

Organic Act on the Political Parties, B.E. 2541 (1998)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 6th Day of June B.E. 2541;

Being the 53rd Year of the Present Reign

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

Whereas it is expedient to have an organic law on political parties;

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

Section 1

This Organic Act is called the "Organic Act on the Political Parties, B.E. 2541 (1998)".

Section 2

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

Section 3

The followings shall be repealed:

- (1) Political Parties Act, B.E. 2524;
- (2) Political Parties Act (No. 2), B.E. 2535;
- (3) Emergency Decree Amending the Political Parties Act B.E. 2524, B.E. 2538.

Section 4

In this Organic Act:

"political party" means a political party formed by a group of promoters of political party which has been acknowledged in the entry of the formation under this Organic Act;

"member" means a member of a political party;

"address" means the address under the law on household registration;

"contribution" means gift of money, property or any other benefit which can compute in terms of money given to a political party or its member for the purpose of carrying out the activities of the political party or for the political party expense in an election in addition to fees and political party subscription according to the regulations of the political party;

"Fund" means the Fund for Development of Political Parties;

"Registrar" means the Registrar of political parties.

Section 5

The Chairman of the Election Commission shall have charge and control of the execution of this Organic Act and shall have the power to issue the Notifications of the Election Commission for the execution of this Organic Act.

The Notifications of the Election Commission shall come into force upon their publication in the Government Gazette.

Section 6

The Chairman of the Election Commission shall be the Registrar having the powers and duties under this Organic Act.

The Office of the Election Commission shall have the duties to receive an application for entry of formation of political party, control and inspect the activities of a political party and perform functions in accordance with the provisions of this Organic Act.

Section 7

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

CHAPTER I

Formation of Political Parties

Section 8

Persons of Thai nationality by birth who are not less than twenty years of age and not being under any of the prohibitions as to disfranchisement under the Constitution and not less than fifteen in number can form a group of promoters of a political party for the purpose of building political will of the people and carrying out political activities in fulfillment of such will through the democratic regime of government with the King as Head of the State.

Section 9

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

The meeting under paragraph one shall be in accordance with the rules and procedure determined by the Notification of the Election Commission.

Section 10

A political party shall have the directive principles of policy and the regulations of political party which shall not of such nature as to provoke racial or religious segregation in the nation, endanger the security of the State, or be contrary to law or public order or good morals or democratic regime of government with the King as Head of the State under the Constitution.

Section 11

The regulations of political party shall at least contain the following particulars:

- (1) the name of political party;
- (2) the emblem of political party;
- (3) the location of the head office of political party;
- (4) the election, holding, termination and dismissal of the position of the Executive Committee of political party and a member of the Executive Committee of political party and powers and duties of the Executive Committee of political party and members of the Executive Committee of political party;
- (5) the plan and the schedule to establish a branch of political party, powers and duties of a branch of political party, the election, holding, expiration and dismissal of the position of a member of a branch committee of political party and the powers and duties thereof;
- (6) the general meeting of political party and the meeting of its branch;
- (7) the rights and duties of members;
- (8) the liabilities of political party to its members;

- (9) the admission and dismissal of members;
- (10) the discipline and etiquette of members;
- (11) the rules and procedure for the selection of candidates for the election of members of the House of Representatives on a party-list basis and a constituency basis;
- (12) the administration of finance and properties and preparation of accounts of political party and its branch;
- (13) the provision of knowledge in politics to members and the public;
- (14) the dissolution of political party and its branch.

Section 12

The Executive Committee of political party consists of the Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Spokesman and other members of the Committee elected from members who are not less than twenty years of age.

Section 13

The person who has been elected the Leader of political party shall submit to the Registrar the application for formation of the political party together with the directive principles of policy of political party, the regulations of political party, an account showing assets and liabilities of the political party and a copy of minutes of the meeting of the promoters of political party.

The application for formation of the political party shall be in accordance with the form prescribed by the Registrar which shall at least contain the following particulars:

- (1) the name of political party;
- (2) the emblem of political party;
- (3) the location of the head office of political party;
- (4) the names, occupations, addresses and signatures of the promoters of political party;
- (5) the names, occupations, addresses and signatures of members of the Executive Committee of political party.

Section 14

After the Registrar has received an application for formation of political party, he shall examine the particulars as follow:

- (1) the promoters of political party shall have qualifications and are not under any prohibition under Section 8 and being not less than fifteen in number;
- (2) the directive principles of policy and the regulations of political party are not of such nature as to be contrary to Section 10;
- (3) the documents of an application for formation of political party contain complete particulars as prescribed under Section 11 and Section 13;
- (4) the Executive Committee has the qualifications under Section 12; and
- (5) the name and the emblem of political party is not the same as, alike or similar to that which was already notified by another group of promoters who submitted an application under Section 13 or that which the Registrar has been acknowledged the entry of the formation for another political party.

