

POLITICAL FUND ACT

Wholly Amended by Act No. 7682, Aug. 4, 2005

Amended by Act No. 7851, Mar. 2, 2006

Act No. 7908, Mar. 24, 2006

Act No. 7938, Apr. 28, 2006

Act No. 8880, Feb. 29, 2008

Act No. 9785, Jul. 31, 2009

Act No. 9975, Jan. 25, 2010

Act No. 10395, Jul. 23, 2010

Act No. 11376, Feb. 29, 2012

Act No. 13758, Jan. 15, 2016

Act No. 14074, Mar. 3, 2016

Act No. 14838, Jun. 30, 2017

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of democratic politics by guaranteeing the fair provision of political funds, ensuring the transparency of political funds through the disclosure of the details of their revenues and expenditures and preventing irregularities involving political funds.

Article 2 (Basic Principles)

- (1) No one shall contribute or receive any political fund which is not prescribed in this Act.
- (2) Political funds shall be fairly and justifiably managed in order to keep them free of the people's suspicions. Their accounting materials shall be published.
- (3) Political funds shall be disbursed only to reimburse expenses required for political activities and shall not be disbursed for private expenses or

illegal purposes. In such cases, the term "private expenses" means the expenses that are incurred for any of the following purposes:

1. To financially support or subsidize household expenses;
 2. To pay back personal debts or lend them;
 3. To pay membership fees or financially subsidize the costs of private gatherings of individuals that include hometown associations, alumni associations, family clan associations, alpine societies, common interest groups, loan clubs, etc.;
 4. To cover expenses accruing from personal leisure and pastime activities.
- (4) Anyone who makes an one-time contribution of political funds in excess of 1.2 million won or anyone who pays political funds in excess of any of the following amounts according to this Act shall make such contribution and such payment by means of the check, credit card, the payment of such political funds to the deposit account or by other means that make it ascertain the identity of the donor: *Provided*, That the annual amount of political funds that are permitted to be contributed in cash shall not exceed 20/100 (10/100 of the limited amount of election expenses in the case of election expenses) of the total annual amount of political funds contributed:
1. Political funds other than election expenses: 500,000 won: *Provided*, That the political funds shall be 200,000 won for every candidate or every preliminary candidate who runs in an election for public office;
 2. Election expenses: 200,000 won.
- (5) No one shall contribute political funds in the name of another person or in a false name.

Article 3 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 14074, Mar. 3, 2016>

1. The types of political funds shall be as follows:
 - (a) Party membership fees;
 - (b) support payments;

- (c) deposits;
 - (d) Subsidies;
 - (e) Incidental revenues that are prescribed by the party constitution or party rules, etc. of a political party;
 - (f) Money, securities or goods that are provided to a political party (including any Preparatory Committee for Central Party Formation), persons who intend to become candidates under the Public Official Election Act, candidates or persons who win elections, supporters' associations and senior officials or staff in charge of clerical services of political parties or other persons who are engaged in political activities;
 - (g) Other expenses required for political activities by those prescribed in item (f) (including a political party or a Preparatory Committee for Central Party Formation).
2. The term "contributions" means any act of providing political funds, which is performed by individuals, supporters' associations and other persons, in order to financially support political activities. In such cases, any third party's act of bearing or paying expenses needed for anyone who carries out political activities, furnishing money and goods, renting facilities free of charge, exempting and reducing any debt and offering any interest, etc. shall be all deemed contributions;
 3. The term "party membership fees" means money, securities or goods that are borne or contributed by party members according to party constitution or party rules, etc. irrespective of the pretext thereof;
 4. The term "support payments" means money, securities and goods that are contributed to supporters' associations pursuant to the provisions of this Act;
 5. The term "deposits" means money, securities or goods that are deposited by individuals in an election commission, who intend to contribute political funds to political parties in accordance with the provisions of this Act;
 6. The term "subsidies" means money or securities that are paid by the State

to political parties in order to protect and foster those political parties;

7. The term "supporters' associations" means any organization that is established and operated for the purpose of contributing political funds pursuant to the provisions of this Act and that is registered with the competent election commission;
8. The definition of terms concerning an election for public office shall be as follows:
 - (a) The term "election for public office" means the elections provided for in the provisions of Article 2 of the Public Official Election Act;
 - (b) The term "candidate to run in an election for public office" means a person who is registered with the competent election commission pursuant to the provisions of Article 49 of the Public Official Election Act;
 - (c) The term "preliminary candidate to run in an election for public office" means a person who is registered with the competent election commission pursuant to the provisions of Article 60-2 of the Public Official Election Act;
 - (d) The term "proportional representative local council member" means a proportional representative City/Do council member or a proportional representative autonomous Gu/Si/Gun council member;
 - (e) The term "party election campaign office" means the party election campaign office provided for in the provisions of Article 61-2 of the Public Official Election Act;
 - (f) The term "election campaign office" and "election campaign liaison office" each means the election campaign office and the election campaign liaison office provided for in the provisions of Article 63 of the Public Official Election Act;
 - (g) The term "election campaign manager" and "head of the election campaign liaison office" each means the election campaign manager and the head of the election campaign liaison office provided for in the provisions of Article 63 of the Public Official Election Act;

- (h) The term "election expenses" means the election expenses provided for in the provisions of Article 119 of the Public Official Election Act;
- (i) The term "limited amount of election expenses" means the limited amount of election expenses for the relevant election (if any constituency exists, referring to such constituency), which is published by the competent election commission pursuant to the provisions of Article 122 of the Public Official Election Act.

CHAPTER II PARTY MEMBERSHIP FEES

Article 4 (Party Membership Fees)

- (1) Every political party may collect party membership fees from its members.
- (2) The person in charge of accounting of every political party shall cause any party membership fee that is paid in the name of another person or in a false name to revert to the National Treasury.
- (3) The party membership fee that has to revert to the National Treasury pursuant to the provisions of paragraph (2) shall be paid to the competent election commission that shall, upon receiving it, pay it to the State, and where the party membership fee is not paid by the due date for payment, the head of the competent tax office shall, after being commissioned by the competent election commission, collect the party membership fee in question in the same manner as delinquent national taxes are collected.
- (4) Procedures for the reversion of party membership fees to the National Treasury provided for in the provisions of paragraph (3) and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 5 (Receipts of Party Membership Fees)

- (1) The person in charge of the accounting of a political party shall, when party membership fees are paid, deliver a receipt of such party membership fee to the relevant party member within 30 days from the date of receiving the party membership fee and keep the ledger thereof. *Provided*, That where the party member who has paid a party membership fee does not want to receive a receipt of a party membership fee, he/she

- may issue and keep it together with the ledger instead of delivering it to the relevant party member. *<Amended by Act No. 9975, Jan. 25, 2010; Act No. 11376, Feb. 29, 2012>*
- (2) The receipt of any one-time party membership fee that amounts to not more than ten thousand won may be issued and delivered in one sheet showing the total annual amount paid as at the last day of the relevant year (referring to registration revocation date or dissolution date where registration of political party is revoked or dissolved). *<Amended by Act No. 9975, Jan. 25, 2010>*
 - (3) A receipt of a party membership fee under paragraphs (1) and (2) may be electronically prepared, and issued and sent online, but technical measures shall be taken to prevent forgery or alteration. *<Newly Inserted by Act No. 8880, Feb. 29, 2008>*
 - (4) The fixed form of a receipt of a party membership fee referred to in paragraphs (1) through (3) and other necessary matters shall be determined by the Regulations of the National Election Commission. *<Amended by Act No. 8880, Feb. 29, 2008>*

CHAPTER III SUPPORTERS' ASSOCIATIONS

Article 6 (Designation Authority of Supporters' Association)

Any of the following persons (hereinafter referred to as "designation authority of supporters' association") may designate each one supporters' association: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*

- 1. Central Party (including any Preparatory Committee for Central Party Formation);
- 2. Any National Assembly member (including any elected member of the National Assembly);
- 2-2. A presidential candidate or preliminary candidate (hereinafter referred to as "presidential candidate, etc.");
- 3. Any candidate for an intra-party competition for selecting a candidate to run in the presidential election of any political party (hereinafter referred

- to as "candidate for an intra-party competition in a presidential election");
4. Any candidate and any preliminary candidate to run in the election for the constituency (hereinafter referred to as "constituency") National Assembly members (hereinafter referred to as "candidate, etc. to run in the election for the National Assembly members"): *Provided*, That the same shall not apply where any National Assembly member already has his/her supporters' association;
 5. Any intra-party competition candidate to run in the election for a representative of the Central Party or a member of the supreme executive agency (referring to the supreme executive agency of the Central Party prescribed by the party constitution, regardless of the type of the organization) (hereinafter referred to as "candidate, etc. for a party representative competition");
 6. Any candidate to run in an election for the head of each local government (hereinafter referred to as "candidate to run in an election for each local government").

Article 7 (Applications Filed by Supporters' Associations for Their Registrations)

- (1) The representative of every supporters' association shall file an application for its registration, accompanied by its written designation, with the competent election committee within 14 days from the date on which it is designated by the designation authority of the relevant supporters' association.
- (2) The application for the registration of every supporters' association should include each of the following:
 1. The name of the supporters' association;
 2. The location of the supporters' association;
 3. The articles of association or the regulations;
 4. The name of the representative, his/her resident registration number and his/her domicile;
 5. The association seal and an imprint of the official seal of the

representative;

6. Other matters determined by the Regulations of the National Election Commission.
- (3) Where a National Assembly member who has a supporters' association becomes a presidential candidate, etc., a candidate for an intra-party competition in a presidential election, or a candidate, etc. for a party representative competition, he/she may designate his/her existing supporters' association for a National Assembly member as a supporters' association for a presidential candidate, etc., a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition, and where a preliminary presidential candidate who has a supporters' association becomes a candidate for an intra-party competition in a presidential election, he/she may designate his/her existing supporters' association for a preliminary presidential candidate as a supporters' association for a candidate for an intra-party competition in a presidential election. In such cases, the representative of the supporters' association for a presidential candidate, etc., a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition shall file a report, accompanied by the relevant written designation, the seal of the association and the imprint of the official seal of the said representative, with the competent election commission within 14 days from the date on which such designation is made by the designation authority of supporters' association. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016>*
- (4) When any change is made in the matters provided for in paragraph (2) 1 through 5 and the seal of the supporters' association and an imprint of the official seal of the representative referred to in the provisions of paragraph (3), the representative of the relevant supporters' association shall file an application with or make a report to the competent election commission for or on registering such change within 14 days from the date on which such change is made.

- (5) The competent election commission shall grant registration and issue a certificate of registration within seven days from the date on which it receives the registration application that is filed pursuant to the provisions of paragraph (1) or (4).

Article 8 (Members of Supporters' Associations)

- (1) Anyone may become a member of one or more supporters' association of his/her free will: *Provided*, That the same shall not apply to anyone who is prohibited from making any contribution pursuant to the provisions of Article 31 (1) and becoming a member of any political party pursuant to the provisions of Article 22 of the Political Parties Act.
- (2) Every supporters' association shall maintain a membership roll.
- (3) The membership roll under paragraph (2) shall not be forced be to inspected except cases where the court requires it for the purpose of its trial and the competent election commission needs it to verify the qualifications for members and necessary matters including the details of support payments under Article 52.
- (4) The scrutiny of the membership roll for investigating any offense shall require a warrant issued by the judge.
- (5) No one shall leak any information on the membership roll that he/she has learned in the course of his/her duties.

Article 9 (Offices, etc. of Supporters' Associations)

- (1) Every supporters' association may have offices and liaison offices in order to perform its clerical services according to the following classifications: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30, 2017>*
1. Supporters' associations for the Central Party: One office and, for each Special Metropolitan City, Metropolitan City, Special Self-Governing City, *Do*, and Special Self-Governing Province, one liaison office;
 2. Supporters' associations for every constituency National Assembly member and supporters' associations for every candidate to run in an election for constituency National Assembly members: One office or one liaison

office in the Seoul Special Metropolitan City and the relevant constituency. In such cases, the liaison office shall not be opened in the constituency where the office is located;

3. Supporters' associations other than those referred to in subparagraphs 1 and 2: One office.
- (2) The number of persons in charge of clerical service on payroll who work in the offices and liaison offices of a supporters' association shall not exceed two persons: *Provided*, That the same shall not apply to supporters' associations for the Central Party, supporters' associations for a presidential candidate, etc., or supporters' associations for a candidate for an intra-party competition in a presidential election. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30, 2017>*
- (3) The number of persons in charge of clerical services on payroll who work in an office that is located in the constituency of every National Assembly member shall not exceed five persons: *Provided*, That where one constituency for the National Assembly member spans at least two Gus (including any non-autonomous Gus), Sis (referring to Sis that have no Gus) and Guns, two persons may be added to every *Gu/Si/Gun* exceeding two.

Article 10 (Collection and Contribution of Support Payments)

- (1) Every supporters' association shall collect support payments from supporters (referring to members and non-members; hereafter the same shall apply) after being registered pursuant to the provisions of Article 7 and then forward the collected support payments to the relevant designation authority of the supporters' association. In such cases, every supporters' association shall be prohibited from forwarding any borrowing, any money or any goods, etc. other than the support payments collected by it to the designation authority.
- (2) Every supporters' association shall, when it collects support payments, forward such support payments without delay, after deducting collection expenses therefrom, to the designation authority of the supporters'

association.

