

[Emblem of the Royal Command]

Organic Act
On Political Parties (No. 2)
B.E. 2566 (2023)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA
VAJIRAKLAOCHAOUHUA;

Given on the 28th Day of January B.E. 2566 (2023);

Being the 8th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to amend the organic law on political parties;

Whereas this Organic Act contains certain provisions relating to the restriction of personal rights and liberties, which is permitted under the provision of Section 26 together with Section 34 of the Constitution of the Kingdom of Thailand, provided that such is proceeded by virtue of the relevant provisions of law;

The justification and necessity for the restriction of personal rights and liberties under this Organic Act are to ensure that the activities of political parties are carried out freely and without being manipulated or guided by a person who is not a member of the political parties. As such, the enactment of this Organic Act is consistent with the conditions prescribed under Section 26 of the Constitution of the Kingdom of Thailand.

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

Section 1. This Organic Act is called the “Organic Act on Political Parties (No.2) B.E. 2566 (2023)”.

Section 2. This Act shall come into force from the day following the date of its publication in the Government Gazette.

Remark:

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

Section 3. The provision of (15) of the first paragraph of Section 15 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“(15) The income of the Political Party and the Political Party fees and subscriptions, which must be collected from its members at no less than twenty Baht per year.”

Section 4. The provision of the fourth paragraph of Section 15 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“The Political Party may determine that the Political Party subscription shall be collected from members on a lifetime basis at the rate determined in the Regulation, provided that it is no less than two hundred Baht.”

Section 5. The provision of Section 24 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 24. A Member shall possess the qualifications determined in the Regulation and no disqualification therein. They shall be at least eighteen years old and shall possess the following qualifications and none of the following disqualifications:

(1) Holding Thai nationality by birth. In a case of a person holding Thai nationality by naturalisation, they shall have obtained Thai nationality for at least five years;

(2) Not being disqualified from exercising the right to run as a candidate under Section 98 (1), (2), (4), (5), (6), (7), (8), (9), (11), (14), (16), (17), or (18) of the Constitution;

(3) Not having been convicted under a final sentence to imprisonment for an offence of malfeasance in public office or judicial office, or an offence under the law on offences of employees in a public organisation or agency, or for an offence against property carried out dishonestly under the Criminal Code, unless the sentence is suspended;

(4) Not having been convicted under a final sentence to imprisonment for an offence under the law on borrowing regarded as public fraud, the law on narcotic drugs for the charge of being a producer, importer, exporter, or dealer, the law on gambling for the charge of being a host or a keeper of a gambling house, the law on anti-trafficking in persons, or the law on anti-money laundering for the charge of money laundering;

(5) Not being a Member of another Political Party or an applicant for the registration of another Political Party under Section 11, or a person giving notice of preparation to establish another Political Party under Section 18.”

Section 6. The provision of Section 35 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 35. In a Province where a Political Party has no branch located, if the Political Party has more than one hundred Members domiciled therein, it may appoint Members who

are domiciled in such a Province and who are elected by such Members as its Political Party Provincial representatives, the number of whom shall be as the Political Party views as appropriate for its activities therein. The provision of Section 34 shall apply *mutatis mutandis* to Political Party Provincial representatives.”

Section 7. The provision of Section 47 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 47. A Political Party wishing to nominate a candidate for the House of Representatives under the Constituency system in a Province must have a branch of the Political Party or a Political Party Provincial representative in the Province. In a case where a Political Party has more than one branch or more than one Political Party Provincial representative in any province, the Political Party shall determine which branch of the Political Party or which Political Party Provincial representative in such a Province shall be the branch of the Political Party or the Political Party Provincial representative to carry out the act under Section 50.”

Section 8. The provision of Section 48 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 48. For the nomination of a candidate for the House of Representatives under the party-list system, a Political Party shall produce a party-list to submit to the branches of the Political Party or the Political Party Provincial representatives. The party-list shall take into account candidates from various Provinces, as well as the equality between males and females. In a case where a Political Party has more than one branch or more than one Political Party Provincial representative in any province, the Political Party shall determine which branch of the Political Party or which Political Party Provincial representative in the Province shall be the branch of the Political Party or the Political Party Provincial representative to carry out the act under Section 51.”

Section 9. The provision of Section 50 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 50. Selection of a candidate for the House of Representatives under the Constituency system shall be carried out in accordance with the following method:

(1) The selection committee shall determine the date, time, and place for the application for candidacy and make a general announcement thereof to the Members;

(2) After the application period under (1) has lapsed, the selection committee shall examine the qualifications and disqualifications of the candidate in each Constituency and submit the list of candidates to the branches of the Political Party or the Political Party Provincial representatives;

(3) When a branch of the Political Party or a Political Party Provincial representative has obtained the list of candidates from the selection committee, the branch leader of the Political Party or the Political Party Provincial representative shall hold a Members' meeting for comments and have the Members vote whether they approve or disapprove of the list of candidates submitted by the selection committee, subject to the criteria and methods determined by the Commission;

(4) The branch of the Political Party or the Political Party Provincial representative shall submit the list of candidates, whether they are approved or not, together with the comments under (3) to the selection committee for consideration and comments;

(5) The selection committee shall submit the list of candidates for each Constituency together with the comments under (3) and (4) to the Political Party management committee for consideration and approval of the persons to be nominated as candidates.”

