

NOTE : This document is an excerpt of the Organic Law on Election of Members of the House of Representatives and the Installation of Senators. The excerpts address issues of money and politics, violations, and penalties.

UNOFFICIAL TRANSLATION

**ORGANIC ACT ON THE ELECTION OF MEMBERS OF THE HOUSE OF
REPRESENTATIVES AND THE INSTALLATION OF SENATORS
B.E. 2550¹**

BHUMIBOL ADULYADEJ, REX.

Given on the 6th Day of October B.E. 2550;

Being the 62nd Year of the Present Reign.

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

Whereas it is expedient to have an organic act on the election of members of the House of Representatives and the Installation of senators;

This present Organic Act contains certain provisions relating to the restriction of a person's rights and liberties as Section 29, together with Section 31, Section 33, Section 41, Section 45 and Section 72 of the Constitution of the Kingdom of Thailand authorize by virtue of law;

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

Section 1 This Organic law is called the "Organic Act on the Election of Members of the House of Representatives and the Installation of Senators, B.E. 2550".

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Section 3 The followings shall be repealed: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) the Organic Act on the Election of Members of the House of Representatives and Senators, B.E. 2541 (1998 A.D.);

(2) the Organic Act on the Election of Members of the House of Representatives and Senators (Number 2), B.E. 2542 (1999 A.D.);

(3) the Organic Act on the Election of Members of the House of Representatives and Senators (Number 3), B.E. 2543 (2000 A.D.).

Section 4 In this Organic Act:

"voter" means a person having the right to vote for the election of Members of the House of Representatives or Senators, as the case may be;

"candidate" means a candidate for the election of Members of the House of Representatives or Senators, as the case may be;

¹ Corresponding to the year 2007 of the Christian Era.

“nominee” means a person who has been nominated for the selection of Senators;

“election day” means the day designated as the day of election as prescribed by the Royal Decree on the Election of Members of the House of Representatives or Senators, as the case may be;

“selection day” means the day designated as the beginning day of the selection of Senators as prescribed by the Notification of the Election Commission;

“Selection Committee” means the Selection Committee of Senators as prescribed by the provisions of the Constitution;

“constituency” means a locality designated as a constituency for the election of Members of the House of Representatives on a constituency basis or on a party-list basis or a constituency for the election of Senators, as the case may be;

“polling station” means an area designated for voting purpose;

“polling place” means a place designated for voting purpose and shall include a specified area surrounding the polling place;

“Changwat” includes Bangkok Metropolitan Administration;

“Group of Changwat” means a group of Changwat as prescribed by the Notification of the Election Commission for the purpose of the election of Members of the House of Representatives on a party-list basis;

“Amphoe” includes Khet and Khing-Amphoe;

“Tambon” includes Khwaeng;

“Changwat Central Office” includes the Office of Bangkok Metropolitan Administration;

“Amphoe Office” includes Khet Office and Khing-Amphoe Office;

“municipality” includes Pattaya City;

“municipality office” includes the Pattaya City Office.

CHAPTER I

ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

PART VI

ELECTORAL EXPENDITURE AND MEANS OF ELECTION CAMPAIGNS

Section 49 The electoral expenditure and the means of election campaigns for the election of Members of the House of Representatives in any constituency shall be in accordance with the provisions of this Part and the Organic Act on Political Parties.

The means of election campaigns for the election of Members of the House of Representatives under paragraph one shall apply:

(1) From the ninetieth day before the day of the expiration of the term of the House of Representatives to the election day in the case of a general election due to the expiration of the term of the House of Representatives;

(2) From the day of the promulgation of the Royal Decree on Election of Members of the House of Representatives until the election day in the case of an election as a result of any other cause than (1).

Section 50 In each election of Members of the House of Representatives, the Election Commission shall issue a Notification determining the electoral expenditure as follows:

(1) the amount of the expenditure of each candidate in an election on a constituency basis;

(2) the amount of the expenditure of a political party in an election on a party-list basis in a party-list election constituency. In the case where a candidate on a party list of any political party has expended any amount of expenses for the purpose of an election, such amount shall be included in the expenditure of the political party.

When an election of Members of the House of Representatives is to be held, to determine of the amount of expenditure in an election under paragraph one, the Election Commission shall consult the leaders of political party under the Organic Act on Political Parties in accordance with the rules and procedure prescribed by the Election Commission.