- (3) Where a supporter makes support payments directly to the designation authority of a supporters' association (excluding cases where the supporter makes contributions by bearing or paying expenses incurred from the political activities by the designation authority of the supporters' association, lending money and goods or facilities for free or abating or reducing liabilities) and the designation authority of the relevant supporters' association delivers such support payments and the personal information on the supporter to a person in charge of accounting in the supporters' association designated by him/her within 30 days (in cases where the designation authority of the supporter's association is disqualified for having a supporters' association before 30 days have not yet passed since the date the support payments were made, referring the date he/she is disqualified) from the date he/she receives the support payments, such payments shall be deemed to have been made to the relevant supporters' association. *<Newly Inserted by Act No. 10395, Jul. 23, 2010>*

Article 11 (Limited Amount, etc. of Contributions by Supporters)

- (1) The amount of support payments that is permitted to be contributed by each supporter to his/her supporters' association shall not exceed 20 million won per year.
- (2) A limit amount that a supporter may contribute to one supporters' association a year (in the case of a supporters' association for a presidential candidate, etc., a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition, a candidate, etc. to run in an election for National Assembly members or a candidate to run in an election for each local government, referring to a period during which the relevant supporters' association may be in operation; hereinafter the same shall apply) shall be as follows: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*

1. Ten million won for each supporters' association for a presidential candidate, etc. or a candidate for an intra-party competition in a presidential election (ten million won in aggregate for a supporters' association for a presidential candidate, etc. for which the designation authority of supporters' association is the same person);
2. Five million won for each supporters' association, other than the supporters' associations referred to in subparagraph 1 (five million won in aggregate where a supporters' association for Preparatory Committee for Central Party Formation continues to exist in the form of a supporters' association for the Central Party; or where the designation authority is the same person for a supporters' association of a candidate, etc. to run in an election for the National Assembly members, etc. and a supporters' association for every National Assembly member).
- (3) Any supporter may anonymously make an one-time contribution of up to 100,000 won and make a contribution of up to 1.2 million won a year as his/her support payment.
- (4) Every person in charge of accounting of the supporters' association shall, where any support payment is made in excess of the limited amount of the anonymous contribution under paragraph (3) or any support payment is made in the name of another person or in a false name, cause the excess amount and the amount that is contributed in the name of another person or in the false name to revert to the National Treasury. In such cases, the provisions of Article 4 (3) and (4) shall apply *mutatis mutandis* to the procedures for their reversion to the National Treasury.
- (5) Every member of the supporters' association shall make an annual contribution of 10,000 won or a support payment not less than the value corresponding thereto.
- (6) Methods for making contributions by supporters and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 12 (Collection of Contributions by Supporters' Associations and Limited

Amount of Contributions)

- (1) The limited amount of contributions that every supporters' association is permitted to collect each year (hereinafter referred to as "limited amount of the annual contributions collected" and the collected amount exceeding the limited amount of the preceding year shall be included) shall be as follows: *Provided*, That where the contributions that are collected by means of a credit card, deposit account, telephone, the Internet electronic settlement system, etc. inevitably exceed the limited amount of the annual contributions collected, the same shall not apply within the scope of 20/100 of the limited amount of the annual contributions collected; and the collection of any further contribution shall not be permitted thereafter: *<Amended by Act No. 7851, Mar. 2, 2006; Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
1. For a supporters' association for the Central Party: five billion won including the sum of contributions collected by the supporters' association for Preparatory Committee for Central Party Formation;
 2. Deleted; *<by Act No. 8880, Feb. 29, 2008>*
 3. An amount equivalent to 5/100 of the limited amount of election expenses each for a supporters' association for a presidential candidate, etc. or a supporters' association for a candidate for an intra-party competition in a presidential election (an amount equivalent to 5/100 of the limited amount of election expenses in aggregate for a supporters' association for a presidential candidate, etc. for which the designation authority of supporters' association is the same person);
 4. 150 million won, respectively, for the supporters' association for a National Assembly member, a candidate, etc. to run in an election for National Assembly members or a candidate, etc. for a party representative competition (150 million won in aggregate for a supporters' association for a candidate, etc. to run in an election for National Assembly members for which the designation authority of supporters'

association is the same person);

5. An amount equivalent to 50/100 of the limited amount of election expenses for the supporters' association of a candidate to run in an election for each local government.
- (2) The annual limited amount that every supporters' association is permitted to contribute (hereinafter referred to as "limited amount of annual contributions") to the relevant designation authority of a supporters' association shall be the same as the limited amount of annual contributions collected referred to in the provisions of paragraph (1): *Provided*, That where a supporters' association fails to contribute to the designation authority of supporters' association in the relevant year (in the case of a supporters' association for a presidential candidate, etc., a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition, a candidate, etc. to run in an election for National Assembly members or a candidate to run in an election for each local government, referring to a period during which the relevant supporters' association may be in operation) due to inevitable circumstances, a supporters' association is permitted to contribute by the time the accounting report under Article 40 (1) (referring to accounting report as of December 31, in the case of a supporters' association for a candidate, etc. to run in an election for National Assembly members, and accounting report under Article 40 (2) where a supporters' association is dissolved) is made. *<Amended by Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016>*
- (3) When the support payments collected by any supporters' association are in excess of the limited amount of annual contributions, the surplus amount may be carried over to the next year to be contributed in that year.
- (4) Where any supporters' association is dissolved in accordance with the provisions of Article 19 and the designation authority of a supporters' association newly forms a supporters' association of the same kind, the support payments that the newly formed supporters' association is

permitted to collect and contribute shall be the amount obtained by deducting the support payments that are collected or contributed by the previous supporters' association from the limited amount of annual contributions that are collected by the relevant supporters' association.

Article 13 (Special Case concerning Limited Amount of Annual Contributions Collected and Forwarding)

(1) Any of the following supporters' associations may collect and forward contributions twice the limited amount of annual contributions in the year during which an election for public office is held. The same shall apply where two or more elections for public office are held in the same year: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 11376, Feb. 29, 2012; Act No. 14838, Jun. 30, 2017>*

1. A presidential election: Supporter's associations for the Central Party and supporters' associations for a constituency National Assembly member of a political party that have elected a candidate;
 2. An election for National Assembly members at the expiration of their term of office: Supporter's associations for the Central Party of a political party that has fielded a candidate and supporters' associations for a National Assembly member who is registered as a candidate with his/her constituency;
 3. A simultaneous local election at the expiration of the term of office: Supporter's associations for the Central Party of a political party that has fielded a candidate and supporters' associations for a constituency National Assembly member of a political party that fields a candidate for the relevant constituency.
- (2) "Year during which an election for public office is held" in paragraph (1) means the year in which the date of the relevant election falls.

Article 14 (Methods for Collecting Support Payments)

- (1) Every supporters' association may collect support payments by means of mail, communications (referring to telephone, the Internet electronic settlement system, etc.), the exchange of political funds receipts that are

printed by the National Election Commission, credit card and deposit account, and in a manner that does not violate this Act, the Political Parties Act and the Public Official Election Act: *Provided*, That no support payment shall be collected by means of rallies.

(2) Deleted. <by Act No. 9975, Jan. 25, 2010>

Article 15 (Publication and Advertisement of Collection of Support Payments, etc.)

- (1) Each supporters' association may publicize its name, the objectives of collecting support payments, offices to which contributions are made, methods for making contributions, the photo, educational background (limited to formal schooling and schooling of completing educational courses equivalent thereto in foreign countries), career, achievements and public promises of the designation authority of a supporters' association and other matters necessary for public relations purposes by using printed materials, facilities, etc. to invite membership or raise support payments: *Provided*, That the matters concerning other political parties, candidates (referring to any candidate for an election for public office, and any person who intends to become a candidate is included), a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition shall not be included. <Amended by Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016>
- (2) Any supporters' association may publicize the matters referred to in paragraph (1) in order to collect support payments and recruit membership, etc. not more than four times in any quarter of a year, using newspapers under Article 2 of the Act on the Promotion of Newspapers, Etc. and periodicals under Article 2 of the Act on Promotion of Periodicals, including Magazines. In such cases, when the supporters' association lasts not more than three months, the advertisement shall be made not more than four times. <Amended by Act No. 9785, Jul. 31, 2009>
- (3) The one-time advertisements referred to in the provisions of paragraph (2)

shall be determined by the following standards:

1. A newspaper advertisement not more than 17 centimeters in length and not more than 18.5 centimeters in width;
2. An advertisement other than the advertisement referred to in subparagraph 1 comprising not more than two pages of the relevant periodical.
- (4) In calculating the frequency of the advertisement referred to in paragraph (2), the advertisement run in one periodical that is issued on the same day shall be deemed an one-time advertisement. In such cases, where the issue date of any periodical is differently noted therein according to districts to which it is delivered, the frequency of the advertisement shall be deemed one time.
- (5) Methods for making the publication in use of printed materials, establishments, etc. referred to in paragraph (1) and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 16 (Collection of Support Payments by Means of Exchange of Political Funds Receipts)

- (1) Every supporters' association or anyone who is commissioned by any supporters' association may collect support payments in exchange for political funds receipts.
- (2) When anyone who is commissioned by any supporters' association according to the provisions of paragraph (1) collects support payments, he/she shall transfer the ledger of political fund receipts, the names, the dates of birth, domiciles and telephone numbers of supporters and support payments to the person in charge of accounting of the relevant supporters' association within 30 days from the date on which he/she collects such support payments.
- (3) Procedures and methods for commissioning the collection of support payments in exchange for political fund receipts and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 17 (Political Fund Receipts)

- (1) A supporters' association shall, when it receives support payments, deliver a political fund receipt thereof to supporters within 30 days from the date of receiving the support payments. *<Amended by Act No. 9975, Jan. 25, 2010; Act No. 11376, Feb. 29, 2012>*
- (2) Political fund receipts referred to in paragraph (1) shall mean only fixed amount receipts and no fixed amount receipts prepared by the National Election Commission. In such cases, no fixed amount receipts may be prepared in electronic form so that they are issued and delivered online, but technical measures shall be taken to prevent forgery or alteration. *<Amended by Act No. 8880, Feb. 29, 2008>*
- (3) A no fixed amount receipt may be issued only for a support payment under 100 thousand won even in the case of support payments contributed in an amount under or exceeding 100 thousand won in one time: *Provided*, That the same shall not apply to cases where a no fixed amount receipt prepared in electronic form under the latter part of paragraph (2) is sent online. *<Amended by Act No. 8880, Feb. 29, 2008>*
- (4) Political fund receipts for support payments not exceeding 10 thousand won may be issued in all together as at the last day of the relevant year (referring to the date of dissolution, where a supporters' association is dissolved). *<Amended by Act No. 9975, Jan. 25, 2010>*
- (5) Notwithstanding paragraph (1), each supporters' association may issue a political fund receipt and keep it together with the ledger instead of delivering it to supporters in any of the following cases: *<Amended by Act No. 9975, Jan. 25, 2010>*
 1. Where a supporter does not want to receive a political fund receipt;
 2. Where contract details, such as address, etc. of a supporter are unavailable as contributions are made anonymously or by means of credit cards, saving accounts, telephone, Internet electronic settlement system, etc.;
 3. Where a supporter contributes support payments not exceeding ten thousand won per year.

- (6) Every supporters' association shall, when it intends to receive political fund receipts, file an application stating the types and number of political fund receipts, etc. with and pay the printing cost of such political fund receipts to the competent election commission.
- (7) The total amount of the face value of fixed amount receipts that one supporters' association is permitted to issue each year shall not exceed the limited amount of the annual contributions collected of the supporters' association. In such cases, the supporters' association may receive the fixed-amount receipts at the same time within the scope of the limited amount of the annual contributions collected.
- (8) The amount of support payments, the statement giving tax benefits to such support payments and the serial numbers thereof shall be noted on the political fund receipts, and standards for, and forms of, the political fund receipts and other necessary matters shall be determined by the Regulations of the National Election Commission.
- (9) The amount that is indicated on the fixed amount receipts shall be categorized into denominations of 10,000 won, 50,000 won, 100,000 won, 500,000 won, one million won and five million won, respectively. The names of supporters' associations shall not be noted on political fund receipts that are issued to contributors.
- (10) Every supporters' association shall, upon receiving political fund receipts from the competent election commission, make a report on the number of the political fund receipts and the actual use thereof, etc. as of December 31 of every year to the competent election commission by the time when accounting report as of December 31 under Article 40 (1) is made and where any supporters' association is dissolved, such supporters' association shall return unused political fund receipts to the competent election commission when accounting report under Article 40 is made. *<Amended by Act No. 9975, Jan. 25, 2010>*
- (11) Every supporters' association shall be prohibited from receiving and spending the contributed amount different from the amount that is entered

in the no fixed amount receipt and the amount of the face value of the fixed-amount receipt. Where the number of unused political fund receipts is not reported or the unused political fund receipts are not returned within the deadline provided for in the provisions of Article 10, the total amount of the face value of such political fund receipts shall be deemed contributed.

- (12) The election commission, every supporters' association and anyone who is involved in issuing and delivering political fund receipts shall be prohibited from disclosing the serial numbers of the political fund receipts issued to the relevant supporters' association or informing other State agencies of them without going through the procedures prescribed by Acts.
- (13) Each supporters' association may request, in writing, the relevant financial institution to inform itself of the name and contact details of the deposit requester (including deposit by means of credit card, telephone, Internet electronic settlement system, etc.) in order to issue a political fund receipt for support payments deposited in a deposit account for revenues of political funds reported under Article 34 (4). The financial institution shall, upon receipt of such request, inform the details thereof without delay, notwithstanding the Act on Real Name Financial Transactions and Confidentiality. *<Newly Inserted by Act No. 9975, Jan. 25, 2010>*
- (14) Forms to be used to request for informing the name and contact details of the deposit requester under paragraph (13) and other necessary matters shall be determined by the Regulations of the National Election Commission. *<Newly Inserted by Act No. 9975, Jan. 25, 2010>*

Article 18 (Refund of Illegal Support Payments)

The person in charge of accounting of every supporters' association shall refund any support payment to the relevant supporter within 30 days from the date on which he/she discovers that the support payment has been illegally made with the intention of soliciting favors in violation of this Act or other Acts. When he/she has issued the political fund receipts, he/she shall

retrieve them. In such cases, where it is impossible to refund the support payment on the grounds of the inability to identify the supporter's domicile and contact address, or the supporter refuses to receive the support payment, the person in charge of accounting shall cause the support payment in question to revert to the National Treasury through the relevant election commission.

