

**Summary of Any Action of the Law Violation and Penalty
in accordance with
the Organic Act on the Election Commission B.E. 2550**

Wrongdoings liable to the criminal penalty

1.) Any person, who obstructs the performance of duties of the Election Commission, the Provincial Election Committee, a member of the Provincial Election Committee, the Director of the Provincial Election, a sub-committee or a member of a sub-committee in accordance with this Organic Act, shall be liable to the penalty of imprisonment of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or both (section 43 paragraph one).

If such obstruction is committed by doing an act of violence or by threatening to do an act of violence, the offender shall be liable to imprisonment of not exceeding two years or to a fine of not exceeding forty thousand Baht, or both (section 43 paragraph two).

2.) Any person, who violates or fails to comply with the order of the Election Commission regarding asking officials of Government agencies, State agencies, State enterprises or local government agencies, State officials, public prosecutors, competent investigators, or any person provide facts in writing, or to come in to give statements, or submit any document, or other relevant evidentiary documents, within the period of time specified by the Election Commission according to section 26 (2) and (3), shall be liable to imprisonment of not exceeding six months or to a fine of not exceeding ten thousand Baht, or both (section 44).

3.) An Election Commissioner, a member of a Provincial Election Committee, a Director of Provincial Election, and a member of a sub-committee, who engages in a wrongfully act in order to favor or disfavor any candidate or political party in an election, or commit an act, or omit an act dishonestly or wrongfully in the performance of duties with respect to an election or a referendum (section 29 paragraph one), shall be liable to imprisonment of one to ten years and to a fine of twenty thousand to two hundred thousand Baht, and the court shall order that he or she shall be disenfranchised for a period of ten years (section 45).

** In the case where the person performed his or her duties in good

faith, he or she shall be protected from civil, criminal or administrative liability (section 29 paragraph two).

Wrongdoings of the State officials liable to the disciplinary penalty

1.) According to section 10(8), in the case where any Government official or employee of a State agency, State enterprise, or local government agency, or other State official, fails to comply with the order of the Election Commission regarding instructing him/her to take all necessary actions in accordance with the Organic Act on the Election of Members of the House of Representatives and the Installation of Senators, the Organic Act on Political Parties, the Organic Act on Referendum, and the Act on the Election of Members of Local Assemblies or Local Administrators without reasonable cause, he/she shall be deemed to be in breach of discipline. The Election Commission shall submit the case to the person having authority to take disciplinary action against such official or employee and notify the Election Commission of the result (section 20 paragraph two).

2.) Any Government official or employee of a State agency, who fails to comply with the order of the Election Commission regarding instructing the Government agencies, State agencies, State enterprises, or local government agencies to perform any duty or to instruct such agency to order their own officials and employees to take all necessary actions to an election, the support for the selection of Senators, or the referendum (section 20) without reasonable cause, he/she shall be deemed to be in breach of discipline. The Election Commission shall submit the case to the person having authority to take disciplinary action against such official or employee and notify the Election Commission of the result (section 20 paragraph two).

3.) In the case where non-compliance with the order under Clause 1 and 2 causes damage to the election, the support for the selection of Senators, or the referendum, it shall be deemed that such person is in serious breach of discipline (section 20 paragraph three).

Being an injured person under the Criminal Procedure Code

In the case where the Election Commission is of the opinion that a person is in violation of this Organic Act, the Organic Act on the

Election of Members of the House of Representatives and the Installation of Senators, the Organic Act on Political Parties, the Organic Act on Referendum, or the Act on the Election of Members of Local Assemblies or Local Administrators, the

Election Commission shall have the powers to report that person to administrative officials or the police in accordance with the Criminal Procedure Code for an investigation to be conducted, or to report such person to the competent investigator. The Election Commission shall have the powers to file both a criminal and a civil plaint or an administrative plaint in court, and in such a case the Election Commission shall be deemed to be the injured party under the Criminal Procedure Code and other Acts. The Election Commission shall be exempt from all court fees (section 21 paragraph one).

In the case where the Election Commission shall have to file a plaint in court, the Election Commission may entrust any Election Commissioner, the Secretary-General, an officer of the Office of the Election Commission, a public prosecutor or a State official to act in its behalf. The administrative officials or police, competent investigator, or public prosecutor shall facilitate and expedite the proceedings so that they may be concluded quickly (section 21 paragraph two).

**Summary of Any Action of the Law Violation and Penalty
in accordance with
the Organic Act on the Election of Members of the House of
Representatives and Installation of Senators B.E. 2550**

Wrongdoings liable to the criminal penalty

Wrongdoings about an election campaign

1. Neither candidate nor any person shall commit any act to induce a voter to cast a vote for him or her or another candidate or any political party or to abstain from voting for any candidate or political party by the following means as prescribed in section 53 paragraph one:

(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.

Any person, who violates the provisions, 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 137).

****Note**

1. An offense under (1) or (2) shall be an offense under the Anti-Money Laundering Act, the Election Commission shall, therefore, have the power to submit such offense to the Anti-Money Laundering Office.

2. 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 fine (section 137 paragraph two).

2. No person shall make or allow any person to make an addition of a name of any person in his or her house register for the purpose of a dishonest election as the following cases prescribed in section 33:

(1) an addition of more than ten persons not having the same family name as the head of the household in a house register for the purpose of giving the right to vote to such persons in an election held within two years as from the date of the addition;

(2) an addition of a person in a house register and such person has not effectively moved in that house;

(3) an addition of a person in a house register without the consent of the head of the household.

