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Introduction to the Electoral and Political Systems of the Republic of Korea

21st National Assembly Elections, 2020



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**NATIONAL ELECTION
COMMISSION**

Introductory Remarks

It has been recognized by the international community that the Republic of Korea is among the few countries that have achieved economic growth in a relatively short period of time together with political development. There is a growing interest around the world in sharing the history and experiences of the development of the electoral system in the Republic of Korea as the system has steadily improved and democratic institutions have been strengthened.

The National Election Commission (NEC) of the Republic of Korea has signed Memorandums of Understanding (MoU) with two international organizations and 20 global election management bodies so far. The NEC has received requests from election officials from around the world, foreign envoys, members of the academic community and international media regarding cooperation every year, and has actively participated in international exchange in the area of election management, including by organizing International Election Observation Programs regularly and the Seoul International Forum on Elections annually in order to promote the electoral system of the Republic of Korea.

The first edition of the book 'Introduction to the Electoral System of the Republic of Korea' was published in 2009 to inform our global partners about the Korean electoral system and the NEC's mission and mandates. The book has been updated reflecting the multiple revisions of the Public Official Election Act, the Political Party Act and the Political Funds Act up to the present day, including the first revised edition of the book in 2016 and the second in 2020.

This edition is mainly composed of Frequently Asked Questions (FAQs) raised over the past five years during NEC official meetings with international organizations, foreign election officials and diplomatic delegations in Korea. The NEC hopes this book can be used as a valuable reference not only for vibrant exchange but also as a tool for informing the international community about the electoral system in Korea. Also, the NEC hopes this book will contribute to enhancing the understanding of the roles and responsibilities of the NEC and serve as a foundation for better communication with our global partners.

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I

The NEC of the Republic of Korea

1

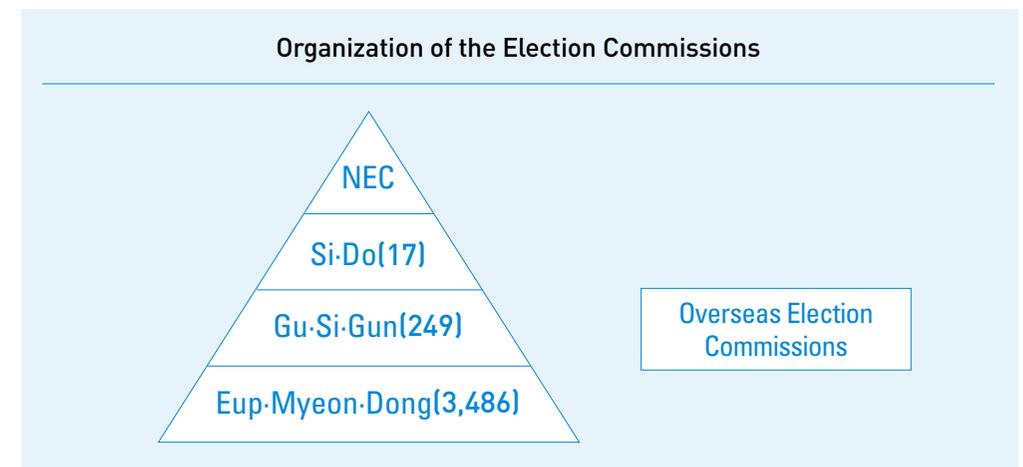
Organization

1. Establishment and Status

- **Establishment:** January 21, 1963
 - It was difficult to ensure the independence and impartiality of the NEC when it was an administrative body affiliated under the Ministry of the Interior and Safety after the establishment of the government in 1948.
 - The establishment of the NEC as a constitutional body was stipulated in the fifth revision of the constitution in 1962.
- **Status**
 - The NEC is an independent constitutional body that manages elections and national referendums fairly and deals with administrative affairs concerning political parties and political funds.
 - The NEC is an independent consensus-based constitutional body on the same level as the National Assembly, the National Government, Judicial Courts and the Constitutional Court.

2. Election Commissions

- **Organization and Composition**
 - The election commissions in the Republic of Korea have a four-tier organizational structure consisting of the National Election Commission, 17 Si/Do election commissions, 249 Gu/Si/Gun election commissions and 3,486 Eup/Myeon/Dong election commissions.
 - Overseas election commissions are temporarily established at diplomatic missions for presidential elections and National Assembly elections that are conducted at the end of the term of office.
- **Composition of the National Election Commission**
 - The NEC is composed of nine commissioners. Three are appointed by the President, three are elected by the National Assembly and three are nominated by the Chief Justice of the Supreme Court.
 - The commissioners are appointed, elected or nominated after a confirmation hearing at the National Assembly. The Chairperson is elected by a consensus vote by and from among the commissioners.



• **Term and Qualifications for Commissioners**

- Term: Six years (Standing Commissioner: Three years)
- Commissioners shall not join a political party or participate in political activities in order to ensure their impartiality when it comes to dealing with election affairs. The term and status of each commissioner is strictly guaranteed as prescribed by the Constitution and relevant Acts to ensure the fair execution of their duties without any external interference.
- Grounds for Dismissal from Office: No members of the Commission shall be expelled from office except by impeachment due to a sentence of imprisonment or a heavier punishment, involvement in politics, or being affiliated with political party.

FAQ

Q. Why does the NEC have a Standing Commissioner?

Customarily a Justice of the Supreme Court is elected to be the Chairperson of the NEC. As the Chairperson should hold the additional position of Supreme Court Judge, it is not possible for the Chairperson to be committed on a full time basis to the affairs of the election commission. Therefore the Standing Commissioner supports the Chairperson and oversees the NEC secretariat as directed by the Chairperson

Q. How different is the composition of the commissions at each level?

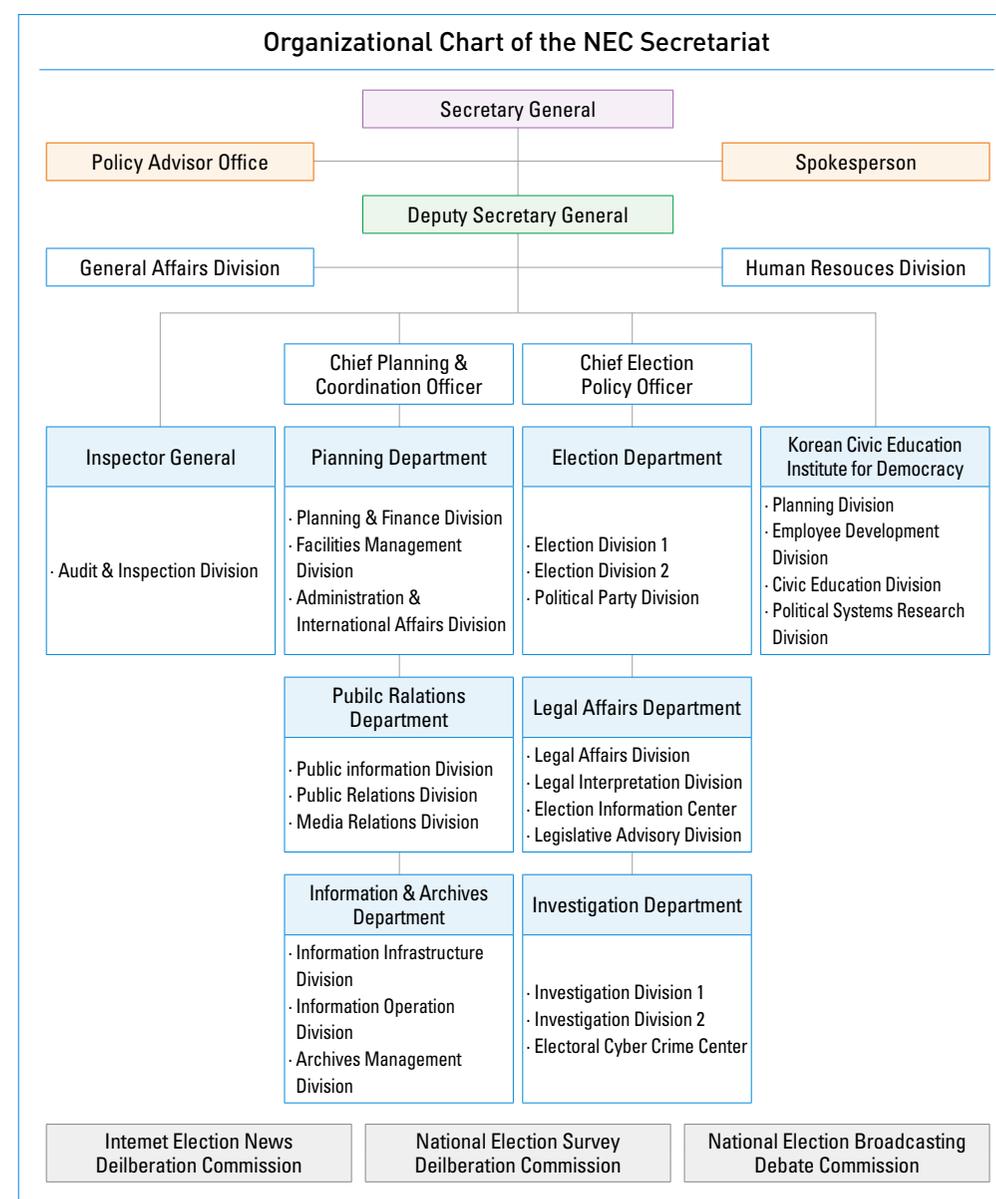
Si/Do election commissions are composed of a Chairperson, a Standing Commissioner, and a set number of commissioners. The Chairperson is elected by a consensus vote from among the commissioners. The Standing Commissioner is a civil servant nominated by the NEC. The commission is composed of one commissioner recommended by each political party with a negotiation group in the National Assembly, three commissioners recommended by the chief judge of a district court and three commissioners from the academic and education fields. Gu/Si/Gun election commissions are composed of a Chairperson, Vice Chairperson, and a set number of commissioners. The Chairperson and the Vice Chairperson are elected by a consensus vote among the commissioners. The commission is composed of one commissioner recommended by each political party with a negotiation group in the National Assembly, and six commissioners who are respected in the academic and education fields.

Q. Is there remuneration for the commissioners?

The Standing Commissioner of the NEC receives a monthly payment because they are a ministerial level civil servant. However the other commissioners are in an honorary position in which they are only paid allowances for attending official meetings.

3. Secretariat

- **Organization:** A Secretary General (ministerial level position), a Deputy Secretary General (deputy ministerial level), two chief officers, six departments, one independent office, one training institute and 26 divisions.
- **Composition**
 - As of March 2020, there are about 2,900 civil servants working at the national and regional level election commissions, including 370 officials at the NEC, 630 officials at Si/Do election commissions and 1,900 officials at Gu/Si/Gun election commissions.
 - Decisions on human resources including employment, promotion, appointment, and transfer are made autonomously to maintain independence in human resources management.



2

Roles and Responsibilities

4. Affiliated Agencies

- **Internet Election News Deliberation Commission (IENDC)**
 - Establishment: The IENDC was founded March 12, 2014 to ensure the impartiality of election news on the internet.
 - Organization: The commission is composed of up to eleven commissioners, including one recommended by each political party with a negotiation group in the National Assembly and others recommended by the Press Arbitration Commission, academic media circles and the internet associated press (term of three years).
 - Mandate: The IENDC is mandated to assess whether election news posted on the internet is fair or not. The commission provides real-time monitoring of election-related news by around three thousand internet media outlets and also deliberates on the request for, and makes a decision on formal objections and correction reports filed by political parties or candidates.
- **National Election Broadcasting Debate Commission (NEBDC)**
 - Establishment: The NEBDC was founded on March 15, 2004 to fairly manage and operate broadcast speeches and debates and establish a sound debate culture.
 - Organization: An election broadcasting debate commission is established and operated under each election commission including the NEC, Si/Do election commissions and Gu/Si/Gun election commissions. The NEBDC is composed of up to eleven commissioners and the local-level broadcasting debate commissions are composed of nine commissioners, including one recommended by each political party with a negotiation group in the National Assembly and the other members recommended by public broadcasting companies and from academia (term of three years).
 - Mandate: The NEBDC is mandated to manage the affairs regarding the broadcast speeches and debates for presidential elections and elections for proportional representation members of the National Assembly, and policy debates for public official elections following the termination of office, policy debates organized according to the Political Parties Act.
- **National Election Survey Deliberation Commission (NESDC)**
 - Establishment: The NESDC was founded on March 5, 2014 to ensure the objectivity and credibility of election polls.
 - Organization: Election survey deliberation commissions are independently set up and operated under the NEC and each Si/Do election commissions. The commissions are composed of up to nine commissioners, with two recommended by each political party with a negotiation group in the National Assembly and the others recommended from among experts from polling companies, legal circles and academia (term of three years).
 - Mandate: The NESDC is mandated to determine standards for election polls, manage the registration of the companies undertaking election polls, and to deliberate and make a decision on whether an election poll is in violation of the relevant law or legal standards.