Article 19 (Dissolution, etc. of Supporters' Associations)

- (1) Any supporters' association shall be dissolved when the relevant designation authority of the supporters' association is dissolved or ceases to exist for any other reason, is not qualified to have such supporter's association, retracts the designation thereof, or grounds for dissolution provided for in the articles of association, etc. arise: *Provided*, That where a Preparatory Committee for Central Party Formation having a supporters' association is registered as a political party or a candidate to run in an election for National Assembly members who has his/her supporters' association is elected, the relevant supporters' association may continue to exist as a supporters' association for the registered Central Party or the elected National Assembly member by a resolution for existence by the relevant representative organ or an organ delegated by the representative organ, and a supporters' association for an elected National Assembly member shall be deemed a supporters' association for a National Assembly member, and when a preliminary presidential candidate or a preliminary candidate to run in an election for National Assembly members who has a supporters' association has registered as a presidential candidate or a candidate to run in an election for National Assembly members, the supporters' association for a preliminary presidential candidate or the supporters' association for a preliminary candidate to run in an election for National Assembly members shall be deemed a supporters' association for a presidential candidate or a supporters' association for a candidate to run in an election for National Assembly members, respectively.
<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30,

2017>

- (2) In the case of the proviso to paragraph (1), the representative of a supporters' association for a candidate to run in an election for National Assembly members shall file an application for changing the registration under Article 7 (4) within 14 days from the date on which resolution for existence is adopted and such supporters' association shall inherit the rights and duties of the relevant previous supporters' association. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30, 2017>*
- (3) When a supporters' association is dissolved, the representative of the supporters' association shall report thereon to the competent election commission within 14 days: *Provided*, That the same shall not apply to any of the following cases: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 11376, Feb. 29, 2012; Act No. 13758, Jan. 15, 2016>*
1. Where a supporter's association is dissolved on the grounds that a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition are disqualified due to the completion of competitions;
 2. Where a supporters' association is dissolved on the grounds that the term of office of the relevant National Assembly member expires or a presidential candidate, etc., a candidate, etc. to run in an election for National Assembly members or a candidate to run in an election for each local government is disqualified.
- (4) Where any supporters' association fails to make a report on its dissolution pursuant to the main sentence of paragraph (3) within 14 days from the date on which it is dissolved, the competent election commission may cancel its registration.

Article 20 (Merger of Supporters' Associations, etc.)

- (1) When a political party is newly established by merger or is absorbed into another party by merger as prescribed in Article 19 of the Political

- Parties Act, the supporters' association may continue to exist for the newly established political party or the absorbing political party, by a resolution for existence by the representative organ of each supporters' association or an organ delegated by the representative organ. In such cases, each supporters' association shall file an application for registering change in accordance with Article 7 (4).
- (2) The supporters' association newly established or continuing to exist after merger under paragraph (1) shall succeed to the rights and obligations of the supporters' association that existed before the merger.
 - (3) Collection of contributions by supporters' associations continuing to exist under paragraph (1), limitation of contribution amount, and other necessary matters shall be determined by the Regulations of the National Election Commission.

[This Article Newly Inserted by Act No. 14838, Jun. 30, 2017]

Article 21 (Disposal, etc. of Residual Property in the Case of Dissolution of Supporters' Association)

- (1) Where any supporters' association is dissolved pursuant to the main sentence of Article 19 (1), its residual property shall be disposed of, before the accounting report pursuant to Article 40 is made, as prescribed by each of the following subparagraphs: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
 - 1. Where the designation authority of supporters' association is the Central Party (including any Preparatory Committee for Central Party Formation) or a party member: The residual property shall be transferred to the affiliated party at the time of dissolution: *Provided*, That where either an National Assembly member with supporters' associations has a supporters' association for a presidential candidate, etc., a supporters' association for a candidate for an intra-party competition in a presidential election, or a supporters' association for a candidate, etc. for a party representative competition, or a preliminary presidential candidate with supporters' associations has a supporters' association for a candidate for an

intra-party competition in a presidential election, and one of the associations is dissolved, its residue may be donated to an existing association as contributions within the scope of the limited amount of annual contributions;

2. Where the designation authority of supporters' association is not a party member or the party is dissolved or ceases to exist for any other reason: The residual property shall be transferred to a public interest corporation (including an educational foundation; hereinafter referred to as "public interest corporation"), registered under the Act on the Establishment and Operation of Public Interest Corporations, or a social welfare facility.
- (2) Where the designation authority of supporters' association (excluding the Central Party) is disqualified to have a supporters' association, the residual property left after having been contributed by the supporters' association and used (including expenses incurred by violating Article 36 (5)) shall be disposed of, conforming to each subparagraph of paragraph (1) before the accounting report provided for in Article 40 is made. In such cases, if the Preparatory Committee for Central Party Formation having a supporters' association is dissolved, not sustained in the form of the Central Party, the residual property contributed by the supporters' association shall be disposed of pursuant to paragraph (1) 2. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 14838, Jun. 30, 2017>*
- (3) Notwithstanding paragraphs (1) and (2), when a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition, a preliminary presidential candidate or a preliminary candidate to run in an election for National Assembly members is disqualified to have a supporters' association (excluding cases where they participate in and win or fail to win an intra-party competition to elect a candidate for running in an election for public office or a competition to elect a party representative), the residual property of the supporters' association and the designation authority of the supporters'

- association shall revert to the National Treasury before the accounting report under Article 40 is filed. <Amended by Act No. 10395, Jul. 23, 2010; Act No. 13758, Jan. 15, 2016>
- (4) When the residual property or support payments that are contributed by supporters' associations pursuant to paragraphs (1) and (2) are not transferred, they shall revert to the National Treasury.
 - (5) Any support payments that are made after the relevant supporters' association is dissolved shall, without delay, be refunded to supporters and when such support payments are not refunded to supporters before the accounting report pursuant to Article 40 is made, they shall revert to the National Treasury.
 - (6) Article 4 (3) and (4) shall apply *mutatis mutandis* to the procedures for the reversion of the support payments to the National Treasury provided for in paragraphs (3) through (5).
 - (7) Procedures for disposing of the residual property where any supporters' association is dissolved and other necessary matters shall be determined by the Regulations of the National Election Commission.

CHAPTER IV DEPOSITS

Article 22 (Entrustment of Deposits)

- (1) Any individual (including any public official and any private school teacher who is prohibited from becoming a party member) who intends to entrust his/her deposit shall entrust such deposit in the election commission of various levels (excluding any *Eup/Myeon/Dong* election commission).
- (2) The amount of one-time deposits that one person is permitted to entrust is at least 10 thousand won or the value equivalent thereto, but at most the larger amount of 100 million won a year and 5/100 of his/her income of the previous year.
- (3) No one shall entrust his/her deposit in another person's name or in a false name or without disclosing his/her name or his/her identity. In such cases, anyone may entrust his/her deposit on the condition that his/her name,

- identity, etc. are not made public.
- (4) Procedures for entrusting deposits and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 23 (Distribution and Payment of Deposits)

- (1) The National Election Commission shall distribute and pay deposits according to the distribution ratio of subsidies from the National Treasury provided for in the provisions of Article 27 at the time they are distributed and paid after deducting expenses needed directly to collect such deposits.
- (2) The National Election Commission shall, when it allots and pays deposits, disclose the names and personal details of persons who have entrusted their deposits in excess of three million won at one time: *Provided*, That the same shall not apply where anyone entrusts his/her deposit on the condition that they are not disclosed according to the latter part of Article 22 (3). *<Amended by Act No. 8880, Feb. 29, 2008>*
- (3) The time and procedures for paying the deposits and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 24 (Reversion of Deposits to National Treasury, etc.)

- (1) Any deposit that is entrusted in violation of the provisions of Article 22 (2) and (3) shall revert to the National Treasury.
- (2) Where any political party eligible to receive deposits refuses to receive such deposits, the National Election Commission shall evenly distribute or pay such deposits to other political parties with the exception of any political party that refuses to receive such deposits according to the provisions of Article 23 (1).
- (3) The provisions of Article 4 (3) and (4) shall apply *mutatis mutandis* to the procedures for reverting deposits to the National Treasury under paragraph (1).

CHAPTER V SUBSIDIES FROM NATIONAL TREASURY

Article 25 (Inclusion of Subsidies)

- (1) The State shall appropriate an amount obtained by multiplying the unit price for appropriation of subsidies by the total number of eligible voters in an election for National Assembly members recently held at the expiration of their term of office to budget as subsidies to political parties every year. In such cases, when any change is made in the total number of eligible voters due to an election for National Assembly members held at the expiration of their term of office, subsidies that are paid after the relevant election is finished shall be appropriated in budget based on the changed total number of eligible voters. *<Amended by Act No. 8880, Feb. 29, 2008>*
- (2) In a year during which a presidential election, an election for National Assembly members at the expiration of the term of office, or simultaneous local elections provided for in Article 203 (1) of the Public Official Election Act are held, the unit price for appropriation of subsidies per eligible voter for each election (simultaneous local elections shall be deemed one election) shall be added to an amount referred to in paragraph (1). *<Amended by Act No. 8880, Feb. 29, 2008>*
- (3) The unit price for appropriation of subsidies under paragraphs (1) and (2) shall be an amount obtained by adding to or reducing from the unit price for appropriation of subsidies of the previous year an amount calculated by applying the rate of fluctuation in nationwide consumer prices of the previous year compared with the year immediately preceding the previous year and publicly notified each year by the Commissioner of the National Statistical Office pursuant to Article 3 of the Statistics Act to the unit price for appropriation of subsidies of the previous year. *<Newly Inserted by Act No. 8880, Feb. 29, 2008>*
- (4) The National Election Commission shall evenly and separately pay the subsidies referred to in paragraph (1) (hereinafter referred to as "ordinary subsidies") to political parties in each quarter of a year, and the subsidies referred to in paragraph (2) (hereinafter referred to as "election subsidies") to political parties within two days from the deadline for the registration

of candidates. *<Amended by Act No. 8880, Feb. 29, 2008>*

Article 26 (Subsidies for Fielding Female Candidates to Run in Elections for Public Office)

- (1) The State shall include an amount obtained by multiplying 100 won by the total number of eligible voters in the most recently held election for National Assembly members at the expiration of their terms of office, in the budget of the year during which an election for National Assembly members, an election for City/Do council members, or an election for autonomous *Gu/Si/Gun* council members is held at the expiration of their terms of office as subsidies for payment to political parties that field female candidates to run in an election for constituency National Assembly members, an election for constituency City/Do council members, or an election for constituency autonomous *Gu/Si/Gun* council members (hereinafter referred to as "subsidies for fielding female candidates").
<Amended by Act No. 7938, Apr. 28, 2006>
- (2) The subsidies for fielding female candidates shall be distributed and paid to political parties that field female candidates to run in the elections referred to in paragraph (1) according to the following standards. In such cases, the subsidies for fielding female candidates in an election for constituency City/Do council members, and constituency autonomous *Gu/Si/Gun* council members shall be 50/100 of the subsidies for fielding female candidates appropriated in the budget of the relevant year under paragraph (1) for a total amount of the subsidies for fielding female candidates for each election: *<Amended by Act No. 7938, Apr. 28, 2006; Act No. 13758, Jan. 15, 2016>*
1. Where any political party fields female candidates who account for at least 30/100 of the total candidates for nationwide local constituencies: 40/100 of the total amount of subsidies for fielding female candidates shall be allotted and granted based on the ratio of the number of seats at the National Assembly for each political party at the time of granting; 40/100, based on the ratio of votes of the recent election for National

Assembly members at the expiration of terms of office (referring to the average of votes a relevant political party polled at nationwide proportional representative and local constituencies; hereinafter referred to as the "ratio of votes at a National Assembly member election"); and the rest, based on the ratio of the number of female candidates for a local constituency of each political party upon the sum of female candidates fielded by each party;

2. Where no political party fields female candidates who account for at least 30/100 of the total candidates for nationwide local constituencies:
 - (a) Any political party that fields female candidates who account for at least 15/100 but less than 30/100 of the total candidates for nationwide local constituencies: 50/100 of the total amount of subsidies for fielding female candidates shall be allotted and granted based on the standard prescribed in subparagraph 1;
 - (b) Any political party that fields female candidates who account for at least 5/100 but less than 15/100 of the total candidates for national local constituency: 30/100 of the total amount of subsidies for fielding female candidates shall be allotted and granted based on the standard prescribed in subparagraph 1. In such case, subsidies for fielding female candidates allotted to a political party shall not exceed the minimum amounts of subsidies for fielding female candidates allotted to each political party pursuant to item (a).
- (3) The subsidies for fielding female candidates shall be paid to political parties within two days after the deadline for the registration of candidates to run in an election for constituency National Assembly members, an election for constituency City/Do council members or an election for constituency autonomous *Gu/Si/Gun* council members at the expiration of their terms of office. *<Amended by Act No. 7938, Apr. 28, 2006>*

Article 26-2 (Subsidies for Fielding Disabled Persons to Run in Elections for Public Office)

- (1) The State shall appropriate an amount obtained by multiplying 20 won by

the total number of eligible voters in the most recently held election for National Assembly members at the expiration of their terms of office, in the budget of the year during which an election for National Assembly members, an election for City/*Do* council members, or an election for autonomous *Gu/Si/Gun* council members is held at the expiration of their terms of office as subsidies (hereinafter referred to as "subsidies for fielding disabled candidates") for payment to political parties that field disabled candidates (referring to any person registered under Article 32 of the Act on Welfare of Persons with Disabilities from among candidates; hereinafter the same shall apply) to run in an election for constituency National Assembly members, an election for constituency City/*Do* council members, or an election for constituency autonomous *Gu/Si/Gun* council members.