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 138).

3. Any person, who provides 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 in order to induce or control the voter to cast a vote for any candidate or political party (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 145).

****Note**

1. The violation shall also include any wrongdoing occurred during the period of pre-poll voting in accordance with section 55 paragraph two.

2. The provisions in this section shall not apply in the case where the vehicle is provided by a State agency to facilitate voters (section 55 paragraph three).

4. Any person, who makes an election campaign by any means, whether it may be favorable or unfavorable to any candidate or political party, from 18:00 o'clock of the day before the election day to the end of the election day (section 58), 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 147).

5. 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, in addition to where the Election Commission prescribes that it shall be supported by the State, or at a private place. A candidate, political party or person is unable to 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 (section 60 paragraph one).

Any person, who violates the provisions, 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 147).

6. 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 (section 60 paragraph one).

Any person, who violates the provision, 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 147).

7. Any person, who knows that he or she is not an eligible voter or has no right to cast a vote in such constituency, shall not try to cast a vote or cast a vote by producing the identity card or other evidence not issued for him or her or which is counterfeited to the polling station committee (section 70).

Any person, who violates the provisions, 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 137).

8. Any person who, without having legal authority, commits any act to prevent a voter from casting vote or to obstruct or delay a voter from going to the polling place, entering the place for casting a vote or reaching such place within the polling time (section 76), 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 152).

9. Any person who, not in his or her performance of duties under Section 112 (2), disclosed a report of transactions of the persons likely to be connected with an election that the Anti-Money Laundering Office or financial institutions has notified the Election Commission 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 paragraph two).

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

If the act 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 (section

140 paragraph two).

If the act 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 (section 140 paragraph three).

11. 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 150).

12. Any person, who sells, distributes or provides any alcoholic drink in a constituency during the period commencing from 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 (section 155).

** This provision shall also apply to the day of pre-poll voting in accordance with section 155 paragraph two.

13. 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 156).

Wrongdoings about ballot paper and ballot box

1. Any person, who intentionally marks a sign as a remark by any means on the ballot paper (section 72), 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 152).

2. Any person, who inserts a ballot paper into a ballot box without

an authorization or commit any act in the voter roll to deviate the number of persons actually present to cast a vote or to increase the actual number of ballot papers (section 74), 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 152).

3. Any person, who shows the ballot paper which he or she already cast a vote in order to inform other people that he or she has cast a vote or not cast a vote for any person without legal authority in accordance with 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 153).

4. During the period of time when the ballot box intended for the vote-casting is opened until it is closed or after the ballot box is sealed following the closing of the vote-casting; any person, who opens to destroy, damage, transform or nullify or carry away the ballot box or the ballot papers or the relevant documents and evidence in relation to the election which the polling station committee has prepared without legal authority (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 151).

5. Any person, who deliberately causes damage or destroys the ballot paper or causes the ballot paper to be invalid, or does whatever means to transform an invalid ballot paper into a valid 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 (section 148 paragraph one).

**If the offender of Claus 5 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 148 paragraph two).

Wrongdoings about violation of the order of the Election Commission

1. Any person, who violates the order of the Election Commission

to order such person to abstain from committing any act for the benefit of any candidate or political party which may cause the election to be dishonest and unfair or order that such act be remedied under the conditions and within the prescribed time period (section 106), 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).

2. Any person, who violates the order of the Election Commission to provisionally seize and attach the money or properties of the person until the court issues an order when there is convincing evidence that such 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 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, or as from the date of the Royal Decree calling for an election is announced, in addition to the case of expiration of the term of the House of Representatives (section 107); 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 147).

3. Any person, who violates or obstructs entering a dwelling place, a place or other vehicles in order to examine, search, seize or attach documents, properties or other evidence by the Election Commission or authorized person for the purpose of the conduct of a factual investigation and inquiry on an election and the prevention of the election from being conducted in a dishonest and unfair manner (section 112 (1)); 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).

Wrongdoings about asking for benefits

1. Any person or any political party, asking for or accepting 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 (section 54 paragraph one) , 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 (section 144 paragraph one).

2. Any voter, requires, accepts or consents to accept money, any property or other benefit for his or her own or for other persons to vote or to abstain from voting for any candidate or political party (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 (section 152).

**In the case where the offender 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 152 paragraph two).

Wrongdoings of the Election Commission, Committee, and Officer

1. Any member of the Election Commission, the Secretary-General of the Election Commission, the Provincial Election Director, the Provincial Election Commissioner, Constituency Election Director, a member of the Constituency Election Committee, a Director of polling station, a member of the polling station committee, a security officer or a person appointed to assist in an election proceedings, who deliberately fails to perform or be dishonest to his or her duties, or commit any other act to obstruct the compliance with law, notification, rule or the order of the Election Commission or the order of the court relating to an election (section 20 paragraph one), 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 137).

2. Any election officer, who deliberately causes damage or destroys the ballot paper or causes the ballot paper to be invalid, or does whatever means to transform an invalid ballot paper into a valid ballot paper (section 148 paragraph one), 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 148 paragraph two).

3. Any State official who, by exercising the function unlawfully, commits any act to be favorable or unfavorable to a candidate or a political

party (section 57 paragraph one), 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 137).