1. Management of Various Elections

- **Management of Elections for Public Officials**

The NEC manages presidential elections as well as elections for the National Assembly, heads of local governments and local councils as stipulated by the Public Official Election Act.



- **Management of Election Expenses**

The NEC determines election expense limits and audits the income and expenditure of election expenses.

- **Management of National Referendums**

The NEC manages national referendums that ask the public their opinion on important policies related to diplomacy, national defence and unification and the revision of the Constitution.

- **Management of Entrusted Elections**

The NEC manages entrusted elections according to the Act on Entrusted Elections Including Public Organizations and other relevant regulations. Entrusted elections include those for heads of agricultural, fishery, livestock and forestry cooperatives.

- **Management of Residents' Referendums**

The NEC manages residents' referendums on important decisions made by local governments seriously affecting and placing undue burden on the residents of a district based on municipal ordinances.

- **Management of Recall Votes**

The NEC manages elections requested by the residents of a district to remove heads of local governments or local council members from their positions prior to the end of their term of office in the case the officials are found to conduct illegal and unfair activities.

- **Management of Party Elections**

The NEC manages party elections if a political party entrusts the election to the NEC in order to nominate candidates for public official elections.

3

History

Jan 21 1963	1987-	1994-	2004-	2012-	2015-
Strict Management of Election Affairs and Procedures	Regulation of Illegal Election Campaigning	Building a Unified Election Management System	Creating an Atmosphere of Clean and Fair Elections	Ensuring the Right to Vote and Voter's Convenience	The NEC, Together with the Citizens

2. Management of Affairs Related to Political Parties and Funds

- **Management of Affairs Related to Political Parties (Political Parties Act)**

Management of affairs related to political party registration, disclosing the implementing of party policies, holding policy debates and supporting the development of policy-based political parties.

- **Management of Affairs Related to Political Funds (Political Fund Act)**

Management of affairs related to Political Fund Associations (PFAs), provision of national subsidies and inspection of their expenditure, the receipt and reimbursement of deposits, receipt, audit and investigation into financial reports and support for administration related to political funds.

3. Civic Education for Democracy

- Conducting PR activities to enhance democratic civic consciousness and to create a sound election culture.
- Providing education and training for NEC staff, election officials, political party staff, PFA staff, and the general public, as well as developing and distributing education material.

4. Research on Electoral and Political Systems

- Research on the political system of Korea and other countries around the world.
- Submission of opinions on political law reforms.
- Projects for improving the voting and counting systems.
- Research on e-voting systems.

5. International Exchange and Cooperation

- Exchange with global election management bodies.
- Support for studying and improving election laws and systems of countries around the world.

- **Establishment on January 21, 1963**

- The NEC focused on raising a sense of sovereignty among the electorate, and on fairly managing elections and national referenda according to the Election Acts and the National Referendum Act.

- **1987-**

- The NEC raised public trust in its regulation activities and implemented strong monitoring and regulation activities against illegal acts in violation of the Election Act in order to ensure fair competition and achieve just and clean elections.

- The NEC strengthened its regulation activities and expanded its right to investigate election related crimes since the Election Acts were reformed in 1992 with regards to suspensions, warnings, corrective orders and complaints, and requests for investigations against unlawful acts in violation of the Election Acts.

- **1994-**

- The NEC created a new system for election management, political parties, and political funds in 1994 to achieve clean elections where less expenses are required.

※ Various election laws were integrated into the Public Official Election and Prevention of Election Fraud Act.

- The NEC gained the right to investigate election related crimes.

※ For example confirmation and investigation of election expenses, demolition, collection, closure order of illegal facilities and subrogation of administrative acts over illegal facilities, suspension of mailing illegal pamphlets, non-prosecution appeal, questioning, investigating, collecting evidence, request appearance and voluntary accompaniments and the introduction of election fraud watchdog system.

- The Korean Civic Education Institute for Democracy (KOCEI) was established in 1996 to provide civic education for democracy for stakeholders related to political parties and candidates, and the general public. In addition, the NEC has managed elections for members of Si/Do education boards and superintendents of education since 2000 in order to expand fair and clean elections at all levels.

- **2004-**

- The NEC improved institutions including blocking illegal elections and providing rewards up to 50 million Korean won (\$42,000 USD) in compensation for election crime reporters and imposing a fine of 50 times the value of the goods or money those prosecuted receive.

- The NEC strengthened its authority by establishing the Internet Election News Deliberation Commission and the National Election Broadcasting Debate Commission, gaining the right of investigation on crimes related to political funds and introducing the cyber election fraud watchdog system.
- The NEC has managed residents' referendum since 2004, entrusted elections for president of national cooperatives since 2005, entrusted elections for president of national universities, and elections for recall votes since 2006.
- **2012-**
 - The NEC implemented new voting systems to realize popular sovereignty and ensured convenience for voters.
 - ※ Introduction of the overseas voting system in the 19th National Assembly elections in 2012, shipboard voting system in the 18th presidential election, and the early voting system in 2013.
 - The NEC increased voters' convenience by developing the 'ballot paper printer' to directly print ballot papers at polling stations since overseas voting was introduced in 2012.
- **2015-**
 - The NEC promoted transparency and impartiality of the election process by introducing the counting observer system so the general public can participate in the counting process.
 - The NEC secured fair election boundary delimitation by establishing an independent body, the National Assembly Election Boundary Delimitation Commission (NAEBDC), under the NEC and managed nationwide simultaneous cooperatives elections in 2015 for the first time.
 - The NEC launched the e-TV channel and endeavored to ensure the public's right to information and satisfy the public's curiosity, informing the public of election-related details and live broadcasting the voting and counting process.

ZOOM-IN

1. KOCEI - A Specialized Institution for Civic Education for Democracy

- KOCEI, as a training institute dedicated to civic education for democracy established in 1996, has been running various training programs in the area of politics and elections for the development of democracy.
- The NEC provided voters with various programs by adopting learner-friendly teaching methods, including content development and debates.
- Also, KOCEI provides participation-based programs meeting various demands
 - Job training for election commission staff.
 - Education for general voters and future voters.
 - Various on-demand learning programs in the area of politics and elections.
 - Strengthen the operation of citizen participatory programs developed by voters with vibrant communication.
 - Build up an academic base for civic education for democracy.

2. Voter's Political Festivals

- This is the first voter-centered political festival in the Republic of Korea.
 - The festival was first held on November 2018 under the slogan 'voters making politics, voters enjoying festivals' inspired by Almedalen Week, a role model of Northern Europe's political festivals.
 - During the 2019 festival 96 voters groups implemented 82 programs, an increase of 60% when compared with the first voter's festival, and 9000 citizens participated in the programs.
- KOCEI will hold this political festival annually and develop a new kind of citizen-led voters festival.

3. E-TV (Korea Election Broadcasting Station)

- Election broadcasting station run by the NEC
 - Began transmitting on April 26, 2017 in order to create a mature culture of democracy by ensuring the right to information and raising public trust in election management.
- Regular broadcasts to provide voters with election information so they can make a well-informed decision on election-related issues.
 - Provides election and democracy-related TV programs in accordance with the inherent values of election broadcasting including live broadcasting of voting and counting, provision of election information and the production and distribution of programs regarding democracy and civic education for democracy.

FAQ

Q. Is e-TV a cable channel?

Yes. It is transmitted through two cable channels not through a terrestrial channel.

4. The NEC and Manifestos

- Publicize the campaign promises of political parties and candidates, hold regular academic conferences, support affairs related to manifestos of civic groups.
- Provide a 'policy issue map service' for political parties and candidates so that they can effectively develop policies and pledges suitable for their constituencies based on the provided map.

Policy Issue Map Service

After an analysis of big data on the media coverage and citizen's complaints over the past four years, keywords of interest by Si/Do and Gu/Si/Gun are produced to be made public on the website of the policy issue map service

Map chart (Jongro-gu)



Keyword Cloud (Jongro-gu)



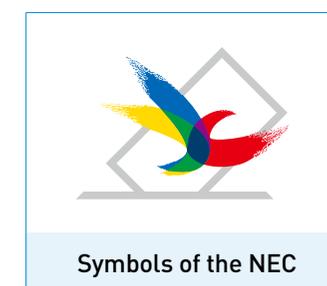
The finding of the analysis for Jongro-gu Keyword cloud of citizen's complaints includes: worker, central line, education, school, employment, teacher, temporary teacher, students, health insurance, transport, bus, museum, hospital, APT, income, university, land, special employment, housing, rent

5. Characters and Symbols of the NEC

- Character
 - 'ChamCham' means 'True Participation', 'Baru' means 'Just Elections and Just Management', 'Ali' means 'Promote Democracy.' The names of the characters are named to be similarly pronounced in Korean to contain the desired meanings.
 - These characters all symbolize the roles of the NEC. 'ChamCham' is characterized as exercising the right of the voters, 'Baru' is characterized for fairness and cleanness, and lastly 'Ali' is characterized for civic education for democracy.



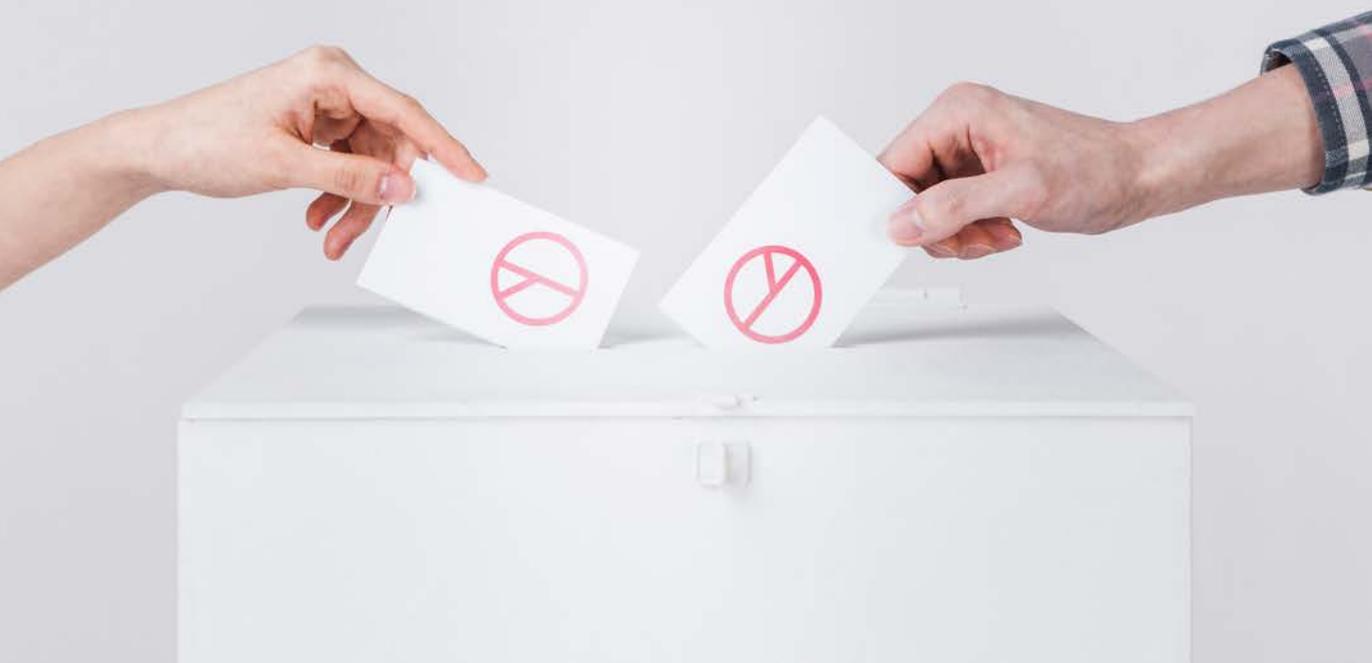
- Symbol
 - Represents a flying bird meaning the hope and choice of the citizens and ballot paper symbolizing an election.
 - Red, blue, and yellow are the three colors that are Korea's traditional pattern of the three taeguk.
 - Like the three mixed-colors make a harmony, the symbol stands for harmonizing different public opinions and leaping forward together.