- (2) The subsidies for fielding disabled candidates shall be distributed and paid to political parties that field disabled candidates to run in the elections referred to in paragraph (1) according to the following standards. In such cases, the subsidies for fielding disabled candidates in an election for constituency City/*Do* council members, and constituency autonomous *Gu/Si/Gun* council members shall be 50/100 of the subsidies for fielding disabled candidates appropriated in the budget of the relevant year under paragraph (1) for a total amount of the subsidies for fielding disabled candidates for each election: *<Amended by Act No. 13758, Jan. 15, 2016>*
1. Where any political party fields disabled candidates who account for at least 5/100 of the total candidates for nationwide local constituencies: 40/100 of the total amount of subsidies for fielding disabled candidates shall be allotted and granted based on the ratio of the number of seats at the National Assembly for each political party at the time of granting; 40/100, based on the ratio of votes of the recent election for National Assembly members; and the rest, based on the ratio of the number of disabled candidates for a local constituency of each political party upon

the sum of disabled candidates fielded by each party;

2. Where no political party fields disabled candidates who account for at least 5/100 of the total candidates for nationwide local constituencies:
 - (a) Any political party that fields disabled candidates who account for at least 3/100 but less than 5/100 of the total candidates for nationwide local constituencies: 50/100 of the total amount of subsidies for fielding disabled candidates shall be allotted and granted based on the standard prescribed in subparagraph 1;
 - (b) Any political party that fields disabled candidates who account for at least 1/100 but less than 3/100 of the total candidates for nationwide local constituencies: 30/100 of the total amount of subsidies for fielding disabled candidates shall be allotted and granted based on the standard prescribed in subparagraph 1. In such case, subsidies for fielding disabled candidates allotted to a political party shall not exceed the minimum amount of subsidies for fielding disabled candidates allotted to each party pursuant to item (a).
- (3) The subsidies for fielding disabled candidates shall be paid to political parties within two days after the deadline for the registration of candidates to run in an election for constituency National Assembly members, an election for constituency City/Do council members or an election for constituency autonomous *Gu/Si/Gun* council members at the expiration of their terms of office.

[This Article Newly Inserted by Act No. 9975, Jan. 25, 2010]

Article 27 (Distribution of Subsidies)

- (1) 50/100 of the ordinary subsidies and the election subsidies shall be evenly distributed and paid to political parties that form negotiating groups made up of legislators who belong to such political parties by political party according to the provisions of the main sentence of Article 33 (1) of the National Assembly Act at the time of distributing and paying them.
- (2) 5/100 of the ordinary subsidies and the election subsidies shall be each distributed and paid to political parties that each hold at least five seats

in the National Assembly and are not subject to the distribution and payment referred to in paragraph (1) at the time of distributing and paying them and 2/100 of the ordinary subsidies and the election subsidies shall be distributed and paid to any of the following political parties that each hold either no single seat or less than five seats in the National Assembly:

1. In the case of a political party that participated in the most recently held election for National Assembly members at the expiration of terms of office, its ratio of the number of the votes obtained in the election for the National Assembly members is at least 2/100;
 2. In the case of a political party that does not fall under subparagraph 1 but holds its seats in the National Assembly from among the political parties that participated in the most recently held election for National Assembly members at the expiration of their terms of office, the ratio of the number of votes obtained by the relevant political party in the recently held nationwide elections for proportional representative City/*Do* council members, constituency City/*Do* council members, the Mayor/*Do* Governor or the head of autonomous *Gu/Si/Gun*, for which the relevant political party is permitted to field candidates, is at least 0.5/100;
 3. In the case of a political party that does not participate in the most recently held election for National Assembly members at the expiration of their terms of office, the ratio of the number of votes obtained by the relevant political party in the most recently held nationwide elections for proportional representative City/*Do* council members, constituency City/*Do* council members, the Mayor/*Do* Governor or the head of autonomous *Gu/Si/Gun*, for which the relevant political party is permitted to field candidates, is at least 2/100.
- (3) 50/100 of the residual amount with the exception of the amount that is distributed and paid pursuant to the provisions of paragraphs (1) and (2) shall be distributed and paid to political parties that hold their seats in the National Assembly at the time of distributing and paying the subsidies

- according to the ratio of the number of the seats. The remainder shall be distributed and paid to them according to the ratio of the number of votes obtained in an election for National Assembly members.
- (4) The election subsidies shall not be distributed and paid to any political party that fails to field any candidate as at the deadline for the registration of candidates to run in the relevant election.
 - (5) The period and procedures for paying the subsidies and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 27-2 (Protection of Rights to be Paid Subsidies)

The right of political parties to be paid subsidies under this Act can not be transferred or seized and provided as security.

[This Article Newly Inserted by Act No. 9975, Jan. 25, 2010]

Article 28 (Restrictions, etc. on Use of Subsidies)

- (1) Subsidies shall be used only to cover the following expenses that are needed to operate political parties:
 - 1. Labor cost;
 - 2. Expenses for office fixtures and expendable goods;
 - 3. Expenses for opening and operating offices;
 - 4. Expenses for public utility charges;
 - 5. Expenses for developing policies;
 - 6. Expenses for training and educating party members;
 - 7. Expenses for party activities;
 - 8. Expenses for public relations;
 - 9. Expenses for elections.
- (2) Every political party that is paid the ordinary subsidies shall use at least 30/100 of such ordinary subsidies for its policy development institute (referring to the policy development institute provided for in the provisions of Article 38 of the Political Parties Act; hereinafter the same shall apply), distribute and pay at least 10/100 thereof to its City/Do party branch offices and use at least 10/100 thereof for the development of

female politics.

- (3) Every political party may pay its subsidies to its candidates and its preliminary candidates who are its members to run in elections for public office. The subsidies for fielding female candidates and those for fielding disabled candidate shall be used for the election expenses of female candidates and disabled candidates, notwithstanding paragraph (1).
<Amended by Act No. 9975, Jan. 25, 2010>
- (4) The members and staff of election commissions at various levels (excluding Eup/Myeon/Dong election commissions) may, if deemed necessary to supervise political parties that are paid subsidies or any person who is paid subsidies and other related persons or to confirm whether the subsidies are used in violation of this Act, audit the expenditure of such subsidies.

Article 29 (Reduction of Subsidies)

The National Election Commission may retrieve the relevant amount, or when it is difficult to retrieve such relevant amount, reduce the subsidies to be paid to the relevant political party thereafter according to each of the following provisions: <Amended by Act No. 7938, Apr. 28, 2006; Act No. 9975, Jan. 25, 2010>

1. Where any political party (including its policy development institute and its party election campaign office) that has been paid a subsidy makes a false or understated accounting report on such subsidy, the amount equivalent to twice the false or understated amount;
2. Where any political party uses a subsidy for any purpose other than that provided for in the provisions of Article 28 (1), the amount equivalent to twice the amount of the subsidy that is used in violation of the stipulated purpose;
3. Where any political party uses a subsidy for any purpose other than that provided for in the provisions of Article 28 (2), the amount equivalent to twice the amount of the subsidy that is used in violation of the stipulated purpose;

4. Where any political party uses subsidies for fielding female candidates or those for fielding disabled candidates for any purpose other than usage under Article 28 (3), the amount equivalent to twice the subsidy violating the usage;
5. Where any political party fails to make an accounting report in violation of the provisions of Article 40, the amount equivalent to 25/100 of the paid subsidy in the case of the Central Party and the amount equivalent to twice the subsidy that is paid by the Central Party in the case of a City/*Do* party branch office.

Article 30 (Refund of Subsidies)

- (1) Where any political party that has been paid subsidies is dissolved or its registration is revoked, or any policy development institute is dissolved or ceases to exist, the subsidies paid shall, without delay, be settled as prescribed in the following subparagraphs: *<Amended by Act No. 9975, Jan. 25, 2010>*
 1. Political party: It shall report the details of expenditure of subsidies to the National Election Commission and, when the balance of subsidies exists, refund it;
 2. Policy development institute: It shall hand over the balance of subsidies to the political party to which it belongs. In such cases, the relevant political party shall hand over such balance to a newly established policy development institute and, where the political party is dissolved or its registration is revoked, it shall refund the balance in accordance with subparagraph 1.
- (2) The National Election Commission may, when any political party that is obliged to refund any balance under paragraph (1) fails to do so, forcibly collect the balance in question, in the same manner as delinquent national taxes are collected.
- (3) The collection of the balance referred to in the provisions of paragraph (2) shall take precedence over other public charges.
- (4) The refund of the balance of subsidies and other necessary matters shall

be determined by the Regulations of the National Election Commission.

CHAPTER VI RESTRICTIONS ON CONTRIBUTIONS

Article 31 (Restrictions on Contributions)

- (1) Every foreigner, corporation or organization both at home and abroad shall be prohibited from contributing any political funds.
- (2) No one shall contribute any political funds from any corporation or any organization both at home and abroad.

Article 32 (Restrictions on Contributions Related to Specific Acts)

No one shall contribute or receive any political funds in connection with any of the following acts:

1. Recommending any specific person as a candidate to run in elections for public office;
2. Electing the chairman or vice chairman of a local council, the chairman or vice chairman of a board of education, the superintendent of an office of education or members of a board of education;
3. Soliciting or arranging favors in connection with clerical services that are performed by public officials in charge;
4. Acquiring any right, interest or position on or in property, or arranging the acquisition thereof through any contract or any disposition with any of the following corporations:
 - (a) A corporation that is created by the State, public organizations or pursuant to the provisions of any special Act;
 - (b) A corporation whose majority shares and stake are owned by the State or any local government;
 - (c) A corporation that receives directly or indirectly subsidies from the State or public organizations;
 - (d) A corporation in which the Government invests or for which the Government offers a payment guarantee.

Article 33 (Restrictions on Arranging Contributions)

No one shall procure contributions by means of unfairly coercing the will of another person through the use of any business, employment and other

relationship.

CHAPTER VII ACCOUNTING, REPORTING AND DISCLOSURE OF POLITICAL FUND

Article 34 (Reporting on Selection and Appointment of Person in Charge of
Accounting, etc.)

- (1) Any of the following persons (hereinafter referred to as "selection and appointment authority") shall select and appoint one person in charge of the accounting of revenues and expenditures of political funds, from among persons who are permitted to wage an election campaign for public office and then make a report thereon in writing to the competent election commission without delay: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
1. The representative of a political party (including the Preparatory Committee for Central Party Formation having a supporters' association, a policy development institute, and a party election campaign office; hereafter the same shall apply in this Chapter);
 2. The representative of a supporters' association;
 3. A National Assembly member who has a supporters' association;
 4. The candidate for an intra-party competition in a presidential election or the candidate, etc. for a party representative competition;
 5. The candidate or preliminary candidate to run in an election for public office (referring to cases where they each select and appoint the person in charge of accounting in an election campaign office and election campaign liaison office). In such cases, the candidate fielded by his/her political party to run in a presidential election or the political party that fields candidates to run in an election for proportional representative National Assembly members and candidates to run in an election for proportional representative local council members shall become the selection and appointment authority and the person in charge of accounting of each political party shall concurrently work as the person

in charge of accounting in the election campaign office and the election campaign liaison office;

6. The head of the election campaign liaison office (limited to the person in charge of accounting in an election campaign liaison office).
- (2) No one shall become two or more persons in charge of accounting: *Provided*, That the same shall not apply where a National Assembly member who has a supporters' association has a supporters' association for a presidential candidate, etc., a supporters' association for a candidate for an intra-party competition in a presidential election or a supporters' association for a candidate, etc. for a party representative competition, etc. as prescribed by the Regulations of the National Election Commission. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016>*
- (3) Any candidate or preliminary candidate to run in an election for public office, any election campaign manager and the head of an election campaign liaison office may each concurrently work as persons in charge of accounting. In such cases, the person who intends to work as the person in charge of accounting shall, without delay, make a report on his/her intention in writing to the competent election commission. The same shall apply where the person concurrently works as the person in charge of accounting pursuant to the provisions of the latter part of paragraph (1) 5 and the proviso to paragraph (2).
- (4) When a report is made on the person in charge of accounting pursuant to the provisions of paragraphs (1) and (3), the report shall be accompanied by the following matters:
 1. The deposit account for revenues and expenditures of political funds;
 2. A written agreement to which both a person in charge of accounting and the selection and appointment authority affix their signatures and seals (limited to the person in charge of accounting of the election campaign office) after the maximum amount that the person in charge of accounting is permitted to disburse is determined within the scope of the

limited amount of election expenses.

- (5) The report on the selection and appointment of a person in charge of accounting, the opening of the deposit account and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 35 (Reporting on Change in Person in Charge of Accounting, etc.)