In the case where the Registrar has examined such application and is of the opinion that its particulars are correct and complete, the Registrar shall acknowledge the entry of the formation of political party and notify the promoters of political party in writing within thirty days from the date of receipt of an application for formation of political party.

In the case where the Registrar has examined such application and is of the opinion that the qualifications or the number of the promoters of political party, the directive principles of policy and the regulations of political party, the qualifications of the Executive Committee or the name or the emblem of political party are not in accordance with paragraph one (1), (2), (4) or (5), the Registrar shall refuse to acknowledge the entry of the formation of political party and notify the promoters of political party in writing of the refusal together with reason within thirty days from the date the Registrar received an application for formation of political party.

Section 15

In the case where the Registrar has examined an application for formation of political party and is of the opinion that the documents under Section 14 (3) contain incomplete particulars as prescribed under Section 11 or Section 13 or are ambiguous or defective, the Registrar shall, within seven days from the date the Registrar received the application, notify the promoters of political party in writing in order that the amendment thereto may be made within seven days from the date of receipt thereof.

After the amendment to the application for formation of political party have been made correctly and completely within the time prescribed under paragraph one, the Registrar shall acknowledge the entry of the formation of political party and shall notify the promoters of political party in writing within fifteen days from the date of receipt of such document.

If the amendment is not made under paragraph one or is made incorrectly, the Registrar shall refuse to acknowledge the entry of the formation of political party and shall notify the promoters of political party in writing with reason within seven days from the date of the refusal of the entry of the formation of political party.

Section 16

In the case where the Registrar is of the opinion that the name or the emblem of political party as appeared in the document accompanying the application for formation of political party is the same as, alike, or similar to that which has been notified by another political party on the same day, the Registrar shall proceed as follows:

- (1) notify all groups of promoters of political parties concerned in writing advising them to reach an agreement as to which group of promoters of political party has the right to use such name or emblem. After an agreement has been reached, the Registrar shall acknowledge the entry of the formation of political party accordingly. The said agreement shall be reached within fifteen days from the date of receipt of the notice;
- (2) in the case where the groups of promoters of political parties concerned refuse to reach an agreement or cannot reach an agreement when the period under (1) has elapsed, the Registrar shall acknowledge the name or emblem belonging to the group of promoters of political party whose right, in his opinion, to use it shall be preferred under the following criteria:
 - (a) if any applicant for the formation of political party has a greater number of promoters who were elected members of the House of Representatives in the last general election under the name of the political party as evidenced by the applications of candidates for election of members of the House of Representatives, which used the name or emblem of such political party, the right of such applicant shall be preferred;
 - (b) in the case where the promoters of political parties under (a) are equal in number, if any applicant for the formation of political party has a greater number of promoters who were candidates in the election of members of the House of Representatives in the last general election under the name of the political party as evidenced by the applications of candidates for election of members of the House of Representatives, which used the name or emblem of such political party, the right of such applicant shall be preferred;

- (c) in the case where the promoters of political parties under (b) are equal in number, the Registrar shall publicly proceed to drawing lots so as to select the group which will be entitled to use the name or emblem of the political party;
- (3) in the case where the name or emblem of such political party is the name or emblem which is not used before and no agreement is reached, the Registrar shall publicly proceed to drawing lots so as to select the group which will be entitled to use the name or emblem of the political party;

The Registrar shall inform the applicants concerned of the acknowledgment of the entry of the formation of political party under (2) and (3) in writing within seven days from the date of acknowledgement of the entry of the formation of political party.

Section 17

Any applicant for the formation of political party which does not agree with the order refusing to acknowledge the entry of the formation of political party by the Registrar under Section 14 or Section 15 has the right to file a motion with the Constitutional Court for decision within thirty days from the date of receipt of the refusing notice.

After the Constitutional Court has made a decision, the Registrar shall comply with it.

Section 18

The Registrar shall acknowledge the entry of the formation of political party in the register of political parties and published the formation of political party in the Government Gazette by specifying its name, emblem, policy, regulations, names of its Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Spokesman and other members of its Executive Committee.

Section 19

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

CHAPTER II

The Operation of Political Parties

Part 1

The Carrying Out of Political Activities

Section 20

The Executive Committee of political party shall have the powers and duties to carry out political activities in conformity with the policy, regulations and resolution of the general meeting of the political party.

The Leader of political party shall be representative of the political party in respect of any activity concerning the third person. For this purpose, the Leader of political party may entrust one or several members of the Executive Committee to act on his or her behalf.

Section 21

A person who will be a member must be of Thai nationality by birth, not less than eighteen years of age and not under any of the prohibitions to disfranchisement under the Constitution.