A candidate or a political party shall not spend in an election an amount exceeding the amount of expenditure determined under paragraph one. Such expenditure shall include all money or any other property paid or promised to pay by any person on behalf of the candidate or the political party or offered to be used for the purpose of the election campaigns without remuneration with the consent of such candidate or political party. In the case of offering for use of property, the calculation shall be carried out in accordance with the rate of normal rent or remuneration in such locality.

The expenditure provided by the Organic Act on Political Parties as the expenditure relating to an election shall also be added to the expenditure of a candidate or a political party under this paragraph.

Upon the announcement of the result of election in a general election, the Election Commission shall organize a meeting to consult the leaders of political party to determine the amount of expenditure of a candidate or a political party in the next general election within three months from the day on which all the Members of the House of Representatives are elected following the aforesaid general election.

Section 51 The candidate shall appoint any person as appropriate and the political party shall appoint any person having knowledge in accountancy to be a treasurer of the candidate or the political party, having responsibility of preparing and certifying income and expenditure accounts of the candidate or the political party in such election.

The preparation of income and expenditure accounts by the treasurer shall be in accordance with the rules and procedure prescribed by the Election Commission and published in the Government Gazette.

Section 52 Within ninety days as from the date of the announcement of the result of election, each candidate and the political party nominating candidates on a party-list basis shall submit income and expenditure accounts prepared by the treasurer and certified by the candidate or the leader of the political party, as the case may be, to the Election Commission. The income and expenditure accounts shall at least contain all the paid expenses and the outstanding payment including the relevant accurate and complete evidence.

After the verification of the particulars of expenses by the Election Commission under paragraph one, the Election Commission shall announce the result of such verification of expenses in accordance with the rules and procedure prescribed by the Election Commission.

In the case where there is a petition that any candidate or any political party has paid in an election exceeding the amount of expenditure prescribed by the Election Commission, such particulars of expenses and the relevant evidence shall be kept until the Election Commission has completed the procedure.

Section 53 Neither candidate nor any person shall commit any act to induce a voter to cast a vote for him or her or other candidate or any political party or to abstain from voting for any candidate or political party by the following means:

(1) providing, giving, offering, promising to give or preparing to give properties or any other benefits which can be calculated in money value to any person;

(2) giving, offering or promising to give money, properties or any other benefits whether directly or indirectly to a community, association, foundation, temple, education institution, asylum or any other institution;

(3) campaigning for an election by organizing an entertainment or other fair;

(4) treating or promising to treat any person;

(5) cheating, compelling, threatening, using influence to slandering or inducing the misunderstanding in the popularity of any candidate or political party.

An offence under (1) or (2) shall be an offence under the Anti-Money Laundering Act and the Election Commission shall have the powers to submit such offence to the Anti-Money Laundering Office.

Section 54 Neither person nor any political party shall ask for or accept properties or any other benefits with a view to applying or not to applying for a candidacy in an election provided that such act is profitable to another candidate or political party in an election and that the election does not proceed in an honest and fair manner.

Neither person nor any political party shall apply for a candidacy in an election or nominate its members to stand for election in such a way that helps any other person or political party circumvent the compliance with rules under Section 88.

Section 55 No person shall provide the vehicle to bring a voter to a polling place for an election or to take a voter back from a polling place without paying normal fares or wages, to induce or control the voter to cast a vote for any candidate or political party.

The polling place under paragraph one shall also mean the polling place prepared for the casting of vote under Section 95, Section 96 and Section 97.

The provisions in this Section shall not apply in the case where the vehicle is provided by a State agency to facilitate a voter or voters.

Section 56 No person not being of Thai nationality shall support an election campaign or commit any act for the benefit of an election in a manner favorable or unfavorable to any candidate or political party except when such act is committed to support a government service or committed honestly in an ordinary course of business of such person.

Section 57 No State official shall, by exercising the function unlawfully, commit any act to be favorable or unfavorable to a candidate or a political party.

The unlawful exercise of function under paragraph one shall not include the performance of duty in an ordinary course of position of such State official or the advice or the assistance in an election of a candidate or a political party which is not relevant to the performance of duties, regardless of whether such act may be favorable or unfavorable to any candidate or political party.