****The unlawful exercise of function according to section 57 paragraph two shall not include:**

- The performance of duty in an ordinary course of position of such State official

- 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.

4. Any polling station committee, who intentionally counts ballot papers or votes in an election or sum up the votes incorrectly, commits an act in any manner whatsoever, without legal authority thereto, in order to damage the ballot papers, to make the ballot papers dilapidated or invalid, commits an act in any manner whatsoever to an invalid ballot paper to be valid, read the ballot papers incorrectly, or make a false election report (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 (section 137).

5. During the opening time to vote to the closing time thereof, any polling station committee, who discloses the fact to anyone whether any voter has come to cast a vote which is favorable or unfavorable to any candidate or political party (section 149), 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 149).

Other wrongdoings of political parties

1. Any political party, which spends in an election exceeding the amount of expenditure determined by the Election Commission according to 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 141).

** Such expenditure shall include all money or any other property of any person paid or promised to pay 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 (section 50 paragraph three).

2. Within ninety days as from the date of the announcement of the result of election, each political party nominating candidates on a proportional basis shall submit income and expenditure accounts prepared by the treasurer and certified by the leader of the political party to the Election Commission. The income and expenditure accounts shall at least contain the particulars on all the paid expenses and the outstanding payment including the relevant accurate and complete evidence (section 52).

Any leader of political party, who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted them 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 (section 143 paragraph one).

If the particulars of expenses submitted under Section 52 were false, 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 143 paragraph two).

3. Any political party, which nominates its members to stand for election in such a way that helps any other person or political party circumvent the criteria of receiving votes of not less than twenty percent of the total number of voters in that constituency and more than the total number of ballot papers casting a non-voting (section 54 paragraph two), the leader of political party and members of the Executive Committee of political party 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 addition, the offense shall be considered as a cause leading to the dissolution of the political party under the Organic Act on Political Parties B.E. 2550 (section 144 paragraph two).

4. Any leader or a member of the Executive Committee of political party commits or supports or causes other persons to commit falsely acts in order to induce another person to mistakenly believe that any candidate violated or did not act in accordance with this Organic Act, or an act with a malicious intent to cause any candidate to be disfranchised, or to prevent the announcement of the result of an election, or such act is a notification or a statement to the Election Commission (section 140 paragraph two and three), the act of such political party shall be regarded as the threat to the State security in accordance with section 104 paragraph four.

** Such political party shall be considered for being dissolved by the verdict of the Constitutional Court in accordance with section 94 (4) of the Organic Act on Political Parties B.E. 2550.

Other wrongdoings of candidates

1. Any candidate, who spends in an election exceeding the amount of expenditure determined by the Election Commission according to 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 141).

** Such expenditure shall include all money or any other property of any person paid or promised to pay 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 (section 50 paragraph three).

2. Within ninety days as from the date of the announcement of the result of election, each candidate shall submit income and expenditure accounts prepared by the treasurer and certified by the candidate to the Election Commission. The income and expenditure accounts shall at least

contain the particulars on all the paid expenses and the outstanding payment including the relevant accurate and complete evidence (section 52).

Any candidate, who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted them 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 (section 143 paragraph one).

If the particulars of expenses submitted under Section 52 were false, the candidate 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 143 paragraph two).

3. Any person, who applies for a candidacy in an election in such a way that helps any other person or political party circumvent the criteria of receiving votes of not less than twenty percent of the total number of voters in that constituency and more than the total number of ballot papers casting a non-voting (section 54 paragraph two), such person 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 (section 144 paragraph one).

4. Any person, knowing that he or she has no right to be a candidate for an election; or is under the prohibitions precluding him or her to be candidate in an election in accordance with section 34; or applies for a candidacy of more than one political party; or applies for both an election on a constituency basis and proportional basis; or applies for a candidacy of more than one constituency; or after having been already certified by a Constituency Election Director of any constituency, he or she re-applies for a candidacy of such or another constituency (section 38 paragraph three), 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 139).

Wrongdoings of an eligible voter

1. Any person who, knowing that he or she has no right to vote or to cast a vote in such constituency, tries to cast a vote or cast a vote by producing the identity card or other evidence not issued for him or her or which is counterfeited to the polling station committee (section 70), 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 137).

2. Any voter, who uses other paper which is not a ballot paper in accordance with section 61 to cast a vote; or use a ballot paper which is not the ballot paper which he or she has received after producing the identity card to a polling station committee in accordance with section 71 paragraph one, 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 151).

3. Any voter, who takes a ballot paper out of the polling place (section 71 paragraph two), 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 152).

4. Any voter, who uses any tool or device to photograph the ballot paper which he or she has used to cast a vote (section 73), 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 153).

Wrongdoing of superior official or employer

1. Any superior official or employer, who obstructs or restrains or does not properly facilitate an official or employee 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 136).

Wrongdoing of a person not being of Thai nationality

1. Any person who, not being of Thai nationality, supports an

election campaign or commits 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 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 146).

Wrongdoing of the treasurer for election

1. 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 142).

In the case where the Anti-Money and other financial institutes violate the request of the Election Commission

1. Any person, who fails to comply with an order of the Election Commission requiring 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 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 154).

Being an injured person under the Criminal Procedure Code

1. The Election Commission is an injured party in accordance with section 103 paragraph five and section 21 paragraph one of the Organic Act on the Election Commission B.E. 2550.

