

**NOTE : This document is an excerpt of the Organic Law on Political Parties  
The excerpts address issues of money and politics, violations, and penalties.**

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

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#### **PART I FINANCE OF POLITICAL PARTIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 50** When the Registrar has received the accounts showing particulars of assets and liabilities as well as supporting documents under Section 49, and has reasonable cause to suspect that any person who submitted the said accounts has not complied with this Organic Act, the Organic Act on the Election Commission, or the Organic Act on the Election of Members of the House of Representatives and Senators, the Registrar shall, with the consent of the Election Commission, appoint one or more groups of persons to investigate and take action under its authority.

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

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

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

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

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

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

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

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

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

**PART II**  
**REVENUE OF POLITICAL PARTIES**

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

(1) fees and political party subscriptions as prescribed by the political party's regulations;

(2) proceeds from the sale of political party products or services;

(3) money, property or any other benefit of financial value, derived from the political party's fund-raising activities;

(4) money, property or any other benefit of financial value, derived from donations to the political party;

(5) subsidies from the Fund for Development of Political Parties;

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(6) accruals of money and revenue, derived from the political party's property;

(7) other revenues.

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

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

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

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

**PART III**  
**DONATIONS TO POLITICAL PARTIES**

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

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

Any Leader of a political party, member of the Executive Committee, member of a branch committee or any members of a political party shall not receive money,

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property or any other benefit of financial value as a donation without disclosing donors' names under paragraph one or when the donation is made to him or her personally.

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

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

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

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

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

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

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

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

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

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

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

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

**Section 61** A person donating money to a political party shall have the right to deduct the donation amount in the tax computation as prescribed in the Revenue Code. The deduction shall not exceed five thousand baht (THB 5,000) per year in the case of a natural person, and twenty thousand baht (THB 20,000) per year in the case of a juristic person, and shall be in accordance with the rules prescribed by the Director-General of the Revenue Department.

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

- (1) every donor's name, address, amount of money, property or any other benefit of financial value donated;
- (2) date of donation;
- (3) copy of donation receipt.

Where the donation is giving, or allowing to be used, property or any other benefit of financial value, the value shall be calculated according to the normal rent or

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commercial remuneration rates in each locality or a value of right before being entered in the account. If the value cannot be calculated, the details of the property or any other benefit shall be specified comprehensively and clearly.

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

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

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

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

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

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

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



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

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

(1) a person not of Thai nationality;

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

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

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

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

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

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

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

An enterprise of which the State is a major shareholder under this Section means the enterprise in which the State is a partner or holds the largest number of shares

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when compared with each and all of the other partners or shareholders, or where the proportion of the controlled partnership stakes or shares is one-third or more of the total partnership stakes or shares of such enterprise.

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

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

#### **PART IV**

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

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

- (1) money received from budgetary appropriations;
- (2) money received from the Revenue Department under Section 58
- (3) state subsidy under Section 76
- (4) application fees for candidacy in an election under the Organic Act on the Election of Members of the House of Representatives and Senators;
- (5) fines received from administrative or criminal penalties under this Organic Act;
- (6) money or property acquired by a political party in contravention of this Organic Act;
- (7) money or assets devolved to the Fund under Section 96;
- (8) money or assets donated to the Fund;

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(9) fruits of the Fund;

(10) other revenues.

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

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

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

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

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

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

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

**Section 75** The subsidy for political parties shall be allocated annually to those political parties which have stood candidates at the latest general election of members

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of the House of Representatives and have received votes on a party-list basis equivalent to not less than zero point five per cent (0.5%) of the aggregate of votes cast for all political parties in the party-list election, or have received votes on a constituency basis equivalent to not less than zero point five per cent (0.5%) of the aggregate of nationwide votes cast for all candidates in the constituency election.

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

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

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

The total subsidy under paragraph one allocated to all political parties shall not exceed half of the allocation the Fund grants to political parties in a year. If it does exceed half this allocation, the subsidy amount for political parties shall be reduced proportionally.

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

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

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

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

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

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

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

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

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

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

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

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

(1) postal fees;

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

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

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

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

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

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

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

## **PART V**

### **EXPENDITURE OF POLITICAL PARTIES**

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

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

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

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

**Section 89** No political party, any person holding a position in a political party, nor any member of political party who is also a member of the House of Representatives or a holder of political position shall give money, property or other benefits of financial value to a person, a group of persons or a juristic person, unless it

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is a customary gift. The amount, rules and procedures shall be as prescribed by the Election Commission.

If any person holding a position in a political party or any member of a political party who is also a member of the House of Representatives or a holder of a political position violates paragraph one by donating or supporting money, property or other benefits of financial value to a person, a group of persons, or a juristic person in the constituency or the cluster of provinces in which the donor or supporter is a candidate for the election of members of the House of Representatives, such donation or support shall be considered as expenses for the election campaign of that person and shall be included in the calculation of expenditure for that person in the next election of members of the House of Representatives.

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

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

# End of Chapter III #



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

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### **PART I LOSS OF STATUS OF POLITICAL PARTIES**

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

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

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

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

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

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

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

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

## **PART II CESSATION OF POLITICAL PARTIES**

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

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

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

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

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

## **PART III DISSOLUTION OF POLITICAL PARTIES**

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

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

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

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

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

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

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

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

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

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

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cannot settle the matter within thirty days of the date of its establishment, the Registrar, with the consent of the Election Commission, shall have the power to file a motion independently.

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

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

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

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

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

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

**Section 97** Where a political party has been dissolved due to the violation of Section 42 paragraph two, Section 82 or Section 94, a person who was previously a member of the Executive Committee of the dissolved political party shall not, within a

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period of five years from the date of the dissolution, apply for the formation of a new political party, be a member of an Executive Committee of a political party, or promote a new political party.

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

# End of Chapter IV #

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## **CHAPTER VI PENALTIES**

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

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

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

## **PART I CRIMINAL PENALTIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## **PART II ADMINISTRATIVE PENALTIES**

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

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

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

A Leader of a political party who fails to comply with the order or the warning of the Registrar under Section 19 paragraph five, Section 31 paragraph two, Section 41 paragraph three, Section 42 paragraph two or Section 82 shall be liable for an

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administrative fine not exceeding one hundred thousand baht (THB 100,000) and a fine not exceeding one thousand baht (THB 1,000) per day until the situation is rectified.

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

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

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

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

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

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

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

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

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

# End of Chapter VI #