Section 22

Membership of a political party terminates upon:

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

- (3) being disqualified under Section 21;
- (4) being dismissed by the resolution in accordance with the regulations of the political party;
- (5) the dissolution of the political party that such person is a member.

The termination of membership under paragraph one (4) in the case where the member is also a member of the House of Representatives, shall be by a resolution of not less than three-fourths of the joint meeting of the Executive Committee of the political party and members of the House of Representatives belonging to that political party and the resolution shall be by secret votes. If such member has lodged an appeal with the Constitutional Court within thirty days from the date the political party passing such resolution objecting that the said dismissing resolution having the manner under Section 47 paragraph three of the Constitution and the Constitutional Court decides that the dismissing resolution is not under Section 47 paragraph three of the Constitution, it shall be deemed that the membership terminates from the date of the decision of the Constitutional Court. If the Constitutional Court decides that such resolution is under Section 47 paragraph three of the Constitution, such member may apply for membership of other political party within thirty days from the date of the decision of the Constitutional Court.

The appeal of the member to the Constitutional Court under paragraph two shall be in accordance with the procedure of the Constitutional Court.

The Leader of political party shall submit the report or documents concerning the resolution under paragraph two to the President of the National Assembly and the Registrar within seven days from the date the political party passing the resolution.

The termination of membership under paragraph one (5) in the case where the member is also a member of the House of Representatives and is unable to become a member of another political party within sixty days from the date of the dissolution of the political party, shall be deemed to be effective as from the day following the date which the period of sixty days has elapsed.

Section 23

No political party shall admit a person not being of Thai nationality by birth as its member or to hold any position of the political party, or allow such person to perform any act for its benefit.

No person not being of Thai nationality by birth shall be a member or holds any position of a political party or participates in any activity of the political party.

Section 24

No person that is not a political party shall use any name or word in such a manner likely to cause the public to understand that the person is a political party, or use any name with Thai alphabets to construct the words "Political Party" or with foreign alphabets to be translated or to read "Political Party" in any seal, sign-board, name, letter, notice or other documents or in any information for communications.

Section 25

After the Registrar has acknowledged the entry of the formation of political party, the following activities shall be carried out by its general meeting:

- (1) amendment to the policy of political party;
- (2) amendment to the regulation of political party;
- (3) election of the Leader, Deputy Leader, Secretary-General, Deputy Secretary-General, Treasurer, Spokesman and other members of the Executive Committee of political party;
- (4) other activities as prescribed in the Notification of the Election Commission.

Section 26

The general meeting of a political party shall comprise the Executive Committee, the representatives of its branch and its members in accordance with the rules and procedure as prescribed in the regulations of the political party.

While any political party is establishing a branch of political party under Section 29, the general meeting of such political party shall comprise the Executive Committee and its members in accordance with the rules and procedure as prescribed in the regulations of political party.

Section 27

If it appears that the Leader, Executive Committee or member of the Executive Committee of political party causes the political party to perform any act in violation of its policy or regulations, which may endanger the security of the State, be contrary to public order or good morals or the democratic regime of government with the King as Head of the State under the Constitution, but the nature of the act is not so serious as to cause dissolution under Section 67, the Registrar shall have the power to issue a written warning directing the Leader, Executive Committee or member of the Executive Committee of such political party to cease or rectify such act within a period prescribed by the Registrar. In the case where a written warning is issued to a person who is not the Leader of political party, a copy thereof shall forthwith be sent to the Leader of political party.

If the Leader, Executive Committee or member of the Executive Committee of political party does not comply with the warning of the Registrar under paragraph one, the Registrar shall have the power to apply to the Constitutional Court for an order that the aforesaid act be ceased or rectified or that the Leader or Executive Committee *en masse* or certain members of the Executive Committee of political party be dismissed.

In the case where the Constitutional Court issues an order dismissing the Leader or Executive Committee *en masse* or certain members of the Executive Committee of political party, such persons shall not be eligible for membership of the Committee until the period of two years from the date the Constitutional Court ordered their dismissal has elapsed.

Section 28

In the case where not less than one-fourth of the members who are members of the House of Representatives, not less than one-third of the members of the Executive Committee or not less than fifty members are of the opinion that the resolution or regulation on any matter of the political party which they are members, would be contrary to status and performance of duties of member of the House of Representatives under the Constitution or be contrary to or inconsistent with fundamental principles of the democratic regime of government with the King as Head of the State, they have the right to apply to the Constitutional Court for decision.

In the case where the Constitutional Court decides that such resolution or regulation is contrary to or inconsistent with the fundamental principles of the democratic regime of government with the King as Head of the State, such resolution or regulation shall be repealed.