2. A candidate or political party applying for an election in the constituency is an injured party in accordance with section 159.

Wrongdoings liable to the civil penalty and for the re-election expenditure

A person who is liable for the re-election expenditure

1. In the case where the Election Commission or the Supreme Court ordered the revocation of the voting right of any candidate or Member of the House of Representatives, causing a new election to be held, the person whose voting right was revoked shall be liable for the re-election expenditure.

2. In the case where the court passes a judgment sentencing any person for an offense 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 in accordance with 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 (section 158 paragraph one).

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 158 paragraph two).

Revocation of voting right

The power of the Election Commission to revoke the voting right

Prior to the announcement of the results 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, it shall

revoke the voting rights of every candidate who committed such act for a period of one year effective as from the date of the order of the Election Commission (section 103 paragraph one).

The power of the Constitutional Court to revoke the voting right

Prior to the announcement of the results of election, if there appears convincing evidence that the leader or a member of the Executive Committee of political party connives at or neglects or has known of but does not abate or rectify the act for the purpose of an honest and fair election, 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 B.E. 2550, file a motion with the Constitutional Court in order to dissolve such political party. In the case where the Constitutional Court orders the dissolution of such political party, it shall revoke the voting rights of the leader and members of the Executive Committee of such political party for a period of five years (section 103 paragraph two of this Organic Act and section 98 of the Organic Act on Political Parties B.E. 2550).

The power of the Supreme Court to revoke the voting right

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 and the revocation of the voting right 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 (section 111).

Order to seize and attach the money or properties in an election

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, or as from the date of the Royal Decree calling for an election is announced, in addition to the case of expiration of the term of the House of Representatives, 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 (section 107 paragraph one).

Any person, who violates the orders of the Election Commission, 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 147).

2. The Election Commission shall file a motion with the Provincial 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. 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 results of election (section 107 paragraph two).

Ceasing performance of duties of the member of the House of Representatives

After the announcement of the result of election, in the case where the Supreme Court has received the petition from the Election Commission when there is evidence conveyed to believe that an election in any constituency was not proceeded in an honest and fair manner, 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 (section 111).

Being an injured person of a candidate and political party

In the case of an offense under this Organic Act committed in any constituency, it shall be deemed that the candidate or the political party having nominated its candidates in that constituency is the injured person under the Criminal Procedure Code (section 159).

**Summary of Any Action of the Law Violation and Penalty
in accordance with
the Organic Act on Political Parties B.E. 2550**

Wrongdoings liable to the criminal penalty

Wrongdoings about false acts against other persons

A political party is a wrongdoer

1. Any political party, 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 (section 104 paragraph one), shall receive twice the punishment provided by law for that particular offense and it shall be dissolved (section 104

paragraph one and three).

2. Any political party, who knowingly and falsely conspires, plots, or supports any person, in undertaking any acts of malice against a political party, 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 to a fine of forty thousand baht to two hundred thousand baht, or to both, and such political party shall be dissolved (section 104 paragraph two and three).

A person is a wrongdoer

1. Any 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 (section 104 paragraph one), shall receive twice the punishment provided by law for that particular offense and the court shall order the disfranchisement for a period of five years (section 104 paragraph one and three).

2. Any person who knowingly and falsely conspires, plots, or supports any person, in undertaking any acts of malice against a political party, member of the Executive Committee, member of a branch committee of a political party, or position-holder in that political party (section 104 paragraph two), shall be liable for a term of imprisonment of two to ten years or to a fine of forty thousand baht to two hundred thousand baht, or to both and the court shall order the disfranchisement for a period of five years (section 104 paragraph two).

Wrongdoings in an election

Responsibility of the Executive Committee of political party

When the Royal Decree calling for the election of members of the House of Representatives is promulgated, the Executive Committee of a political party violates and does not control and ensure that its nominated candidates do not commit any act contrary to the Constitution, the Organic Act on the Election of Members of the House of Representatives and Installation of Senators, the Regulations or Notifications of Election

Commission, or which might affect the fairness and honesty of an election (section 18 paragraph two), shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht, or to both (section 105).

****If such person has presented evidence showing that he or she appropriately acted against the violation, that person shall be exonerated even if the violation occurred (section 105 paragraph two).**

Control over expenditure in an election

1. Any Leader, member of the Executive Committee, President or committee of a branch, of a political party, who has been an accomplice in, or knows of, spending expenses exceeding the amount determined under the Organic Act on the Election of Members of the House of Representatives and Installation of Senators without acting against such conduct (section 51 paragraph two and three), shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht, or to both (section 105).

****If such person has presented evidence showing that he or she appropriately acted against the violation, that person shall be exonerated even if the violation occurred (section 105 paragraph two).**

2. The Executive Committee of a political party, who allocates funds for the electoral expenses of the political party's candidates exceeding the amount determined under the Organic Act on the Election of Members of the House of Representatives and Installation of Senators (section 52 paragraph three), shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht, or to both (section 113).

Wrongdoings about membership of political party

1. Any registrar of a political party's members, who fraudulently records the name of a person who is unaware of, or unwilling to accept, an application for membership of that political party (section 19 paragraph

two), shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both (section 106).

2. Any leader or registrar of a political party's members, who falsifies the register of political party's members (section 19 paragraph three), shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both (section 106).