Symbols of the NEC

II

Elections



1

Overview

The Republic of Korea is a democratic republic and adopts a presidential system. The Constitution as the supreme law in the country, stipulates provisions regarding elections including suffrage rights, the right to be elected, the composition of the National Assembly, the number of National Assembly members and boundary delimitation, the election process for President and the eligibility requirements for public office. The Constitutional Assembly was founded for the first time in 1948 and continues in 2020 as the 21st National Assembly.

1. Electoral System of the Republic of Korea

Government System	Form of Government	Official Name of the Parliament	Type of Parliament	Number of National Assembly Members	Term of Office for National Assembly Members	Electoral System	Election Method
Republic	Presidential System	The National Assembly of the Republic of Korea	Unicameral	300	Four years	Hybrid electoral system	Direct electoral system

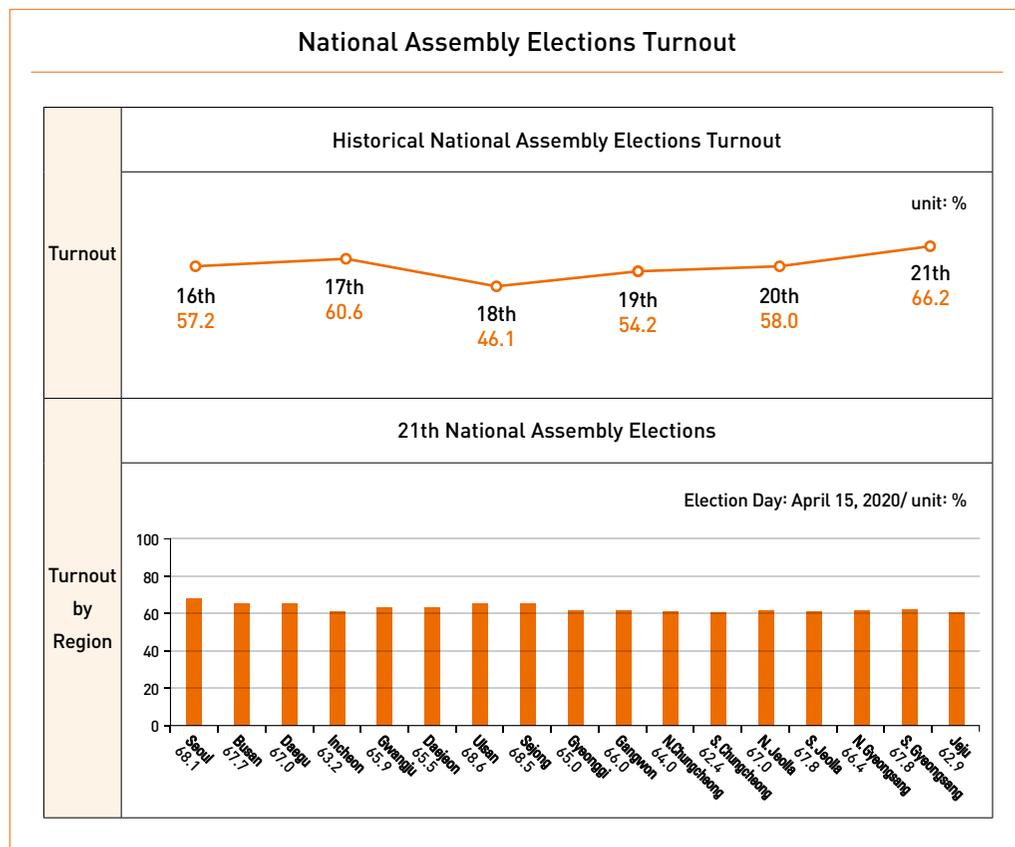
2. The 21st National Assembly Elections

Election Day	Wednesday April 15, 2020 ※ National holiday
Early Voting Period	April 10, 2020 (Fri) - April 11, 2020 (Sat)
Voting Hours	6am - 6pm
Counting Period	April 15, 2020 (Wed), from 6pm to the completion of counting
Election Constituencies	<ul style="list-style-type: none"> · Elections for Constituency Members of the National Assembly: Single member constituencies · Elections for Proportional Representation Members of the National Assembly: Nationwide multi member constituencies
Method for Determining Elected Candidates	Semi-compensatory supplementary member system <ul style="list-style-type: none"> · 253 Constituency Members: First-past-the-post single member constituencies · 47 Proportional Representation Members: Party-list proportional representation, nationwide constituency ※ The results of constituency member elections are compensated when calculating proportional representation member seats (compensation rate 50%). Only 30 seats of the 47 are compensatory during the 21st National Assembly elections
Voting Method	<ul style="list-style-type: none"> · One person two ballots system · One vote for a constituency member candidate, the other vote for a party · Possible to vote for a constituency candidate of a different party affiliation from the party they vote for in proportional representation member elections · Non-mandatory voting
Suffrage	Citizens of the Republic of Korea (Age 18 and older)
Electoral Eligibility	Citizens of the Republic of Korea (Age 25 and older)

Candidates	<ul style="list-style-type: none"> · Candidates for Constituency Member elections for the National Assembly: Party affiliated or independent · Candidates for Proportional Representation Member elections for the National Assembly: Closed-list made by political parties
Turnout	66.2%

3. Election Management Authority by Election Type

Relevant Election Commission	Election
National Election Commission	<ul style="list-style-type: none"> · Presidential elections · Elections for proportional representation members of the National Assembly
Si/Do Election Commissions	<ul style="list-style-type: none"> · Si/Do mayoral and gubernatorial elections · Elections for proportional representation members of Si/Do councils
Gu/Si/Gun Election Commissions	<ul style="list-style-type: none"> · Elections for constituency members of the National Assembly · Elections for constituency members of Si/Do councils · Elections for constituency members of Gu/Si/Gun councils · Elections for proportional representation members of Gu/Si/Gun councils · Elections for Heads of Local Governments



FAQ

Q. What kind of public official elections are held in Korea and how often are they conducted?

In terms of public official elections there are presidential elections, National Assembly elections and nationwide simultaneous local elections. Presidential elections are held every five years, and National Assembly and nationwide simultaneous local elections are held every four years.

Q. What are the characteristics of Korea's proportional representation elections and when were they introduced?

Korea uses a closed-list proportional representation system where the candidates and their ranking on the list is entirely decided by the political party. Proportional representation was initially introduced in National Assembly elections in 1963, and a closed-list party list system was introduced for the 17th National Assembly elections held on April 15, 2004.

Q. Is there any election management equipment used in Korea for effective election management?

The ballot sorting machine that sorts ballots automatically by political party and candidate was introduced in 2002 in order to enhance the accuracy and speed of vote counting. Since the introduction of the machine, it has been effectively utilized to count ballots for public official elections.

Right to Vote and Electoral Eligibility

The Constitution of the Republic of Korea stipulates the right to vote and the right to take public office for every citizen in Article 24 and Article 25. In accordance with these Articles, the Public Official Election Act specifies rules and regulations on eligibility for the above mentioned rights. In addition, the voting age was lowered from 19 to 18 years old by the revision of the Public Official Election Act in 2020.

1. Right to Vote

Election	Nationality	Age	Residence
Presidential Elections	Citizens of the Republic of Korea	Age 18 or older on election day	None
National Assembly Elections			Resident registered in the relevant district for three months or longer (constituency member elections only)
Nationwide Simultaneous Local Elections			Resident registered in the relevant district for three months or longer

• Major Reasons for Disqualification

- A person who is sentenced to imprisonment or confinement for one year or more and whose punishment has not been completed or whose final decision has yet to be handed down (excluding someone on probation).
- A person who has been given to a monetary penalty of one million Korean won (\$840 USD) or more due to an offence such as an election crime, political fund crime or bribery.

FAQ

Q. Do those who are still on probation have the right to vote?

Unless the person under probation is convicted due to the election related crimes according to the Public Officials Election Act, those who are still in probation due to general crimes have a right to vote.

Q. Do convicts have the right to vote?

Unless the convict is sentenced to a fine of one million Korean won (\$840 USD) or more due to election related crimes according to the Public Officials Election Act, a person guilty of general crimes sentenced to less than one year imprisonment or confinement is granted the right to vote.

2. Electoral Eligibility

Election	Nationality	Age	Residence
Presidential Elections	Citizens of the Republic of Korea	Age 40 or older	Resident residing domestically for 5 years or more
National Assembly Elections		Age 25 or older	None
Nationwide Simultaneous Local Elections			Resident registered in the relevant district for 60 days or longer

• Major Reasons for Disqualification

- A person sentenced to a monetary penalty of one million Korean won (\$840 USD) or more due to an offense such as an election crime, political fund crime or bribery .
- A person sentenced to confinement or heavier punishment and the punishment is still in effect.
- A person sentenced to a monetary penalty due to crimes of accepting bribery linked to the nomination of candidates and the statute of limitations of ten years has not passed.

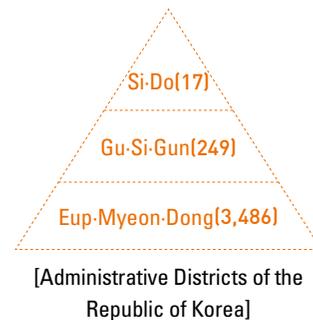
3

Election Constituencies

For elections for constituency members of the National Assembly, one candidate is elected in each constituency. Meanwhile for elections for proportional representation members of the National Assembly, all proportional representation members are elected in a nationwide constituency. The National Assembly Election Boundary Delimitation Commission (NAEBDC) is set up under the NEC for fair boundary delimitation for National Assembly elections, and the NAEBDC has independent status in terms of its mandate.

1. Election Constituencies

- National Assembly elections are composed of elections for constituency members and proportional representation members of the National Assembly.
 - A single member constituency system is adopted for elections for constituency members of the National Assembly to elect one member for each constituency. The constituencies are delimited into 253 election constituencies nationwide in proportion to the size of the population in each district.
 - The elections for proportional representation members of the National Assembly elect 47 members that represent a nationwide constituency.



2. Boundary Delimitation for National Assembly Elections

- **Delimitation Body:** National Assembly Election Boundary Delimitation Commission (NAEBDC).
- **Boundary Delimitation Cycle:** Every four years.
- **Delimitation Procedure**
 - A delimitation draft proposal is submitted by the NAEBDC to the Speaker of the National Assembly by 13 months prior to the election day of National Assembly elections held at the end of the term of office.
 - The Speaker of the National Assembly should submit the delimitation draft proposal to the National Assembly.
 - The National Assembly is only able to vote for or against the proposal and has no authority to revise it.
 - ※ However, if the proposal is deemed an obvious infringement to the rules of boundary delimitation, it is possible for the National Assembly to request the NAEBDC only once for the resubmission of the delimitation draft proposal.

- **The Rules of Boundary Delimitation**

- Delimitation must be done by taking into account population, administrative district, geographical conditions, transport, living and cultural areas.
- The population difference between the most populous district and the least populous district should be within the scope of a 2:1 ratio.

The NAEBDC

Establishment	The NAEBDC was established as an independent body under the NEC on June 19, 2015. ※ The NAEBDC was first established under the National Assembly in 1996, but there was only declaratory provisions that only allowed them to respect the delimitation proposal.
Status	Temporary organization that independently carries out its mandate.
Organization	Nine commissioners (one appointed by the Chairperson of the NEC and the other eight recommended from among academia, legal circles, and the media). ※ The Chairperson is elected by a consensus vote among the commissioner
Operation Period	From eighteen months prior to National Assembly elections until the day the delimitation of boundaries is confirmed at the National Assembly.

FAQ

Q. Is it possible for the National Assembly to interfere with delimitation politically?

The National Assembly cannot interfere in the delimitation of constituencies. This is because the National Assembly can request to NAEBDC for the resubmission of a revised delimitation proposal only if the first proposal is clearly in violation of the rules of delimitation prescribed in the Public Official Election Act. Also, the Speaker of the National Assembly must submit the draft delimitation proposal to a plenary session of the National Assembly, reflecting the proposed delimitation submitted by the NAEBDC, and the plenary session must put the bill to a vote without any modification or revision.