Section 29

Within one hundred and eighty days from the date the Registrar has acknowledged the formation of a political party, such political party shall prepare to have not less than five thousand members, which shall comprise those from each Region according to the list of Regions and Changwats notified by the Registrar and shall have at least one branch of the political party in each Region.

Section 30

In the case where any political party has established its branch, the Leader of political party shall notify the Registrar of such establishment within fifteen days from the date of the establishment thereof.

The notice on the establishment of the branch of political party shall be made in the form prescribed by the Registrar and shall at least contain the particulars concerning the location of the branch, the names, occupations and addresses of members in charge of the branch.

After having received the notice, the Registrar shall issue a certificate of acknowledgment of the establishment thereof within fifteen days from the date of receipt of the aforesaid notice.

Section 31

The branch committee of political party consists of a Chairman, Vice-Chairman, Secretary, Deputy Secretary, Treasurer, Spokesman and other members in charge of the branch of political party.

Section 32

The branch committee of political party shall have the duties to carry out activities in accordance with the policy and regulations of the political party as entrusted.

Section 33

If there is an amendment to any policy, regulation or particular under Section 13 paragraph two (5) which has registered with the Registrar, or to any particular as stated in the form under Section 30, the Leader of political party shall, within thirty days from the date of the amendment, notify the Registrar of the said amendment in writing so that the amendment shall be duly recorded.

The amendment under paragraph one shall be valid when the Registrar has given the notice of acknowledgment of the amendment and, in this regard, Section 14 and Section 17 shall apply *mutatis mutandis*.

If the Leader of political party fails to notify the amendment under paragraph one within the aforesaid period, the Registrar shall have the power to order him or her to notify it within the prescribed period.

The amendment to any particular under Section 18 shall be published in the Government Gazette.

Section 34

The Leader of political party shall prepare a register of members corresponding to the actual information. Such register shall be kept at its head office and being ready for inspection by the Registrar or a person entrusted by the Registrar.

The Leader of political party shall, by January of every year, notify a number of members which has been increased or decreased in the past calendar year along with the names, occupations and addresses of such members according to the procedure prescribed by the Registrar.

If the Leader of political party fails to notify the Registrar within the period of time under paragraph two, the Registrar shall have power to order him or her to notify it within the prescribed period.

A register of members shall be in the form prescribed by the Registrar.

Section 35

The Leader of political party shall prepare the activities report of the political party during the past calendar year corresponding to actual information and in accordance with the procedure prescribed by the Registrar and shall, by March of every year, notify to the Registrar in order that such report shall be disclosed to the public, except in the case where the political party has been established for less than ninety days as to the last day of the calendar year.

Section 36

A political party is prohibited to assist or support a candidate in an election of senators whether directly or indirectly.

Part 2

Finance of Political party

Section 37

The Executive Committee of political party shall have the duty and responsibility in the administration of finance, properties or any other benefit of the political party and its branches and shall cause the preparation of correct accounts under Section 38.

In the case where any branch of political party has been established, the Chairman of each branch of political party shall cause the preparation and certification of the accounts of the branch under Section 38 as well as the submission of the said accounts to be included in the accounts of political party.

Section 38

The accounts of political party and the accounts of the branches of political party shall consist of:

- (1) journal showing revenue or receipt and expenditure or payments;
- (2) receipt account of donation under Section 48;
- (3) ledger;
- (4) account showing assets and liabilities.

The posting of account entry must be made with the correct supporting document.

For the accounts under (1) and (2), an entry must be posted within fifteen day as from the time such entry has occurred.

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

Section 39

A political party and a branch of political party must prepare for its first closing of accounts within the last day of such calendar year and annually within the last day of every calendar year.

In closing the accounts, it shall prepare financial statements which, at least, consist of a balance sheet and statements of receipt and expenditures of the political party, in the case such a political party has any branch, its financial statements shall also include the accounts of every branch of the political party.

A balance sheet must contain particulars of the assets, liabilities and fund of the political party.

A revenue and expenditure account must, at least, show sources of revenue which may be the donation, subsidy from State and other revenue and the expending of expenditure in the operation of political party, especially the expenses in an election which must be shown clearly.

A balance sheet must be audited and certified by an authorized auditor.

Section 40

The financial statements approved by the authorized auditor shall, by April of every year, be presented to a general meeting of political party for approval by conveying to the

members in advance and being posted at the office of political party and every branch of political party for not less than fifteen days.

The financial statements approved by the general meeting of political party under paragraph one must be certified by the Leader of political party in conjunction with the Treasurer. The Leader of political party shall submit the financial statements together with the copies of accounts under Section 38 to the Registrar within thirty days from the date of approval of the general meeting.

When the Registrar has received the financial statements and the copies of accounts under paragraph two, the Registrar shall submit them to the Election Commission for examination and publication to the public.