Section 10. The provision of Section 51 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 51. Selection of a candidate for the House of Representatives under the party-list system shall be carried out in accordance with the following method:

(1) The selection committee shall determine the date, time, and place for the application and nomination of persons for candidacy and shall give written notice to the Political Party management committee, branch leaders of the Political Party, and Political Party provincial representatives, and make a general announcement thereof to the Members;

(2) The Political Party management committee, a branch leader of the Political Party, or a Political Party provincial representative shall nominate a list of candidates for the House of representatives under the party-list system to the selection committee;

(3) After the application and nomination period under (1) has lapsed, the selection committee shall examine the qualifications and disqualifications of the candidates and produce a party-list of up to one hundred candidates, which shall take into account candidates from various Provinces as well as the equality between males and females, and submit the party-list to the branches of the Political Party or the Political Party Provincial representatives;

(4) When a branch of the Political Party or a Political Party Provincial representative has obtained the party-list under (3) from the selection committee, the branch leader of the Political Party or the Political Party Provincial representative shall hold a Members' meeting for comments and have the Members vote whether they approve or disapprove of the list submitted by the selection committee, subject to the criteria and methods determined by the Commission. Then the list shall be returned, whether they are approved or not, together with

the comments under (3) to the selection committee for consideration and to produce the party-list and give comments;

(5) The selection committee shall submit the party-list together with the comments under (4) to the Political Party management committee for consideration and approval of the persons appropriate to become candidates for the House of Representatives under the party-list system and arrange them in an appropriate order to produce a party-list of the candidates for the House of Representatives under the party-list system.

For the benefit of promoting participation by Members, in case of any Member domiciled in a Province in which there has yet to be a branch of the Political Party or a Political Party Provincial representative, they can exercise the right as a Member in a nearby Province where there is a branch of the Political Party or a Political Party Provincial representative, as determined in the Regulation.”

Section 11. The provision of Section 53 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed.

Section 12. The provision of Section 55 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed and replaced with the following provision:

“Section 55. No Political Party Provincial representative, branch leader of the Political Party, or member of the Political Party management committee shall consent to any person who is not a Member of the Political Party giving their opinion in the meeting or giving approval or disapproval in the selection process of candidates under Section 50 or Section 51.”

Section 13. The provision of Section 118 of the Organic Act on Political Parties B.E. 2560 (2017) shall be repealed.

Section 14. During the initial phase, Political Party Provincial representatives holding the position on the date prior to this Organic Act becoming effective shall be the Political Party Provincial representatives under the Organic Act on Political Parties B.E. 2560 (2017), as amended by this Organic Act and the Regulation of the Political Parties.

In a case under the first paragraph, if a Political Party has both a branch and a Provincial representative in any Province, the Political Party shall determine which branch of the Political Party or Political Party Provincial representative shall be the branch of the Political Party or Political Party Provincial representative for the purpose of carrying out the act under Section 50 or Section 51, as the case may be. The Political Party shall then notify the Registrar thereof.

Section 15. The Organic Act on Political Parties B.E. 2560 (2017), as amended by this Organic Act, does not affect the selection of candidates for the House of Representatives under the Constituency system and the party-list system which was underway on the date prior to this Organic Act becomes effective or the members of the House of Representatives under the

Constituency and party-list system who held the positions on the date prior to this Organic Act becomes effective.

Section 16. The Chairman of the Election Commission shall have charge of the execution of this Organic Act.

Countersigned by

General Prayut Chan-Ocha

Prime Minister

Office of the Election Commission of Thailand

Note :- The purpose of the enactment of this Organic Act is as follows: Whereas the provision of the Constitution of the Kingdom of Thailand, as amended (No. 1) B.E. 2564 (2021) provides that the House of Representatives shall consist of five hundred members, with four hundred members elected under the Constituency system and one hundred elected under the party-list system; that there shall be two ballots by which the people can have[sic] the right to vote for the members[sic] of the House of Representatives under the party-list system from the Political Parties and for the candidates for the House of Representatives under the Constituency system; and the determination of the number of members of the House of Representatives each Province shall have and the division of Constituencies and calculation of the party-list candidate proportion of each Political Party to be elected in a manner fair to the Political Parties and respectful of the people's voice, it is expedient that the Organic Act on Political Parties B.E. 2560 (2017) be amended in the parts relating to the fees and subscriptions of a Political Party, the nomination of candidates, and the selection of candidates under the Constituency and party-list system. As such, it is necessary that this Organic Act is enacted.

Office of the Election Commission of Thailand