Election Day and the Voters List

There are two different ways to determine an election day, either it is set by an authorized person and announced to the public or it is set by law. In Korea, the election day is set by law and is determined by the Public Official Election Act. Meanwhile, the voters list is drawn up for every election. A passive registration system is used in which the head of the relevant Gu/Si/Gun prepares the voters list. However, voters have to register to be on the voters list for home, shipboard and overseas voting.

1. Election Day

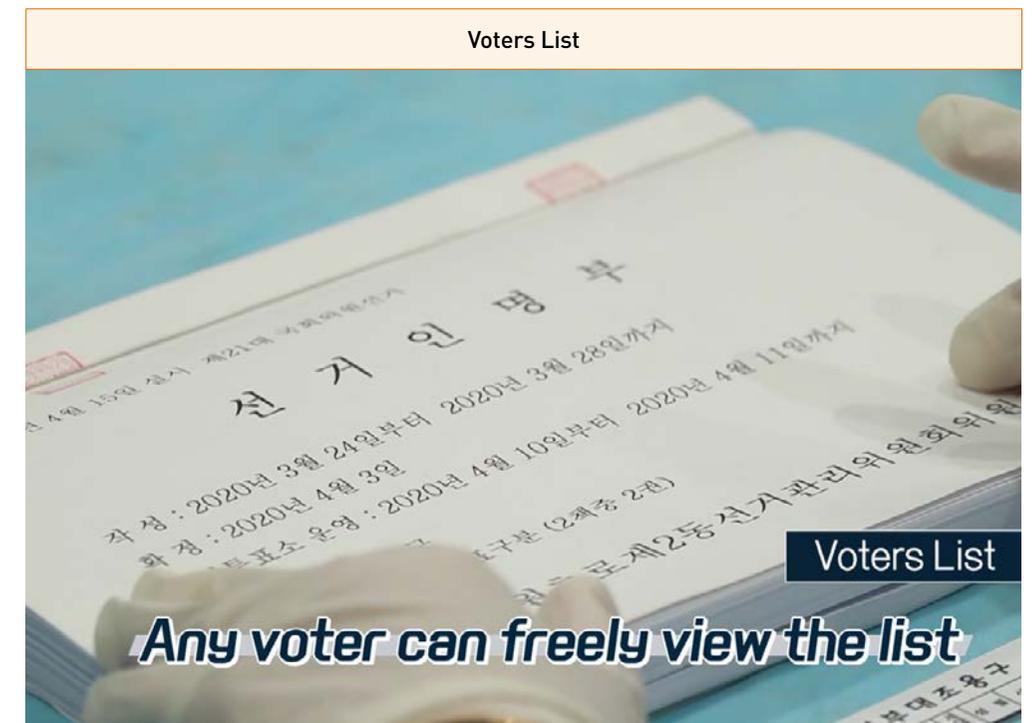
- **Method for Determining the Election Day:** Determined by law as prescribed in the Public Officials Election Act.
 - ※ The election day is only selected by an authorized person and notified to the public in certain cases specified by law such as if the position of President becomes vacant.
- **Public Official Elections Due to the End of Term of Office**
 - Presidential Elections: The first Wednesday after 70 days prior to the end of term in office.
 - National Assembly Elections: The first Wednesday after 50 days prior to the end of term in office.
 - Nationwide Simultaneous Local Elections: The first Wednesday after 30 days prior to the end of term in office.

2. Preparation of the Voters List

- **Voters List Authority:** Head of the relevant Gu/Si/Gun government.
- **Preparation Period:** Before every election.
- **Due Date:** During a five day period starting from 22 days (for presidential elections, 28 days) prior to election day.
- **Details on the Voters List:** Name, address, gender and date of birth of the valid voters registered as a resident in the relevant district.
- **Preparation Method:** The voters list is automatically prepared by a computerized system.
- **Supervising Authority:** The relevant Gu/Si/Gun election commission.

Voters Lists for Home and Shipboard Voting

Voters List Authority	Head of the relevant Gu/Si/Gun government.
Preparation Period	When a registration is made by a home or shipboard voter.
Eligibility for Registration	Refer to the voting chapter.
Registration period	For five days starting from 22 days prior to election day.
Registration Method	Registration in writing or by post to the head of the relevant Gu/Si/Gun government.
Preparation Method	Indicate 'home voter or shipboard voter' in the notes column of the voters list and separately draw up a list for registered home and shipboard voters.



3. Access to the Voters List

- **Eligible Persons:** Anyone who has the right to vote.
 - **Period:** For three days after the deadline for the preparation of the voters list.
 - **Method**
 - In person at the place designated by the head of Gu/Si/Gun government to access the list.
 - Access to the list on the website opened and run by the Gu/Si/Gun government.
- ※ When a voter checks the voters list online, It is only possible for a voter to view their own information.

4. Objection Appeals, Dissent Appeals or Requests for Registration

Section	Objection Appeal	Dissent Appeal	Request for Registration by a Person Omitted from the List
Applicant	Anyone who has the right to vote	A person who disagrees with an objection appeal or a related person	The relevant voter or the head of the relevant Gu/Si/Gun government
Application Period	Within period it is possible to access the voters list	Until the day after a decision is made on an objection appeal	From the day after the appeal application deadline until the day before the voters list is confirmed
Application Method	Verbally or in writing	In writing	In writing
Application Receiver	The head of the Gu/Si/Gun government	The relevant Gu/Si/Gun election commission	The relevant Gu/Si/Gun election commission
Processing Period	Until the day after the application is submitted	Until the day after the application is submitted	Until the day after the application is submitted

5. Confirmation of the Voters List

- **Confirmation Period:** 12 days before election day.
 - ※ Home and Shipboard Voting: The day after the deadline for the creation of the voters list Overseas Voting: 30 days prior to election day.
- **Validity:** Valid only for the relevant election.

6. Issuing of Copies of the Voters List

- **Eligible Applicants:** A candidate.(a campaign manager or a head of an election campaign liaison office in the name of the candidate)
- **Issuing Organization:** Head of the relevant Gu/Si/Gun government.
- **Application Deadline:** Until the day the election campaign begins.
- **Allowed Number of Copies:**Each candidate may request one hard copy or one digital copy of the voters list or the home or shipboard voters lists (must be issued within 24 hours after the application is submitted).
 - ※ No one may transfer or lend either a hard or digital copy of the issued voters list and use it for profit in property or other commercial purposes.
- **Cost Bearing:** Those who receive the copy must bear the costs, and they should make the payment when they submit the application.

FAQ

Q. Should a citizen who wants to vote apply for registration in person?

According to the authority given to them, the heads of Gu/Si/Gun governments register the residents who have reached voting age based on the resident registration system. This is because the heads of local governments have all the information necessary to prepare the voters list based on the resident registration system.

5

Candidates

From the Constitutional Assembly elections in 1947 until the Second Republic, those who wished to run for elections were only able to become a candidate by being nominated by members of the electorate. However, since the inauguration of the Sixth Republic in 1987, the rules have changed to also allow candidates to be nominated by political parties.

1. Candidate Nominations

• Candidate Nominations by Political Parties

- Nomination Method: Political parties may nominate party members within the number prescribed for each election constituency (for example one candidate in single-member constituency elections and 47 candidates in nationwide-constituency proportional representation member elections).
- Quota System for Female Candidates
 - ✓ Constituency Member Elections: The party must attempt to ensure at least 30% of the candidates it nominates for constituency member elections are female.
 - ✓ Proportional Representation Member Elections: Must nominate 50% or more female candidates of the total number of nominated candidates, with female candidates at each odd number slot on the party list.
 - ✓ Legal Restrictions if Political Parties Do Not Abide by the Law: In the case of proportional representation members elections, the submitted party list is rejected and their registrations are invalidated. Constituency member elections are not subject to these legal restrictions.

• Nominations of Independent Candidates

(only relevant to elections for constituency members of the National Assembly)

- Eligible Persons to Nominate Candidates: Voters registered as a resident in the relevant election constituency.
- Nomination Method: The name, seal or signature of the signatories nominating the candidate should be affixed to the nomination petition forms issued by the relevant election commission and the form should be attached to the candidate registration form.
- Required Number of Signatories: Between 300 and 500 people.

2. Candidate Registration

- **Registration Period:** For two days starting from 20 days prior to the election day.
- **Bodies Receiving Candidate Applications**
 - Constituency Member Elections: Relevant election commission.
 - Proportional Representation Member Elections: NEC.
- **Registration Method:** Submission of necessary documents in writing.
- **Documents Required for Submission**
 - Constituency Member Elections: Candidate registration form*, nomination letter from the relevant party (party nominated candidates), nomination petition from the electorate (independent candidates), relevant documents including proof of property, military service, payment of taxes, criminal record and academic background.

*Includes the name of the constituency, the name of the affiliated political party, resident registration number, address, occupation, education, and career experience.
 - Proportional Representation Member Elections: Candidate registration form*, party list for proportional representation member elections, relevant documents including proof of property, military service, payment of taxes, criminal record and academic background.

*Includes the name of the political party, the number of candidates recommended by the party for elections for proportional representation members, details of the candidate nomination procedure.
- **Note**
 - A candidate may only run for one election and one constituency and with the affiliation of one political party.

※ A candidate may not run in a constituency member election and in the proportional representation member election at the same time.
- **Deposits**
 - Constituency Member Elections: 15 million Korean won (\$12,600 USD).
 - Proportional Representation Member Elections: Five million Korean won (\$4,200 USD).
 - Rules for Return of Deposits

Amount	Requirements for Return of Deposit
Full Deposit is Returned	<ul style="list-style-type: none"> · If the candidate is elected or passes away · * As for proportional representation member elections for National Assembly and local councils, the full deposit is returned if one or more candidate on the party list is elected · If a preliminary candidate passes away or is not registered as a candidate because they are not nominated by the political party · If a candidate receives 15 percent or more of the total valid votes
Half the Deposit is Returned	<ul style="list-style-type: none"> · If the candidate receives more than ten percent but less than 15 percent of the total valid votes

- Deposits that are not returned are vested in the State.

6

Election Campaigning

The Republic of Korea specifies the definition of election campaigning and the election campaign period in law. The Public Official Election Act guarantees in principle the freedom to election campaign, however there are also restrictive regulations regarding the period, subject and method of election campaigning. These restrictions aim to maintain the balance between freedom and fairness in elections by imposing restrictions to some extent considering the negative impacts on fairness if election campaigning was unrestricted. Election campaigning accordingly may only be conducted during the designated election campaign period. However, when registered as preliminary candidate, certain forms of election campaigning are permitted for preliminary candidates prior to the election campaign period.

3. Preliminary Candidates

- **Purpose:** The preliminary candidate system was introduced in 2004 to ensure opportunity for new politicians to promote themselves and to address the imbalance between incumbent politicians and aspiring politicians by allowing preliminary candidates to undertake specified forms of election campaigning prior to the official election campaign period.
 - ※ There is no preliminary candidate system for elections for proportional representation members of the National Assembly.
- **Registration Period:** From 120 days prior to election day (for National Assembly elections).
 - ※ Start date for preliminary candidate registration varies by election.
- **Documents Required for Submission:** Preliminary candidate registration form and other documents including criminal record and proof of academic background.
- **Deposits:** Three million Korean won (\$2,500 USD).
 - ※ For National Assembly elections, the deposit varies by election.
- **Election Campaigning**
 - Permitted to undertake limited forms of election campaigning allowed by law prior to the election campaign period.
 - Includes setting up of an election campaign office, distributing business cards, sending out of promotion materials, wearing sashes and making phone calls.

FAQ

Q. The election deposit in Korea seems too excessive, is there any special reason for that?

This aims to prevent frivolous candidacy, overheated elections and to ensure the sincerity of candidacies.

Q. How can voters access information on candidate registration in their constituencies?

The relevant constituency election commission should announce the results of candidate registration to voters on their website and bulletin board after the registration is complete. For more information regarding candidates, the voters can access the National Election Commission Statistics System on the NEC website.

Q. When should public officials resign to run as a candidate?

Those who are restricted from running for public official elections, such as civil servants, must resign from office by 90 days before election day to run in elections for constituency members of the National Assembly. Officials must be resigned from the office prior to 30 days of the election day to run in the elections for proportional representation members of the National Assembly. Meanwhile, to register to become a preliminary candidate prior to the deadline of the resignation, the officials must be resigned from the office prior to the registration for a preliminary candidate.