Section 41

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

Section 42

The Leader, members of Executive Committee and members of branch committee of political party shall submit the accounts showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* to the Registrar within thirty days from the date of taking office and within thirty days as from the date of vacating office.

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

In the case where the persons under paragraph one submit the accounts showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* under other law, that person may send the copies of the accounts so submitted to the Registrar.

Section 43

When the Royal Decree convoking an election of members of the House of Representatives has been promulgated, the Executive Committee of political party must control the expenditures of its political party in such election to be within the amount determined by the Registrar with the approval of the Election Commission and must control a candidate of its political party not to spend expenses in an election more than the amount determined under the organic law on election of members of the House of representatives and senators.

Section 44

The Executive Committee of political party shall allocate money for expenses in an election to a candidate of the political party as follows:

- (1) expenses in an election of members of the House of Representatives on a party-list basis shall be allocated in total amount corresponding to the number of candidates nominated by the political party on the party list submitted to the Election Commission;
- (2) expenses in an election of members of the House of Representatives on a constituency basis shall be allocated individually to candidates of political party;

The expenses allocated under (1) and (2) shall be according to the resolution of the Executive Committee of political party.

The Executive Committee of political party shall not allocate money for expenses in an election to the candidates of the political party under (1) and (2) more than the amount determined under the organic law on election of members of the House of Representatives and senators.

CHAPTER III
Supporting of Political Parties

Part I
Donation to Political Parties

Section 45

Donation to political party shall be made disclose in accordance with the rules and procedure prescribed by the Election Commission.

Section 46

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

When the political party received the donation, the political party shall disclose the donators' names and the amount of donation in accordance with the rules and procedure prescribed by the Election commission.

Section 47

A person donates money to a political party shall have the right to deduct the amount of donation in the tax computation as prescribed in the Revenue Code.

Section 48

The Leader of political party shall cause the preparation of donation receipt account which shall contain the following particulars:

- (1) the name, address, amount of money and list of properties or any other benefit that can be calculated in money value of every donator; in the case where the donation is made through a member, the name of such member shall also be specified;
- (2) date of donation;
- (3) copy of donation receipt.

In the case where the donation is the giving of or allowing to use property or any other benefit which can be calculated in money value, the value shall be calculated according to rental rate or normal monetary return in each locality or a value of right before entering in the account, and in the case where the value cannot be calculated, it must specify details of property or any other benefit as clear as possible.

Section 49

The Leader, a member of Executive Committee, a member of branch committee of political party or its member who receives donation shall remit the money to the receipt account under Section 48 within seven days as from the date of receipt of donation.

Section 50

The Leader and the Treasurer of political party shall deposit all money received from donation in a commercial bank by specifying the owner of account in the name of that political party.

In the case where the Leader and the Treasurer of political party deposit money in a commercial bank, the Leader of political party shall notify the number of deposit accounts and amount of money of every account and sent a copy of deposit account certified by the bank to the Registrar within seven days as from the date of opening the account.

Section 51

The Leader, a member of the Executive Committee, a member of branch committee of political party or its members shall not receive money, property, or any other benefit which is a concealed donation.

Section 52

No political party or its members shall receive money, property, or any other benefit from any person with a view to carrying out or supporting any act subverting the security of the Kingdom, the Throne, national economy or the State affairs, or perform any act in a manner as to disturb or threaten public order or good morals, or destroy national resources or damage public health.

Section 53

No political party or its members shall receive money, property, or any other benefit with a view to carrying out the activities of political party or any political activities from:

- (1) a person not being of Thai nationality;
- (2) a juristic person under the law of a foreign country carrying out its business or activities or having its registered branch in or outside the Kingdom;
- (3) a juristic person registered in the Kingdom consisting of persons not being of Thai nationality who hold share capital or are shareholders of more than twenty-five per cent;
- (4) an organization or juristic person receiving capital or supporting money from a foreign country and having an objective to carry out any activity for the benefit of persons not being of Thai nationality or having its manager or director who is not a person of Thai nationality;
- (5) a person, organization or juristic person receiving money, property or any other benefit with a view to carrying out the activities of political parties or any political activity from a person, organization or juristic person under (1), (2), (3) or (4);
- (6) a person, organization or juristic person provided in the Notification of the Election Commission.

Section 54

No person, organization or juristic person under Section 53 shall donate money, property or any other benefit to any political party or its members with a view to carrying out the activities of a political party or any political activity.

Section 55

No juristic person which is a State enterprise under the law on budgetary procedure nor other juristic person provided in the Notification of the Election Commission shall donate money, property or any other benefit to a political party.