- (1) When any change is made in a person in charge of accounting, the selection and appointment authority shall make a written report on the change to the competent election commission within 14 days from the date on which such change occurs (the selection and appointment authority provided for in the provisions of Article 34 (1) 5 and 6 shall, without delay, make such report in writing to the competent election commission).
- (2) When any change is made in a person in charge of accounting, a person who transfers the accounting work and a person who takes over the accounting work shall, without delay, prepare a written transfer and takeover statement and then affix their signatures and seals thereto. They shall also transfer and take over custody of the property, the balance of the political funds, the accounting book, the deposit bankbook, the credit cards, the association seal, the official seal of the representative, the imprint of that seal and other documents.
- (3) When a report on a change in a person in charge of accounting is made, the written transfer and takeover statement referred to in the provisions of paragraph (2) shall also be submitted.
- (4) The report on the change in the person in charge of accounting, the transfer and takeover and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 36 (Accounting of Revenues and Expenditures Performed by Persons in Charge of Accounting)

- (1) The accounting of revenue and expenditure for the political funds of a political party, a supporters' association, a National Assembly member who

has his/her supporters' association, a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition or a candidate or preliminary candidate to run in an election for public office shall be performed only by the person in charge of accounting (referring to a person in charge of accounting of an election campaign office or election campaign liaison office in the case of a candidate or preliminary candidate to run in an election for public office; hereinafter the same shall apply): *Provided*, That the same shall not apply to any of the following cases: <Amended by Act No. 8880, Feb. 29, 2008; Act No. 9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>

1. Where an assistant accountant (limited to any person eligible to wage an election campaign for public office) delegated by a person in charge of accounting in writing to perform accounting, fixing the purpose of disbursement to the extent to know the details of such disbursement in general and the scope of the amount thereof;
2. Where expenditure is made by means of credit cards, check-cards and other means equivalent thereto the settlement account of which is a savings account for expenditure of political funds reported pursuant to Article 34 under the administration and control of the person in charge of accounting.
- (2) Where a person in charge of accounting receives and disburses political funds, he/she shall perform the receipt and disbursement of such political funds through the deposit account on which a report has already been made to the competent election commission pursuant to the provisions of Article 34 (4). In such cases, only one deposit account shall be used to disburse political funds.
- (3) Even if the candidate for an intra-party competition in a presidential election, the candidate, etc. for a party representative competition or the candidate or preliminary candidate to run in an election for public office disburses political funds in use of his/her property, he/she shall disburse

such political funds through a person in charge of accounting. The same shall apply to cases where any National Assembly member who has a supporters' association disburses his/her political funds in use of his/her property beginning 120 days prior to an election day without reporting him/her as a preliminary candidate to run in the relevant election for National Assembly members. *<Amended by Act No. 13758, Jan. 15, 2016>*

- (4) Allowances and actual expenses of an election campaign manager, etc. provided for in Article 135 of the Public Official Election Act shall be paid in a way so that they are placed into the deposit account of any financial institution designated by the election campaign manager, etc.
- (5) A person in charge of accounting of a candidate or preliminary candidate to run in an election for public office, who has a supporters' association, shall be prohibited from disbursing the support payments made by the supporters' association for a purpose whose need for disbursement arises before the registration of the supporters' association: *Provided*, That the same shall not apply to the election campaigns permitted under Chapter VII of the Public Official Election Act (excluding election campaigns by utilizing the Internet homepage under subparagraph 3 of Article 59 of the same Act and the collection of campaign pledges of preliminary candidates under Article 60-4 of the same Act). *<Amended by Act No. 9975, Jan. 25, 2010>*
- (6) Where any preliminary candidate to run in a presidential election becomes a party-fielded candidate, a person in charge of accounting of an election campaign office of the preliminary candidate shall, without delay, inform the person in charge of accounting of the election campaign office of the party-fielded candidate of the details of disbursement so as to ensure the smooth disbursement of election expenses.
- (7) Methods for disbursing political funds and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 37 (Keeping and Entries of Accounting Books)

- (1) Every person in charge of accounting shall keep an accounting book and enter therein matters concerning the revenue and the expenditure of political funds under the conditions as prescribed in each of the following subparagraphs. In such cases, the accounting of subsidies, political funds other than subsidies, election expenses and political funds other than election expenses shall be separately performed by opening separate accounts for each: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
1. The person in charge of accounting of every political party (including persons in charge of accounting of election campaign offices and election campaign liaison offices for the party-fielded candidate to run in a presidential election, an election for proportional representative National Assembly members or an election for proportional representative local council members):
 - (a) Revenue: The details of revenue from party membership fees, contributions from the supporters' association, deposits, subsidies, borrowings, contributions, the publication of a party organ and other incidental revenues;
 - (b) Expenditure: The details of expenditure (including expenditure of political funds of a party-fielded candidate to run in a presidential election, an election for proportional representative National Assembly members and an election proportional representative local council members).
 2. The person in charge of accounting of a supporters' association:
 - (a) Revenue: The details of revenue including support payments: *Provided*, That in the case of anonymous contributions referred to in Article 11 (3), the date, amount and methods of such contributions;
 - (b) Expenditure: The details of expenditure, such as the date and amount of contributions made to the designation authority of a supporters' association, expenses incurred in collecting support payments.
 3. The person in charge of accounting of a National Assembly member who

has a supporters' association:

- (a) Revenue: The details of revenue, such as contributions of the affiliated political party, the date and amount of support payments by the supporters' association, a selection and appointment authority's property (including his/her borrowings) to be deducted from support payments;
 - (b) Expenditure: The details of expenditure.
4. Persons in charge of accounting of a candidate for an intra-party competition in a presidential election or the candidate, etc. for a party representative competition or persons in charge of accounting of a candidate or preliminary candidate to run in an election for public office (excluding persons in charge of accounting of election campaign offices and election campaign liaison offices for the party-fielded candidate to run in a presidential election, an election for proportional representative National Assembly members or an election for proportional representative local council members):
- (a) Revenue: The details of revenue, such as contributions of the affiliated political party, the date and amount of support payments by the supporters' association, a selection and appointment authority's property (including his/her borrowings), contributions for persons in charge of accounting of election campaign offices (limited to persons in charge of accounting of election campaign liaison offices);
 - (b) Expenditure: The details of expenditure.
- (2) The definitions of the terms used in the provisions of paragraph (1) shall be as follows:
- 1. The term "details of revenue" means the date and amount of the revenue, the names, the dates of birth, domiciles, occupations and telephone numbers of persons who have made contributions of such revenue and other details;
 - 2. The term "details of expenditure" means the date, amount and purposes of expenditure and the names, dates of birth, domiciles, occupations and telephone numbers of persons to whom such expenditure is paid. In such

cases, where printed materials, establishments, goods, equipment, etc. for election campaigns are used without compensation therefor or at prices far below ordinary market prices, every person in charge of accounting shall pay the amount that includes the value equivalent to the ordinary market prices or rentals determined by the Regulations of the National Election Commission.

- (3) The types and forms of the accounting book referred to in paragraph (1), methods of entering matters in the accounting book and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 38 (Performance of Accounting by Political Parties)

- (1) The Central Party shall prescribe the procedures, etc. for performing the accounting of political funds in accordance with its party constitution and party rules in order to ensure the open and democratic disbursement of political funds.
- (2) The following matters shall be entered in the party constitution and party rules referred to in paragraph (1):
 1. Matters concerning the composition and operation of the budget and settlement committee;
 2. Matters concerning the disbursement decision paper that explicitly indicates the details of the following items:
 - (a) The disbursement account, the purposes, date and amount of the disbursement;
 - (b) The names, dates of birth, domiciles, occupations and telephone numbers of persons who have been paid or are entitled to be paid;
 3. Matters concerning written requests for decisions on purchases and payments when the Central Party (including the policy development institute) and City/*Do* party branch offices intend to purchase or enter into a contract for the purchase of goods and services.
- (3) The budget and settlement committee of the Central Party (in the case of a City/*Do* party branch office, referring to the representative thereof;

hereinafter the same shall apply) shall confirm and check the following matters in each quarter of a year and disclose the results thereof to its members without delay:

1. Whether the procedures for performing accounting are observed according to the party constitution and party rules;
 2. The balance of the deposit account;
 3. The amount of revenue for political funds and the details thereof;
 4. The amount of expenditure from political funds and the details thereof.
- (4) Necessary matters concerning the performance of accounting, etc. by political parties shall be determined by the Regulations of the National Election Commission.

Article 39 (Receipts and Evidential Documents)

Where every person in charge of accounting receives and disburses political funds, he/she shall keep receipts and other evidential documents: *Provided*, That the same shall not apply where the Regulations of the National Election Commission prescribe otherwise.

Article 40 (Accounting Report)

- (1) Every person in charge of accounting shall make an accounting report (hereinafter referred to as "accounting report") on the revenue and expenditure of political funds to the competent election commission by the deadlines set forth in the following: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
1. The person in charge of accounting of each political party:
 - (a) The year during which the relevant political party does not participate in elections for public office: By February 15 (by January 31 in the case of a City/Do party branch office) of the next year as of December 31 from January 1 of every year;
 - (b) The year during which the relevant political party participates in nationwide elections for public office: Within 30 days (40 days, in the case of a presidential election or an election for proportional representative National Assembly members) after an election in the

relevant year is held as of the date 20 days after the election (where a party election campaign office is closed 20 days after the election, referring to the date of its closure) from January 1 of every year (in the case of a party election campaign office, the date of its establishment); by February 15 (by January 31, in the case of a City/*Do* party branch office) of the next year as of December 31 from the date 20 days after the election;

- (c) The year during which the relevant political party participates in by-elections for public office, which are held in part of the national constituencies: Item (a) shall apply to the Central Party and policy development institutes and item (b) shall apply to a relevant City/*Do* party branch office and party election campaign offices;
2. The person in charge of accounting of a National Assembly member who has a supporters' association:
- (a) The year during which he/she does not participate in an election for public office: By January 1 of the next year as of December 21 from January 1 of every year;
 - (b) The year during which he/she participates in an election for public office: Within 30 days after an election is held as of the date 20 days after the election from January 1 of every year; By January 31 of the next year as of December 31 from the date 20 days after the election;
3. The person in charge of accounting of a supporters' association for the Central Party (including the Preparatory Committee for Central Party Formation) and the person in charge of accounting of a supporters' association for a National Assembly member:
- (a) The year during which it is permitted to collect the limited amount of annual contributions: By July 31 as of June 30 from January 1 of every year; by January 31 of the next year as of December 31 from July 1;
 - (b) The year during which it is permitted to collect twice the limited amount of annual contributions: Within 30 days after an election is held

as of the date 20 days after the election from January 1 of every year; by January 31 of the next year as of December 31 from the date 20 days after the election: *Provided*, That where the election is held in December, item (a) shall apply.

4. The person in charge of accounting of a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition and his/her supporters' association: Within 30 days after an intra-party competition is held as of the date 20 days after such competition. In such cases, the person in charge of accounting of a National Assembly member who has a supporters' association shall, notwithstanding subparagraph 2, make an accounting report within 30 days after a relevant competition is held as of the date 20 days after such competition from January 1 of every year or by January 1 of the next year as of December 31 from the date 20 days after the competition.
 5. The person in charge of accounting of a candidate or preliminary candidate to run in elections for public office and his/her supporters' association: Within 30 days (40 days, in the case of an independent candidate to run in a presidential election) after an election is held as of the date 20 days after the election (in the case of the party-fielded candidate to run in a presidential election, as of the previous date of candidate registration). In such cases, subparagraph 1 (b) or (c) shall apply to the person in charge of accounting of the party-fielded candidate to run in a presidential election, election campaign offices and election campaign liaison offices of an election for proportional representative National Assembly members or an election for proportional representative local council members.
- (2) Notwithstanding the provisions of paragraph (1), when any of the following grounds occur, the person in charge of accounting shall make an accounting report to the competent election commission within 14 days from the date on which such ground accrues: *<Amended by Act No.*

9975, Jan. 25, 2010; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>

1. When a political party is dissolved or its registration is revoked;
 2. When the Preparatory Committee for Central Party Formation having a supporters' association is dissolved;
 3. When a supporters' association is dissolved pursuant to the provisions of Article 19 (1) (excluding cases where a supporters' association is dissolved as the designation authority of the supporters' association is disqualified to have a supporters' association due to completion of elections or party competitions);
 4. When a National Assembly member, a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition who has a supporters' association, retracts the designation of his/her supporters' associations or is disqualified to have a supporters' association (excluding cases where the designation authority of a supporters' association is disqualified due to completion of party competitions);
 5. A preliminary candidate to run in an election for public office or his/her supporters' association is disqualified or dissolved 30 days before an election period commences.
- (3) The matters that need to be entered in the accounting report pursuant to the provisions of paragraphs (1) and (2) shall be as follows: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 13758, Jan. 15, 2016; Act No. 14838, Jun. 30, 2017>*
1. Political parties and persons in charge of accounting of a supporters' associations:
 - (a) The current status of property holdings: For political parties, it shall be limited to an accounting report as of December 31;
 - (b) The details of revenue for political funds: In the case of a person providing political funds in excess of three hundred thousand won each time or in excess of three million won a year, the name, date of birth,

domicile, occupation and telephone number of such person, the date of receiving the political funds and the amount thereof; in the case of a person providing political funds equivalent to or less than the said amounts, the number of receiving political funds and the total amount thereof: *Provided*, That this shall not apply to party membership fees;

- (c) The details of expenditure that are entered in the accounting book pursuant to the provisions of Article 37 (1);
- 2. Persons in charge of accounting for the designation authority of a supporters' association (excluding political parties), a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition, a candidate or preliminary candidate to run in an election for public office (subparagraph 1 shall apply to a party-fielded candidate to run in a presidential election, an election for proportional representative National Assembly members and an election for proportional representative local council members):
 - (a) The current status of property that has been purchased or acquired in use of support payments and the contributions of the affiliated political party;
 - (b) The details of revenue and expenditure that are entered in the accounting book pursuant to the provisions of Article 37 (1).
- (4) When the accounting report is made pursuant to the provisions of paragraphs (1) through (3), such accounting report shall be accompanied by the following documents: *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 11376, Feb. 29, 2012; Act No. 14838, Jun. 30, 2017>*
 - 1. The statement showing the revenue and expenditure of political funds;
 - 2. The copies of receipts and evidential documents provided for in the provisions of the main sentence of Article 39;
 - 3. The copies of deposit bankbooks that are used to receive and disburse political funds;
 - 4. The written audit opinion compiled by the internal audit office provided for in the main sentence of Article 41 (1) and the copy [limited to any

political party (excluding any party election campaign office) and any person in charge of accounting of a supporters' association] of the written examination resolution (including the disclosed data provided for in the provisions of Article 38 (3)) of the representative organ (including any organ delegated by the representative organ) and the budget and settlement committee;

5. The written audit opinion compiled by a certified public accountant provided for in the proviso to Article 41 (1) (limited to the Central Party and its supporters' association): *Provided*, That the same shall not apply where there is no record of revenue and expenditure of political funds;
6. The written transfer and takeover statement of residual property (limited to the person responsible for document custody transfer). In such cases, the written transfer and takeover statement of the refunded and compensated expenses provided for in the provisions of Article 58 (1) shall be submitted within 30 days from the date on which the expenses are refunded and compensated;
7. The copy of the written detailed statement showing the disbursement of the election expenses of a preliminary candidate provided for in the provisions of Article 36 (6) (limited to the person in charge of accounting of an election campaign office for a party-fielded candidate to run in a presidential election and a person in charge of accounting for a preliminary candidate to run in a presidential election).
- (5) The person in charge of accounting of an election campaign office or election campaign liaison office shall, when he/she makes an accounting report, have the representative of the relevant political party, or a candidate to run in elections for public offices and the election campaign manager to jointly affix their signatures and seals to the accounting report: *Provided*, That in the case of an election campaign liaison office, the head of the election campaign liaison office shall affix his/her signature and seal to the accounting report.