3. Any member of the Executive Committee or branch committee of a political party, who intentionally causes a political party to admit a person not of Thai nationality by birth or having Thai nationality by naturalization of less than 5 years as a member or allow such a person to hold any position in the political party, or to act for the political party's benefit (section 21 paragraph one), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 107).

4. Any person who, not of Thai nationality by birth or having Thai nationality by naturalization of less than 5 years, is a member or hold any position in the political party or to act for any activity of political party (section 21 paragraph two), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both (section 108).

5. Any member who, except for political officials, officials or employees of Government agencies, State agencies, State enterprises, local government agencies, or other State officials, is government officials holding permanent positions or receiving salaries and holds any position on the Executive Committee of a political party or be an officer of a political party or hold any other position in a political party (section 21 paragraph three), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both (section 108).

6. Any political party or any person who gives, proposes or promises to give money, property or any other benefit calculated as money value,

either directly or indirectly, with the intention of influencing any person to apply for membership of a political party (section 22), shall be liable for imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht, or to both (section 109 paragraph one).

7. Any political party or any person who gives, proposes or promises to give money, property or any other benefit calculated as money value, either directly or indirectly, with the intention of influencing any person to apply for membership of a political party in order to apply for candidacy in the election of members of the House of Representatives (section 22 and section 109 paragraph two), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 109 paragraph two).

8. Any person, who requests, receives or agrees to receive money, property or any other benefit calculated as money value from a political party or any person with the intention of accepting an application for membership of a political party (section 23), shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht (THB 10,000), or to both (section 109).

9. Any person, who requests, receives or agrees to receive money, property or any other benefit calculated as money value from a political party or any person with the intention of accepting an application for membership of a political party in order to apply for candidacy in the election of members of the House of Representatives (section 23 and section 109 paragraph two), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 109 paragraph two).

Wrongdoings about fund raising and donation of a political party

Fund raising of a political party

Any political party, which organizes fund-raising activities not openly and not with clear objectives (section 54 paragraph one), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

Donation to a political party

1. Any person, who donates to a political party of one thousand baht or more (which is not the fund raising of a political party under section 54) but does not disclose donors' names for examination (section 56 paragraph one), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

2. Any person, who donates to a political party of five thousand baht or more but does not disclose donors' names to the public in accordance with the rules and procedures prescribed by the Election Commission (section 57 paragraph one) and any person, who donates to a political party of twenty thousand baht or more but does not use bill of exchange or crossed cheque (section 57 paragraph two), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

3. Any natural person or juristic person, who makes a donation exceeding ten million baht per year to one particular political party (section 59 paragraph one), shall be liable to imprisonment for a term not exceeding three years or a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

4. Any juristic person who, receiving approval or ratification by resolution from its shareholders' meeting or from its members, makes a donation of five million baht or more to a political party (section 59

paragraph two), shall be liable to imprisonment for a term not exceeding three years or a fine shall be liable to imprisonment for a term not exceeding three years or a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

5. The Prime Minister, ministers and political officials, who 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 (section 68 paragraph one), shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand baht to two hundred thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 117).

** Being involved in the fund-raising activities of political party without using the status or positions to solicit or induce donations to a political party or its candidates prior to the beginning of such activities shall not be considered a prohibition (section 68 paragraph two).

6. Any person, organization or juristic person of followings:

- (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 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);

violates the criteria of donations to a political party or candidate under section 70 and section 69 for proceeding business or political activities of a political party, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht, or to both.

7. Any government agency, 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 or other juristic person as prescribed in the Announcement of the Election Commission, who makes a donation to a political party (section 71 paragraph one), a Head of agencies or committee member authorized to decide approvals on behalf of such agencies shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht, or to both.

****** An enterprise of which the State is a major shareholder means the enterprise in which the State is a partner or holds the largest number of shares when compared with each and all of the other partners or shareholders, or where the proportion of the controlled partnership stakes or shares is one-third or more of the total partnership stakes or shares of such juristic person (section 71 paragraph two).

Receiving donation

1. Any leader of a political party, member of the Executive Committee, member of a branch committee or any members of a political party, who receives money, property or any other benefit calculated as money value as a donation without disclosing donors' names or when the donation is made to him or her personally (section 56 paragraph two), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

2. Any leader of political party, member of the Executive Committee, or any member of a branch committee of a political party, who receives a donation exceeding ten million baht per year from a natural

person or a juristic person (section 59 paragraph three), shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht, or to both (section 115).

3. Any political party or person holding a position in a political party, who receives money, property or any other benefit calculated as money 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 65), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

4. Any political party or any person holding a position in a political party, who receives 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 66), shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand baht to two hundred thousand baht (THB 200,000), or both, and the court shall order the disfranchisement for a period of five years (section 116).

5. Any member of a political party, who holds no position in the political party, receives donations or requests donations from non-members, unless authorized in writing by the leader or the Executive Committee of the political party (section 67), shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand baht to two hundred thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 116).

6. Any leader of political party, member of the Executive Committee, or any member of a branch committee of a political party, who receives a donation with a view to carrying out the activities of a political party or any political activity from a following person, organization or juristic person (section 69):

- (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);

shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand baht to two hundred thousand baht, or to both, and the court shall order the disfranchisement for a period of five years (section 116).