Part 2

State Subsidy to Political Parties

Section 56

There shall be the Fund for Development of Political Parties in the Office of the Election Commission as a revolving fund and for expenses in subsidizing political parties and other activities with respect to the development of political parties prescribed by the Election Commission. The Fund shall consist of money and assets as follows:

- (1) money received from budgetary appropriations;
- (2) application fees for candidacy in an election under the organic law on election of members of the House of Representatives and senators;

- (3) fines received from an offender punished under this Organic Act;
- (4) money or properties acquired by a political party in contravention of this Organic Act;
- (5) money or assets devolved to the Fund under Section 68;
- (6) money or assets donated to the Fund;
- (7) fruits of the Fund;
- (8) other revenues.

The remittance of fines under (3) or of money or assets under (4) to the Fund shall be in accordance with the rules and procedure prescribed by the Election Commission.

Section 57

The Election Commission shall have power and duty to allocate subsidy to a political party and control the use of the Fund.

In allocating subsidy to a political party and controlling the Fund, the Election Commission shall appoint a committee to act on its behalf consisting of the Registrar as chairman, an Election Commissioner entrusted by the Election Commission, a representative of the Ministry of Finance, a representative of the Bureau of the Budget, representatives of political parties who are members of the House of Representatives elected among themselves to be three in number, and representatives of political parties having no member as member of the House of Representatives elected among themselves to be one in number, as members and the Secretary-General of the Election Commission shall be a member and secretary.

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

Section 58

The subsidy for political party shall be allocated annually under the project and plan to carrying out the activities of each political party submitted to the Election Commission under the rules and procedure prescribed by the Election Commission. In allocation of such subsidy, the Election Commission shall take into account the number of members of political parties who are members of the House of Representatives, votes on the party-list basis that the political party obtained in the last general election, the number of members and number of branches of the political party, respectively.

Section 59

A political party shall use the expenses in an amount not less than half of the subsidy received for the administration of the political party and a branch or branches of the political party, addition of members, expenses in election, and provision of knowledge in politics to members and the public.

Section 60

The Registrar shall coordinate with a person responsible for State radio and television stations to allocate airtime to every political party of which a member has been elected a member of the House of Representatives. In allocation of such airtime, consideration should be given to the number of members of the House of Representatives of each political party in order that each political party may give a statement of activities not less than three times per year free of charge under the rules and procedure prescribed by the Election Commission.

Section 61

The Election Commission may provide every political party the aids on postal fees, public utility expenses and others in accordance with the rules and procedure prescribed by the Election Commission in order that every political party can run its political activities equally.

Section 62

A political party receiving a subsidy must spend such subsidy in accordance with the provisions of this Part and shall prepare a correct report on the expenses from such subsidy of each calendar year and submit such report to the Election Commission by March of the following year.

Section 63

In the case where there appears to the Registrar that any political party which has received a subsidy does not comply with Section 37, Section 38, Section 39 or Section 40, the Registrar shall recall the subsidy so allocated and remit it to the Fund.

Section 64

When a political party which has received a subsidy, has subsequently been dissolved under Chapter 4 of this Organic Act, such political party must remit its received subsidy to the Fund according to the rules and procedure prescribed by the Election Commission.

CHAPTER IV

Dissolution of Political Parties

Section 65

A political party is dissolved upon any of the following grounds:

- (1) in the cases provided by its regulations;
- (2) the number of its members is reduced to less than fifteen;
- (3) the political party is dissolved to amalgamate with other political party under Chapter 5;
- (4) dissolution by the order of the Constitutional Court;
- (5) failure to comply with Section 25, Section 26, Section 29, Section 35 or Section 62.

If it appears to the Registrar that any political party is under the circumstance specified in (1) (2) (3) or (5), the Registrar shall file a motion with the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that such political party is under such circumstance as applied by the Registrar, the Constitutional Court shall issue an order dissolving such political party.

In the case the Constitutional Court has issued an order dissolving a political party, the Registrar shall publish the order in the Government Gazette.

Section 66

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

- (1) an act which shall overthrow the democratic regime of government with the King as Head of the State or shall gain the power in administration of the State by unconstitutional means;
- (2) an act which may be adverse to the democratic regime of Government with the King as Head of the State under the Constitution;
- (3) an act which may endanger the security of the State, or may be contrary to law or public order or good morals or;
- (4) an act in violation of Section 23 paragraph one, Section 52 or Section 53.

Section 67

If it appears to the Registrar or if the Registrar has been notified by the Executive Committee of political party that a political party has done any act under Section 66, the Registrar shall inform the Prosecutor General and furnish him or her with evidence. If the Prosecutor General deems it appropriate, he or she shall file a motion with the Constitutional Court for the dissolution of the aforesaid political party. If the Prosecutor General does not file a motion with the Constitutional Court, the Registrar shall form a working group consisting of representatives of the Registrar and the Prosecutor General to gather evidence and tender to the Prosecutor General for filing a motion with the Constitutional Court. In the case where the working group cannot settle the matter, the Registrar has the power to file a motion at his or her own.