- (6) The accounting report and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 41 (Internal Audit, etc. of Accounting Reports)

- (1) A person in charge of accounting for a political party (excluding any party election campaign office) and a supporters' association shall, when they intend to make an accounting report, go through an examination and resolution by the representative organ (including any organ delegated by the representative organ) or the budget and settlement committee and attach a copy of the relevant written resolution and a written audit opinion of the internal audit office respectively thereto: *Provided*, That the Central Party of a political party and its supporters' associations shall attach such written audit opinion compiled by a certified public accountant who is not a member of the relevant political party to the accounting report. *<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30, 2017>*
- (2) The certified public accountant referred to in the provisions of paragraph (1) shall perform the audit earnestly.

Article 42 (Perusal of Accounting Reports, etc. and Delivery of Copies Thereof)

- (1) The competent election commission shall, upon receiving the accounting report submitted pursuant to the provisions of Article 40, publish the fact of its receipt, the period of perusal, the period of delivering copies of such report and expenses needed to deliver the copies, etc., within seven days from the deadline for submitting the accounting report.
- (2) The competent election commission shall keep the current status of property holdings, the details of revenue and expenditure of political funds and the accompanied documents reported pursuant to the provisions of Article 40 (3) and (4) and make it available for public inspection for three months (hereinafter referred to as "inspection period") from the date on which they are published under paragraph (1): *Provided*, That the statement showing the revenue and expenditure of political funds under

Article 40 (4) 1, from among election expenses-related documents subject to perusal may be offered for public inspection through the Internet homepage of the election commission, but they shall be offered for public inspection only for the inspection period. *<Amended by Act No. 9975, Jan. 25, 2010>*

- (3) Anyone may file an application in writing with the competent election commission for delivering copies of the accounting report, the details of revenue and expenditure of political funds and the accompanied documents (excluding the documents referred to in subparagraphs 2 and 3) provided for in the provisions of Article 40 (4). In such cases, expenses necessary for delivering the copies shall be borne by the person who applies for their delivery.
- (4) Notwithstanding the provisions of paragraphs (2) and (3), the personal details of a person who contributes not more than three million won (referring to five million won in the case of a supporters' association for a presidential candidate, etc. or a candidate for an intra-party competition in a presidential election) a year to a supporters' association and the amount thereof shall not be published. *<Amended by Act No. 8880, Feb. 29, 2008>*
- (5) Everyone shall be prohibited from posting the details of political funds that are published pursuant to the provisions of paragraphs (2) and (3) on the Internet homepage to use them for political purposes.
- (6) Anyone who is dissatisfied with the current status of property holdings, the details of revenue and expenditure of political funds or the attached documents that are reported to the competent election commission under Article 40 may raise an objection in writing accompanied by evidential documents to the competent election commission during the inspection period.
- (7) The competent election commission shall, upon receiving the objection raised pursuant to the provisions of paragraph (6), examine and verify matters concerning the objection raised (excluding the matters falling

under the provisions of the proviso to Article 39) within 60 days from the date on which such objection is submitted and inform the applicant of the result of such examination and confirmation.

- (8) The competent election commission shall, upon receiving the objection raised regarding the election expenses pursuant to the provisions of paragraph (6), ask the person in charge of accounting and other persons concerned to submit explanatory materials concerning the fact of the objection. The person in charge of accounting and other persons concerned shall submit such explanatory materials within seven days from the date on which they are asked to submit them. In such cases, the competent election commission shall, when it receives the explanatory materials, publish the contents of the objection raised and the explanatory materials and if the explanatory materials are not submitted, publish that no objection is raised and no explanatory materials are submitted and then inform without delay the relevant person who raises the objection of the fact.
- (9) The publication referred to in paragraph (1), the inspection of the accounting report, etc., the raising of the objection, the delivery of copies and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 43 (Request for Submitting Materials, etc.)

- (1) The members and employees of an election commission at various levels (excluding an *Eup/Myeon/Dong* election commission; hereafter in this Article the same shall apply) may, when it is deemed necessary to confirm the revenue and expenditure of the election expenses, check accounting books and disbursement and receipt documents and investigate candidates and preliminary candidates to run in elections for public office, persons in charge of accounting of political parties, persons who are paid expenses from election funds or are entitled to receive them and other persons concerned and also ask for the making of reports and submission of materials.

- (2) Anyone who receives the request referred to in the provisions of paragraph (1) from the election commission shall comply with such request without delay.
- (3) If the entries of false facts, illegal or excessive expenditures and other facts that violate this Act are identified after examining the objection raised under Article 42 (6), the inspection and reports referred to in paragraph (1) of this Article and submitted materials from among the contents of accounting books, disbursement and receipt documents and accounting reports, the election commission shall file a complaint with the competent investigation agency and ask it to investigate such irregularities or take necessary measures against them.

Article 44 (Transfer and Keeping of Accounting Books, etc.)

- (1) The person in charge of accounting shall, without delay, transfer the ledger of party membership fee receipts, the ledger of political funds receipts, the accounting book, the statement showing the revenues and expenditures of the political funds, receipts, evidential documents, the deposit passbook, the disbursement decision paper and the written request for decision on purchase and payment (hereinafter referred to as "accounting book, etc."; hereafter the same shall apply in paragraph (2)) to the selection and appointment authority after making the accounting report pursuant to the provisions of Article 40. The selection and appointment authority shall retain them for three years from the date on which the person in charge of accounting makes the accounting report.
- (2) Notwithstanding the provisions of paragraph (1), the person in charge of accounting may commission the competent election commission to retain the accounting book, etc. after obtaining the consent of the selection and appointment authority.

CHAPTER VIII PENALTY PROVISIONS

Article 45 (Offense of Giving and Receiving Political Funds)

- (1) Anyone (referring to a person who commits the relevant act of violation as a member of a political party, a supporters' association, a corporation

or any other organization; hereinafter the same shall apply) who contributes or receives political funds in violation of this Act shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding ten million won: *Provided*, That the same shall not apply where anyone who contributes or receives political funds is a relative of the degree of relationship provided for in the provisions of Article 777 of the Civil Act.

- (2) Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding ten million won:
 1. A person, not being the designation authority of supporters' associations provided for in the provisions of Article 6, who has established and operated a supporters' association or an organization similar thereto for the purpose of contributing political funds;
 2. A person who has made contributions in violation of the provisions of Article 11 (1) and who has received any support payment, collected contributions or made contributions in violation of the provisions of Article 11 (2), 12 (1) and (2), or 13 (1);
 3. A person who has published, advertised or collected any support payment, in violation of the provisions of Articles 14 through 16 (1);
 4. A person who has made or received political funds without entrusting them with the election commission in violation of the provisions of Article 22 (1);
 5. A person who has contributed or received political funds in violation of the provisions of Article 31 or 32;
 6. A person who has received or arranged the contribution of political funds in violation of the provisions of Article 33.
- (3) In the case of paragraphs (1) and (2), the money and goods provided and the property interest shall be confiscated and when it is impossible to confiscate them, the value equivalent thereof shall be collected in addition thereto.

Article 46 (Offense of Violating Various Restrictions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding six million won:

1. A person who has contributed or received an amount that is different from that entered in or from the face value of party membership fee receipts or political fund receipts in violation of the provisions of Article 5 (1) and (2), or 17 (11), or who has falsely prepared and issued party membership fee receipts or political fund receipts or has used them after counterfeiting or falsifying them;
2. A person who has coerced the inspection of the membership roll in violation of the provisions of Article 8 (3) or has leaked facts regarding the membership roll that he/she has learned while performing his/her duty, in violation of paragraph (5) of the same Article;
3. A person who has contributed political funds in violation of the provisions of the latter part of Article 10 (1);
4. A person who has published the serial numbers of political fund receipts issued to a supporters' association without going through the procedures or has notified other State agencies of them, in violation of the provisions of Article 17 (12);
5. A person who has failed to keep the accounting book or entered false matters therein in violation of the provisions of Article 37 (1) or 40 (1) through (4), or has failed to make the accounting report, has failed to submit the current status of property holdings, the amount of revenue and expenditure of political funds and their details, the statement showing the revenue and expenditure, receipts, evidential documents and the copy of the deposit bankbook or has falsely submitted them or has falsely entered, counterfeited or forged receipts concerning revenue and expenditure or other evidential documents;
6. A person who has failed to transfer or keep the ledger of membership fee receipts, the ledger of political fund receipts, the account book, the statement showing the revenue and expenditure of political funds and

evidential documents, the deposit bankbook, the disbursement decision paper or the written request for decision on purchase and payment in violation of the provisions of Article 44 (1);

7. A person who has leaked confidential information that he/she has learned while performing his/her duties in violation of the provisions of Article 63.

Article 47 (Offense of Violating Various Mandatory Regulations)

- (1) Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding four million won: <Amended by Act No. 7938, Apr. 28, 2006; Act No. 9975, Jan. 25, 2010; Act No. 11376, Feb. 29, 2012>

1. A person who has disbursed political funds for purposes other than political activities in violation of the provisions of Article 2 (3);
2. A person who has failed to issue or deliver party membership receipts or political fund receipts within 30 days from the date of receiving party membership fees or support payments and who has delivered receipts of unspecified amounts in violation of the scope of their use, in violation of the provisions of Article 5 (1) or 17 (1) and (3);
3. A person who has failed to transfer the ledger of political fund receipts, matters concerning the identities of contributors or support payments without any good reason in violation of the provisions of Article 16 (2);
4. A person who has used subsidies in violation of the provisions of Article 28 (1) through (3);
5. A person who has failed to refund the balance of subsidies in violation of the provisions of Article 30 (1);
6. A person who has failed to make a report on the deposit account for the revenue and expenditure of the political funds in violation of the provisions of Article 34 (4) 1;
7. A person who has failed to transfer or take over the balance of the property and the balance of the political funds, or the accounting book, etc. in violation of the provisions of Article 35 (2);

8. A person who has received and disbursed political funds without getting the person in charge of accounting to do so in violation of the provisions of Article 36 (1) or (3);
 9. A person who has received and disbursed political funds without using the deposit account on which a report is made, in violation of the provisions of Article 36 (2);
 10. A person who has failed to keep receipts and evidential documents or falsely entered details therein, counterfeited or forged them in violation of the provisions of the main sentence of Article 39;
 11. A person who has made a false audit report in violation of the provisions of Article 41 (2);
 12. A person who has posted the details of published political funds contributions online to use them for political purposes in violation of the provisions of Article 42 (5);
 13. A person who has violated the provisions of Article 53 (2).
- (2) Anyone who has failed to comply with the request by the election commission for audit, the confirmation of materials or submission of materials without any good reason or who has submitted false materials or obstructed access to any place in violation of the provisions of Article 28 (4), 42 (7) or 52 (1) and (4) shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding two million won.

Article 48 (Offense, etc. of Neglecting Supervisory Obligation)

Any of the following persons shall be punished by a fine not exceeding two million won:

1. Where the person in charge of accounting commits the offenses provided for in the provisions of subparagraph 5 of Article 46, the selection and appointment authority who has neglected his/her duty of care in selecting, appointing and supervising the relevant person in charge of accounting;
2. A person who has contributed and disbursed political funds in a manner

that makes it impossible to identify his/her real name or who has disbursed political funds in excess of the annual limited amount within which the political fund is permitted to be disbursed in cash, in violation of the provisions of Article 2 (4);

3. A person who has contributed political funds in another person's name or in a false name, in violation of the provisions of Article 2 (5);
4. A person who has failed to revert the membership fees, etc. to the National Treasury without any good reason, in violation of the provisions of Article 4 (2), 11 (4), 21 (3) through (5), or 58 (4);
5. A person who has failed to keep the membership roll or prepared a false membership roll, in violation of the provisions of Article 8 (2);
6. A person who has made any contribution in violation of the limited amount for anonymous contributions provided for in the provisions of Article 11 (3).

Article 49 (Penalty Provisions concerning Offences related to Election Expenses)

- (1) The person in charge of accounting who has failed to make the accounting report on the election expenses provided for in the provisions of Article 40 (1) and (2) without any good reason or who has entered false details in the accounting report, counterfeited, forged the accounting report or omitted (referring to where election expenses are omitted in order to conceal the revenue and expenditure of the election expenses) matters required to be entered in the accounting report shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 20 million won.
- (2) Any of the following persons in connection with the election expenses shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding four million won: *<Amended by Act No. 11376, Feb. 29, 2012>*
 1. A person who has violated the provisions of Article 2 (4);
 2. A person who has failed to make a report on the person in charge of

accounting and the deposit account, in violation of the provisions of Article 34 (1) and (4) 1, or 35 (1);

3. A person who has violated the provisions of Article 36 (1), (3) and (5), a person who has received or disbursed political funds without using the deposit account that is reported on in violation of the provisions of paragraph (2) of the same Article, and a person who has made any payment without placing the money to the deposit account in violation of the provisions of paragraph (4) of the same Article;
 4. A person who has failed to inform the details of the disbursement of election expenses, in violation of the provisions of Article 36 (6);
 5. A person who has failed to keep the accounting book and to enter matters therein or who has entered false matters therein, counterfeited or forged the accounting book, in violation of the provisions of Article 37 (1);
 6. A person who has entered false matters in receipts or evidential documents provided for in the provisions of the main sentence of Article 39 or counterfeited and forged such receipts and evidential documents;
 7. A person who has failed to submit a copy of the deposit bankbook, in violation of the provisions of Article 40 (4) 3;
 8. A person who has failed to respond to the request of the election commission for making reports or submitting materials without any good reason or who has made a false report or submitted false materials, in violation of Article 43 (2) ;
 9. A person who has violated the provisions of Article 44 (1).
- (3) Any of the following persons in connection with election expenses shall be punished by an administrative fine not exceeding two million won:
1. One who has neglected selecting, appointing, or changing the person in charge of accounting or making a report on the concurrent office of the person in charge of accounting in violation of the provisions of Article 34 (1) and (3), or 35 (1);
 2. One who has failed to submit the written agreement provided for in the

provisions of Article 34 (4) 2;

3. One who has failed to prepare the written transfer and takeover statement in violation of the provisions of Article 35 (2);
4. One who has violated the provisions of Article 40 (5).