Q. By when can a candidate resign their candidacy?

There is no specific deadline before which a candidate may resign and it is possible for a candidate to resign at any time. However, the candidate must submit the resignation in writing and in person to the relevant election commission in which the candidate registered their candidacy in order to report their resignation.

1. Definition of Election Campaigning

- **Definition:** Actions to support or oppose a candidate being elected.
- **Examples which as not regarded as election campaigning include**
 - Simple comments and expressions regarding the election.
 - Preparation for candidacy or an election campaign.
 - Usual activities as part of a political party.

2. Election Campaigning

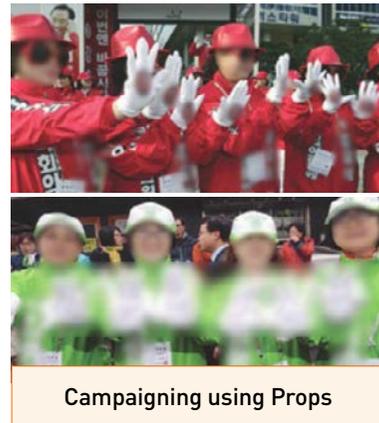
- **Eligible Persons:** Anyone may freely take part in election campaigning
 - ※ **Restricted Persons:** Those who are not Korean citizens, anyone under the age of 18, anyone who does not have the right to vote, public officials, all of the full-time employees of a company in which the government owns 50 percent or more of its shares.
- **Period:** For 13 days starting from six days after the closing of candidate registration to the day before election day.
 - ※ For presidential elections, for 22 days starting from the day after the closing of candidate registration until the day before election day.
- In principle, election campaigning may only be conducted during the election campaign period. However, election campaigning using text messages, on the internet or by email may be conducted anytime.

• Campaigning Methods

- Setting up a campaign office, election campaigning by campaign staff.
- Putting up campaign bulletins, election posters and street banners.
- Election campaigning using props including sashes.
- Election campaigning through media outlets including in newspaper or broadcasts.
- Speeches and discussions in a public space.
- Election campaigning using ICT.



Street Banner



Campaigning using Props

3. Roles of Election Commissions in Campaigning by Candidates

- Putting up election posters in set locations.
- Sending out campaign bulletins to all households.
- Holding candidate debates hosted by Election Broadcasting Debate Commissions.
- Policy debates for political parties hosted by the National Election Broadcasting Debate Commission.



Election Posters



Campaign Bulletins for all Households



Candidates Debates



Policy Debates for Political Parties

FAQ

Q. What is the reason for restricting the election campaign period?

If an election campaign period is not limited, campaigning can become overheated too early and may cause candidates to spend excessive resources on campaigning. In this case, it harms the fairness of elections by providing more favorable conditions to candidates with more financial resources.

Q. It seems that the election campaign period of the National Assembly election is too short at 13 days. Why is it so short?

If the election campaign period is too long, campaigning can become overheated too early and it may result in the overspending of election expenses. It eventually harms the fairness of elections by providing more favorable conditions to candidates with more financial resources.

Q. Is an incumbent reporting their activities as an elected official regarded as election campaigning?

It is permitted for an incumbent to publicize their activities as an elected official in a report on their parliamentary activities. However, an incumbent may report their parliamentary activities on their internet homepage or by email only and not in person from 90 days before election day until election day. An incumbent shall be prohibited from appealing to the public for support through reports on their parliamentary activities.

7

Election Polls

To ensure the objectivity and reliability of election polls, the NEC establishes and operates the National Election Survey Deliberation Commission (NESDC) and each Si/Do election commission establishes and operates an election survey deliberation commission pursuant to the Public Official Election Act. Also, the Act stipulates that the NESDC shall set "guidelines for conducting election polls" and publishes them. In the guidelines, the NESDC prescribes necessary regulations that election poll agencies should adhere to in order to establish comprehensive and systematic guidelines regarding how polls should be carried out and how the result should be announced and published. As for more concrete and detailed rules required for election polls, the NESDC has authority to enact and revise the rules by Act.

1. Conducting Election Polls

- **Eligible Agencies:** Polling agencies registered with the NESDC.
- **Period:** Available at all times, but polls might be restricted during certain periods.
 - From 60 days before election day until election day: Anyone is prohibited from conducting election polls under the name of any candidate (including preliminary candidates) or political party.
 - From six days before election day until election day (poll blackout period): Anyone is forbidden from publishing or announcing any election poll result which predicts the outcome of the election.
- **Guidelines**
 - Guidelines for the Pre-election Polling Period
 - ✓ Persons or Agencies Required to Report Election Polls: Anyone who plans to conduct an election poll.
 - ✓ Reporting Period and Method: An election poll should be reported to the NESDC in writing two days before it is conducted.
 - ⇒ If violated, a fine of up to ten million Korean won (\$8,400 USD) will be imposed.
 - ✓ Report Contents: Purpose of an election poll, polling method, polling questionnaires and other necessary information.
 - Guidelines for Conducting Election Polling
 - ✓ During Election Polling: Maintaining an objective and fair manner, securing a representative sample and prohibited from any polling method distorting polling results.
 - ✓ During Preparation of Questionnaires: Not making questionnaires biased for a specific political party or candidate including rotating the order of candidate names in the questionnaires in a fixed number of polls.

2. Announcing and Publishing the Results of Election Polls

- **Guidelines**
 - Election poll results should be announced and published together with polling details including polling area, polling period, size of the sample and sample selection.
 - ⇒ If violated, a fine of up to 30 million Korean won (\$25,200 USD) will be imposed
 - Election poll results should be registered on the homepage of the NESDC first in order to be announced and published.
 - ⇒ If violated, a fine up to 30 million Korean won (\$25,200 USD) will be imposed.
- **Main Restrictions and Prohibitions**
 - Any announcement of election poll results is prohibited from six days before election day until the closing of voting.
 - ⇒ If violated, a punishment of up to two years imprisonment or a fine up to four million Korean won (\$3,360 USD).
 - Polling agencies not registered with the NESDC are prohibited from announcing election poll results any time before the closing time of voting on election day.
 - ⇒ If violated, a punishment of up to three years imprisonment or a fine up to six million Korean won (\$5,040 USD).

3. Taking Action against Election Poll-related Crimes

- **Investigation Organization:** National or Si/Do Election Survey Deliberation Commissions.
- **Target of Investigations:** Election polls which violate the related laws or guidelines.
- **Investigation Rights**
 - Right to enter potential crime scenes, right to ask questions and investigate, right to request for submission of the relevant references, right to request for being accompanied or appearing in a designated place, right to collect evidence and the right to take necessary measures at the potential crime scene.
- **Possible Measures**
 - Corrective orders, order to request a correction report or warnings may be issued.
 - If a corrective order or an order to request a correction report is ignored, a charge or a request to investigate the case will be issued. A fine can be imposed as well.

FAQ

Q. Why the announcement of election poll results are prohibited from six days before election day?

The purpose of prohibiting the announcement of an election poll process and its results is to prevent the possibility of an announcement influencing the elections and distorting the will of voters, therefore hampering the fairness of an election even if the poll is conducted in a fair and accurate manner.

8

Election Expenses

A publically-funded election system was introduced as a result of the fifth amendment to the Constitution in December 26, 1962, which stipulated that "except as otherwise prescribed by Act, expenditures for elections shall not be imposed on political parties or candidates". A publically-funded election system means that the State or local government bears the expenses spent by political parties or candidates for election campaigning. Compared to other countries, political parties or candidates can be reimbursed for a greater amount of election expenses in Korea through this system. Therefore, the State or local government reimburses political parties or candidates for their election expenses spent on election campaigning after the election within the election expense limit only when they meet the conditions for reimbursement.

1. Reimbursement of Election Expenses

- It indicates that the State or local government fully or partly reimburses political parties or candidates for election expenses spent on legitimate election campaigning within the election expense limit according to a set of criteria.

Election Expenses

- Legitimate election expenses included in the accounting report submitted to the relevant election commission
- Any expenses born by political parties or candidates for election campaigns including money, goods, liabilities and any other valuable properties

- **Reimbursement Date:** By 60 days after election day.
- **Eligible Expenses for Reimbursement:** Includes allowances for election campaign staff, expenses to make election posters, materials, pledges, and candidate pictures, expenses for election campaign items, expenses for advertisements in newspapers, broadcasting media or the internet as well as televised addresses, expenses for addresses or discussion in the public place, and expenses for making business cards.
 - ※ If election expenses are used for illegal election campaign or false reports on expenses are made, those expenses are not subject to reimbursement.

- **Reimbursing Body by Election**
 - State: Presidential elections, National Assembly elections.
 - Local government: Elections for the heads of local governments and local council members.
- **Criteria for Reimbursement**

Reimbursement	Criteria
Reimbursement of all Election Expenses	<ul style="list-style-type: none"> · If a candidate is elected or passes away · If a candidate receives 15% or more of valid votes
Reimbursement of Half of the Election Expenses	<ul style="list-style-type: none"> · If a candidate receives 10% or more but less than 15% of valid votes

* Concerning elections for proportional representation members of the National Assembly and local Councils, election expenses spent by a political party will be fully reimbursed in the case a candidate on the list of proportional representation member recommended by the party is elected.

2. Election Expense Limit

- **Calculation Method:** The relevant election commission calculates the election expense limit by taking into account the population, the number of Eup/Myeon/Dong and nationwide consumer price inflation rate.

Election		Calculation Method
Presidential Election		Population × 950 Korean won (\$0.8 USD)
National Assembly Elections	Elections for Constituency Members	100 million Korean won (\$84,000 USD) + [Population × 200 Korean won (\$1.6 USD)] + [Number of Eup/Myeon/Dong × 2 million Korean won (\$1,680 USD)]
	Elections for Proportional Representation Members	Population × 90 Korean won (\$0.07 USD)

- **Announcement**
 - The relevant constituency election commission announces the election expense limit by ten days before the starting day of preliminary candidate registration.
- **Election Expenses Limit Changes**
 - In the case the constituency boundaries are changed.
 - In the case the population in a constituency has changed a great deal due to the change of administration districts.

FAQ

Q. What if a candidate does not submit an accounting report on election expenses?

Without a due cause, no election expenses are reimbursed.

Q. What if a candidate spends election expenses exceeding the election expense limit?

The relevant election commission reimburses the election expenses after deducting two times the amount over the election expense limit. In addition, when an election campaign manager or an accounting manager is sentenced to imprisonment or a fine of three million Korean won (\$2,520 USD) or more for spending election expenses exceeding 0.5% or more of the election expense limit, the election of the relevant candidate becomes invalidated. In this case, the candidate should return the reimbursement received from the State or the local government as well.

Q. How do the election commissions prevent candidates from falsely asking for excessive reimbursement?

Candidates are legally required to submit objective references to prove legitimate expenditure including pictures, receipts and contracts. In the case a candidate does not submit such proof without due cause, the election expenses are not reimbursed. Also, the election commissions reimburse election expenses after not only thoroughly reviewing the submitted reimbursement request and accounting report in writing, but also inspecting the relevant sites and investigating whether the request is lawful or not. When the commissions find any unlawful reimbursement including falsely reported expenses even after completing the reimbursement, the candidate should return the reimbursement.

9 Voting

Every country around the world has a different voting system. Korea uses a manual marking and single vote system, which requires a voter to mark their ballot paper for a single candidate or political party on their ballot paper. Korea also uses a secret ballot, which ensures that a voter cannot be identified by their ballot paper. In addition, to ensure everyone can exercise their right to vote, the NEC has introduced early, home, shipboard and overseas voting alongside voting on election day.

1. Voting System

- **Voting by Marking a Ballot Paper:** Casting a ballot by using a marking device.
- **Single Voting:** A voter casts a ballot for only one candidate or political party on a ballot paper.
- **Secret Voting:** A voter cannot be identified by their ballot paper.
- **Non-mandatory Voting:** A voter has the freedom to choose whether they exercise their right to vote or not. Therefore, there is no legal punishment for a voter who does not participate in voting.

FAQ

Q. How many polling stations are established in Korea?

A total of 3,508 early voting polling stations and 14,330 polling stations were established for the 21st National Assembly elections in 2020

Q. Where are polling stations usually established?

They are usually established on the first floor in public offices or places such as schools and community centers. If not on the first floor, polling stations are established in places where convenient facilities such as elevator are equipped.