Report of fund raising activities and donations

1. Upon completion of a fund-raising activity, any political party, which does not submit a report, recording the revenue obtained and the activity, to the Political Party Registrar within thirty days as from the date of the activity (section 54 paragraph two), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

2. Any political party, which does not issue a receipt of donation to the donor in the form prescribed by the Election Commission (section 60 paragraph one), shall be liable to imprisonment for a term not exceeding

three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

3. 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, who receives the donation and does not prepare a donation receipt record and send it together with the donated money, property or any other benefit calculated as money value and with relevant documents to the political party for it to be recorded in the political party's donation receipt account, shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

4. Any political party, which has received money, property or any other benefit calculated as money value as a donation, does not record it in the donation receipt account of political party within fifteen days of the date of receiving the donation as well as does not send the receipt or proof of donation to the donor within seven days of the date of issue of receipt or proof of donation (section 60 paragraph three), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114). .

5. The leader of any political party who, each week, does not prepare an announcement accurately detailing the donors' names, and donated money, property or any other benefit calculated as money value within the first working day of the next week or does not publicly post such announcement at the head office of the political party for not less than fifteen days, or does not sent to the Registrar within seven days of the date the announcement is made (section 60 paragraph four), shall be liable to imprisonment for a term not exceeding three years or to a fine of not less

than three times the money, property or any other benefit calculated as money value given to the political party, or to both, and the court shall order the disfranchisement for a period of five years (section 114).

Wrongdoings about using name and symbol of a political party

1. Any person who, unless a political party, uses any name, initials, emblems or words in such a manner that might cause the public to associate the person with a political party, or use any name in Thai script to construct the words “Political Party” or with any foreign script to be translated or read as “Political Party” in any seal, nameplate, letter, notice or other documents or in any communication (section 25), shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both (section 110).

2. 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 (section 110 paragraph two), such persons shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both (section 110 paragraph two).

3. In a case where the Constitutional Court has issued an order dissolving a political party, any person, who uses the name, initials or emblem of that political party, or any consonant with or similar to those of the aforesaid dissolved political party, for political activities or to receive any benefit (section 95 paragraph three), shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding forty thousand baht, or to both (section 120).

Wrongdoings about not submitting the assets and liabilities account

1. The leader and any member of the Executive Committee of a political party, who does not 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, 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 (section 49 paragraph one), shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht, or to both (section 112).

2. The leader or member of the Executive Committee of a political party who 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 to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht, or to both (section 112).

Wrongdoing about not completing the accounts

1. Where a political party loses its status, is terminated or dissolved according to the provisions prescribed in Chapter 4: Loss of Status, Cessation, and Dissolution of a Political Party (except in the case of the political party has merged with another political party under Chapter V: Amalgamation of Political Parties), the leader of such political party, who does not submit all accounts, balance sheets and documents relating to the finances of the political party to the Political Party Registrar within thirty days of the date of loss of status, cessation or dissolution (section 96 paragraph one), shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both (section 121).

Wrongdoing of the Executive Committee in a case of the dissolution of political party

1. Where a political party has been dissolved due to the violation of Section 42 paragraph two, or been dissolved according to Section 94, a

person, who was previously a member of the Executive Committee of the dissolved political party, applies for the formation of a new political party or is a member of an Executive Committee of a political party, within a period of five years from the date of the dissolution, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht, or to both (section 120).

Wrongdoings liable to the administrative penalty

Wrongdoing of violation of the order of the Political Party Registrar

1. Any person, who fails to give statements or submit documents for consideration or examination under the summon of the Political Party Registrar according to the Organic Act on Political Parties, section 7 paragraph one, shall be liable for an administrative fine not exceeding five thousand baht (section 122).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

2. The leader of a political party, who does not notify the Political Party Registrar of an increase or decrease in members providing a list of names, occupations and addresses according to the procedures prescribed by the Registrar, by the seventh day of the month every trimester, and does not, each year, prepare a summary of members increase and decrease for the Registrar by January annually (section 19 paragraph four), shall be liable to an administrative fine not exceeding fifty thousand baht (section 123).

3. A leader of a political party, who fails to comply with the order or the warning of the Political Party Registrar under Section 19 paragraph five, shall be liable to an administrative fine not exceeding one hundred thousand baht and a fine not exceeding one thousand baht per day until the situation is rectified (section 124 paragraph two).

4. A leader, the Executive Committee or a member of the

Executive Committee of a political party does not comply with the warning of the Political Party Registrar to order to cease or rectify any act violating the policy or regulations of political party within the period of time as prescribed by the Registrar (section 31 paragraph two), shall be liable to an administrative fine not exceeding one hundred thousand baht and a fine not exceeding one thousand baht per day until the situation is rectified (section 124 paragraph two).

*** Where a written warning is issued to a person who is not the leader of a political party, a copy thereof shall forthwith be sent promptly to the political party's leader under section 31.

5. A leader of a political party, who does not notify an amendment to a political party's policy or regulations or the names, occupations, addresses and signatures of members of the Executive Committee of the political party which have been entered by the Political Party Registrar or a written Notification of the establishment of a branch under Section 34, to the Registrar, within thirty days of the date of amendment (section 41 paragraph one), shall be liable to an administrative fine not exceeding fifty thousand baht and a fine not exceeding five hundred baht per day until the situation is rectified (section 124 paragraph one).

6. A leader of a political party, who fails to notify the amendment under Clause 5 according to the order of the Political Party Registrar and within the period specified therein (section 41 paragraph three), shall be liable to an administrative fine not exceeding one hundred thousand baht and a fine not exceeding one thousand baht per day until the situation is rectified (section 124 paragraph two).