Article 50 (Joint Penalty Provisions)

When the person in charge of accounting and his/her assistant accountant of a political party and supporters' association or the executive officers or employees of a corporation and an organization commit a violation falling under any of Articles 45 through 48 in the course of performing his/her duties, the relevant political party, supporters' association, corporation or organization shall be deemed to have committed violations and thus, not only shall such offender be punished accordingly, but the relevant political party, supporters' association, corporation or organization shall also be punished by the fines prescribed in the relevant Article: *Provided*, That the same shall not apply to cases where the relevant political party, supporters' association, corporation or organization has not been negligent in giving due attention or supervision in connection with the relevant duties to prevent such violation.

<Amended by Act No. 9975, Jan. 25, 2010>

Article 51 (Administrative Fines)

- (1) Anyone who has committed any of the following offences shall be punished by an administrative fine not exceeding three million won:

<Amended by Act No. 9975, Jan. 25, 2010>

1. A person who has neglected issuing and delivering party membership fee receipts or political fund receipts, in violation of the provisions of Article 5 (1) or 17 (1);
2. A person who has had employees in charge of clerical services employed on payroll in excess of their fixed number, in violation of the provisions of Article 9 (2) and (3);
3. A person who is a flagrant offender or a quasi-flagrant offender provided for in the provisions of Article 211 of the Criminal Procedure Act and who has refused to comply with a request to accompany under Article

52 (5).

- (2) Anyone who has committed any of the following offences shall be punished by an administrative fine not exceeding two million won:
1. A person who has delayed the transfer and takeover, in violation of the provisions of Article 35 (2);
 2. A person who has disbursed political funds, not based on the disbursement decision paper and the written request for a decision on purchase and payment, in violation of the provisions of Article 38 (2).
- (3) Anyone who has committed any of the following offences shall be punished by an administrative fine not exceeding one million won:
<Amended by Act No. 8880, Feb. 29, 2008; Act No. 14838, Jun. 30, 2017>
1. A person who has neglected to file a declaration, report or application, in violation of Article 7 (1) or (4), Article 19 (2) or (3) (main sentence), the latter part of 20 (1), Article 34 (1) or (3), Article 35 (1), or Article 40 (1) or (2);
 2. A person who has falsely filed an application for the registration of a supporters' association or an application for changing the registration of a supporters' association, in violation of the provisions of Article 7;
 3. A person who has caused anyone who is not eligible for a member of a supporters' association to admit him/her to such supporters' association, in violation of the provisions of Article 8 (1);
 4. A person who has failed to make a report on the actual use of political fund receipts or to return political fund receipts to the competent election commission, in violation of the provisions of Article 17 (10);
 5. A person who has neglected the obligation to transfer the residual property, refunded deposits and compensated expenses, in violation of the provisions of Article 21 (1) and (2) or 58 (1);
 6. A person who has become a person in charge of accounting, in violation of the provisions of the main sentence of Article 34 (2);
 7. A person who has failed to perform the separate accounting of subsidies

and political funds other than subsidies, election expenses and political funds other than election expenses, in violation of the provisions of the latter part of Article 37 (1);

8. A person who has failed to attach a copy of the published materials, a copy of the written resolution, or the written audit opinion and the written transfer and takeover statement that clearly indicate they are confirmed and verified by the budget and settlement committee, in violation of the provisions of Article 40 (4) 4 through 6;
 9. A person who has failed to comply with a request for attendance, in violation of the provisions of Article 52 (5).
- (4) The administrative fines provided for in the provisions of this Act shall be imposed by the competent election commission (excluding *Eup/Myeon/Dong* election commissions and hereafter in this Article referred to as "imposition authority") on a relevant offender as prescribed by the Regulations of the National Election Commission, and when such offender fails to pay an administrative fine by the payment deadline, the imposition authority shall commission the head of the competent tax office to collect the administrative fine and the head of the competent tax office shall collect the administrative fine in question in the same manner as delinquent national taxes are collected: *Provided*, That where any political party is subject to an administrative fine, the administrative fine may be deducted from subsidies that are to be distributed or paid to the relevant political party, and where any candidate is subject to an administrative fine (including the head of an election campaign liaison office and a person in charge of accounting subject to the administrative fines under Article 49 (3)), the administrative fine may be deducted from deposits or amounts of compensated election expenses that are to be refunded or paid to the relevant candidate (referring to the party-fielded candidate to run in a presidential election or a political party that fields its candidates in the case of an election for proportional representative National Assembly members or an election for proportional representative local council

members) provided for in the provisions of Articles 57 and 122-2 of the Public Official Election Act. *<Amended by Act No. 9975, Jan. 25, 2010>*
(5) through (7) Deleted. *<by Act No. 11376, Feb. 29, 2012>*

CHAPTER IX SUPPLEMENTARY PROVISIONS

Article 52 (Investigation, etc. of Offenses Involving Political Funds)

- (1) Where it is recognized that any offense violating this Act is suspected or a report on any flagrant offender is received, the members and employees of an election commission at various levels (excluding *Eup/Myeon/Dong* election commissions; hereafter the same in this Article shall apply) may enter the place of any political party and any supporters' association to question and investigate any National Assembly member who has a supporters' association, any candidate for an intra-party competition in a presidential election, any candidate, etc. for a party representative competition, any candidate or preliminary candidate to run in elections for public office, any person in charge of accounting, anyone who has contributed or received political funds, anyone who has been paid expenses from political funds or is entitled to expenses from political funds and other persons concerned, or request them to submit related documents and materials needed to conduct their investigation. *<Amended by Act No. 13758, Jan. 15, 2016>*
- (2) Where it is deemed inevitable to conduct an investigation of the revenue and expenditure of political funds, an election commission at various levels may ask the head of any financial institution to submit materials pertaining to any of the following financial transactions of anyone who is recognized to be highly suspected of paying or receiving political funds in violation of this Act, notwithstanding the provisions of other Acts: *Provided*, That the same shall not apply to the account of any other person, which is used to place or withdraw his/her money. In such cases, the head of the relevant financial institution is not authorized to ban using such account:
 1. The details of opening the account;

2. A copy of the ledger of the bankbook;
 3. Matters concerning the identity of the party to the transaction in the case of any account transfer;
 4. In the case of any transaction that is performed by means of check, matters concerning the financial institution that first issues the check and the identity of the person who asks the financial institution to issue it.
- (3) Where evidential materials that are used to commit any offense prohibited by this Act are at risk of being destroyed, the members and employees of an election commission at various levels may collect them on the spot, as far as they fall within the scope of the need to conduct their investigation. In such cases, when the members and employees of the relevant election commission at various levels use the collected evidential materials to file a complaint for the related offense or to ask for them to be investigated, they shall transfer such collected evidential materials to the competent investigation agency and when they do not intend to do so, they shall return without delay the collected evidential materials to the person who owns, possesses or manages them.
- (4) No one shall obstruct access to the place referred to in the provisions of paragraph (1) and anyone who is requested to answer questions, undergo investigation or submit materials shall immediately comply with such request.
- (5) When it is deemed necessary to question and investigate any person in connection with the investigation of any offense involving political funds, the members and employees of an election commission at various levels may ask him/her to appear at election commission and may ask him/her to go along if there is hard evidence that supports his/her suspicion of offense: *Provided*, That they shall be prohibited from asking any candidate (including a candidate for an intra-party competition in a presidential election or a candidate, etc. for a party representative competition) to go along or appear during elections for public office (including an intra-party competition to elect a candidate for an intra-party competition in a

- presidential election or a candidate, etc. for a party representative competition). <Amended by Act No. 13758, Jan. 15, 2016>
- (6) Where the members and employees of an election commission at various levels question and investigate any person, request the submission of materials or enter any place pursuant to the provisions of paragraph (1), or ask anyone to go along or appear pursuant to the provisions of paragraph (5), they shall present a document indicating their authority, declare their commission and names and explain their objectives and reasons to persons concerned.
 - (7) Anyone who has learned information and materials pertaining to the details of financial transactions pursuant to the provisions of paragraph (2) (hereinafter referred to as "transaction information, etc.") shall be prohibited from furnishing or leaking the transaction information, etc. to any other person or using it for purposes other than their objectives.
 - (8) The written request for submitting materials under paragraphs (1) through (6), the collection of evidential materials, the standards of certificates and other necessary matters shall be determined by the Regulations of the National Election Commission.

Article 53 (Protection. etc. of Whistle Blowers on Offenses Involving Political Funds)

- (1) Where reasonable grounds exist to believe that anyone who has suffered damage or is feared to suffer damage for furnishing clues to investigation by reporting, making a petition, filing an accusation, filing a complaint, making a statement and testimony, furnishing materials, tipping off or participating in arrest activities (hereafter in this Article referred to as "whistle blower, etc.") with respect to any offense involving political funds (referring to the offenses falling under Chapter VIII; hereafter in this Chapter the same shall apply), the provisions of Articles 5, 7, 9 through 12, and 16 of the Act on Protection of Specific Crime Informants, Etc. shall apply *mutatis mutandis* to such person in the course of pursuing criminal procedures against the offense involving political

- funds and investigations by the election commission.
- (2) No one shall divulge facts that make it possible to infer details of identity or the whistle blower, etc. of any offense involving political funds to any other person, publish or report such fact, knowing that anyone who is protected pursuant to the provisions of paragraph (1) is a whistle blower, etc.

Article 54 (Payment of Bounties to Whistle Blowers on Offenses Involving Political Funds)

- (1) Election commissions at various levels (excluding *Eup/Myeon/Dong* election commissions; hereafter in this Article the same shall apply) or any investigation agency may pay a bounty to anyone who reports any offense involving political funds before the election commission or the investigation agency recognizes such offense, as prescribed by the Regulations of the National Election Commission.
- (2) Where it is found that a report was made by fraud means, such as collusion, after paying a bounty under paragraph (1), election commissions at various levels or investigation agencies shall notify the relevant reporter of the amount to be refunded, and the relevant reporter shall pay it to the relevant election commission or investigation agency within 30 days from the date on which he/she is notified of such. *<Newly Inserted by Act No. 8880, Feb. 29, 2008>*
- (3) When the relevant reporter has failed to pay the amount to be refunded by the deadline for payment under paragraph (2), election commissions at various levels or investigation agencies shall commission the head of a tax office having jurisdiction over the address of the relevant reporter to collect it, and the head of the competent tax office shall collect it in the same manner as delinquent national taxes are collected. *<Newly Inserted by Act No. 8880, Feb. 29, 2008>*
- (4) Any money amount paid or collected under paragraph (2) or (3) shall revert to the National Treasury. *<Newly Inserted by Act No. 8880, Feb. 29, 2008>*

Article 55 (Court Appearance of Defendant)

- (1) Where any defendant fails to appear in court for the trial for any offense involving political funds on the trial date after receiving legitimate summons that are not made by means of service by publication, the trial date shall be reset.
- (2) When the defendant fails to appear in court on the reset trial date or fails again to appear in court thereafter without any good reason, the trial may proceed without the attendance of the defendant.
- (3) Where the trial proceeds pursuant to the provisions of paragraph (2), the opinions of any prosecutor and any defense lawyer who are present in the trial shall be heard.
- (4) The court shall, when it hands down a ruling pursuant to the provisions of paragraph (2), notify the relevant defendant or the relevant defense lawyer (limited to cases where the relevant defense lawyer is appointed) of the fact by means of telephone or by other speedy means.

Article 56 (Notification of Indictment and Ruling)

- (1) Every prosecutor who indicts the representative of a political party, a National Assembly member, the head of any local government, a local council member, a candidate or preliminary candidate to run in an election for public office, a candidate for an intra-party competition in a presidential election, a candidate, etc. for a party representative competition, a representative of any supporters' association, or a person in charge of accounting on charges of offenses involving political funds shall inform the competent election commission of his/her indictment of each of them. *<Amended by Act No. 13758, Jan. 15, 2016>*
- (2) Any presiding judge who hands down a final ruling on the offenses provided for in the provisions of Articles 45 through 48 and 49 (1) and (2) shall deliver a certified copy of such final ruling to the competent election commission. *<Amended by Act No. 11376, Feb. 29, 2012>*

Article 57 (Restrictions on Holding Public Office for Committing Offenses Involving Political Funds)

Anyone who is sentenced to imprisonment with labor on the grounds of an offense falling under the provisions of Article 45 shall be prohibited from taking any public office or being appointed to any public office for ten years after the execution of the sentence is made definite or the enforcement of the sentence is terminated or exempted, anyone who is sentenced to a stay of the execution of the imprisonment with labor shall be prohibited from taking any public office or being appointed to any public office for ten years after the execution of the sentence is made definite, anyone who is sentenced to a fine exceeding one million won shall be prohibited from taking any public office or being appointed to any public office falling under any subparagraph of Article 266 (1) of the Public Official Election Act for five years after the enforcement of the sentence is made definite and anyone who has already taken or has been appointed to any public office shall be dismissed therefrom.

