 11 In order to submit the political party foundation registration application, the person selected as the political party leader under Section 10 (2) shall be the person who submits the application with relevant documents and evidence as specified by the Commission to the Registrar who shall give an application receipt to such person as evidence.

The registration application, the registration application submission, and the application receipt issuance under Paragraph One shall be as per the forms, rules, and methods specified by the Commission.

Section 12 The political party registration application under Section 11 Paragraph Two must at least include the following:

- (1) Name and initials of political party.
- (2) Logo of political party.
- (3) Location of political party's head office.
- (4) Name, address, identification number, and signature of the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members of political party.

Section 13 Documents and evidence to be submitted along with the political party registration application under Section 11 Paragraph One must at least include the following:

- (1) Name, address, identification number, and signature of each and every political party founder.
- (2) Evidence of initial fund payment of each and every political party founder.
- (3) Articles of political party.

(4) Minutes of meeting under Section 10 Paragraph Three which was certified by the person selected as political party leader.

(5) Information receipt letter of the Registrar, in case it is the political party foundation preparation under Section 18.

Section 14 The Articles must not have the following descriptions:

(1) Be adverse to the democratic form of government with the King as head of state, and must not reform the state.

(2) Be contrary to public order or morality.

(3) May cause disunion among people in the nation.

(4) Predominate or obstruct members of the House of Representatives from freely performing duties under the Constitution.

Section 15 The Articles must at least include the following:

(1) Name and initials of political party.

(2) Logo of political party.

(3) Political ideology declaration and policy of political party.

(4) Location of political party's head office which must be situated in the Kingdom.

(5) Administrative structure of political party and positions in political party.

(6) Rules and methods for the selection of persons or approval into position, the position holding, the termination from position, as well as the duties and authorities of the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, other executive committee members of political party, executive committee of political party, leaders and committee members of political party branches, and provincial political party representatives.

(7) Management of political party branches and provincial political party representatives.

(8) General meeting of the political party and of the political party branches.

(9) Qualifications and prohibitions of members, admission into membership, and termination of membership.

(10) Rights and duties of members, responsibilities of member to the political party, and responsibilities of the political party to members.

(11) Ethical standards of the executive committee members of political party and members, for whom the ethical standards of the executive committee members of political party shall at least be equivalent to the ethical standards enforced on members of the House of Representatives.

(12) Rules and methods to select the members to be candidates in the proportional and party-list members of the House or Representatives election, and to select the persons whom

the political party considers appropriate to be nominated as Prime Minister candidate under Section 88 of the Constitution, which selection must be opened broadly for members to participate.

(13) Rules and methods to select persons to hold political positions, which selection must be opened broadly for members to participate.

(14) Money and property management methods and the auditing of the political party, political party branches, and provincial political party representatives, which shall be made openly and easily examinable by the members.

(15) Income of political party, and the fees and dues to be called from each member which shall be not less than one hundred baht per year.

(16) Political party dissolution, political party branches, and provincial political party representatives.

The consideration to issue the Articles under (6), (8), (10), (11), (12), (13), (14), (15), and (16) must be opened broadly for members to participate.

The Articles cannot be specified in a way to allow any other person who is not a member to control, predominate, or instruct activities of political party in a way that shall cause the political party and its members to either directly or indirectly be dependent.

The political party may collect lifetime membership dues from the members at the rate specified in the Articles which shall be not less than two thousand baht.

For the benefits of facilitation in dues collection under (15), the Office shall coordinate with the bank, which shall be in accordance with rules and methods specified by the Commission.

Section 16 The political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members of political party shall be a member who has not less than twenty years of age, and the position term shall be as specified in the Articles, but one term shall not exceed four years.

Section 17 In case the political party registration application and the relevant documents and evidence which were submitted therewith are correct and complete under Section 12, Section 13, Section 14, Section 15, and Section 16, the Registrar shall register the political party under the approval of the Commission and shall announce the foundation of such political party in the Government Gazette.

If the Registrar has seen that any particular in the political party registration application and the relevant documents and evidence which were submitted therewith is incorrect or incomplete under Section 12, Section 13, Section 14, Section 15 and Section 16, the Registrar under the approval of the Commission shall give a notification letter mentioning the reasons to the registration application submitter, whereby the registration application submitter shall complete the amendment within sixty days as from the date such letter is received. If there is no amendment or the amendment is still incorrect or incomplete within such period of time, the Registrar shall report to the Commission to consider and make a resolution to not accept the political party registration, and shall inform the resolution of the Commission to the registration application submitter within seven days as from the date the resolution is made.

In case it is discovered later that the Articles of the political party which were submitted are not in accordance with Section 14 or Section 15, the Registrar shall report to the Commission to consider and make a resolution to rescind such Articles, and shall inform the resolution of the Commission to the executive committee of political party within seven days as from the date the resolution is made, whereby the executive committee of political party shall correct or complete the amendment of the Articles within sixty days as from the date such letter is received. If there is no amendment or the amendment is still incorrect or incomplete within such period of time, such political party's status as a political party shall be terminated.

The registration application submitter of the political party leader is entitled to submit the appeal to the resolution of the Commission under Paragraph Two or Paragraph Three to the Constitutional Court within thirty days as from the date the notification letter of such resolution is received.

Section 18 At least fifteen persons who have qualifications and do not have prohibitions under Section 9 may submit the notification application of political party foundation preparation to the Registrar before gathering the political party founders as per the number specified under Section 9, but the political party registration application under Section 11 must be submitted within one hundred eighty days as from the date the Registrar is notified. If the political party registration application is not submitted within such period, such application shall be rescinded.

The notification application, the notification application submission, and the notification application receipt shall be under the forms, rules, and methods specified by the Commission. Such notification application shall at least consist of the name, initials, and logo of political party.

The name, initials, and logo of political party notified under Paragraph Two shall not have the descriptions under Section 14 and shall not be identical, cognate, or similar to the name, initials, and logo of any other political party which has been notified under Paragraph One, which has been registered, or whose registration application has been submitted under Section 9.

Section 19 If the Registrar has seen that the notification of political party foundation preparation does not comply with Section 18, the Registrar shall give a notification letter mentioning the reasons to the notifiers to complete the amendment within a specified or extended period of time. If there is no amendment within such period of time, such application shall be invalid.

## Chapter 2 Activities of Political Party

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Section 20 The political party for which the Registrar has approved the political party foundation registration shall become a juristic person whose essential objectives are to operate political activities under the principles of the democratic form of government with the King as head of state, and to send candidates in elections.

The political party shall not operate business in a way to seek and share profits.

Section 21 The political party shall have the executive committee of political party to be responsible in keeping activities operations of the political party to comply with the Constitution, laws, policies, and articles of the political party, resolution of general meeting of the political party, as well as the regulations, announcements and orders of the Commission. The activities operations shall be made with prudence, diligence, and honesty for the benefits of the nation and the people. The executive committee of political party shall genuinely allow the members to participate and be responsible in the political activities operations and the selection to get members or persons who have knowledge, capabilities, honesty, virtues, and ethics as candidates in the members of the House of Representatives or other positions election, or the holders of political positions appointment.

The executive committee of political party consists of the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members as specified in the Articles.

The executive committee members of political party shall jointly be responsible for the resolutions of the executive committee of political party and for the performance under duties and authorities of the executive committee of political party under this Organic Act, laws, the Articles, as well as the regulations, announcements and orders of the Commission, unless any executive committee member of political party can prove that he or she either has made the objection in the executive committee of political party meeting in which minutes of the meeting is stated such objection as evidence or has submitted the objection letter to the chair of the meeting within seven days as from the date such meeting was held.

The political party leader shall be the representative of the political party for the affairs related to any third party. For this performance, the political party leader may make a power of attorney in writing to assign the secretary-general of political party, the treasurer of political party, the member registrar, and one or several other executive committee members of the political party to act on his or her behalf.

Section 22 The executive committee of political party and the executive committee members of political party shall have duties to control and supervise the members to not perform any action which violates the Constitution, laws, the Articles, as well as the regulations, announcements and orders of the Commission.

After the issuance of the royal decree to arrange the member of the House of Representatives election or the senators' selection, as the case may be, the executive committee of political party and the executive committee members of political party shall have duties to control and supervise the members and the position holders in the political party to not either directly or indirectly perform any action which may cause the election or selection to be dishonest, unfair, unlawful, or which may be an advantage or a disadvantage to any senatorial candidate.

When the executive committee of political party or the executive committee members of political party acknowledge, or the executive committee of political party is informed by the Registrar any member has performed any action which may violate Paragraph One or Paragraph Two, the executive committee of political party shall make a resolution or give an order to such member to immediately stop such action and shall take necessary measures or methods to prevent the members from doing such kind of action before informing the Registrar within seven days as from when the resolution is made.

When the Registrar acknowledges that the executive committee of political party does not comply with Paragraph Three, the Registrar shall present the case to the Commission to consider and make an order to remove the whole executive committee of such political party from their positions. Such order shall be announced in the Government Gazette, and the executive committee member of political party who has been removed from position by such grounds is not permitted to hold any position in political party for twenty years as from the date of removal.

The executive committee member of political party who has been removed from position under Paragraph Four is entitled to file a petition to the Constitutional Court to appeal such order of the Commission within thirty days as from the date the notification letter of such order is received.

The executive committee member of political party who has been removed from position under Paragraph Four is not permitted to perform any action to interfere or intervene in the activities operations of such political party unless it is the performance as per duties and authorities of the members specified in the Articles, and is not permitted to participate in the recruitment to get candidates in the members of the House of Representatives or other positions election, or the holders of political positions appointment.

Section 23 In order to operate political activities under the principles of the democratic form of government with the King as head of state, the political party shall hold at least one of the following activities annually:

(1) To support the members and the people to get correct knowledge and understanding regarding the democratic form of government with the King as head of state, the exercise of rights and freedoms which is reasonable and responsible to society, and the duties of Thai nationals.