In the case where there appears convincing evidence of any violation of the provisions of paragraph one, the Election Commission shall, if being of the opinion that any act may be favorable or unfavorable to any candidate or political party, have the power to order such State official to cease or suspend the act thereof. For this purpose, the Election Commission shall notify the superior or the supervisor of such official to order that such official shall vacate the office temporarily or shall attach to any Ministry, Sub-Ministry, Department, Changwat central office or Amphoe office inside or outside the constituency or to prohibit such person to enter into any constituency.

Section 58 No person shall make an election campaign by any means, whether it may be favorable or unfavorable to any candidate or political party, from 6:00 p.m. of the day before the election day to the end of the election day.

Section 59 The Election Commission shall determine the rules governing the operations of the State to support an election in the following matters:

(1) providing places for posting up notices and a posters relating to the election in the area of a public place owned by the State, sufficiently and equally for the purpose of an election campaign, to every candidate;

(2) publishing and circulating documents relating to the election and candidates to voters;

(3) providing places for candidates to run an election campaign equally. In this connection, the State may provide any entertainment or other activity to persuade the voters to attend such election campaign but such provisions shall not be engaged in supporting a particular candidate;

(4) prescribing rules and time for a political party to run an election campaign through the radio and television broadcasting or to be on air through the radio and television broadcasting which shall afford equal opportunities to every political party;

(5) State supports in other activities as prescribed by the Election Commission.

To assure the good order of an election, the Election Commission shall determine and publish regulations relating to the practice or prohibitions to be observed during an election in the Government Gazette.

Section 60 Under Section 59, no candidate, political party or person shall post up any notice and poster relating to an election at a public place owned by the State or at a private place, run an election campaign through the radio or television broadcasting or perform other activities which the Election Commission prescribes that it shall be supported by the State.

There shall not be any notice or poster relating to an election whose dimension or number does not comply with the rules prescribed by the Election Commission.

PART X

PROCEEDINGS FOR AN ELECTION NOT CONDUCTED IN AN HONEST AND FAIR MANNER

Section 103 Prior to the announcement of the result of election, if the Election Commission considers that, after an investigation and inquiry, there is evidence that any candidate acted in violation of this Organic Act, a Regulation or a Notification of the Election Commission, or the circumstances suggest that any candidate caused another person to commit such act, supported or connived at such act of another person, or knew of and did not abate such act, and if the Election Commission considers that such act is likely to cause the election to be dishonest and unfair, the Election Commission shall order the derogation of the rights of candidacy for every candidate who committed such an act for a period of one year effective as from the date of the Election Commission order.

If there appears convincing evidence that a leader or a member of the Executive Committee of political party connive at or neglect or has known of but does not abate or rectify, for the purpose of an honest and fair election, the act under paragraph one, the political party shall be deemed as committing an act to obtain powers to rule the country by means not in accordance with the *modus operandi* as provided in the Constitution. In such case, the Election Commission shall, under the Organic Act on Political Parties, file a motion with the Constitutional Court in order to dissolve the

political party. In the case where the Constitutional Court orders the dissolution of the political party, the Constitution Court shall derogate the rights of candidacy of its leader and members of the Executive Committee of such political party for a period of five years effective as from the date of the order of dissolution.

In the case where it appears to the Election Commission that there is a violation under paragraph one, regardless of the act being committed by any person, if the Election Commission considers that a candidate or political party benefited from such act, the Election Commission shall have the power to order the candidate or political party to abate or proceed in any manner in order to remedy such dishonesty and unfairness within the prescribed time limit. In the case where the candidate or the political party, without reasonable grounds, fails to proceed in accordance with the order of the Election Commission, it shall be presumed that the candidate was a supporter of such act or the political party connived at such act, save the case where the candidate or the political party proves that he, she or it did not connive at such act.

The resolution of the Election Commission to derogate the right of candidacy under this Section shall be in accordance with the Organic Act on the Election Commission.

When there is an order to derogate the right of candidacy for any candidate or the Constitutional Court orders the derogation of the right of candidacy for any leader or member of the Executive Committee of political party, the institution of criminal proceedings against such candidate, leader or member of the Executive Committee of political party shall also be considered. In such case, it shall be deemed that the Election Commission is the injured person under the Criminal Procedure Code.

In the case where an order to derogate the right of candidacy under this Section is made after the election day but before the day of the announcement of the result of election and the candidate whose right of candidacy is derogated is a candidate on a constituency basis who received the a sufficient number of votes to be elected in such constituency, the Election Commission shall order a new election in order that such constituency is endowed with the required number of elected candidates.