In the case where the Constitutional Court has issued an order dissolving a political party, the Registrar shall publish such order in the Government Gazette.

If the Registrar deems appropriate to suspend the activities of the political party which has done any act under Section 66, the Registrar may also request the Prosecutor General to apply to the Constitutional Court for an order suspending temporarily the activities of that political party.

Section 68

In the case where a political party is dissolved under Section 65, save the case under Section 65 (3), the Leader of such political party shall submit all accounts, balance sheets and documents relating to the finance of such political party to the Registrar within fifteen days as from the date of the dissolution.

The Office of the Auditor-General of Thailand shall liquidate all accounts within six months as from the date of the notification of the Registrar. If the Office of the Auditor-General of Thailand is unable to complete the liquidation by the prescribed period, such period may be extended for not more than six months.

Any property which is left after the deduction of liabilities and expenses incurred in the liquidation shall be transferred to the charitable organizations specified in the regulations of the political party, otherwise it shall become the property of the Fund.

The provisions of the Civil and Commercial Code Book III, Title XXII, Chapter 5 Liquidation of Registered Partnerships, Limited Partnerships and Limited Companies shall apply *mutatis mutandis* to the liquidation of political party.

Section 69

In the case where a political party has been dissolved upon inconformity with Section 35 or Section 62 or committing any act under Section 66, a person who used to be a member of the Executive Committee of the dissolved political party shall not, within the period of five years as from the date of the dissolution, apply for the formation of a new political party, be a member of an Executive Committee of political party nor be a promoter of a new political party under Section 8.

CHAPTER V

Amalgamation of Political Parties

Section 70

Political parties may be merged to establish a new political party or be merged with the principal political party.

Section 71

In the case where merger of political parties is to establish a new political party, the political parties to be merged shall obtain the approval from the general meeting of each political party.

When the general meeting of each political party has approved the merger, the Leader of political party and ten members of the Executive Committee of each political party shall have a joint-meeting to act with respect to the new political party to be formed, as follows:

- (1) to lay down the directive principles of policy of political party;
- (2) to lay down the regulations of political party.

After the activities under paragraph two have been carried out, there shall be a joint-meeting of members of every political party to be merged for the formation of political party under Section 9. The calling of the meeting shall be made to the members of the political parties to be merged not less than seven days before the meeting day and the later proceedings shall be in accordance with the provisions on the formation of political party.

Section 72

When the Registrar has acknowledged the entry of the formation of political party under Section 71, the Registrar shall proceed with Section 65 paragraph two in order that the Constitutional Court may issue an order dissolving the merged political parties. In this regard, a member of the House of Representatives attached to the merged political party shall be a member of the new political party or shall be a member of other political party, if it is possible, within sixty days as from the date of the entry of the formation of the new political party. The members of the merged political parties shall be the members of the new political party and properties, assets, rights and liabilities of the merged political parties shall transfer to the new political party as from the date the Constitutional Court has issued the order.

In the case where the Constitutional Court has issued an order under paragraph one, the Registrar shall publish such order dissolving and merging the political parties in the Government Gazette.

Section 73

In the case where the merger of political parties is the merger of one or more political parties with the principal political party, the political parties to be merged shall ask for prior approval from the general meeting of each political party.

When the general meeting of each political party has approved the merger, the Leader of every political party to be merged shall notify the Registrar of the merger and the Registrar shall proceed with Section 65 paragraph two for the Constitutional Court to order the political party being merged with the principal political party to be dissolved as from the date the Constitutional Court issues the order and Section 72 shall apply *mutatis mutandis*.

CHAPTER VI

Penalties

Section 74

Any person who fails to comply with the order of the Registrar given under Section 7 shall be liable to a fine of not exceeding five thousand Baht.

Section 75

Whenever fifteen or more persons intentionally conspire to carry out activities as those of a political party or to be a political party without having been registered as such, such persons shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Bath, or to both.

Section 76

Any Leader of political party who fails to comply with Section 22 paragraph four, Section 30 paragraph one, Section 33 paragraph one, Section 40 paragraph two or Section 68 paragraph one shall be liable to a fine of not exceeding fifty thousand Baht and to a fine of

not exceeding five hundred Baht per day during the time that the rectification has not been made.

Section 77

Any member of the Executive Committee or member of a branch committee of political party who intentionally causes a political party to violate Section 23 paragraph one shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 78

Any person who violates Section 23 paragraph two shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, or to both, and if such person is not of Thai nationality by birth, the Minister of Interior shall issue an order revoking his or her Thai nationality and deporting him or her out of the Kingdom.

Section 79

Any person who violates Section 24 shall be liable to a fine of ten thousand to one hundred thousand Baht and to a fine of not exceeding five hundred Baht per day during the time that the rectification has not been made.