(2) To cooperate with the people to find the way to develop the country and to reasonably solve problems in society, concerning which the balance between materialistic development and mental development and the peace of the people shall altogether be taken into account.

(3) To support the people's participation in the political activities, as well as to reasonably examine the exercise of state power and the operation of independent entity.

(4) To support the members and the people to be united, be harmonized, learn to accept honest different political opinions, and solve political conflict with peaceful means for the best interest of the nation and the people.

(5) To operate other activities which are beneficial to the democratic form of government with the King as head of state and the development of political parties to be political institutions of the people, which shall be under the approval of the Commission.

The political party leader under the approval of the executive committee of political party shall make the activities plan or project under Paragraph One to send to the Registrar within April of each and every year which the Registrar shall publicize to the general public.

Section 24 The members shall have the qualifications and not have the prohibitions as specified in the Articles, which must be at least eighteen years of age and not have prohibitions under Section 9 (1), (3), and (5).

Section 25 The Member Registrar shall have duties to verify the qualifications and prohibitions of the member applicants, to keep member records according to the facts and be conveniently accessible at the head office of political party for the members to check, including to publicize name and family name of the members to the general public for the benefits of verification.

The political party leader shall send details of the members to the Registrar under the particulars, rules, methods, and period of time specified by the Registrar.

In case any political party claims that any person has applied as its member without such person's acknowledgement or consent, such person or a person assigned by such person may inform the Registrar to verify the fact and remove such person's name from the membership of such political party, and it shall be considered that such person had never been its member since the beginning.

Section 26 The Registrar shall have duties to verify the membership overlapping of every political party.

When the Registrar acknowledges that any person has membership with several political parties, the Registrar shall inform the related political party leader and remove such person from such political party's membership. The political party leader shall inform such member with no delay and then inform the Registrar within the period of time specified by the Registrar.

The Office shall have the political parties' database system to facilitate political parties and the general public as specified by the Commission.

Section 27 The membership of a member shall begin once the political party dues in the amount specified in the Articles are paid, and shall end as specified in the Articles which must at least include the following grounds:

(1) Resignation.

(2) Lack of qualifications or having prohibitions under Section 24, unless it is the prohibition under Section 96 (1) of the Constitution which is the traditional ordination, but the member cannot exercise the rights as a member during such period of prohibition.

(3) Unsettled political party dues payment for two consecutive years.

The resignation under (1) shall be considered complete once the resignation letter is submitted to either the Member Registrar or the Registrar. In case it is submitted to the Registrar, the Registrar shall inform the Member Registrar with no delay.

In case it is specified in the Articles that the membership shall end under the resolution of political party if the member holds position as a member of the House of Representatives, it must be specified in the Articles that the resolution of political party shall be made by at least three-quarter majority vote in the joint meeting of the executive committee of political party and the members of the House of Representatives in such political party.

Section 28 No political party is permitted to allow or perform any action to allow any other person who is not a member to control, predominate, or instruct activities of political party in the way that shall cause the political party and its members to either directly or indirectly be dependent.

Section 29 No person who is not a member is permitted to control, predominate, or instruct activities of political party in the way that shall cause the political party and its members to either directly or indirectly be dependent.

Section 30 No person is permitted to either directly or indirectly give, offer, or promise to give money, property, or any other benefits to any person in order to persuade such person to apply as its member, unless it is the rights and privileges to be received because of the membership.

Section 31 No person is permitted to request, receive, or agree to receive money, property, or any other benefits from any political party or any person in order to apply as member.

Section 32 No person who is not a political party is permitted to use the political party's name, initials, logo, any other text which may cause misunderstanding to the people that such person is a political party, a name written by Thai alphabets which includes “พรรคการเมือง” (political party), or a name written by any other language's alphabets which can be translated as “political party” or pronounced as “phak-kan-muang” (political party).

Section 33 Within one year as from the date the political party is registered by the Registrar, the political party shall make the following operations:

(1) To gather at least five thousand members, and shall have at least ten thousand members within four years as from the date the political party is registered by the Registrar.

(2) To arrange political party branches in each and every region under the regions and provinces list specified by the Commission, at least one branch per one region, whereby each political party branch shall have at least five hundred members whose domicile is in the responsible area of such branch.

After a political party branch is founded in any region, the political party leader shall send a notification letter regarding the branch foundation to the Registrar within fifteen days as from the date such branch is founded under the rules and methods specified by the Registrar under the approval of the Commission, and shall also announce such foundation to the general public.

The notification letter regarding the branch foundation must consist of particulars specified by the Registrar, which shall at least consist of the political party branch's location map and the committee of political party branch's personal information, namely the names, addresses, and national identification numbers of the leader and committee members of political party branch as per the amount specified in the Articles, which must be at least seven persons.

In case there is any change regarding the political party branch's location or the committee of political party branch, the political party leader shall inform the Registrar within fifteen days as from the date of such change under the rules and methods specified by the Registrar under the approval of the Commission, and shall also announce such change to the general public.

After the political party branch is founded, the Registrar shall send notification letter to the political party whose branch does not comply with (2) to make a correction within the

period of time specified by the Registrar. If there is no correction or the correction is still incorrect, such political party branch shall be terminated.

Section 34 The committee member of political party branch must be a member with the same qualifications and without the same prohibitions as of the executive committee member of political party.

The position acquisition, position holding, position term, position termination, management methods, as well as duties and authorities of the committee of political party branch shall be as per specified in the Articles which shall also at least specify the duty to operate under Section 23 in the responsible area of such political party.

Section 35 For the constituency in any province where neither the quarter nor any political party branch is situated but there are more than one hundred members whose domiciles are in such province, the political party shall appoint the members whose domiciles are in such province as per selected among themselves to be the provincial political party representatives in order to perform such political party's activities within such responsible area, and the content in Section 34 shall apply mutatis mutandis on the provincial political party representatives.

The political party shall inform the Registrar within fifteen days as from the date the appointment of the change of provincial political party representative is made under the rules and methods specified by the Registrar under the approval of the Commission.

Section 36 The political party branch and the provincial political party representative cannot be founded or appointed outside the Kingdom.

Section 37 The political party shall hold a general meeting at least once per annum.

Section 38 The following operations shall be made by the general meeting of political party:

- (1) To amend the political ideology declaration or the policy of political party.
- (2) To amend articles of political party.
- (3) To elect the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members of political party.
- (4) To elect the selection commission to seek for election candidates of political party.
- (5) To approve the financial report and the political party's operations report of the previous year.

(6) Other operations proposed by the executive committee of political party or the leader of political party branch.

(7) Other operations specified in this Organic Act, laws, or the Articles.

After the operations under (1) (2) and (3) are approved by the general meeting of political party, the political party shall send notification letter to the Registrar to amend the registration within fifteen days as from the date such approval is made in the general meeting of political party, and the Registrar shall announce such amendment in the Government Gazette.

In case the position term of any executive committee member of political party has ended or they have died, resigned, changed own name or family name, or there has been a change regardless of whatever reason, the political party leader shall inform the Registrar within fifteen days as from the date of such incident, and the Registrar shall announce such incident in the Government Gazette.

Section 39 The quorum of general meeting shall be as specified in the Articles which shall at least consist of no fewer than half of the existing executive committee members of political party, political party branch's representatives of no fewer than half of the existing political party branches, whereby the quantity shall consist of no fewer than two representatives whose political party branches are in different regions as specified by the Commission under Section 33, no fewer than half of the existing provincial political party representatives, and the members, whereby the overall quorum shall consist of no fewer than two hundred fifty persons in total.

The quorum of general meeting of political party branch shall be as specified in the Articles which shall at least consist of no fewer than half of the existing committee members of political party branch and the members of the branch, whereby the overall quorum shall consist of no fewer than one hundred persons in total.

Section 40 The vote in the general meeting shall be an open vote, except the vote to elect persons under Section 38 (3) and (4) which shall be a secret vote.

Section 41 Either at least one fourth of the existing members who are members of the House of Representatives, or at least one third of the existing executive committee members of political party, or at least one tenth of the existing members of political party or at least two hundred fifty members, whichever is fewer, are entitled to jointly submit a petition to request for an extraordinary general meeting of such political party.

Section 42 Any single member who is member of the House of Representatives or at least one hundred members, in case seeing that the resolution of the political party which they have membership with is contrary to this Organic Act or other laws, shall be entitled to request the Commission to consider such case.

The Commission, in case considering that any resolution of political party is contrary to this Organic Act or other laws, shall be entitled to rescind such resolution.

Section 43 The political party leader shall present the political party's operations report of the previous calendar year to the general meeting of political party to get approval within April of each and every year, whereby such report at least must consist of the particulars specified by the Commission.

Any political party who had been founded for less than one hundred eighty days before the end of any calendar year shall be exempted of the performance under Paragraph One in the following year.

The political party leader shall send the political party's operations report which has already been approved by the general meeting of political party under Paragraph One to the Registrar within fifteen days as from the date it was approved under the rules and methods specified by the Registrar, and shall also publicize such approved report to the general public.

Section 44 No political party, person who holds position in political party, or member is permitted to receive donation from any person in order to perform or support any action which is subversion to the security of the Kingdom, the throne, the national economy, and the national administration.

Section 45 No political party or person who holds position in political party is permitted to perform, promote, or support any action which is either breach or threat of the public order and morality, or any action that damages the national natural resources.

Section 46 No political party, member, or any person is permitted to request, receive, or agree to receive money, property, or any other benefits from any person in order to make or promise to make such person or other person get appointed or by reason of the incident which such person or other person has been appointed in any political position, any position regarding the national administrative management, or any position in the government agency.

No person is permitted to give, request to give, or agree to give money, property, or any other benefits to any political party, member, or other person in order to make themselves or other person get appointed in any political position, any position regarding the national administrative management, or any position in the government agency.