Section 104 In the case where the Election Commission considers as appropriate, for the purpose of expediently carrying out the investigation and inquiry in an honest and fair manner, the Election Commission may appoint, in the appropriate numbers, public prosecutors, other Government officials or persons who once held an office thereof or who was once a judicial officer to constitute a committee or as many committees as necessary in order to assist the Election Commission in the examination of reports of investigations and inquiries, including the hearing of statements or evidence in lieu of the Election Commission.

In the case where the Election Commission appoints a public prosecutor or other Government official, the appointed official shall perform duties without having to obtain the approval of the personnel administration committee or the supervisor of such official, as the case may be.

The appointment, the performance of duties as well as the period of time thereof, of a committee under paragraph one shall be in accordance with the rules prescribed by the Election Commission.

The committee under paragraph one shall receive remuneration as prescribed by the Election Commission.

Section 105 There shall be an Inspection Committee consisting of persons, who are not Government officials holding a permanent position or drawing salary, who have been appointed as the Chairmen of each committee of the Law Councillors under the law on the Council of State, and who are not members of, or holders of other positions in political parties, to perform duties under this Section. In the case where a Chairman of any committee of the Law Councillors is unable to hold the position of Inspection Committee member, the members of such committee of the Law Councillors shall select a member of their committee who is not under the prohibitions to become a substitute member of the Inspection Committee. In the case where a substitute member cannot be found, this Inspection Committee shall consist of the existing members.

In the case where the Election Commission is about to pass a decision to derogate the right of candidacy from any candidate under Section 103 paragraph one, the Election Commission shall deliver its opinion together with the reports of the investigation and inquiry to the Committee under paragraph one for the latter to consider and give an opinion on the lawfulness of such opinion of the Election Commission, or on whether the Election Commission acted in fair manner. If such Committee reaches an opinion different from the opinion of the Election Commission, the Election Commission may pass a decision based on its original opinion provided that it gives reasons and publishes such decision together with the reasons and the opinion of the Committee under paragraph one in the Government Gazette.

The giving of an opinion of the Committee under paragraph two shall be done by a meeting of the Committee in which not less than two-third of the members are present, and shall be completed within five days as from the date on which the matter was received from the Election Commission. If the Committee does not give an opinion after the expiration of five days, the Election Commission shall continue to proceed.

The Committee under paragraph one shall receive remuneration as prescribed by the Election Commission.

Section 106 In the case where it appears before the Election Commission that any person committed any act for the benefit of any candidate or political party which may cause the election to be dishonest and unfair, the Election Commission shall have the power to order such person to abate such act or order that such act be remedied under the conditions and within the prescribed time period.

If a police officer is notified of or discovers an act under paragraph one, and that act constitutes an offence under this Organic Act, the police officer shall make an arrest and promptly institute legal proceedings, as well as notify the Election Commission of Changwat in order to report to the Election Commission for its consideration thereof.

Section 107 In the case where during a period of time under Section 49 there is convincing evidence that any person gave, offered to give or promised to give money or properties for the benefit of inducing a voter to vote for any candidate or political party or to abstain from voting for any candidate or political party or prepared money or properties for such conduct, the Election Commission shall have the power to provisionally seize and attach the money or properties of such person until the court issues an order.

The Election Commission shall file a motion with the Changwat Court or the Civil Court in whose jurisdiction the seizure or attachment took place within three days as from the date of seizure or attachment under paragraph one. When the Court receives the motion, it shall conduct an *ex parte* investigation to be completed within five days as from the date on which the motion was received. If

the Court considers it likely that the relevant money or properties in the motion was or will be unlawfully used for an election, the court shall order the seizure or attachment of money or properties until the announcement of the result of the election.

Section 108 Prior to the election day, if there is convincing evidence that an election in any polling station or in any constituency will not be conducted in an honest and fair manner due to an act of an election official or other State officials, the Election Commission shall have the power to announce the cancellation of voting in such polling station or constituency and prescribe a new election day.

Section 109 When the counting of votes is completed, if there appears convincing evidence that an election in any constituency or a counting of votes was not conducted in an honest and fair manner, the Election Commission may refrain from announcing the result of the election and arrange for a new election or counting of votes in such constituency.