7. A Leader of a political party who fails to comply with the order or the warning of the Political Party Registrar within the period specified therein (section 42 paragraph two) in a case of the request by the Registrar for an accurate report of political party's activities during the past calendar year, by March of every year (section 42 paragraph one), shall be liable to an administrative fine not exceeding one hundred thousand baht and a fine not exceeding one thousand baht per day until the situation is rectified (section

124 paragraph two).

** Except where the political party has been established for less than ninety days from the last day of the calendar year being established between 4 October and 31 December) under section 42.

** In the case where there is still no report even the prescribed timeframe has elapsed and without reasonable cause, the Registrar shall, with the consent of the Election Commission, dissolve the political party (section 42 paragraph two).

8. A leader of political party who, receiving a subsidy, does not spend it in accordance with the provisions or does not prepare and submit an accurate report of the expenses from each calendar year to the Election Commission by March of the following year and the Political Party Registrar has the order to request a report within the period specified therein (section 82), shall be liable to an administrative fine not exceeding one hundred thousand baht and a fine not exceeding one thousand baht per day until the situation is rectified (section 124 paragraph two).

** Except where the political party has been established for less than ninety days from the last day of the calendar year being established between 4 October and 31 December) under section 42.

** In the case where there is still no report even the prescribed timeframe has elapsed and without reasonable cause, the Registrar shall, with the consent of the Election Commission, dissolve the political party (section 42 paragraph two).

9. Any leader of political party, who violates the order of the Political Party Registrar by not convening the first general meeting of the political party within sixty days, and the Registrar orders the leader of the political party to call for a general meeting within a prescribed timeframe (section 27), shall be liable to an administrative fine not exceeding one hundred thousand baht (section 127).

10. Any leader of political party or member of the Executive Committee of a political party, who receives warning from the Political

Party Registrar to recall the subsidy along with interest accrued because such political party fails to make an annual action plan and expenditure plan of political party presented to the Election Commission and does not make the accurate accounts of political party and its branches as the details prescribed under section 45 or fails to firstly close its accounts by the last day of calendar year of its establishment and the next closing by the last day each calendar year by which financial statements at a minimum consisting 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, is required, and still continues not to follow the warning under section 83 (along with section 77) and section 84 (along with section 44, 45, 46, and 47), shall be liable to an administrative fine not exceeding twice the allocated subsidy together with interest accrued, as specified by law, to be remitted to the Fund (section 130).

11. Any leader of political party or member of the Executive Committee of a political party, who receives warning from the Political Party Registrar to recall the subsidy to be remitted to the Fund under the criteria and method as prescribed by the Election Commission is the case of loss of status, cessation, or dissolution of such political party and still continues not to follow the warning (section 85 along with section 130), shall be liable to an administrative fine not exceeding twice the allocated subsidy together with interest accrued, as specified by law, to be remitted to the Fund (section 130).

Wrongdoing of donation

1. Any leader of political party, who fails to comply with the order of the Election Commission in the case of the Election Commission issues measures and control procedures to ensure that the receipt of donations by political parties proceeds openly as well as verifies the validity of donations to political parties and issue Notifications, as the Election Commission deems appropriate, to ensure that political parties conduct correctly (section 72 paragraph two), shall be liable to an administrative fine not exceeding one hundred thousand baht (section 127).

2. Any leader of a political party, who does not prepare a donation

receipt account containing the following particulars:

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

(2) date and place of donation;

(3) copy of donation receipt (section 62 paragraph one), shall be liable for an administrative fine not exceeding one hundred thousand baht (section 127).

** Where the donation is giving, or allowing to be used, property or any other benefit calculated as money value, the value shall be calculated according to the normal rent or commercial remuneration rates in each locality or a value of right before being entered in the account. If the value cannot be calculated, the details of the property or any other benefit shall be specified comprehensively and clearly (section 62).

3. Any leader and the treasurer of a political party, who does not open an account at a commercial bank, specifying the political party as the owner of the account or does not 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 Political Party Registrar within seven days of the date of opening the account (section 64), shall be liable to an administrative fine not exceeding one hundred thousand baht (section 127).

4. Any leader and the treasurer of the political party, who does not deposit a cash donation at a commercial bank 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 (section 63), shall be liable to an administrative fine equal to or not exceeding twice the money, property or any other benefit received as a donation (section 128).

5. In the case of, Any leader and the treasurer of the political party, who does not deposit a donation being made by bill of exchange or crossed cheque in the deposit account of the political party or does not issue a receipt of donation to the donor by the date of acceptance (section 63), shall be liable to an administrative fine equal to or not exceeding twice the money, property or any other benefit received as a donation (section 128).

6. Any person, a group of persons or a juristic person, who requests donations or support in terms of money, property or other benefits calculated as money 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 (section 90), shall be liable to an administrative fine of twice the received money, property value or other benefit calculated as money value (section 131).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

Wrongdoings about spending and preparing the account

1. Any political party or any person holding a position in a political party, who spends money or sell assets of political party in contravention of expenditure plan as prescribed in section 88 along with section 87 as followings:

- (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, shall be liable to an administrative fine equal to or not exceeding twice the money, property or any other benefit calculated as money value already spent or sold out (section 128).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

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

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).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

3. Any member of the Executive Committee or the branch President of political party, who does not prepare the accurate account of the party's account and the branch's under section 44 along with section 45 consisting of the following account:

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

shall be liable to an administrative fine not exceeding one hundred thousand baht (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 (THB 100,000).