### Chapter 3

#### Nomination of Election Candidates

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Section 47 The political party who wishes to nominate election candidates for proportional members of the House of Representatives election in any province shall have the political party branch or the provincial political party representatives whose responsible area covers such province's constituency.

In order to nominate the candidate for proportional members of the House of Representatives election in any constituency, the political party shall nominate the person who was selected by the political party branch or the provincial political party representatives whose responsible area covers such province's constituency as the election candidate.

Section 48 In order to nominate the candidates for party-list members of the House of Representatives election, the political party shall make a party list and send to the political party branch or the provincial political party representatives whereby the proportion from each region and the gender equity shall also be taken into account.

The Commission may specify the minimum ratio of male and female candidates to be nominated as election candidates by the political party. Any political party who fails to nominate the election candidates as per such ratio shall announce the reasons to the general public before the day to submit candidates' applications.

The Commission shall also discuss with political parties regarding the ratio specification under Paragraph Two.

Section 49 For general election, there shall be the recruitment operation under the methods specified in Section 50 and Section 51 in order to select and nominate the candidate for proportional and party-list members of the House of Representatives election. However, the operation shall be as per specified in the Articles in case it is the candidate nomination for proportional members of the House of Representatives election which replaces the previous void election, or is the reelection because there was no person elected in the previous election, or concerning which the candidate has died before the period to submit candidates' applications ends.

When there is any circumstance to select election candidates, the political party shall set up the selection committee for election candidates consisting of the persons and number of persons as specified in the Articles which at least must consist of the executive committee members of political party of no more than half of the total selection committee members for election candidates, the leaders of political party branch, and the provincial political party representatives. Number of the leaders of political party branch and the provincial political party representatives shall be as per specified in the Articles, which at least must consist of not fewer than four leaders of political branch from different regions as specified by the Commission under Section 33. The selection committee for election candidates shall have duties and authorities to verify the qualifications and prohibitions of the candidate for proportional and party-list members of the House of Representatives election in order to get the person who has knowledge, capabilities, honesty, virtues, and ethics according to ethical standards as specified in the Articles as well as in Section 50 and Section 51.

For the benefits of the political party's candidate selection for proportional and party-list members of the House of Representatives election, any political party may perform the election candidate selection in advance prior to the date the royal decree to arrange the members of the House of Representatives election is issued.

Section 50 In order to select the candidate for proportional members of the House of Representatives election, the operation shall be as per methods undermentioned:

(1) The selection committee shall set up the date, time, and location to apply as election candidate and announce such to members in general.

(2) After the period to apply as election candidate under (1) has ended, the selection committee shall verify the qualifications of candidates in each and every constituency before nominating the candidates list to the political party branch or the provincial political party representatives whose responsible area covers such constituency.

(3) After the political party branch or the provincial political party representatives has received the candidates list from the selection committee, the leader of political party branch or the provincial political party representatives shall hold member meeting in order to vote for the candidates whose names are in the list sent by the selection committee.

(4) The meeting held by the political party branch shall consist of not fewer than one hundred members whereas the meeting held by the provincial political party representatives shall consist of not fewer than fifty members. In order to vote, each member shall be entitled to vote for one candidate. After the voting had been made, there shall be the vote counting and the vote result announcement of the political party branch or the provincial political party representatives in such constituency. The name of two candidates who received votes of the two highest ranks shall be forwarded to the selection committee with no delay. In case several candidates received equal votes resulting in more than two candidates being in the two highest ranks, the selection committee shall be authorized to determine the sequence.

(5) The selection committee shall forward the list of candidates who received votes in each and every constituency to the executive committee of political party to approve by prioritizing the candidate who received the highest vote in each constituency. The executive committee of political party, in case not agreeing with any candidate in the list sent by the political party branch or the provincial political party representatives, shall hold a meeting to discuss with the selection committee. If there is a resolution to approve any candidate made in such joint meeting, such candidate shall be sent as election candidate. If the joint meeting has made a resolution not to approve any candidate in the list sent by the political party branch or the provincial political party representatives, the selection committee shall inform the leader of political party branch or the provincial political party representatives in such constituency in order to reperform as in (1), (2), (3), and (4) until acquiring the election candidate for such constituency.

Section 51 In order to select the candidate for party-list members of the House of Representatives election, the operation shall be as per methods undermentioned:

(1) The selection committee shall set up the date, time, and location to suggest persons as election candidates before sending notification letter to the executive committee of political party, the leaders of political party branch, and the provincial political party representatives, as well as announcing such to members in general.

(2) After the period to suggest persons as election candidates from the executive committee of political party, the leaders of political party branch, and the provincial political party representatives under (1) has ended, the selection committee shall verify the qualifications of candidates and make a list consisting of not more than one hundred fifty candidates, whereby the proportion from each region and the gender equity shall also be taken into account, before sending the candidates list to the political party branches or the provincial political party representatives.

(3) The leaders of political party branch or the provincial political party representatives shall hold a meeting for the members to vote for the persons in the candidates list under (2). In order to vote, each member shall be entitled to vote for not more than fifteen candidates. The meeting held by the political party branch shall consist of not fewer than one

hundred members whereas the meeting held by the provincial political party representatives shall consist of not fewer than fifty members. After the voting had been made, the leaders of political party branch or the provincial political party representatives shall announce such political party branch's or such provincial political party representatives' voting result, which shall be forwarded to the selection committee with no delay.

(4) The selection committee shall make a party list ranking by the total votes received from the political party branches or the provincial political party representatives under (3). The political party leader, in case wishing to be a party-list candidate for members of the House of Representatives, shall be placed as the first rank in the party list, and the remaining names as per voting result shall be ranked thereafter until the party list is complete. In case several candidates have received equal votes in the party list, the selection committee shall be authorized to determine the sequence.

(5) The selection committee shall forward the party list under (4) to the executive committee of political party to approve. In case the executive committee of political party does not agree with such party list, the operations as in (1), (2), (3), and (4) shall be reperformed until acquiring the party list.

For the benefits of the members' participation promotion, any member whose domicile is in the constituency where there is no political party branch or provincial political party representatives founded shall be considered as the member whose domicile is in the nearby constituency where there is a political party branch or a provincial political party representative as per specified in the Articles.

Section 52 The political party leader and the executive committee of political party shall have duties to perform as under Section 50 and Section 51.

Section 53 In the recruitment for election candidates under Section 50 and Section 51, no person is permitted to perform any action of the following means in order to persuade any member to vote for themselves, to vote for another person, or to refrain from voting for any person:

(1) To either directly or indirectly give, offer, promise to give, or prepare to give money, property, or any other benefits which may be calculated as money to any person.

(2) To deceive, force, threaten, menacingly influence, accuse with false statement, or persuade any person to misunderstand the popularity of any candidate or to refrain from attending the meeting or from voting.

Section 54 No political party or person is permitted to request, receive, agree to receive, give, or promise to give money, property, or any other benefits in order to persuade any member to apply as candidate, to not apply as candidate, or to suggest any member as candidate in the selection under Section 50 or Section 51.

Section 55 No provincial political party representative, leader of political party branch, or executive committee member of political party is permitted to allow any person who is not a member to give his or her opinion in the meeting or to vote in the selection for election candidates under Section 50 or Section 51.

Section 56 The political party leader shall issue the certification letter confirming that the persons being nominated as candidates were selected under Section 50 or the party list being submitted was made under Section 51.

After the political party leader has either issued the certification letter under Paragraph One or submitted the party list, the election candidates' application shall not become invalid despite the subsequent discovery of fact that there was no operation under Section 50 or Section 51, as the case may be, or there was but an incomplete operation. Nonetheless, the Commission shall have the duty to submit accusation against the political party leader and the executive committee members of political party to the inquiry official of such jurisdiction to proceed with the case as per duties and authorities, had such fact been known to the Commission.

Section 57 The opinion of the political party branches and the provincial political party representatives shall be taken into account for the determination of political party's policies to be advertised. The advertisement of any policy which requires money to operate shall at least consist of the following particulars:

- (1) Budget and source of budget to be used for the operation.
- (2) Worthiness and benefits from such policy operation.
- (3) Consequences and risks from such policy operation.

In case any political party does not provide the particulars under Paragraph One, the Commission shall give an order to such political party to completely and correctly perform such action within the specified period.

#### Chapter 4

#### Finance and Accounting of Political Party

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Section 58 The executive committee shall have duty to manage the finance, properties, and other benefits of the political party and the political party branches, including to make the auditing under Section 59 correct and according to the facts.

The leaders of political party branch and the provincial political party representatives shall make an income and expenditure report of what the political party branch or the provincial political party representatives have received or spent, as the case may be, as well as a list of members with names and addresses of the members whose domiciles are in the province where such political party branch is situated or where such provincial political party representatives are representing, as the case may be, as per specified by the Commission.

Section 59 Bookkeeping of political party shall consist of the following:

- (1) Daily account which shows earnings or income, as well as costs or expenditures.
- (2) Income from donations account.
- (3) Ledger account.
- (4) Assets and liabilities account.

The accounting entries under Paragraph One shall have the particulars and supplementary documents which must be made within the period of time specified by the Commission.

Section 60 Political party shall close entries within the last date of the first calendar year in which the political party was founded, and shall close entries within the last date of each and every following calendar year.

For the entries' closing, there shall be financial statement which must at least consist of the statement of financial position and the statement of income and expenditure of such political party.

The statement of financial position must state the assets, liabilities, and capital of political party, including the sources of income under Section 62 and the political party's operation expenditure in detail especially the expenditure for elections, as well as other particulars as specified by the Commission.

The financial statements of political party shall be audited and verified by a certified public accountant.

Section 61 The political party leader shall present the financial statements which have already been audited and verified by the certified public accountant to the general meeting of political party to seek approval within April of each and every year.

The political party leader and the treasurer of political party shall jointly verify the financial statement which has been approved by the general meeting of political party before sending it along with the accounts under Section 59 to the Registrar within thirty days as from the date such approval is made in the general meeting of political party.