Q. Who carries out voting management and administration?

At each polling station, one polling station manager and polling staff (between eight and ten depending on the number of voters and other conditions) assisting voting administration are in charge of voting management. Polling station managers are appointed by Gu/Si/Gun Election Commissions from among civil servants and school faculty members who had voting management experience.

Q. How are voting observers selected and how many?

Up to two voting observers may be recommended by each candidate and political party for each polling station and polling stations may allow up to eight voting observers in a station. However, for early voting, the number of voting observer is not limited.

Q. How many voters does each polling station have?

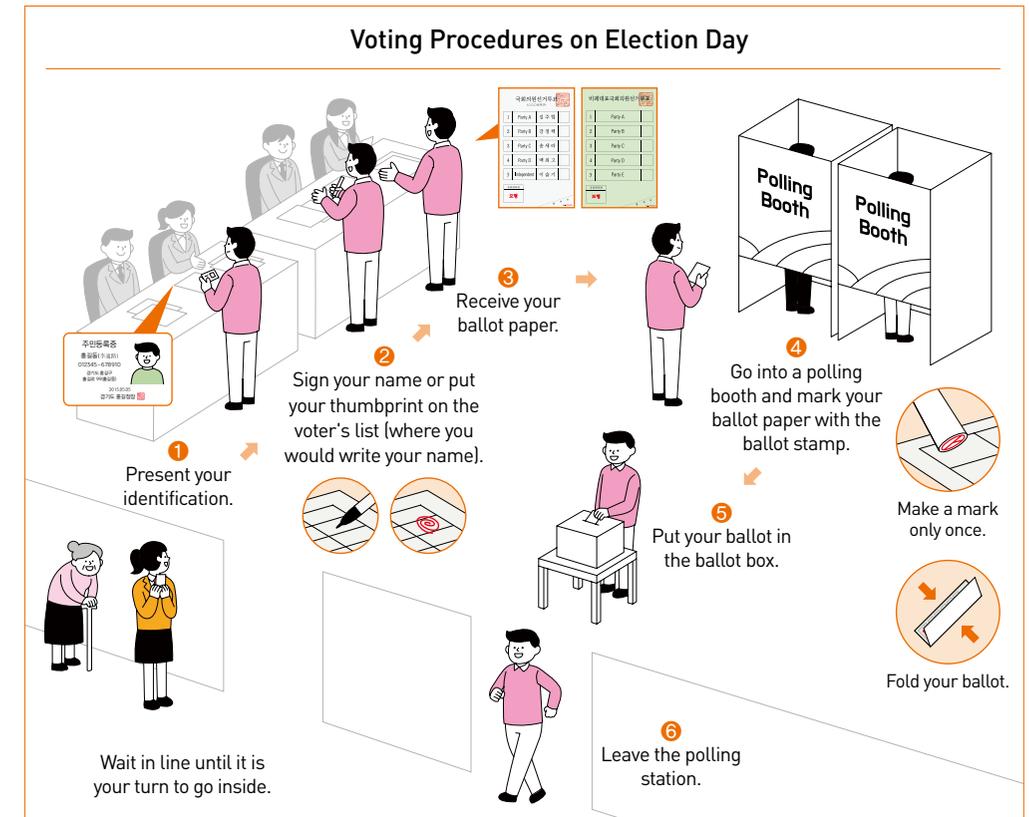
The number of voters for a polling station varies. Usually a polling station has between 1,000 and 5,000 voters.

Q. When marking a ballot paper, what should voters be aware of?

When a voter does not mark a ballot paper with the marking device provided in a polling booth or uses a paper other than provided ballot paper, the ballot becomes invalid. Also, When a voter marks on two or more candidates or political parties, writes a name on a ballot paper, or marks with characters or a number instead of using the marking device, the ballot is invalid.

2. Voting on Election Day

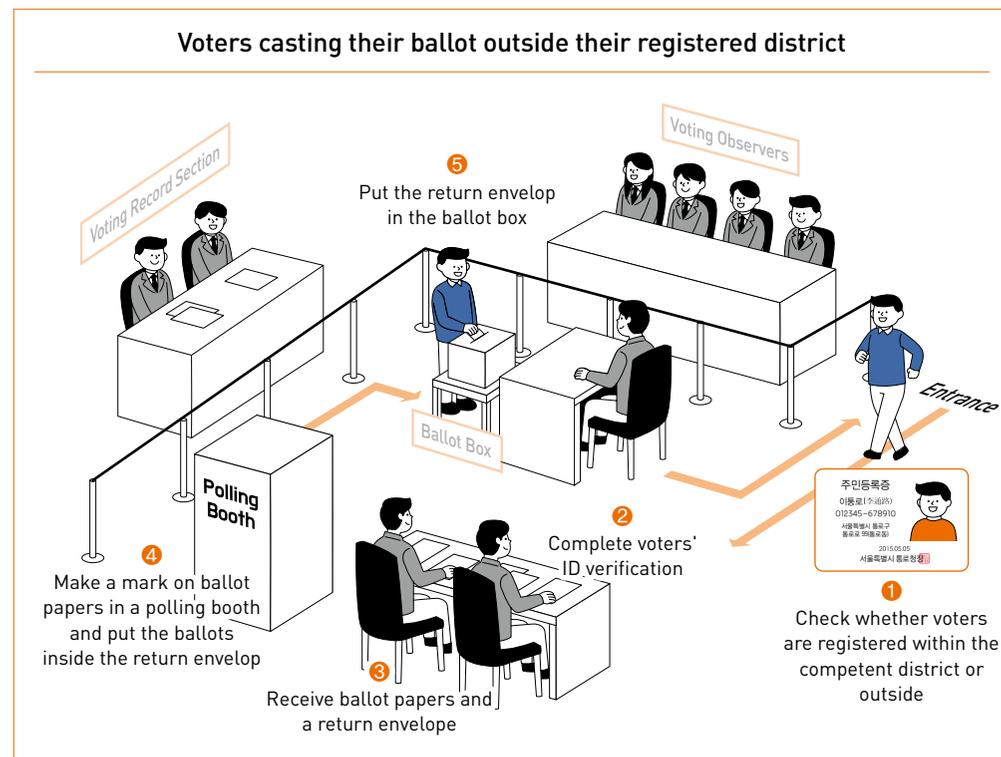
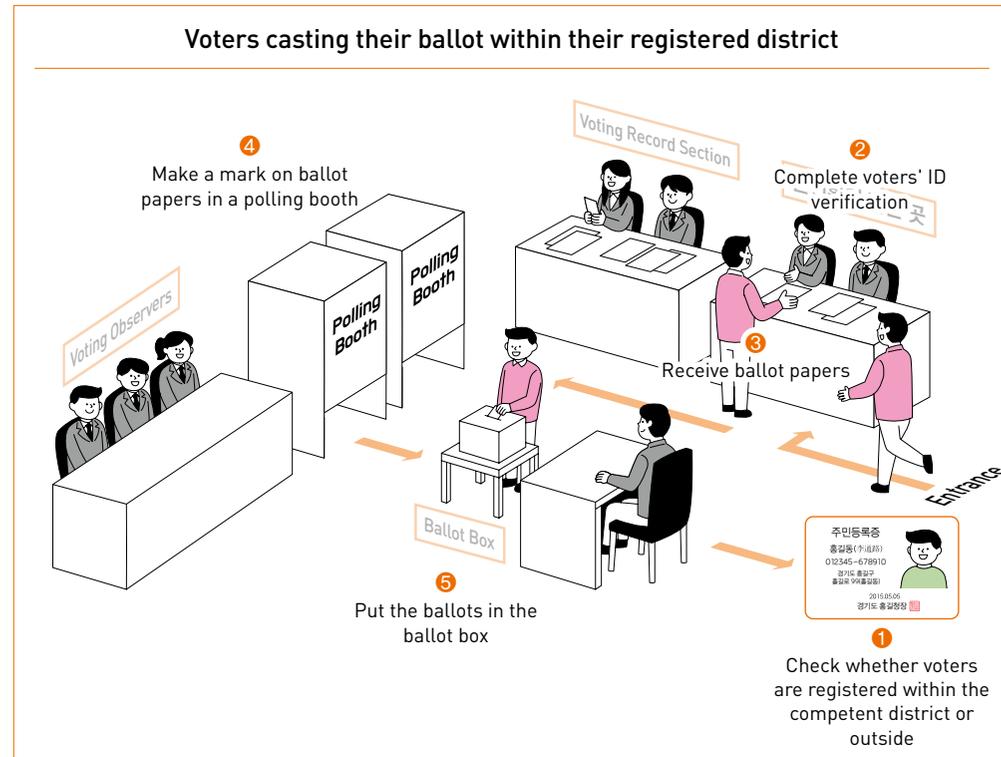
- **Voting Hours:** From 6am to 6pm on election day.
- **Eligible Voters:** Voters registered within the competent constituency except those who voted during home voting, shipboard voting, overseas voting and early voting.
- **Establishment of Polling Stations:** One polling station per voting district.
- **Polling Station Available for Voters:** A voter must cast their ballot at their designated polling station according to their resident registered address.
- **Voting Procedures:** Complete voters' ID verification (sign or place a stamp on the voters list, or put a thumbprint on it) → Receive ballot papers → Make a mark on their ballot papers in the polling booth → Put the ballots in the ballot box.



3. Early Voting

- This system introduced in 2013 allows anybody to cast their ballot at any early voting polling station nationwide during the early voting period prior to election day.
- **Applicable Elections:** Any public official elections held upon the expiration of the term of office and re and by-elections.
- **Voting Period:** For two days from five days prior to election day.
- **Voting Hours:** From 6am to 6pm during the voting period.
- **Eligible Voters:** Any voters except those who are registered for home voting, shipboard voting, and overseas voting.
- **Establishment of Polling Stations:** One polling station per Eup/Myeon/Dong (Additional polling stations may be established in areas with a military base).
- **Voting Method:** Any voter is able to cast their ballots at any early voting polling station nationwide regardless of their registered constituency.
- **Voting Procedures:** Complete voters' ID verification (sign or place a stamp on the voters list, or put a thumbprint on it) → Receive ballot papers (voters casting their ballot within their registered district receive ballot papers and those voting outside their registered district receive ballot papers and a return envelope attached with an address label) → Make a mark on ballot papers in the polling booth → Put the ballots into the early voting ballot box for voters casting within their registered district or put the ballots in the return envelope then into the early voting ballot box for voters voting outside their registered voting district).
 - * Voters casting their ballot within their registered district: Those whose registered address is in the relevant district where they are casting their ballot during early voting.
 - * Voters casting their ballot outside their registered district: Those whose registered address is outside the relevant district where they are casting their ballot during early voting.

Early Voting Procedures



FAQ

Q. What is the integrated voters list?

It is a single compiled voters list that brings together all voting district voters lists nationwide into one computerized system.

Q. What information is included in the integrated voters list?

The information includes address, name of the householder, gender, birthdate and name, which are all included in precinct voters lists. In addition, the integrated voters list includes whether voters have cast their ballots already during the early voting period or not.

Q. Is any registration required for early voting?

Separate registration is not required. Any voter may cast their ballot at any early voting polling station nationwide during the early voting period after an ID check.

Q. Is there any possibility of double voting where a voter can cast their ballot on election day again after voting during the early voting period?

Since those who cast their ballot during the early voting period are recorded as having received their ballot papers at an early voting polling station on the integrated voters list, double voting is technically impossible. This is because when a voter casts their ballot during the early voting period, it is recorded on the integrated voters system and therefore is noted on the voters list used on election day.

Q. How are early voting ballots stored after the early voting period?

After early voting, early voting ballot boxes from voters casting their ballot within their registered district are sealed then transferred to the relevant election commission in the presence of voting observers and police officers. Early voting ballot boxes with ballots cast by voters outside their registered district are opened under the presence of voting observers. Then the number of return envelopes are counted and are handed over to the post office to be sent to the relevant election commission.