Section 110 Prior to the announcement of the result of an election, if there appears convincing evidence that a political party, any official or member of a political party acted in violation of this Organic Act, a Regulation or a Notification of the Election Commission or caused another person to commit such act, supported or connived at such act by another person for the benefit of a political party, and if the Election Commission considers that such act is likely to cause the election to be dishonest and unfair, the Election Commission shall have the power to announce that the ballot papers with votes in favor of such political party are invalid and not be counted as votes only for the area where such act occurred.

The Election Commission may determine a polling station or a constituency on the constituency basis as the area under paragraph one by taking into account the consequences of such action.

Section 111 After the announcement of the result of election, if there appears convincing evidence that an election in any constituency was not conducted in an honest and fair manner or that any Member of the House of Representatives or candidate acted dishonestly in order to be elected or was elected dishonestly as a result of an act of any person or political party which violates this Organic Act, a Regulation or a Notification of the Election Commission or the Organic Act on Political Parties, the Election Commission shall file a motion with the Supreme Court for consideration. In the case where the investigation by the Supreme Court reveals convincing evidence that the petition of the Election Commission is justified, the Supreme Court shall order a new election or the derogation of the right of candidacy of such Member of the House of Representatives or candidate for a prescribed period of five years and thereafter notify the President of the House of Representatives and the Prime Minister.

In the case where the Supreme Court has received the petition under paragraph one, such Member of the House of Representatives shall cease his or her performance of duties until the Supreme Court orders the dismissal of such petition and if the Supreme Court orders a new election or the derogation of the right of candidacy of Member of the House of Representatives, the membership of the House of Representatives of such Member of the House of Representatives shall terminate.

Section 112 For the purpose of the conduct of a factual investigation and inquiry in connection with an election and the prevention of the election from being conducted in a dishonest and unfair manner, the Election Commission or an Election Commissioner entrusted by the Election Commission shall have the powers as follows:

(1) to enter a dwelling place, a place or other vehicles when there appears convincing evidence of an act which violated this Organic Act, in order to examine, search, seize or attach documents, properties or other evidence, and in the case where there is reasonable cause to believe that, if delayed, the documents, properties or such evidence will be removed, hidden, destroyed or transformed from its original condition, the search may be made without a search warrant and the circumstance of the cases shall be recorded.

The powers in paragraph one shall be exercisable as from the date of the Royal Decree calling for an election to the date of announcement of the result of election and the State officials may be requested, as necessary, to assist in any proceedings.

The Election Commission may delegate powers to an Election Commission of Changwat or other officials to act as a searcher, but the delegated person shall also obtain a search warrant from the court;

(2) to require the Anti-Money Laundering Office to deliver a report of transactions of the persons likely to be connected with an election to the Election Commission or require the Bank of Thailand or a commercial bank under the law on commercial banking or other financial institutions to notify of money transfers as requested by the Election Commission.

Section 113 In the case where the Election Commission or the Supreme Court ordered the derogation of the right of candidacy of any candidate or Member of the House of Representatives, causing a new election to be held, the person whose right of candidacy was derogated shall be liable for the re-election expenditure.

CHAPTER II

ELECTION AND SELECTION OF SENATORS

PART I

ELECTION OF SENATORS

Section 117 After the promulgation of the Royal Decree on Election of Senators, the Election Commission shall notify in the Government Gazette the date of application for candidacy which shall not exceed five days as from the date the Royal Decree on Election of Senators coming into force and the period of the application shall not be less than five days.

Section 118 A person qualified to vote in an election of Senators shall have qualifications and shall not be under the prohibitions as a person qualified to vote in an election of Members of the House of Representatives under the provisions of the Constitution

Section 119 A person qualified to be a candidate for senator shall have the qualifications and shall not be under the prohibitions to be a candidate for Senator under the provisions of the Constitution.

Section 120 In an election of Senators, the area of Changwat shall be regarded as one constituency, and one Senator shall be elected for each Changwat. A person having the right to vote shall cast for one candidate one ballot. The election shall be by direct suffrage and secret ballot.

Section 121 The provisions of Section 36, Section 37, Section 38, Section 39 and Section 40, excluding those concerning political parties shall apply *mutatis mutandis* to the candidacy of senator.

A candidate at an election of senator shall pay the application fee of five thousand Baht each. The application fee shall be devolved on the State.