The Registrar, after receiving the financial statements under Paragraph One, shall publicize such financial statements to the general public.

Any political party that had been founded for less than one hundred eighty days before the end of any calendar year shall be exempted of the performance under Paragraph One in the following year.

## Chapter 5 Earnings of Political Party

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Section 62 Political party may get earnings as follows:

- (1) Initial funds under Section 9 Paragraph Two.
- (2) Fees and dues as per specified in the Articles.
- (3) Money received from the political party's products and services selling.
- (4) Money, properties, and any other benefits received from the political party's funding activities.
- (5) Money, properties, and other benefits received from donations.
- (6) Money allocated from the fund for development of political parties.
- (7) Fruit and earnings from the political party's money, properties, and any other benefits.

For the acquirement of earnings under (2), (3), (4), and (5), there shall be a receipt or an evidence of such acquirement in writing as per the form specified by the Commission.

The products and services selling under (3) and the funding activity under (4) shall be under the rules, methods, and conditions specified by the Commission.

The political party's earnings cannot be used for any other business rather than for the political party's operations.

Section 63 The earnings and properties which a political party has received under this Organic Act shall be exempted from taxation under the Revenue Code.

Section 64 The income acquisition from the political party's fundraising activity shall be made openly and shall clearly expose the activity's purpose that it is the political party's fundraising.

The political party leader shall announce the amount and source of money, properties, or any other benefits acquired from such activity to the general public and shall also inform such to the Registrar by a notification letter within thirty days as from the date such activity has ended.

The announcement and notification letter under Paragraph Two shall identify the persons who have supported money, properties, or any other benefits of more than one hundred thousand baht value.

Section 65 The political party shall announce monthly the list of persons who donated money, properties, or any other benefits of the value as per specified by the Commission but not less than five thousand baht, as well as the purpose of donation, to the general public and shall also inform such to the Registrar under the forms, rules, methods and period of time specified by the Commission.

The value assessment of donated items under Paragraph One shall be as determined by the Commission.

Section 66 No person is permitted to donate money, properties, or any other benefits of more than ten million baht value per year to a particular political party. In case such person is a juristic person, the donation of money, properties, or any other benefits of more than five million baht value per year to either a single political party or several political parties shall subsequently be informed to the general meeting of shareholders in the upcoming general meeting.

No political party is permitted to accept the donation of money, properties, or any other benefits exceeding the value mentioned in Paragraph One.

Section 67 The political party leader or any executive committee member of political party, committee member of political party branch, provincial political party representative, or member who has received donation of money, property, or any other benefits which the donor intended to donate for the political party's activities operations shall inform the political party of such donation within the period of time specified in the Articles, and the political party shall issue and give the donor a receipt or an evidence of the receipt of such money, property, or any other benefits in writing as per the form specified by the Commission.

The political party's activities operations under Paragraph One also include political operations of the political party, political party branches, provincial political party representatives, members, and election candidates.

Section 68 Subject to Section 65 and Section 67, any election candidate who receives donation of money, property, or any other benefits inclusively of more than ten thousand baht value per day as from the date the royal decree to arrange the member of the House of Representatives election has become effective until the Election Day and the donor intended to donate such items for the benefits of the political activities of such election candidate or the political party or to be used for the election, shall inform the Commission within seven days as from the date the donation was received under the methods specified by the Commission.

If any item received under Paragraph One either cannot be delivered to the political party or is a fresh product which can become rotten, such election candidate shall inform the political party to record the value of such item as the election campaign expenditure of such candidate.

Any election candidate, in case having suspicion that whether or not the acquired money, property, or any other benefits is for the benefits of the political activities of the political party or to be used for the election under Paragraph One or the item under Paragraph Two, shall send the case to the Commission to consider, whereby the Commission shall complete the consideration within fifteen days as from the date such case was received.

Section 69 An individual taxpayer is entitled to express an intention in the annual personal income tax return that the government shall allocate five hundred baht from the tax paid by them as subsidy for any particular political party mentioned by such taxpayer, which shall be under the rules, methods, and conditions as specified by the Director-General of the Revenue Department.

The Revenue Department shall make the list of political parties that had been mentioned under Paragraph One along with all of the subsidies to be received by each and every political party as per the intended expression under Paragraph One to the Registrar, and shall transfer such amount of money to the fund within September of each and every year to forward to the political parties that receive subsidy under this Section, which shall be under the rules and methods mutually agreed by the Commission and the Revenue Department.

Section 70 The person who donated money to any political party shall be entitled to deduct the actual amount of such donation as tax allowance or expense for donation as per prescribed in the Revenue Code, but such amount shall not exceed ten thousand baht per an individual person and shall not exceed fifty thousand baht per a juristic person.

The methods to deduct tax allowance under Paragraph One shall be as specified by the Director-General of the Revenue Department.

For the benefits of tax allowance deduction, the support of money, property, or any other benefits under Section 64 shall be considered the donation of money under Paragraph One.

Section 71 The political party leader and the treasurer of political party shall open an account with commercial bank stating the political party's name as the account owner, and the political party leader shall inform the account number and amount of money initially deposited of each and every account to the Registrar within seven days as from the date such account was opened.

Section 72 No political party or person who holds position in political party is permitted to receive a donation of money, property, or any other benefits which is known or supposed to be known that its acquirement was unlawful, or which there is a reasonable suspicion that its source was unlawful.

Section 73 No political official is permitted to use his or her status or position to collect donations or induce people to donate for political party or members of the House of Representatives election candidate, but excluding the case in which such political official participates in the activity under Section 64 without any performance or participation in the prohibited action.

Section 74 No political party or member is permitted to receive a donation of money, property, or any other benefits from:

- (1) A non-Thai national.
- (2) A juristic person under foreign laws whose business or affairs is performed or whose branch was founded either inside or outside the Kingdom.
- (3) A juristic person founded in the Kingdom for which there is non-Thai national investing the capital or holding its shares of more than forty-nine percent. In case it is a public limited company registered with the Stock Exchange of Thailand, it shall be considered as per the list appearing in the shareholder's register of such company. The shares held by anonymous person or the representative of anonymous person shall be considered the shares held by non-Thai national.
- (4) A group of persons or a juristic person who received the capital or subsidy from overseas, whose business objectives are for the benefits of a non-Thai national or whose manager or director is a non-Thai national.
- (5) A person, a group of persons, or a juristic person who received in donation in order to proceed with the performance of political party or the political activities of any person, group of persons, or juristic person under (1), (2), (3), or (4).
- (6) A person, a group of persons, or a juristic person which is similar to (1), (2), (3), (4), or (5), as specified by the Commission.

The contents in Paragraph One shall not be enforced in a case in which the member receives a donation of money, property, or any other benefits, the purpose of which is not for the political activities' performance.

Section 75 Any person, group of persons, or juristic person under Section 74 cannot donate money, property, or any other benefits to any political party or its members for the performance of political party or the political activities.

Section 76 No government agency, state enterprise, any other agency of government, or business in which the government is a majority shareholder is permitted to donate money, property, or any other benefits to any political party, or to participate in the activities under Section 64.

The business in which the government is a majority shareholder under Paragraph One means a business in which the government is a shareholder or holds the highest shares among all of the other partners or shareholders, or holds up to one-third from the whole partnership or from all the shares of such juristic person.

The contents in Paragraph One shall be enforced on temples or other juristic persons whose objective is for religion, as well as religious organizations regardless of whether their status is as a juristic person or not. The Commission may also prescribe such contents to be enforced on other juristic persons whose objective is for the public interest or juristic persons whose objective is not to seek and share profits.

Section 77 For the benefits of keeping the operations regarding donation of money, property, or any other benefits to political party in accordance with this Organic Act, the Commission shall be authorized to specify necessary measures or methods for political parties to follow in order to make the political party's donation receiving lawful, open, and verifiable, and shall have the duty to verify the donations to political party, as well as the authority to issue any order as considered appropriate in order to have political parties performing correctly.

Political parties shall have the duty to perform in accordance with the orders of the Commission.

## Chapter 6 Fund for Development of Political Parties

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Section 78 There shall be a fund for development of political parties in the Office, the objectives of which are to be used as revolving fund and spending in order to support political parties, to educate the general public regarding the democratic form of government with the King as head of state, to support the participation of the people, to support the development of political parties to be political institutions of the people of the same political ideology, to facilitate its members' genuine participation in the operations, and to perform any other operations prescribed by laws.

The fund consists of money and properties as follows:

- (1) Money, property, right, liability, obligation, and the budget which has been transferred under Section 147.
- (2) Money received from the expenditure budget.
- (3) Money received from the Revenue Department under Section 69.
- (4) Election candidate application fees under the Organic Act on Member of the House of Representatives Election.
- (5) Money and interest recalled from the person who is responsible for the arrangement of re-election because the election was dishonest or unfair.
- (6) Money, property, or any other benefits which any political party acquired with either the violation or the noncompliance to this Organic Act.
- (7) Money, property, or any other benefits which becomes part of the fund under Section 95 and Section 125.

(8) Money, property, or any other benefits given by any person. Nonetheless, the fund cannot receive money, property, or any other benefits from the person under Section 74.

(9) Interest and income from money, property, or any other benefits of the fund.

The money under (3) shall be allocated to the political parties for which the taxpayers have expressed intention as the Director-General of the Revenue Department has informed the Registrar under Section 69.

The fund's money can be used only for the operations of the fund's objectives and as per legislated in this Organic Act.

Section 79 The properties of the fund are properties of the state which are not under obligation of legal execution, and no person is permitted to use the prescription as contestation against the properties of the fund.

Section 80 The Commission shall have duty and authority to supervise the performance and spending of the fund to be in accordance with this Organic Act.

In regard to the subsidy allocation to political parties as well as the management and supervision of the fund, the Commission shall appoint the fund committee to act on its behalf consisting of the Chair of the Election Commission as chair of the committee, along with one Election Commissioner appointed by the Commission, one representative from the Ministry of Finance, one representative from the Bureau of the Budget, and two eminent persons as committee members, and the Registrar as committee member and secretary.