Q. How are early voting ballot boxes stored?

Early voting ballot boxes with ballots from voters casting their ballot within their registered district are stored in a special location with surveillance cameras in the Gu/Si/Gun election commission office. We ensure transparency and integrity in storing and managing the early voting ballot boxes by applying technologies to encode and to prevent counterfeit and falsification of CCTV footage. Also, the integrated control center installed in the election situation room at the NEC monitors the stored boxes 24 hours a day

Q. How are early voting ballots counted?

Early voting ballot boxes stored at Gu/Si/Gun election commissions are transferred to counting stations after 6pm on election day (after the end of voting) together with voting observers, commissioners recommended by political parties and police officers and counted together with ballots cast on election day

4. Home Voting

- A system that allows those who may not be able to go to a polling station for voting due to a serious physical disability to cast their ballots from their residence by mail.
- **Applicable Elections:** Any public official elections held upon the expiration of the term of office and re and by-elections.
- **Eligible Voters**
 - A person who is unable to move due to a serious physical disability.
 - A person who has been admitted in a hospital, a sanitarium, a shelter or a prison (including detention center).
 - Soldiers or police officers living in military barracks or a military vessel for a long time located too far from a polling station either during the early voting period or on election day to participate in voting.
- **Voting Method:** The competent election commission sends ballot papers with a return envelope to home voting registered voters by ten days before election day → Home voting voters mark the ballot papers for one candidate or party → Home voting voters put their ballots into their return envelope and send it to the competent election commission by registered mail by 6pm on election day.

5. Shipboard Voting

- A system that allows those who are aboard ships such as deep sea fishing vessels, outbound passenger ships to cast their ballots at shipboard polling stations during the shipboard voting period using facsimile (including electronic fax).
- **Applicable Elections:** Presidential elections and National Assembly elections held upon the expiration of the term of office.
- **Eligible Voters:** Those who are aboard or going to be aboard ships such as deep-sea fishing vessels, out bound passenger or cargo ships charged under a captain with Korean citizenship.
- **Voting Period:** During a designated period between eight days and five days before election day.
- **How to Vote:** The competent election commissions transmit the ballot papers by facsimile to the captain of the ship who is registered on the shipboard voting application by nine days before election day. → Shipboard voters cast their ballots at the polling station installed on ships and transmit their ballots by facsimile (Shipboard voters should submit the original ballots to their captain after putting them into a provided envelope) → Si/Do election commissions receive the transmitted ballots by shield fax. → Si/Do election commissions send them to the competent Gu/Si/Gun election commissions → The captains should submit the received envelopes containing ballots to the Si/Do election commissions when they arrive in Korea.

FAQ**Q. How are shipboard ballots counted?**

Shipboard ballots received before the end of the shipboard voting are stored in mail voting ballot boxes until the end of voting on election day is moved to the counting center together with home voting ballot papers.

Q. Does the transmission of ballots by shield fax violate the secrecy of the ballot?

The secrecy of voting is ensured because the ballots are sent by shield fax, which is equipped with technology to protect secrecy. The ballots are sealed automatically when they are printed out by shield fax in a way that the marked part of the ballot is covered.

6. Ballot Papers for National Assembly Elections

• Information on Ballot Papers

- Elections for Constituency Members: Name of the election, constituency, candidate number, candidate's party name, candidate name.
- Elections for Proportional Representation Members: Name of the election, party number, party name.

Ballot Paper Sample for Elections for Constituency Members of the National Assembly

The diagram shows a ballot paper for constituency members with the following fields and callouts:

- Election Name:** 국회의원선거투표 (000 Constituency)
- Official Seal of the Constituency Election Commission:** A red seal in the top right corner.
- Candidate Number:** 1, 2, 3, 4, 5
- Candidate's Party (or Independent):** Party A, Party B, Party C, Party D, Independent
- Candidate Name:** 김주립, 강정책, 송세라, 백최고, 이슬기
- Marking Space:** A small box next to each candidate name.
- Polling Station Manager Check Box:** 모형 (Mokhyeong)
- QR Code:** Located at the bottom right.

• How are Candidates or Parties Ordered on Ballot Papers?

- Elections for Constituency Members
 1. Candidates are ordered first according to the number of seats the political parties that nominate candidates have in the National Assembly as of the candidate registration due date.
 2. Then candidates nominated by political parties with no National Assembly seats are ordered alphabetically according to the party name.
 3. Independent candidates are then ordered by lot.

- Elections for Proportional Representation Members

1. Parties are ordered first according to the number of seats they have in the National Assembly as of the candidate registration due date.
2. Political parties with no National Assembly seats are ordered alphabetically according to the party name.

Ballot Paper Samples for the National Assembly Elections

The diagram shows two ballot paper samples:

- Ballot paper for elections for the National Assembly constituency members:**
 - Title: 국회의원선거투표 (000선거구)
 - Fields: 1 Party A 김주립, 2 Party B 강정책, 3 Party C 송세라, 4 Party D 백최고, 5 Independent 이슬기
 - Check Box: 투표관리관 모형
 - QR Code: No.0000000
- Ballot paper for elections for the National Assembly proportional representation members:**
 - Title: 비례대표국회의원선거투표
 - Fields: 1 Party A, 2 Party B, 3 Party C, 4 Party D, 5 Party E
 - Check Box: 투표관리관 모형
 - QR Code: No.0000000

Voting Equipment



Ballot Box



Polling Booth



Marking Device

FAQ

Q. If a candidate resigns, is the candidate still listed on ballot papers?

If a candidate resigns or their candidate registration is invalidated after the candidate registration period and the candidate's name, number, and their party name remain on the ballot paper. If this happens before ballot papers are printed, their status such as resigned, deceased, or registration invalidated is noted in the marking space for the candidate on ballot papers.

10 Counting

Ballots are counted at the competent Gu/Si/Gun counting center after voting has closed according to a set counting procedure. Firstly the center receives and opens ballot boxes, then identifies valid and invalid ballots then sort and tally ballots by candidate. After counting they announce the counting result, store the ballots and fill out the counting center situation report form



Counting Center

1. Counting Overview

- **Counting Center Installation and Operation:** Gu/Si/Gun election commissions.
- **Location:** Ballots are counted at counting centers (Ballot boxes from voting districts within the relevant jurisdiction are transferred to a counting center or centers if necessary, and ballots are counted together).
- **Period:** The night of election day (ballot boxes are transferred to counting centers right after the end of voting).
- **Working Staff:** Staff include counting staff and counting observers.
- **Counting Method:** Manual counting (ballot sorting machine is used to help sort ballots by candidate by reading the mark made by the marking device and its location).

FAQ

Q. How many counting centers are established?

A total of 251 counting centers were established for the 21st National Assembly elections in 2020.

Q. Who counts ballots?

The relevant Gu/Si/Gun election commission manages the counting process and appoints counting staff from among public servants, school faculty members and workers from banks or public institutions who are considered fair and neutral.

Q. How are counting observers selected and how many?

Political parties and candidates may appoint up to six counting observers. Independent candidates may appoint up to two counting observers. They should then report them to the relevant Gu/Si/Gun election commission.

Q. How can voters check election results?

Voters are able to check election results on the NEC homepage in realtime.

Q. When are ballots discarded?

Ballots and election related documents should be stored for election litigation. In the case no election lawsuit is raised by the expiration date for raising a lawsuit, ballots are discarded one month after the expiration date. On the other hand, in the case a raised election lawsuit is terminated, ballots may be discarded one month after the date when the final ruling is made according to the decision made by the relevant Gu/Si/Gun Election Commission.

Q. Is it possible to check whether the election results announced in counting centers are identical to the ones posted on the NEC homepage?

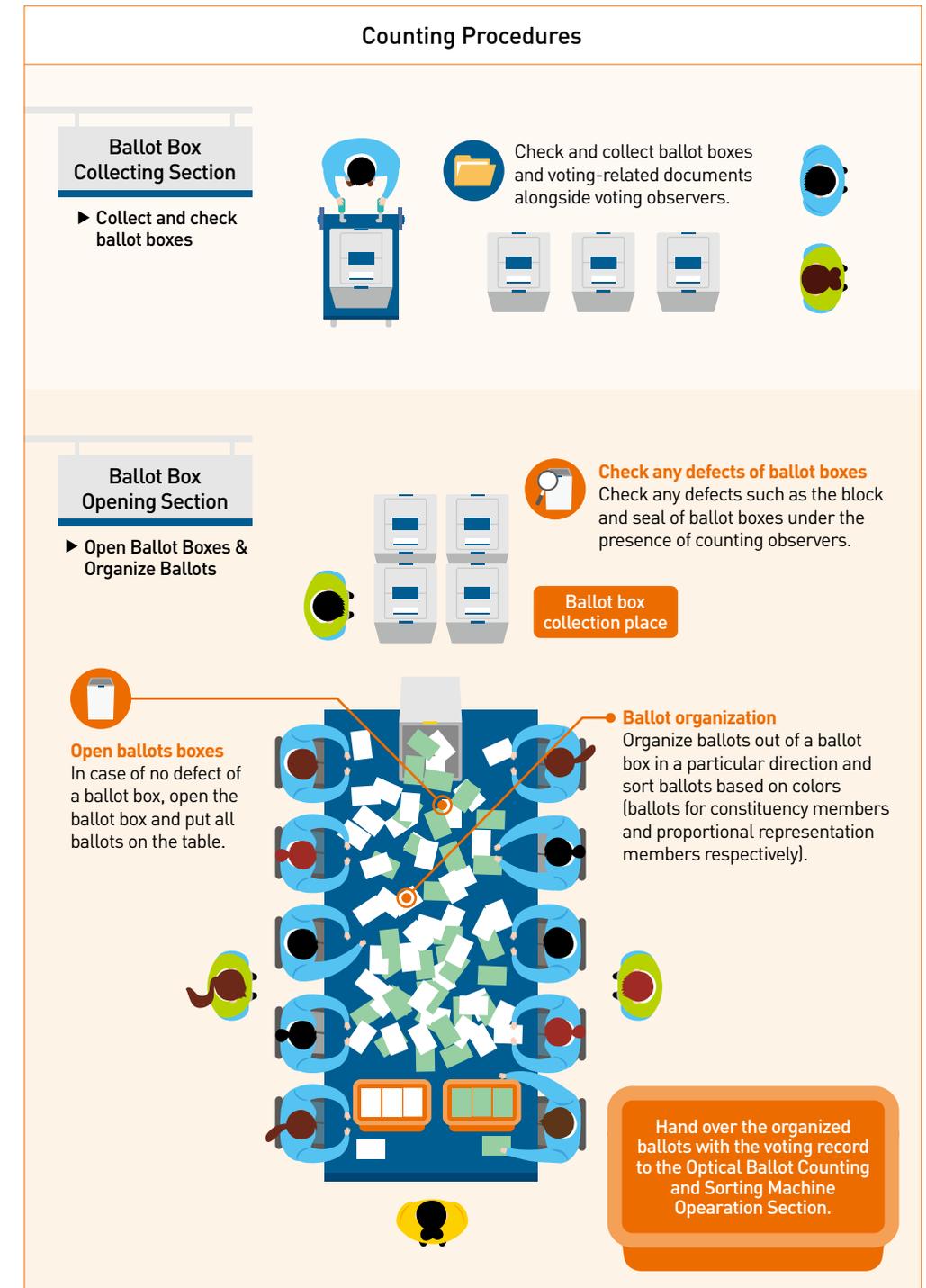
Yes. Any one in counting centers may check the election result on the election situation board in counting centers. Also, the election result is distributed to counting observers and journalists in counting centers. Therefore the election results posted on the NEC homepage may be compared with the results announced and distributed.