Article 58 (Management of Refunded Deposits and Compensated Expenses of Candidates)

- (1) Where any candidate to run in an election for public office pays his/her deposits or disburses election expenses provided for in the provisions of Article 56 of the Public Official Election Act with the support payments of his/her supporters' association or the campaign payment and such deposits and election expenses are refunded to or compensated for him/her pursuant to the provisions of Article 57 or 122-2 of the same Act, any party-fielded candidate shall transfer such refunded or compensated expenses [referring to the balance obtained by deducting all expenses he/she has paid with his/her property (including his/her property and borrowings)] to the political party to which he/she belongs and any independent candidate shall transfer them to a public corporation or social welfare establishment within 20 days (hereafter in this Article referred to as "time limit for transfer") from the date on which the election expenses are compensated for him/her. *<Amended by Act No. 11376, Feb. 29, 2012>*

- (2) Notwithstanding the provisions of paragraph (1), every elected member of the National Assembly may use the refunded expenses and the compensated expenses as his/her political funds, and in such cases he/she shall place them into the deposit account (referring to his/her deposit account opened in his/her name, where he/she does not have a supporters' association) provided for in the provisions of Article 34 (4) 1 to use them as his/her political funds.
- (3) When any National Assembly member who does not have a supporters' association disburses all of the funds referred to in the provisions of paragraph (2) that is placed to the deposit account opened in his/her name, he/she shall make a report thereon to the competent election commission as prescribed by the Regulations of the National Election Commission.
- (4) Where any candidate who runs in elections for public office fails to transfer his/her refunded or compensated expenses that he/she is liable to transfer pursuant to paragraph (1) within the time limit for transfer, such expenses shall revert to the National Treasury. In such cases, the provisions of Article 4 (3) and (4) shall apply *mutatis mutandis* to the procedures for reverting to the National Treasury. <Amended by Act No. 11376, Feb. 29, 2012>

Article 59 (Tax Reduction)

- (1) With respect to anyone who makes a contribution of political funds or anyone who receives a contribution of political funds under this Act, the income tax and the gift tax on the amount equivalent to these political funds shall be exempted under the Restriction of Special Taxation Act; With respect to political funds contributed by individuals, 110/100 of such contribution of up to 100 thousand won, and 15/100 of an amount that exceeds 100 thousand won (where the amount exceeds 30 million won, 25/100 for the excess) shall be deducted from the relevant contributor's assessed tax amount of total income from his/her income of the relevant tax year; and 10/100 of the deducted amount shall be further deducted

from the tax amount of the contributor's local income tax, as prescribed in the Restriction of Special Local Taxation Act: *Provided*, That the same shall not apply where any contribution is made anonymously pursuant to the provisions of Article 11 (3) and the political funds contributed or paid by the supporters' association and the affiliated political party, etc. is paid as party membership fees or is contributed to the supporters' association. *<Amended by Act No. 13758, Jan. 15, 2016>*

- (2) Anyone who contributes 100 thousand won on an one-time basis and not more than 1.2 million won a year by means of placing them into a deposit account for political funds that is opened in the name of a supporters' association may use a financial transaction receipt certificate in which the details of contributions including the name of the supporters' association, the details of identity, such as the names and the dates of birth of contributors, the dates and amount of transactions or the original copies of electronic settlement receipts designed to prevent any counterfeit, duplication and forgery as receipts for tax deduction referred to in paragraph (1). *<Amended by Act No. 13758, Jan. 15, 2016>*

Article 60 (Facilitation of Contribution, etc. of Political Funds)

Election commissions at various levels (excluding *Eup/Myeon/Dong* election commissions) shall publicize methods, procedures and the need, etc. to contribute and deposit political funds, using printed materials, equipment and advertisements, etc., in order to facilitate the contribution and the deposition of political funds.

Article 61 (Commercials for Collecting Political Funds)

- (1) Every terrestrial broadcasting company provided for in the Broadcasting Act shall broadcast public-interest commercials in order to create a transparent culture of contributing political funds, and the costs of such commercials shall be borne by the relevant broadcasting company.
- (2) For the public-interest commercials referred to in paragraph (1), the Korea Broadcasting Advertizing Corporation (hereafter referred to as "Korea Broadcasting Advertizing Corporation" in this Article) established under

the Korea Broadcasting Advertisizing Corporation Act shall produce commercials at its cost and furnish terrestrial broadcasting companies with such commercials at least once a year.

- (3) The Korea Broadcasting System shall, when it intends to produce the commercials referred to in the provisions of paragraph (2), consult with the National Election Commission about the themes of such commercials.

Article 62 (Exclusion of Application of the Act on Collection and Use of Donations)

The Act on Collection and Use of Donations shall not apply to cases where political funds are contributed and received under this Act. *<Amended by Act No. 7851, Mar. 24, 2006>*

Article 63 (Obligation to Keep Confidential Information from being Divulged)

The members and employees of an election commission at various levels shall be prohibited from divulging confidential information that they have learned in the course of performing their duties in connection with the enforcement of this Act while in office or after their retirements.

Article 64 (Publication)

The competent election commission shall, when it receives the report or the application for registration provided for in the provisions of Article 7 and the main sentence of Article 19 (3), the accounting report provided for in the provisions of Article 40 (1) and (2), cancels the registration of a supporters' association pursuant to the provisions of Article 19 (4), pays the political funds to any political party provided for in the provisions of Articles 23 and 27 or receives the report or the refund of subsidies pursuant to the provisions of Article 30, publish the intentions of such acts as prescribed by the Regulations of the National Election Commission.

Article 65 (Enforcement Rules)

Matters necessary for the enforcement of this Act shall be determined by the Regulations of the National Election Commission.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Supporters' Associations of Central Party and City/Do Party Branch Office)

The supporters' associations of the Central Party and the City/Do party branch office provided for in this Act shall be disbanded on March 13, 2006 and all of the regulations governing the supporters' associations of the Central Party and the City/Do party branch office shall be repealed.

Article 3 (Transitional Measures concerning Liaison Office of Supporters' Association)

The branch office of the supporters' association of the Central Party that is registered pursuant to the previous provisions at the time this Act enters into force shall be deemed the liaison office of the supporters' association of the Central Party that is set up pursuant to this Act.

Article 4 (Applicability to Number of Staff in Charge of Clerical Services on Payroll of Supporters' Association, etc.)

The amended provisions of Article 9 (2) and (3) shall apply to the constituency offices of National Assembly members and the supporters' associations that are registered at the time this Act enters into force beginning 30 days after this Act enters into force.

Article 5 (Transitional Measures concerning Periodicals for Advertising Collection of Support Payments, etc.)

The periodicals permitted to run advertisements on the collection of support payments, etc. pursuant to the amended provisions of Article 15 (2) shall be governed by the previous provisions before the Act on the Guarantee of Freedom and Functions of Newspapers, Etc. enters into force.

Article 6 (Special Case concerning Political Fund Receipts)

The political fund receipts that are printed and issued pursuant to the previous provisions as at the time this Act enters into force may be used after entering the dates of birth in each of their columns "resident registration numbers."

Article 7 (Transitional Measures concerning Distribution and Payment of Deposits)

The deposits that are entrusted with the election commission as at the time this Act enters into force shall be distributed and paid according to the amended provisions of Article 23 (1).

Article 8 (Applicability to Written Request for Decision on Purchase and Payment)

The written request for the decision on purchase and payment provided for in the amended provisions of Article 38 (2) shall apply beginning 30 days after this Act enters into force.

Article 9 (Transitional Measures concerning Penalty Provisions)

The application of the penalty provisions to any act performed prior to the enforcement of this Act shall be governed by the previous provisions.

Article 10 (Relations with other Acts and Subordinate Statutes)

A citation of the previous Political Fund Act or any provision thereof by any other Act or subordinate statute in force as at the time this Act enters into force shall be deemed a citation of this Act or the corresponding provision hereof in lieu of the former provision, if such a corresponding provision exists in this Act.

ADDENDUM <Act No. 7851, Mar. 2, 2006>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 7908, Mar. 24, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 through 5 Omitted.

ADDENDUM <Act No. 7938, Apr. 28, 2006>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 8880, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 17 (2) shall enter into force from the date on which the National Election Commission notifies, after completing technical measures to prevent forgery or alteration of any no fixed amount receipt which may be issued online, political parties and supporters' associations of such fact.

Article 2 (Transitional Measures concerning Supporters' Association for Preliminary Candidate to Run in an Election for Constituency National Assembly Members)

- (1) Any name of the constituency of a National Assembly member referred to in Article 25 (2) of the Public Official Election Act and any supporters' association for a preliminary candidate registered in a constituency which has been adjusted by the division, combination or rearrangement of the constituency for the National Assembly members following the amendment of such constituency shall be deemed to have been registered with the competent election commission as at the time this Act enters into force.
- (2) When the competent election commission referred to in Article 7 is changed for any supporters' association for a preliminary candidate from among supporters' associations for a preliminary candidate under paragraph (1), the relevant supporters' association shall make a written report on change within ten days after the enforcement date of this Act, return its certificate of registration of supporters' association and have a new certificate of registration delivered.

Article 3 (Applicability to Accounting Reports by Supporters' Association which Contributed Support Payments)

The amended provisions of Article 10 shall also apply to a person in charge of accounting for a supporters' association which contributed any support payment to the designation authority of supporters' association before this Act enters into force and has failed to make an accounting report thereon.

Article 4 (Applicability to Disclosure of Persons who Contributed More Than Three Million Won Year in One to Supporters' Association, etc.)

The amended provisions of Articles 40 (3) 1 and 42 (4) shall also apply to any person who has contributed support payments during a period subject to accounting report implemented first after this Act enters into force.

Article 5 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions to any act committed before this Act enters into force (including administrative fines) shall be governed by the previous provisions.

Article 6 (Relations with other Acts and Subordinate Statutes)

In cases where any previous provision is cited in other Acts or subordinate statutes as at the time this Act enters into force, this Act or the corresponding provisions thereof shall be deemed to have been cited in lieu of the previous provisions, if such provisions corresponding thereto exist in this Act.

ADDENDA <Act No. 9785, Jul. 31, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 9975, Jan. 25, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Issuance, Delivery, etc. of Receipts, etc. of Party Membership Fees) The amended provisions of Articles 5 (1), 12 (2) and 17 (1) and (5) shall also apply to party membership fees and support payments paid or contributed in 2009.
- (3) (Transitional Measures concerning Penalty Provisions) The application of penalty provisions to any act committed before this Act enters into force shall be governed by the previous provisions.

- (4) (Relations with other Acts and Subordinate Statutes) Where the previous provisions are cited in other Acts and subordinate statutes as at the time this Act enters into force, the corresponding provisions shall be deemed cited in place of the previous provisions if such provisions equivalent thereto exist in this Act.

ADDENDUM <Act No. 10395, Jul. 23, 2010>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 11376, Feb. 29, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Applicability to Issuance of Party Membership Fee Receipts and Political Fund Receipts)

The amended provisions in Articles 5 (1) and 17 (1) shall apply beginning with the issuance of the receipts of the party membership fees and the receipts of the support payments received and contributed on and after the date of enforcement of this Act.

ADDENDA <Act No. 13758, Jan. 15, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Limited Amount of Annual Contributions Collected by Supporters' Association)

Notwithstanding the amended provisions of the main sentence of Article 12 (1), the limited amount of contributions collected for the year 2016 shall not include the amount that exceeded the limited amount of contributions in the year 2015.

Article 3 (Transitional Measures concerning Penalty Provisions)

The former provisions shall prevail on the punishments for the violations committed before this Act enters into force.

ADDENDA <Act No. 14074, Mar. 3, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning the Supporters' Associations for Preliminary Candidates to Run in Elections for Constituency National Assembly Members)

- (1) Notwithstanding Article 7 (1), the supporters' association for a preliminary candidate to run in an election for constituency National Assembly members registered to the competent election commission of the current constituency of a National Assembly member as of December 31, 2015, for the election for National Assembly members on April 13, 2016 (hereinafter referred to as the “former constituency of a National Assembly member) shall be deemed to have been registered to the competent election commission as at the time this Act enters into force.
- (2) Among the supporters' association for a preliminary candidate to run in an election for constituency National Assembly members of a constituency of a National Assembly whose election district has been changed pursuant to the enforcement of the partial amendment to the Public Official Election Act (Act No. 14073), those whose competent elections commissions have been changed, shall report on the change within ten days after the enforcement date of this Act and return their previously issued registration certificates and be issued new registration certificates.

Article 3 (Transitional Measures concerning Persons in Charge of Accounting of Preliminary Candidates to Run in Elections for Constituency National Assembly Members and Their Supporters' Associations)

- (1) Notwithstanding Article 34 (1), persons in charge of a preliminary candidate to run in an election for constituency National Assembly members and its supporters' association registered to the competent election commission of the current constituency of a National Assembly member for the election for National Assembly members on April 13,

2016 shall be deemed to have been registered to the competent election commission as at the time this Act enters into force.

- (2) Among preliminary candidates to run in an election for constituency National Assembly members of constituencies of National Assembly members and their supporters' associations whose election districts have been changed pursuant to the enforcement of the partial amendment to the Public Official Election Act (Act No. 14073), those whose competent elections commissions have been changed, shall report on the change of persons in charge of accounting within ten days after the enforcement date of this Act.

Article 3 (Transitional Measures concerning Collecting Support Payments and Contributions of Supporters' Associations)

Where a supporters' association of a preliminary candidate has collected or donated support payments pursuant to the former provisions, from January 1, 2016 to the time before this Act enters into force, for the election for National Assembly members on April 13, 2016, it shall be construed to have complied with the relevant provisions of this Act.

ADDENDUM <Act No. 14838, Jun. 30, 2017>

This Act enters into force on the date of its promulgation.