Position term, meeting attendance fee, position termination of the fund committee member, eminent person, and meeting of the fund committee shall be as specified by the Commission.

In case the fund committee's quorum is incomplete under Paragraph Two regardless of whatever reason, the fund committee is permitted to continue performing duties, whereby the fund committee shall be considered consisting of only the existing committee members.

Section 81 Within thirty days as from the last date of each and every budget year, the Commission shall determine the financial amount to be allocated to political parties in the following budget year consisting of:

(1) Money received from the Revenue Department under Section 69.

(2) Money received from the expenditure budget under Section 78 (2) of not less than fifty percent but not more than seventy percent.

(3) Fees under Section 78 (4) of not more than fifty percent.

(4) Recalled money under Section 78 (5) received in the previous budget year of not more than seventy percent.

(5) Money or properties given by any person under Section 78 (8). If the giver has stated the purpose that it shall be given to political parties or other performance, it shall be allocated as per the purpose stated by the giver. If the giver has not stated the purpose, it shall be allocated of not more than seventy percent.

(6) Interest of the fund under Section 78 (9) of not more than eighty percent.

Section 82 The fund's money as follows shall be allocated to spend for the fund management and the business performance of the Commission and the Office only in the parts regarding businesses of the fund's objectives, including the audit expenditure to be collected by the Office of the Auditor General of Thailand:

- (1) Money received from the expenditure budget under Section 78 (2) of not more than thirty percent.
- (2) Fees under Section 78 (4) of not more than fifty percent.
- (3) Money or properties under Section 78 (6).
- (4) Money or properties under Section 78 (7).
- (5) Interest of the fund under Section 78 (9) of not more than twenty percent.
- (6) Money or properties which the giver stated to belong to the Commission or the Office, or not more than thirty percent of the money which the giver has given without stating the purpose.

The money spending under Paragraph One shall be under the rules, methods, and conditions specified by the Commission, but cannot be used for travelling abroad regardless of whatever case.

The remaining money after the spending shall be returned to the fund.

Section 83 The allocation of money under Section 81 for the political parties shall be made in accordance with the rules as follows:

- (1) Allocated money under Section 81 (1) shall be allocated to the political parties as mentioned by taxpayers.
- (2) Forty percent of the allocation budget excluding (1) shall be allocated as per the dues received by political parties, whereby each political party shall receive in the ratio of its collected dues in the previous year to the total dues received by all of the political parties in the said year. Nonetheless, the money to be allocated shall not exceed the amount of dues which such political party received from its members in the previous year.
- (3) Forty percent of the allocation budget excluding (1) shall be allocated in the following year after the general election as per the votes received by political parties in the general election, whereby each political party shall receive in the ratio of its received votes to the total votes received by all of the political parties. For the other years, it shall be allocated to each political party as per the allocation proportion which shall be in the ratio of the money to be received by such political party to the total donated money to be allocated to all of the political parties under Section 69.
- (4) Twenty percent of the allocation budget excluding (1) shall be allocated as per the branches of political parties, whereby each political party shall receive in the ratio of its branches in the previous year to the total branches of all of the political parties in the said year.
- (5) In case there shall be an arrangement of re-election resulting from the action of any political party's member, and the money budget to be allocated to such political party under (1), (2), (3), and (4) has already been finalized, the amount of compensation in the case which the Commission has filed against such member shall be deducted from the amount to be allocated to such political party and shall be returned to the fund first. If there is the final court judgment afterwards stating that such person has no obligation or such person's obligation is less than the one excused by the Commission, the fund committee shall refund the money to

such political party under the rules and methods specified by the Commission. If the money to be allocated is not enough for deduction, the money to be allocated of the following years shall be used for deduction until completion. Nonetheless, the political party shall not be deprived of the right to take recourse on the member who was sentenced by the court order.

In case any political party has not made a performance under Section 23 and still fails to comply after receiving the warning from the Commission, the Commission may reduce the money to be allocated to such political party under the rules and conditions specified by the Commission.

The remaining money after the allocation shall be returned to the fund.

Section 84 The money which political parties received from the allocation under Section 83 shall be spent for the benefit of the election campaign, the political activities of political party, political party branches, and provincial political party representatives under Section 23, the development of political party and members to have quality and good morals, and the knowledge support regarding the politics and the democratic form of government with the King as head of state, as well as any other performance specified by the Commission. After the money has been used for any performance, the political party shall send the report to the Commission in each and every quarter as from the date the allocated money was received, which shall be under the rules, methods, and conditions specified by the Commission. However, the money cannot be spent on the spending under Section 88.

For the benefit of the operations, a political party may send the money spending details to the Registrar in advance. The Registrar, in case having an opinion that any spending is not for the benefits under Paragraph One, shall inform that to the political party.

The Commission may determine the categories' proportion for which political parties shall use the money allocated under Paragraph One.

Political parties cannot spend the money received under Paragraph One for expenditures in the management of political party, the payment for personnel of political party, or other similar costs specified by the Commission, unless it is the money received under Section 83 (4), but such money shall be spent only for the benefit of the business operations of political party branches.

The Office shall arrange the follow-up assessment in order to keep the allocated money spending in accordance with Paragraph One, which shall be under the rules and methods specified by the Commission.

Section 85 In case the Registrar has an opinion that the supporting money spending of any political party does not comply with Section 84 or is not beneficial to the activities operations of political party, the Registrar under the approval of the Commission shall inform such political party to amend the spending for such category in the following year. For this performance, the Commission may also recall the money or decrease the subsidy to be allocated under Section 83 in the following year.

In case the Registrar has examined the report under Section 84 and discovered that the whole or a part of such report consisted of false statements or such report had not been submitted within specified period, the Registrar under the approval of the Commission shall recall the money from the political party leader and the executive committee members of political party, and shall refrain from sending the subsidy allocation to such political party in the following years until the money has been completely returned.

Section 86 The Commission shall arrange broadcasting time at least once per year without any cost for all of the political parties whose members have been elected as members of the House of Representatives by taking into account the number of each political party's members of the House of Representatives in order to perform under Section 23 or to make a statement of political party's accomplishments under the rules, methods, and conditions specified by the Commission.

The government's radio station and television station shall arrange broadcasting time as per specified by the Commission.

#### Chapter 7 Spending of Political Parties

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Section 87 Money and properties of political party shall be spent for the political activities of political party, costs regarding the elections of political party and members, and costs for political party management.

Political parties shall disclose the costs for all kind of advertising and public relations regarding activities operations of political party to members and the general public under the rules, methods, and period of time specified by the Commission.

Section 88 In case any political party, executive of political party, or person either directly or indirectly and either regularly or occasionally gives money, property, or any other benefits to the member who is holding a position as member of the House of Representatives and the giving or receiving of such money, property, or other benefits is not an offense under Section 144 or Section 149 of the Criminal Code, such political party, executive of political party, or person, as the case may be, shall inform the giving of such money, property, or other benefits to the Registrar under the rules, methods, and period of time specified by the Registrar and shall also announce that to the general public.

No member who is holding a position as member of the House of Representatives is permitted to receive money, property, or any other benefits without legal ground except the money which has been informed under Paragraph One.

Section 89 It shall be the duty of the executive committee of political party to inspect and control the money and properties of political party not to be spent for any other performance except the ones prescribed in Section 84, Section 87, and Section 88.

#### Chapter 8 Termination of Political Parties

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Section 90 A political party shall lose its political party status when:

- (1) The political party status has ended under Section 91.
- (2) The Constitutional Court has given an order to dissolve the political party under Section 92.
- (3) There is a merger of political parties under Chapter 9, Merger of Political Parties.

Section 91 The political party status of a political party shall end when:

- (1) It has failed to correctly or completely amend the articles within the period of time specified in Section 17 Paragraph Three, or has failed to perform as under Section 33 (1) or (2) within the specified period.
- (2) Its remaining members have been fewer than the number specified in Section 33 (1) for more than ninety days consecutively since it had been registered as a political party.
- (3) Its remaining political party branches have been fewer than one branch per region for more than one year consecutively since the performance under 33 (2) had completely been made.
- (4) It has not arranged a general meeting of political party or has not performed any political activity for more than one year consecutively without any legal grounds.
- (5) It has not been nominating its members as election candidates to be members of the House of Representatives for either two consecutive general elections or eight consecutive years, whichever is longer.
- (6) It has become insolvent under the laws on bankruptcy.
- (7) It is terminated under the Articles.

Whenever the Registrar discovers or is informed by any person that any political party has lost its status under Paragraph One, the Registrar shall inspect the matter. The Registrar, if having an opinion that there is grounds for the political party to lose its status under Paragraph One, shall send the case to the Commission to consider. The Commission, if having an opinion that such grounds have occurred, shall announce such political party's loss of political party status in the Government Gazette. In such case, the political party shall lose its status as from the date the announcement is made in the Government Gazette onwards.

The leader of the political party which was announced as having lost its status under Paragraph Two, in case not agreeing with the Commission's announcement under Paragraph Two, shall submit an appeal to the Constitutional Court to consider and render judgment within thirty days as from the date the announcement is made in the Government Gazette.

For the benefit of protection of the members who are members of the House of Representatives, the loss of political party status under this Section shall be considered the dissolution of the political party.

Section 92 The Commission, when having believable evidence that any political party performed any of the following actions, shall file a petition to the Constitutional Court to dissolve such political party.

- (1) To overthrow the democratic form of government with the King as head of state or to perform any action to get the power to govern the country by any means that are not in the due process of law as prescribed in the Constitution.
- (2) To perform any action that may be adverse to the democratic form of government with the King as head of state.

(3) To perform any action that is an offense under Section 20 Paragraph Two, Section 28, Section 30, Section 36, Section 44, Section 45, Section 46, Section 72, or Section 74.

(4) There is a ground to dissolve a political party as prescribed by laws.