Section 80

Any Leader of political party who fails to comply with the order of the Registrar given under Section 33 paragraph three or Section 34 paragraph three or fails to comply with Section 35 or Section 62 shall be liable to a fine of not exceeding one hundred thousand Baht.

Section 81

Any Leader of political party who fails to comply with Section 34 paragraph one or paragraph two or Section 40 paragraph one shall be liable to a fine of not exceeding fifty thousand Baht.

Section 82

Any political party that aids or supports a candidate in an election of senators under Section 36 shall be liable to a fine of not exceeding one hundred thousand Baht.

Section 83

Any member of the Executive Committee or the chairman of a branch of political party who fails to prepare the accounts of the political party or branch of political party, as the case may be, under Section 37 or prepares the accounts but omits the entry of any particular in an account, enters a false particular in an account, makes any amendment to an account, conceals or makes up any evidence which may result in the incorrect showing of actual receipts and expenditure of the political party or fails to comply with Section 39, shall be liable to a fine of not exceeding one hundred thousand Baht.

Section 84

Any Leader of political party, member of the Executive Committee or member of a branch committee of political party, who fails to comply with Section 42 shall be liable to a fine of not exceeding one hundred thousand Baht and to a fine of not exceeding five hundred Baht per day during the time that the rectification has not been made.

Section 85

Any member of the Executive Committee who fails to comply with Section 43 or Section 44 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding five hundred thousand Baht, or to both.

Section 86

Any person who fails to comply with Section 45, Section 46 or Section 51 shall be liable to imprisonment for a term of not exceeding three years or to a fine of not less than three times of money, properties or any other benefit given to the political party, or to both, and the court shall order the disfranchisement for a period of five years.

Section 87

Any Leader of political party who fails to comply with Section 48 or Section 50 shall be liable to a fine of not exceeding one hundred thousand Baht.

Section 88

Any Leader of political party, member of the Executive Committee, member of a branch committee of political party or any of its members who fails to comply with Section 49 shall be liable to a fine of not less than two times but not more than four times of money, properties, or any other donated benefit.

Section 89

Any political party or its member who violates Section 52 or Section 53 shall be liable to imprisonment for a term of two to ten years or to a fine of two hundred thousand to one million Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 90

Any person who violates Section 54 shall be liable to imprisonment for a term of not exceeding ten years or to a fine of not exceeding one million Baht, or to both. If such person is not of Thai nationality, the Minister of Interior shall issue an order deporting him or her out of the Kingdom.

Section 91

Any juristic person who violates Section 55 shall be liable to a fine of not less than three times of money, properties or any other benefit donated to the political party.

Transitory Provisions

Section 92

Any political party registered under the Political Parties Act, B.E. 2524 shall be a political party under this Organic Act. In the case where any of such political party has not proceeded with Section 29, such political party shall complete the proceedings within one hundred and eighty days from the date this Organic Act comes into force.

Section 93

Within thirty days from the date this Organic Act comes into force, the Registrar shall notify the political party under Section 92 and the political party of which the formation has been notified to the Registrar under the Political Parties Act, B.E. 2524 before this Organic Act comes into force to hold a meeting for laying down the directive principles of policy of political party, regulations of political party or electing members of the Executive Committee of political party, as the case may be, to conform to Section 9 and to perform other activities to be in accordance with this Organic Act. Such political party shall proceed in accordance with the notification of the Registrar within one hundred and twenty days from the date of the receipt of the written notification.

When the performance under paragraph one has been completed, the Leader of political party shall notify the Registrar for acknowledgement within fifteen days; provided that Section 13, Section 14, Section 15, Section 17, Section 18 and Section 19 shall apply *mutatis mutandis*.

Section 94

In the case where any political party under Section 92 has not completed the proceedings under Section 29, such political party shall be dissolved under Section 65 and the Registrar shall proceed with Section 65 paragraph two.

If any political party of which the formation has been notified to the Registrar under the Political Parties Act, B.E. 2524 fails to comply with the Notification of the Registrar within the prescribed period under Section 93, the letter certifying the formation of such political party issued by the Registrar under the Political Parties Act, B.E. 2524 shall be revoked.

Section 95

After any political party has held the election of a Treasurer of political party under this Organic Act, the Leader, members of the Executive Committee, members of the branch committee of political party and its members shall submit all the money, properties or other benefit existing before this Organic Act comes into force to the Treasurer of political party within fifteen days as from the date of the election of the Treasurer.

In the case where any Leader, member of the Executive Committee or member of a branch committee of political party or any of its member fails to comply with the provisions of paragraph one, it shall be deemed that such person fails to comply with Section 49.

Countersigned by
Mr. Chuan Leekpai
Prime Minister

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