Section 122 The provisions of Chapter I: Election of Members of the House of Representatives, Part I: General Provisions, specifically Section 8 and Section 9, Part II: Constituency, Polling Station and Polling Place, Part III: Election Officials, Part IV: Voter and Voter Rolls, Part VI: Electoral Expenditure and Means of Election Campaigns, excluding Section 60, Part VII: Polling, Part VIII: Counting of votes and Announcement of the Result of Election, Part IX: Polling outside the Constituency, Part X: Proceedings for an Election not Conducted in an Honest and Fair Manner, Part XI: Election Petition, excluding the provisions relating to political parties, shall apply *mutatis mutandis* to the election of Senators to the extent that they are not contrary to or inconsistent with the provisions on the election of Senators as provided for in the Constitution or this Chapter.

For the purpose of the implementation of this Section, the Election Commission shall prescribe and publish in the Government Gazette the rules of procedure on an election of Senators to be in accordance with this Section.

All other provisions regarding an election of Members of the House of Representatives which apply to an election of Senators, insofar as they constitute an offense and criminal penalty to any act in an election of Members of the House of Representatives, shall apply to any act in the election of Senators, with the same penalties.

Section 123 A candidate in an election of Senators shall be able to run an election campaign to the extent that the campaign concerns the performance of duties of the Senate.

In the case where a candidate or any person has doubts about the election campaigning under this Section, the Election Commission shall, without delay, rule on such doubts. The decision of the Election Commission shall be final and in accordance with the rules and procedure prescribed by the Election Commission.

Section 124 For the purpose of the election campaigning of candidates, the Election Commission shall determine the rules governing the State supports in an election in the following matters:

(1) providing places for posting up notices and a posters relating to the election in the area of a public place owned by the State, sufficiently and equally for the purpose of an election campaign, to every candidate;

(2) publishing and circulating documents relating to the election and candidates to voters;

(3) providing places for candidates to run an election campaign equally. In this connection, the State may provide any entertainment or other activity to persuade the voters to attend such election campaign but such provisions shall not be engaged in supporting a particular candidate;

(4) State supports in other activities as prescribed by the Election Commission.

The provisions of Section 59 paragraph two shall apply *mutatis mutandis*.

Section 125 The places for posting up a notice and a poster relating to the election other than those specified in Section 124 paragraph one (1) shall be in accordance with the rules prescribed by the Election Commission and the provisions of Section 60 paragraph 2 shall apply *mutatis mutandis*.

CHAPTER III

PENALTIES

Section 136 Any superior official or employer who obstructs or restrains or does not properly facilitate an official or employee, as the case may be, to exercise the right to vote, 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.

Section 137 Any person who violates Section 20, Section 53, Section 57 paragraph one, Section 70 or Section 83 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

In the case where there was a violation of Section 53 and the court passed a final judgment sentencing the author of such violation, the court shall reward the person who had reported the information with not more than half the amount of the fee.

Section 138 Any person who violates Section 33 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.

Section 139 Any person, knowing that he or she has no right to be a candidate for an election of Members of the House of Representatives or is under the prohibitions precluding him or her to be candidate in an election, has applied or applies for candidacy in violation to Section 34, Section 35 or Section 38 paragraph two shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 140 Any person who falsely acts in order to induce another person to mistakenly believe that any candidate acted in violation of or did not act in accordance with this Organic Act shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, and the court shall order the disfranchisement for a period of five years.

If an act under paragraph one was done with a malicious intent to cause such candidate to be disfranchised or to prevent the announcement of the result of an election, he or she shall be liable to imprisonment for a term of five to ten years and to a fine of one hundred thousand to two hundred thousand Baht, and the court shall order disfranchisement for a period of ten years.

If an act under paragraph one is a notification or a statement to the Election Commission, he or she shall be liable to imprisonment for a term of seven to ten years and to a fine of one hundred and forty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of twenty years.

If an act under paragraph two and paragraph three is an act of or caused another person to act, supported or connived at by the leader of a political party or member of the Executive Committee of political party, it shall be deemed that such political party was acting in a manner perilous to national security under the Organic Act on Political Parties.

Section 141 Any candidate or leader of a political party who violates Section 50 paragraph three shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to

one hundred thousand Baht or the triple amount of those announced by the Election Commission, whichever is higher, or to both, and the court shall order the disfranchisement for a period of five years.