** 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.

4. A member of the Executive Committee or branch President of a political party who prepares the accounts of the political party or its branch, 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, shall be liable to an administrative fine not exceeding one hundred thousand baht (section 126).

5. A member of the Executive Committee or branch President of a political party who fails to firstly close its accounts by the last day of calendar year of its establishment and the next closing by the last day each calendar year by which financial statements at a minimum consists 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 and how funds were expended in political party operations, especially electoral expenses which must be detailed as prescribed by the Election Commission (section 56), shall be liable to an administrative fine not exceeding one hundred thousand baht (section 126).

6. Any leader of a political party, who does not 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 (section 47 paragraph one), shall be liable to an administrative fine not exceeding fifty thousand baht (section 123).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

7. Any leader of the political party in conjunction with the Treasurer, who does not certify the financial statements approved by the general meeting of a political party and submit the financial statements together with the copies of accounts consisting of journal showing revenue, funds received and expended, record of donations, ledger, and account showing assets and liabilities to the Political Party Registrar within thirty days of the date of approval by the general meeting (section 47 paragraph two), shall be liable to an administrative fine not exceeding fifty thousand baht and a fine not exceeding five hundred baht per day until the situation is rectified (section 124 paragraph one).

Wrongdoing about the establishment of political party's branch and its members

1. Any leader of the political party, who does not send the Political Party Registrar a written Notification of establishment of political party within fifteen days of the date of that event (section 34 paragraph one), shall be liable to an administrative fine not exceeding fifty thousand baht and a fine not exceeding five hundred baht per day until the situation is rectified (section 124 paragraph one).

2. Any leader of a political party, who does not submit a report or documents concerning the resolution causing the termination of membership of a member who is also a member of the House of Representatives in accordance with the regulation of political party due to serious violation of discipline, ethics or for another serious reason, to the President of the House of Representatives and the Political Party Registrar within seven days of the date that the political party passed the resolution (section 20 paragraph five), shall be liable to an administrative fine not exceeding fifty thousand baht and a fine not exceeding five hundred baht per day until the situation is rectified (section 124 paragraph one).

3. Any leader of a political party, who does not notifies the Political Party Registrar of an increase or decrease in members providing a list of names, occupations and addresses of members according to the

procedures prescribed by the Registrar, by the seventh day of the month every trimester, and does not, each year, prepare a summary of members increase and decrease throughout the year for the Registrar by January of every year (section 19 paragraph four), shall be liable to an administrative fine not exceeding fifty thousand baht (section 123).

*In the case where a leader of a political party fails to notify within the specified period and cannot comply with the order or the warning of the Registrar shall be liable to an administrative fine not exceeding one hundred thousand baht and to a fine not exceeding one thousand baht per day until the situation is rectified (section 124 paragraph two).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

4. Any person, who concurrently is a member of more than one political party (section 24), shall be liable to an administrative fine not exceeding three thousand baht (section 125).

*** The penalty of this section shall be applied one year after 8 October B.E. 2550 (8th October B.E. 2551) according to section 133 (4) of the transitional provisions. ***

*** Where a person is a member of more than one political party before 8 October B.E. 2550, this person's membership of all political parties shall be terminated since then (section 137 of the transitional provisions). ***

Wrongdoing about the allocation of airtime

1. The Chief Executive Officer of any State radio or television station, who fails to allocate airtime as prescribed by the Political Registrar, shall be liable to an administrative fine of two hundred thousand baht and an administrative fine of five thousand baht per day until the requirements prescribed by the Registrar are complied with (section 129).

Administrative imposition measure

The law on administrative procedure shall apply to the administrative fine, by which the Political Party 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 fails 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 (section 132 paragraph two).

Imposition of penalty at any lower level than is prescribed

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

The injured person under the Criminal Procedure Code

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

**Any other benefit calculated as money value includes:

- (1) charge-free discharge or reduction of debt;
- (2) interest-free lending;
- (3) fee-free guarantee;
- (4) offer of use of venues, vehicles or property without rental or service fee or at a lower rental or service fee than the normal commercial rate charged to others;
- (5) offer of use of personnel who are not employees or hired persons of a political party whereby the political party or its members do not have to pay or fully pay remuneration, excepting cases of volunteer work out of the normal working hours of such personnel;
- (6) offer of services without service fee or at a lower service fee than the normal commercial rate charged to others;
- (7) offer of a discount on products, services or properties greater than the normal commercial discount given to others;
- (8) offer of travel or transportation of persons or things without charge or at a charge lower than the normal commercial rate charged to others;
- (9) organizing parties, entertainments or other amusements without cost or at a cost lower than the normal commercial rate charged to others;
- (10) offer of professional services such as medical, dental, nursing, architectural, engineering, legal or accounting, without charge or at a charge lower than the normal commercial rate charged to others;
- (11) other matters that cause the political party or its members to gain a benefit of financial value, or not pay what would normally be due.

Actions under (5), (6), (7), (8), (9) or (10) which are done by a political party for its members and are not for the purpose of seeking votes for its candidates shall not be deemed the giving of any other benefit calculated as money value under this Organic Act (section 4 paragraph six).