The Constitutional Court, after the hearing and if there is believable evidence that the political party performed any action under Paragraph One, shall give an order to dissolve such political party and deprive the right to apply as election candidate of the executive committee of such political party.

Section 93 The Registrar, whenever discovering that any political party performed any action under Section 92, shall collect the facts and evidence and present his or her opinion to the Commission to consider, which shall be under the rules and methods specified by the Commission.

In order to file a petition to the Constitutional Court under Section 92, the Commission may either file the petition by itself or assign the Registrar to file the petition and proceed with the trial on its behalf. For the benefit of trial proceedings, the Registrar by the approval of the Commission may request the Attorney General to assist with the proceedings in the trial of the Constitutional Court until completion.

In case it is deemed appropriate, the Constitutional Court may make an order for the political party to temporarily refrain from any action as per the request of the Commission, the Registrar, or the Attorney General, as the case may be.

Section 94 After the Constitutional Court has given an order to dissolve any political party, the Registrar shall announce the order to dissolve such political party in the Government Gazette, and no person is permitted to use the name, initials, or logo of political party that is identical or cognate with the name, initials, or logo of political party of such dissolved political party.

No person who had been holding position as an executive committee member of such dissolved political party and had been deprived of the right to apply as election candidate due to those grounds is permitted to register new political party, or to be an executive committee member of new political party or have participation in the foundation of new political party for ten years as from the date such political party is dissolved.

Section 95 In case the political party has lost its status or been dissolved under the prescription in this Organic Act, the political party leader shall deliver the accounts and statement of financial position including the financial documents to the Office of the Auditor-General within thirty days as from the date the political party lost its status or was dissolved, and the Office of the Auditor-General shall complete the liquidation within one hundred eighty days as from the date they are informed by the Registrar. In case the Office of the Auditor-General cannot complete the liquidation within such period of time, a time extension of not more than one hundred eighty days can be made by informing such to the Commission.

The political party leader and the executive committee members of political party under Paragraph One shall still perform duties until the liquidation is complete, but are not permitted to perform any political activity in the name of the political party that has lost its status or been dissolved. The Office of the Auditor-General shall be authorized to spend the money of political party or sell the properties of political party to use the acquired money for the liquidation expenses. In case the political party

does not have enough money or properties for the liquidation expenses, the Commission shall give an order to pay money from the fund as per informed by the Office of the Auditor-General.

For the liquidation, the remaining properties after the liabilities and expenses shall be transferred to the public charity organization as specified in the Articles. In case there is no such specification in the Articles, such remaining properties shall become the properties of the fund.

The prescriptions in the Civil and Commercial Code on the liquidation of registered partnership, limited partnership, and limited company shall apply mutatis mutandis on the liquidation of political party.

## Chapter 9 Merger of Political Parties

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Section 96 During the term of the House of Representatives, merger of political parties whose members are the members of the House of Representatives is not permitted.

Section 97 Merger of political parties is permitted only in case of the merger in order to found a new political party.

Section 98 For the merger of political parties under Section 97, each of the political parties to be merged shall seek approval from the general meeting of their own political party.

After the general meetings of each and every political party have given the approval for merger, the political party leader with ten executive committee members from each and every political party shall have a meeting together to draft articles of the political party to be founded.

After the performance under Paragraph Two has been made, a joint meeting for the members of all of the political parties to be merged shall be arranged in order to be a meeting to found the political party under Section 10 and to submit the political party foundation registration application under Section 11. The members of the political parties to be merged shall be called for a meeting to found the political party not less than seven days prior to the meeting date and the performance afterwards shall proceed under the prescriptions on political party foundation.

Section 99 After the Registrar has registered the political party under Section 17, the Commission shall issue an order that the original political parties shall be terminated, whereby members of the original political parties shall be members of the newly founded political party, and all of the properties, liabilities, rights, and obligations of the original political parties shall be transferred to be of the newly founded political party as from the date the Registrar registered the new political party.

In case the Commission has already issued the order under Paragraph One, the Registrar shall announce the order of termination and merger of political parties in the Government Gazette.

Chapter 10  
Penalties

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Section 100 In case this Organic Act has prescribed that the court shall give an order to deprive the right to vote within a specific period of time or to deprive the right to apply as election candidate, such deprivation of right shall be effective immediately and the period of time shall commence as from the date the court has made an order or a judgment, unless the Court of Appeals of the Supreme Court shall make another order or another judgment otherwise.

Section 101 Any person who has given information that, or accused any political party or person that, he or she has committed an offense under this Organic Act to the Commission or government officials despite knowing that it is a false statement shall be punished with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

If the offender under Paragraph One is a political party, the offender shall get double punishment of the penalties as specified under Paragraph One, and the Commission shall forward the case to the Constitutional Court to give an order to dissolve such political party and deprive the right to apply as election candidate of such political party's leader and the executive committee members.

Section 102 Any person who fails to give clarification or deliver document or evidence to the Registrar shall be punished with imprisonment not exceeding six months or a fine not exceeding ten thousand baht, or both.

Section 103 Any person who has submitted false documents or evidence under Section 13 shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

Section 104 Any leader of political party branch, committee member of political party branch, provincial political party representative, or person who holds position in political party who has acknowledged that there is violation or noncompliance with Section 22 Paragraph Two or Paragraph Four and who has not submitted the notification in writing to the executive committee of political party, or any political party leader or executive committee member of political party does not comply with Section 95 Paragraph One or Paragraph Two, shall be punished with a fine not exceeding fifty thousand baht, and the court shall give an order to deprive the offender's right to vote in elections for five years.

Section 105 Any person who violates Section 22 Paragraph Six or Section 94 Paragraph Two shall be punished with imprisonment from seven years to fifteen years or a fine from one hundred forty thousand baht to three hundred thousand baht, or both.

Section 106 Any political party leader, member registrar, or treasurer of political party who does not comply with Section 23 Paragraph Two, Section 25, Section 26 Paragraph Two, Section 33 Paragraph Two or Paragraph Four, Section 38 Paragraph Two or Paragraph Three, Section 43 Paragraph One or Paragraph Three, Section 61,

Section 64 Paragraph Two or Paragraph Three, or Section 71, shall be punished with a fine not exceeding fifty thousand baht and one thousand baht per day during the noncompliant period.

Section 107 Any member registrar who makes a false member record or any political party that falsely claims that any person has applied as its member under Section 25 Paragraph Three shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

Section 108 Any person who violates Section 29 shall be punished with imprisonment from five years to ten years or a fine from one hundred thousand baht to two hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 109 Any person who violates Section 30 or Section 31 shall be punished with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

If the offense under Paragraph One was committed to make any person to apply as or to request to apply as a candidate in the members of the House of Representatives election, the offender shall be punished with imprisonment from five years to ten years or a fine from one hundred thousand baht to two hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 110 Any person who violates Section 32 or Section 94 Paragraph One shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Section 111 Any person who conspires with at least one more person to have operations as same as the ones of political party, or any person who conducts any operations regardless of whatever means in order to have other persons understood that he or she is a political party without the political party foundation registration, shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

Section 112 Any person despite knowing that he or she does not have qualifications or does have any prohibition to be the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, other executive committee member of political party, committee member of political party branch, or provincial political party representative, and has still accepted the appointment to hold such position, shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both.

Any political party appointed any person to hold the position under Paragraph One despite knowing that such person does not have qualification or does have any prohibition to hold such position shall be punished with a fine not exceeding one hundred thousand baht.

Section 113 Any political party which does not comply with Section 35 shall be punished with a fine not exceeding fifty thousand baht and one thousand baht per day during the noncompliant period.

Section 114 Any person who donates to any political party, person who holds a position in political party, or member in order to perform or support the prohibited performances under Section 44 shall be punished with imprisonment not exceeding ten years or a fine not exceeding two hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 115 Any person who holds a position in political party who violates Section 45 shall be punished with imprisonment not exceeding ten years or a fine not exceeding two hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 116 Any person who violates Section 46 shall be punished with imprisonment from ten years to twenty years, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 117 Any political party leader, executive committee member of political party, leader of political party branch, or provincial political party representative who does not comply with Section 52 or Section 55 shall be punished with imprisonment not exceeding six months and a fine not exceeding ten thousand baht, and the court shall give an order to deprive the offender's right to vote in elections for five years.

For the trial proceedings under Paragraph One, all of the members of the political party shall be considered an injured person.

Section 118 Any person who violates Section 53 shall be punished with imprisonment from one year to ten years or a fine from twenty thousand baht to two hundred thousand baht, or both, and the court shall also give an order to deprive the offender's right to apply as election candidate.

Section 119 Any person who violates Section 54 shall be punished with imprisonment from one year to five years or a fine from twenty thousand baht to one hundred thousand baht, or both, and the court shall also give an order to deprive the offender's right to apply as election candidate.

In case any political party perform any action that violates Section 54, all of the political party leaders and executive committee members of political party who acknowledge such action shall be punished as prescribed in Paragraph One.

Section 120 Any political party leader who issues a false certification letter confirming election candidate for the members of the House of Representatives election under Section 56 shall be punished with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

Section 121 Any political party who does not comply with the Commission's order under Section 57 Paragraph Two or Section 77 Paragraph Two shall be punished with a fine not exceeding five hundred thousand baht and ten thousand baht per day during the noncompliant period.

Section 122 Any person who does not comply with Section 58, Section 60, Section 62 Paragraph Two or Paragraph Three, Section 65, Section 67, Section 68 Paragraph One, shall be punished with a fine not exceeding fifty thousand baht and one thousand baht per day during the noncompliant period.

Section 123 Any political party who does not comply with Section 64 Paragraph One shall be punished with a fine not exceeding one hundred thousand baht.

Section 124 Any person who does not comply with Section 66 Paragraph One shall be punished with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to vote in elections for five years.