Section 142 Any treasurer for election who prepared the expenditure accounts in a manner inconsistent with the rules and procedure prescribed by the Election Commission under Section 51 paragraph two, shall be liable to imprisonment for a term of not exceeding one year and to a fine of not exceeding twenty thousand Baht, and the court shall order the disfranchisement for a period of five years and such person shall be prohibited to be a treasurer for election for a period of five years.

Section 143 Any candidate or leader of political party who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted but the evidence under Section 52 was not completed 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.

If the particulars of expenses submitted under Section 52 were fault, the candidate or the leader of political party shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, and the court shall order the disfranchisement for a period of five years.

Section 144 Any person who violates Section 54 shall be liable to imprisonment for a term of one to ten years or to a fine of twenty thousand to two hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of ten years.

In the case where a political party violates Section 54, the leader of political party and members of the Executive Committee of political party shall be liable to penalty prescribed under paragraph one and the offence shall be considered as a cause leading to the dissolution of the political party under the Organic Act on Political Parties.

Section 145 Any person who violates Section 55 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 146 Any person who, not being of Thai nationality, violates Section 56 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Section 147 Any person who violates Section 58, Section 60 or violates orders of the Election Commission under Section 107 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

Section 148 Any person who deliberately causes damage or destroys the ballot paper or causes the ballot paper to be invalid, or does whatever means to make an invalid ballot paper to be a good ballot paper shall be liable to imprisonment for a term of not exceeding one year and to a fine of not exceeding twenty thousand Baht, and the court shall order the disfranchisement for a period of five years.

If the offender under paragraph one is an election official, he or she shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 149 During the opening time to vote to the closing time thereof, any member of a committee of a polling station who discloses the fact to anyone whether any voter has come to poll which is favorable or unfavorable to any candidate or political party shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 150 Any person who discloses results of an opinion poll relating to a voting in an election during the period of seven days prior to the election day until the closing time of the voting shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding six thousand Baht, or to both.

Section 151 Any person who violates Section 71 paragraph one or Section 80 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order the disfranchisement for a period of ten years.

Section 152 Any person who violates Section 71 paragraph two, Section 72, Section 74, Section 76 or Section 77 shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

In the case where the offender under paragraph one is a person who had received or consented to receive money, properties or any other benefits and he or she notified the Election Commission or a person entrusted by the Election Commission of such act before or during the election day or within seven days after the election day, such person shall not be liable to penalty and disfranchisement.

Section 153 Any candidate who violates Section 73 or Section 75 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 154 Any person who fails to comply with an order of the Election Commission under Section 106 or violates Section 112 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Any person who, not in his or her performance of duties as prescribed by law, disclosed information known to the Election Commission under Section 112 (2) shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

Section 155 Any person who sells, distributes or provides any alcoholic drink in a constituency during 18.00 o'clock of the day before the election day until the end of the election day shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

The provisions under paragraph one shall apply to the day of voting under Section 95, Section 96 and Section 97 as well.

Section 156 Any person who bets or organizes the betting for the result of an election shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 157 Any candidate who violates Section 123 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht, or to both, and the court shall order the disfranchisement for a period of five years.

Section 158 In the case where the court passes a judgment sentencing any person for an offence under this Organic Act and such person acted in such manner as to prevent the election from proceeding honestly and fairly, or such person acted with a malicious intent to cause a candidate to be disfranchised or prevent the announcement of the result of an election under Section 140 paragraph two, which was the cause of the calling of a new election in any polling station or constituency, the court shall pass a judgment for such person to reimburse the expenditure of the new election. The Election Commission shall be exempt from court fees under the Civil Procedure Code.

In the case where there are several persons liable for the reimbursement of expenditure for the new election, every such person shall be liable as joint debtors.

Section 159 In the case where there appears the commission of the offence under this Organic Act in any constituency, it shall be deemed that the candidate or the political party which has nominated its candidates in that constituency is the injured person under the Criminal Procedure Code.

Section 160 Whoever commits an offence under this Organic Act outside the Kingdom shall be punished in the Kingdom and the act of a co-principal, a supporter or an instigator in the offence which is done outside the Kingdom shall be deemed to be committed within the Kingdom.

Section 161 Any person who knows that he or she does not have qualifications or is under the prohibitions to be a candidate for the selection of Senators and consents to his or her nomination by any organization for the purpose of being selected thereof, or any person who commits any act which caused the selection of Senators not to proceed honestly and fairly shall be liable to imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Countersigned by:

General Surayud Chulanont

Prime Minister