In case the offender under Paragraph One is a juristic person and such offense was made by an order or action of any person who is responsible of such juristic person's operations, the court shall also give an order to deprive the right to vote in elections of such person who made such order or is responsible of such juristic person's operations.

Section 125 Any political party who receives a donation of money, property, or any other benefits of the value exceeding the amount as specified in Section 66 Paragraph Two shall be punished with a fine not exceeding one million baht, and the court shall give an order to deprive the right to vote in elections of such political party's leader and executive committee members for five years. The money, property, or any other benefits only for the amount exceeding the value specified under Section 66 shall belong to the fund.

Section 126 Any person who holds a position in political party and violates Section 72 shall be punished with imprisonment not exceeding three years or a fine not exceeding sixty thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 127 Any person who violates Section 73 shall be punished with imprisonment from two years to ten years or a fine from forty thousand baht to two hundred thousand baht, or both, and the court shall also give an order to deprive the offender's right to vote in elections for five years.

Section 128 Any member who violates Section 74 or any person who violates Section 75 or Section 76 shall be punished with imprisonment not exceeding ten years or a fine not exceeding two hundred thousand baht, or both.

In case the offender under Paragraph One is a juristic person and such offense was made by an order or action of any person who is responsible of such juristic person's operations, the court shall give an order to deprive the right to vote in elections of such person who is responsible for such juristic person's operations.

Section 129 Any political party who does not submit a report under Section 84 Paragraph One shall be punished with a fine not exceeding one hundred thousand baht.

Section 130 Any political party who submits a false report under Section 84 Paragraph One shall be punished with a fine not exceeding five hundred thousand baht.

Section 131 Any political party who does not comply with Section 84 Paragraph Three or Paragraph Four shall be punished with a fine five times of the amount of money which was paid incorrectly. In case it is a repeated offense, the court shall give an order to deprive the right to apply as election candidate of such political party's leader and the executive committee members.

Section 132 Any political party leader, executive committee member of political party, or treasurer of political party who spent or allowed another person to spend the political party's money or property for personal interest or interest of other person, or for any other purpose which violates Section 87 Paragraph One, shall be punished with imprisonment from five years to ten years or a fine from one hundred thousand baht to two hundred thousand baht, or both.

Section 133 Any political party who does not comply with Section 87 Paragraph Two or discloses the false costs for advertising and public relations regarding activities operations of political party shall be punished with a fine not exceeding five hundred thousand baht, and the court shall give an order to deprive the right to vote in elections of its political party leader for five years. In case any executive committee member of political party who was assigned a duty to operate in accordance with Section 87 Paragraph Two and neglects his or her duty, the court shall also give an order to deprive the right to vote in elections of such executive committee member of political party for five years.

Section 134 Any person who gives money, property, or any other benefits to the member who is holding a position as member of the House of Representatives without complying with Section 88 Paragraph One shall be punished with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both, and the court shall give an order to deprive the offender's right to apply as election candidate.

Section 135 Any member who is holding a position as member of the House of Representatives and violates Section 88 Paragraph Two shall be punished with the same punishment prescribed under Section 149 of the Criminal Code.

Section 136 Any executive committee member of political party who does not comply with Section 89 shall be punished with imprisonment not exceeding three months or a fine not exceeding five thousand baht, or both.

Section 137 If the offender is a juristic person, in case such offense was made by an order or action of the political party leader or the executive committee member who is responsible for such political party's operations, or in case such person who has duty to make an order or perform any action neglected his or her duty or did not perform his or her action resulting to the offense of such political party, such person shall be punished with the same punishment prescribed for such offense.

Section 138 For the offenses under this Organic Act for which the punishment is only a fine or also an imprisonment but not more than one year and such offense does not have the case where the court shall deprive the right to apply as election candidate or the right to vote, the Commission or the person assigned by the Commission shall be authorized to compare such offense.

When the accused person agrees for the offense to get compared and pays the comparative fine within specified period, the case shall be considered under the prescriptions of the Criminal Code.

If the accused person does not agree for the offense to get compared, or does not pay the comparative fine within specified period after agreeing, the case shall proceed to trial.

Section 139 For the offenses under this Organic Act, in case the defendant falls within the court's jurisdiction but has escaped and is still not arrested although the court has already issued an arrest warrant, the court shall be authorized to examine the witnesses and render judgement in absentia.

#### Transitory Provisions

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Section 140<sup>2</sup> The political party which was founded or became a political party under the Organic Act on Political Parties B.E. 2550 (2007) and is still a political party the day before the date this Organic Act becomes effective shall be a political party under this Organic Act. The executive committee member of the aforementioned political party who has been holding the position prior to the date this Organic Act becomes effective and has qualifications without prohibitions under Section 24 shall be a member and executive committee member of such political party. The member who has qualifications without prohibitions under Section 24 and wishes to remain a member of such political party shall submit a membership confirmation letter to the leader of such political party along with the evidence of qualifications without prohibitions under Section 24 and shall pay the political party dues within thirty days as from 1<sup>st</sup> April B.E. 2561 (2018). The membership of any member who did not submit a membership confirmation letter within such period of time shall be terminated, and the political party shall inform the Registrar within thirty days as from the date such period of time is over.

Section 141<sup>3</sup> At initial stage, the political parties under Section 140 shall conduct the matters within period of time as follows:

(1) Have initial fund of one million baht and inform the Registrar within one hundred eighty days as from the date the Order of the Head of the National Council for Peace and Order No. 13/2561

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<sup>2</sup> Section 140 was amended by the Order of the Head of the National Council for Peace and Order No. 53/2560 the Operation under the Organic Act on Political Parties, dated on 22<sup>nd</sup> December B.E. 2560 (2017).

<sup>3</sup> Section 141 was amended by the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional).

the Operation under the Organic Act on Political Parties (Additional) dated on 14<sup>th</sup> September B.E. 2561 (2018) becomes effective.

(2) Have not fewer than five hundred members who have qualifications without prohibitions under Section 24 and who paid political party dues for B.E. 2561 (2018) within one hundred eighty days as from the date the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional) dated on 14<sup>th</sup> September B.E. 2561 (2018) becomes effective, and the political party shall inform the Registrar along with political party dues payment evidence within fifteen days as from the date the period of time to pay such political party dues is over.

(3) Have not fewer than five thousand members who have qualifications without prohibitions under Section 24 paid political party dues within one year as from the date the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional) dated on 14<sup>th</sup> September B.E. 2561 (2018) becomes effective, and have not fewer than ten thousand members paid that within four years as from the date the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional) dated on 14<sup>th</sup> September B.E. 2561 (2018) becomes effective, and the member registrar shall inform the Registrar of the particulars and methods as specified by the Registrar.

In case the Commission has an opinion that the political party cannot operate under Paragraph One (1) and (2) and Section 141/1 (1) and (2) within the specified period, the Commission may extend such period of time for another period equivalent to the original specified period. After the period of time under Paragraph One is over, or the period of time under Section 141/1 Paragraph Four is over, or the period of time extended by the Commission's resolution is over, as case may be, the political party who fails to complete such operation shall lose its political party status. The political party, during the time it still cannot complete the operations under Paragraph One (1) and (2) and Section 141/1 (1) and (2), cannot nominate election candidate.

The consideration of any matter under this Section which affects the political party shall be of the Commission. Any political party, in case not agreeing with the decision of the Commission, shall be entitled to submit a petition to the Constitutional Court within sixty days as from the date the decision of the Commission is acknowledged.

Section 141/1<sup>4</sup> After the Organic Act on Members of the House of Representatives Election B.E. 2561 (2018) was announced in the Government Gazette but before it becomes effective, any political party who wishes to perform the following political activities shall inform the Commission not less than five days in advance and shall be considered being permitted by the National Council for Peace and Order under the relevant orders of the head of the National Council for Peace and Order after informing such matter:

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<sup>4</sup> Section 141/1 was amended by the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional).

(1) To amend the political party's Articles, political ideology declaration, and policy to be correct as prescribed in this Organic Act and also in accordance with the Organic Act on Members of the House of Representatives Election which is to be effective, and shall inform the particulars under Section 38.

(2) To elect the political party leader, the secretary-general of political party, the treasurer of political party, the member registrar, and other executive committee members of political party as per the articles under (1), and shall inform the particulars under Section 38.

(3) To found political party branches or appoint provincial political party representatives, and shall inform the particulars under Section 33 or Section 35.

(4) To recruit political party's members.

(5) To appoint the selection committee for election candidates and to select political party's election candidates.

(6) To participate in opinion expression for the constituency division under the Organic Act on Members of the House of Representatives Election.

(7) To perform other political activities as specified by the National Council for Peace and Order.

In case there must be a general meeting in order to perform political activities under Paragraph One, the general meeting which is not fewer than two hundred fifty persons in total consisting of not fewer than half of the existing executive committee members of political party combined with political party's members shall be considered the quorum permitted to perform such action.

In case the political party under Section 140 operates under Paragraph Two, it shall also operate as per its articles which had been effective on the day before the date this order becomes effective, except the quorum of general meeting which shall be as specified under Paragraph Two.

The political parties under Section 140 shall complete the operations under Paragraph One (1) and (2) prior to the ninetieth day as from the date the Organic Act on Members of the House of Representatives Election B.E. 2561 (2018) was announced in the Government Gazette. The establishment of political party's branches under Paragraph One (3) shall be completed within one year as from the date the Organic Act on Members of the House of Representatives Election B.E. 2561 (2018) was announced in the Government Gazette.

Section 142<sup>5</sup> During the time any political party still cannot complete the operations under Section 141 Paragraph One (1) and (2) and Section 141/1 (1) and (2), there shall not be subsidy from the fund for development of political parties allocated to such political party.

Section 143 At initial stage, the subsidy allocation for political parties under Section 83 (3) shall be allocated to the political parties after the first general election after the date this Organic Act is enforced.

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<sup>5</sup> Section 142 was amended by the Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional).

Section 144<sup>6</sup> Section 47, Section 48, Section 49 Paragraph One and Paragraph Two, Section 50, Section 51, Section 52, Section 53, Section 54, Section 55, and Section 56 shall not be enforced on the selection of election candidates in the first general election after the date this Organic Act is effective. However, the consideration to nominate election candidates for proportional and party-list members of the House of Representatives shall be operated as follows:

(1) Appointing the selection committee for election candidates consisting of four executive committee members of political party and seven member representatives selected by political party who shall have duty and authority to consider and seek approval from the executive committee of political party.

(2) The selection of election candidates to seek approval from the executive committee of political party shall consider from the members who express their intention by themselves and the persons recommended by members by the rules specified by the selection committee for election candidates, whereby the proportion from each region and the gender equity shall also be taken into account. The selection committee for election candidates shall also take opinions of the leaders of political party branches, provincial political party representatives, and relevant members into the recruitment consideration.

(3) In case the executive committee of political party approves the persons proposed by the selection committee for election candidates, the political party leader shall issue the certification letter confirming the persons being nominated as candidates to attach with the election candidate application. In order to send party-list candidates for member of the House of Representatives election, the political party shall also make the party list.

(4) If the executive committee of political party does not approve any person proposed by the selection committee for election candidates, the selection committee for election candidates shall seek another person to replace such person. If the selection committee for election candidates affirms to present the same person and the executive committee of political party does not agree, the executive committee of political party and the selection committee for election candidates shall have a joint meeting, and the operation shall be made as per the resolution of such meeting. The voting for such resolution shall be made in secret.

(5) Within seven days as from the date the executive committee of political party approves the list of election candidates under (3) or as from the date the resolution regarding the list of election candidates in the joint meeting under (4) is made, the political party shall disclose the list of selected election candidates by announcement to the general public.

(6) The member of the House of Representatives candidate's nomination for the general election which replaces the first general election that is void, or for the re-election in case there was no person elected, in case the candidate died before the period of election candidate application is over, or in case the elected person is removed from the position regardless of whatever reason shall be operated under this Section.

Section 145 For the first general election after the date this Organic Act becomes effective, if any political party has founded the branches or appointed the provincial political party representative

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<sup>6</sup> Section 142 was amended by the Order of the Head of the National Council for Peace and Order No. 13/2561 the operation under the Organic Act on Political Parties (Additional).

in any province, such political party can nominate election candidates in every constituency of such province.

Section 146<sup>7</sup> For the political party dues collection within three years as from the date this Organic Act becomes effective, a political party may collect the political party dues lower than the rate specified under Section 15 (15) but shall not be less than fifty baht.

Section 147 All of the business affairs, money, properties, rights, liabilities, bindings, and budgets of the fund for political parties' development in the Office of the Election Commission under the Organic Act on Political Parties B.E. 2550 (2007) has had before the date this Organic Act becomes effective shall be transferred to the fund for political parties' development under this Organic Act thereof.

Section 148 The eminent committee members in the fund for political party's development committee under the Organic Act on Political Parties B.E. 2550 (2007) who has been holding the position prior to the date this Organic Act becomes effective shall be in the position until the Commission appoints the new eminent committee members, which must be completed within ninety days as from the date this Organic Act becomes effective.

Section 149 The Director-General of the Revenue Department shall complete the specification of rules, methods, and conditions under Section 69 Paragraph One and the methods to deduct tax allowance under Section 70 paragraph Two within one year as from the date this Organic Act becomes effective.

Section 150 This Organic Act shall not affect the operation to dissolve any political party or to proceed with a civil case against any person who is responsible under the Organic Act on Political Parties B.E. 2550 (2007). For the benefit of this operation, the Organic Act on Political Parties B.E. 2550 (2007) shall be considered effective.

For the action which is an offense under the Organic Act on Political Parties B.E. 2550 (2007), if such action remains an offense under this Organic Act then the inquiry official, the public prosecutors, and the courts shall be authorized to continue the operations under the Organic Act on Political Parties B.E. 2550 (2007), and the Organic Act on Political Parties B.E. 2550 (2007) shall be considered effective.

Section 151 The persons whose right to vote in elections has been deprived before this Organic Act becomes effective and still in the period of such right's deprivation shall be considered being deprived

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<sup>7</sup> Section 146 was amended by the Order of the Head of the National Council for Peace and Order No. 13/2561 the operation under the Organic Act on Political Parties (Additional).

of the right to vote in elections under this Organic Act, and the period of such deprivation of the right to vote in elections shall resume until completion.

The persons whose right to hold a political position has been deprived before this Organic Act becomes effective and still in the period of such right's deprivation shall be considered being deprived of the right to hold a political position under this Organic Act, and the period of such deprivation of the right to hold a political position shall resume until completion.

Section 152 The Commission shall operate to have the ministerial regulations, announcements, rules, and orders under this Organic Act within sixty days as from the date this Organic Act becomes effective. The period of time when there are fewer than five Election Commissioners shall not be included in the aforementioned period.

During the period the operations under Paragraph One are being made, all ministerial regulations, announcements, rules, and orders of the Election Commission or of the Registrar which were issued by virtue of the Organic Act on Political Parties B.E. 2550 (2007) shall remain effective only the terms that are not converse to or contrary with this Act.

Countersigned

General Prayuth Chan-ocha

Prime Minister

Office of the Election Commission of Thailand

Remarks:- The reason of the enactment of this Act is there are provisions in the Constitution of the Kingdom of Thailand that persons shall have freedom to found political party in the way of the democratic form of government with the King as head of state as prescribed by laws, which at least there must be the prescriptions regarding the management of political parties that must be specified to be made openly and be verifiable, the opportunity for members to broadly participate in policy determination and the nomination of election candidates, and the measures for the independent operation without being predominated or instructed by any person who is not the member of political party, as well as the measures to oversee the members to not perform any action which violates or does not comply with the laws on election. Hence the case is appropriate that the methods to found political party and the operations of political party shall be specified in compliance with the prescriptions of the Constitution. Therefore, the enactment of this Act is necessary.

The Order of the Head of the National Council for Peace and Order No. 53/2560 the Operation under the Organic Act on Political Parties:<sup>8</sup>

Clause 4 For the operations under Section 140 and Section 141 of the Organic Act on Political Parties B.E. 2560 (2017), the political parties under Section 140 are not permitted to hold a general meeting under Section 141 (4), including to found political party branches and appoint provincial political party representatives under Section 141 (5), to hold a meeting of political party's members, or perform any other operation except the ones specified under this order unless receiving permission from the National Council for Peace and Order, whereby the prohibitions under Clause 2 of the Announcement of the National Council for Peace and Order No. 57/2557 dated on 7<sup>th</sup> June B.E. 2557 (2004) and Clause 12 of the Order of the Head of the National Council for Peace and Order No. 3/2558 dated on 1<sup>st</sup> April B.E. 2558 (2005) shall apply.

Clause 5 In order to enable newly founded political party to perform general affairs and have opportunity to start performing political activities at the same time with the existing political parties, the persons who wish to found political party shall perform operations under Chapter 1 of the Organic Act on Political Parties B.E. 2560 (2017) as from 1<sup>st</sup> March B.E. 2561 (2018). However, the meeting to apply to be held in order to submit an application for founding a political party under Section 10 must be permitted by from the National Council for Peace and Order, and the operations can be performed only as per the permission or under the conditions specified by the National Council for Peace and Order.

Clause 6 In order to have matters be in accordance with this Order, the Election Commission or the Political Party Registrar shall be authorized to determine the specification by issuing the announcement, regulation, or order, as the case may be, and may also specify that the matters which political parties shall inform or report to the Election Commission or the Political Party Registrar can be made in the information technology system or through electronic media instead of submitting that in person.

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<sup>8</sup> The Government Gazette Vol. 134 / Special Chapter 317 Ngor / Page 7 / 22<sup>nd</sup> December B.E. 2560 (2017).

Clause 7 In case there is any doubt regarding the compliance with the Organic Act on Political Parties B.E. 2560 (2017) or this Order, the person shall consult the Election Commission or the National Council for Peace and Order, as the case may be.

Clause 8 After the Organic Act on Members of the House of Representatives Election B.E. ...., which is currently under consideration of the National Legislative Assembly, is announced in the Government Gazette, the cabinet shall inform the National Council for Peace and Order to consider the amendment or abrogation of law, announcement of the National Council for Peace and Order, or order of the Head of the National Council for Peace and Order which is obstacle to the political party's operations, and shall jointly make the plan and processes for political operations in order to hold a general election that is in compliance with the Constitution by consulting with the Election Commission, the Constitution Drafting Commission, and the President of the National Legislative Assembly. The cabinet may also invite the representatives of political parties or other political groups to join such meeting.

Clause 9 This Order shall be effective as from the date it is announced in the Government Gazette onwards.

The Order of the Head of the National Council for Peace and Order No. 13/2561 the Operation under the Organic Act on Political Parties (Additional):<sup>9</sup>

Clause 6 The political parties may perform public relations or communications with the persons who hold a position in its own political party and the members of its own political party through the information technology system or through electronic media, but such performance must not resemble a campaign. The Election Commission and the National Council for Peace and Order may specify the prohibitions of the public relations or communications which will affect the public order, or may make an order for political party to stop such performance.

Clause 7 For the benefit of political parties regarding the nomination of election candidates for the first general election, after the Organic Act on Members of the House of Representatives Election B.E. 2561 (2018) has been announced in the Government Gazette, the Election Commission shall divide the constituencies under the rules and methods specified by such Organic Act and shall complete the arrangement and announcement of constituencies before the date such Organic Act shall become effective.

Section 8 In case it is deemed appropriate, the Prime Minister may request the National Council for Peace and Order to amend the Order.

Section 9 This Order shall be effective as from the date it is announced in the Government Gazette onwards.

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<sup>9</sup> The Government Gazette Vol. 135 / Special Chapter 225 Ngor / Page 24 / 14<sup>th</sup> September B.E. 2561 (2018).