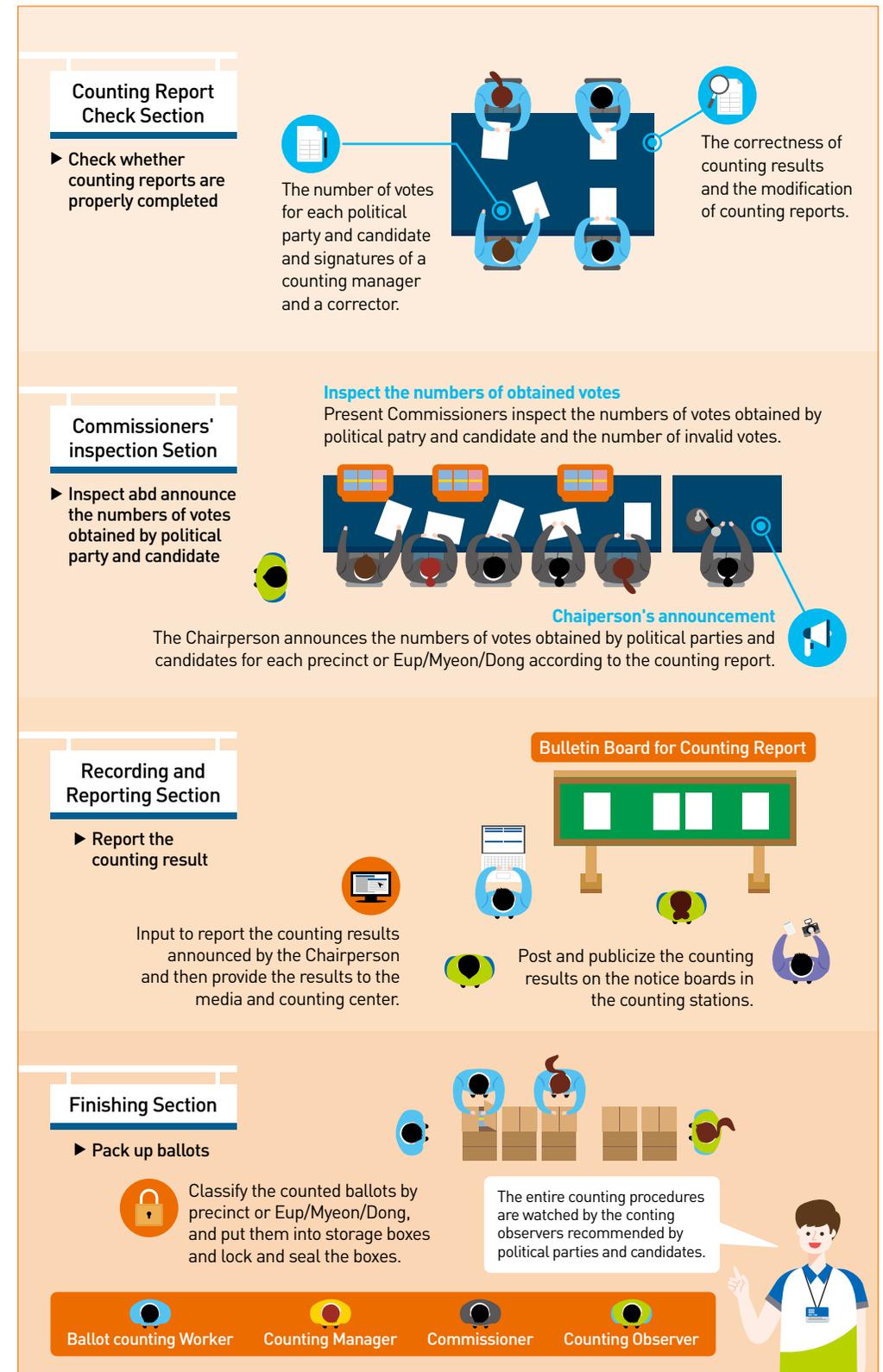
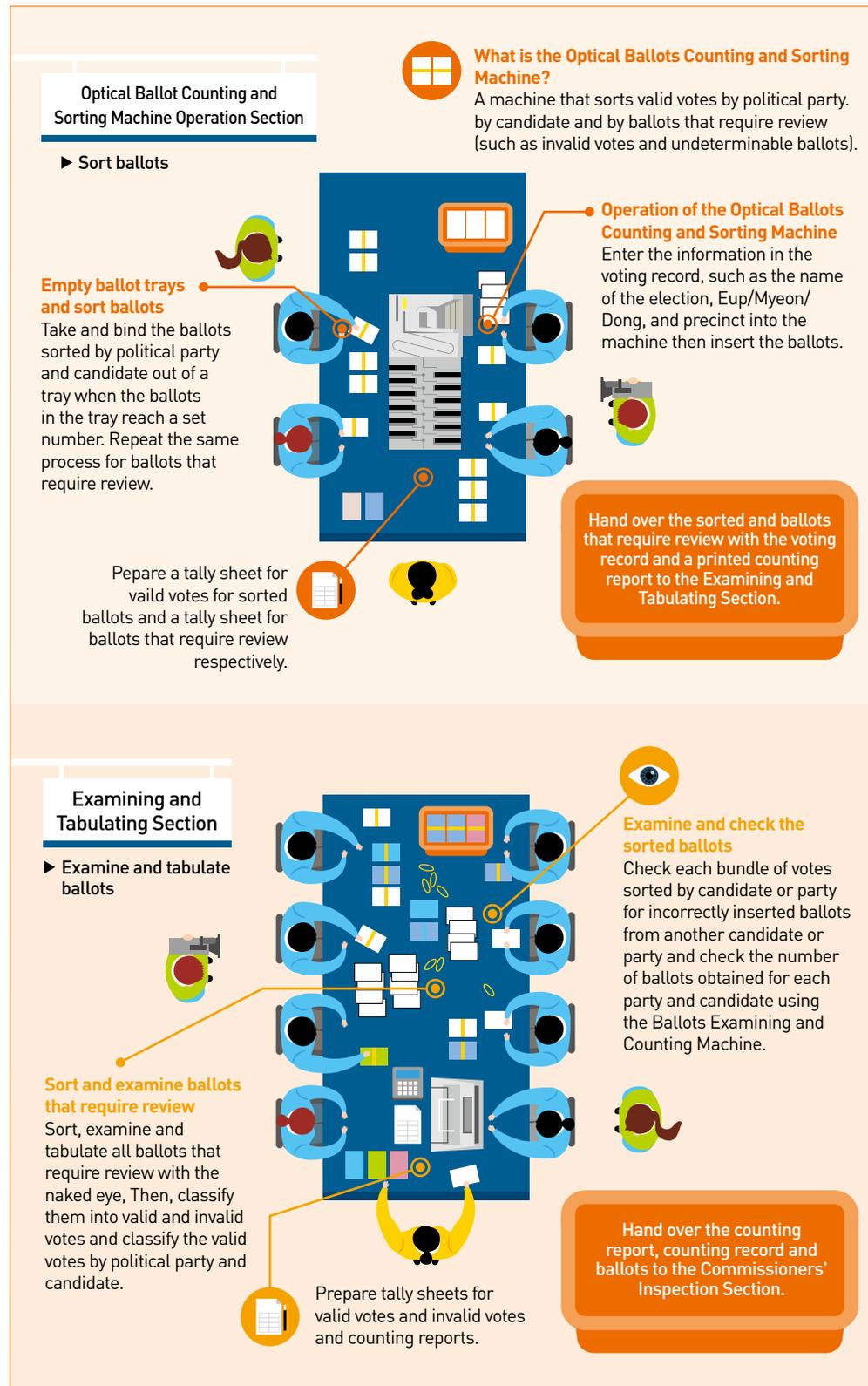
Q. What if there is a slight margin in the number of obtained votes between candidates?

In such a case, if a party or a candidate requests a recount or the commission decides that a recount is required, a recount is conducted before the end of counting in the presence of counting observers appointed by the party or candidate.

2. Counting Procedures

- Ballot box collecting section - Ballot box opening section - Ballot sorting machine operation section - Ballot examination and tabulation section - Counting status check section - Commissioners' counting status inspection section - Counting status recording and reporting section - Finishing section.





Examples of Invalid Ballots

1 When marked on a ballot paper with devices other than officially provided marking device

When marked on a ballot paper with devices other than officially provided marking device

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	

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2 When marked on an informal ballot paper

① Ballot paper that the official seal of the constituency Election Commission is not stamped.
② Ballot paper of which authentication cannot be verified because the stamped official seal is totally ripped.

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	

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3 Ballots of which marking is not made in the provided marking space

Ballots that marking is not made in the provided marking space (Ballots of which marking is placed in space between candidates, not on any candidate's space.)

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	

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4 Ballots of which marking is placed on two candidates' space or two or more markings are placed on two or more candidates' space

① Marked on two candidates' space
② Two different or more markings made on two or more candidates' space including candidate number, candidate party name, candidate name and candidate marking box)

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
10	정	당	최한양
11	무소속	김이박	
12	무소속	김이박	

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5 Ballots of which marking place cannot be identified

Ballots of which marking place cannot be identified because there might be a marking in the ripped part of the ballot

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	

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6 Ballots filled with other writings or a shape in addition to a formal marking

① Ballots filled with writings such as good, bad and fair elections or a shape such as ○, □, √, X, △ in addition to a formal marking
② Ballots filled with the written name of a voter, or stamped seal or voter's thumbprint in addition to a formal marking

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	

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7 Ballots filled with other writings or a shape without a formal marking

① Ballots filled with writings such as good, bad and fair elections without a formal marking
② Ballots filled with a shape such as ○, □, √, X, △ without a formal marking
③ Ballots filled with the written name of a voter, or stamped seal or voter's thumbprint without a formal marking

1	갑	당	박윤유
2	을	당	안정최
3	병	당	장신오
4	정	당	최한양
5	무소속	김이박	심음

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11

Elected Candidates

Public official elections in Korea adopt the first past the post (FPTP) system, where a candidate is elected even in the case they obtain only one more valid vote than the next candidate. In addition, when it comes to elections for National Assembly members and local council members, a supplementary proportional representation system is also adopted along with the FPTP. Therefore, the number of proportional representation members given to each political party in the National Assembly and local councils is determined in proportion of the percentage of the vote they receive.

1. Presidential Elections

- FPTP (If there is only one candidate, the candidate shall be elected after obtaining a third or more votes from the total number of eligible voters).
- If there are two candidates who obtain the same most number of votes, the candidate who obtains more votes at an open session of the National Assembly in the presence of a majority of the members is elected.

2. National Assembly Elections

- Elections for Constituency Members
FPTP (When two or more candidates obtain an equal number of votes, seniority prevails). If there is only one candidate, the candidate is elected without election.
- Elections for Proportional Representation Members
The number of seats are distributed in proportion to the percentage of the vote for political parties.

3. Local Council Elections

- Elections for Constituency Members
FPTP (When two or more candidates obtain an equal number of votes, seniority prevails). If there is only one candidate, the candidate is elected without an election.
※ Elections for Gu/Si/Gun Local Council Constituency Members: Multi-member Constituency (Between two and four members) System.
- Elections for Proportional Representation Members
The number of seats are distributed in proportion to the percentage of the vote for political parties.

4. Elections for the Heads of Local Governments

- FPTP, but if there is only one candidate, the candidate is elected without election.
- When two or more candidates obtain an equal number of votes, seniority prevails.

8 Disclosed ballots and invalidated mail-in ballots

① Ballots on which the rubber seal of "Disclosed Ballot" is stamped

○○○선거투표		
1	갑 당	박윤유
2	을 당	안정최
3	공개된 투표지	정신오
4	정 당	최한양
5	무소속	김이박
투표관리관		
모형		

② Ballots on which the rubber seal of "Invalidated Mail-in Ballot" is stamped

○○○선거투표		
1	갑 당	박윤유
2	을 당	안정최
3	무효처리된 우편투표지	정신오
4	정 당	최한양
5	무소속	김이박
투표관리관		
모형		

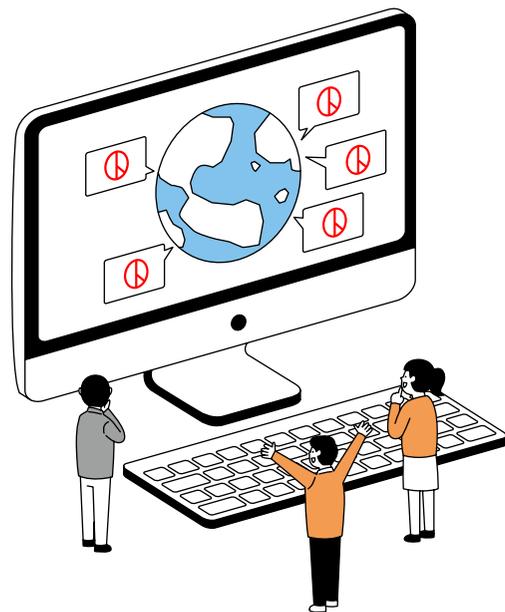
FAQ

Q. How are elected candidates confirmed?

The relevant constituency election commission confirms the elected candidates.

Q. What if a candidate is wrongly declared as the elected candidate?

The relevant constituency election commission corrects the mistake only when the election is deemed invalid according to law.



12

Measures Taken Against Election Law Violation

In the past, the NEC had limited authority to take measures against election law violations. Nevertheless, as a result of the NEC's untiring efforts to achieve clean and fair elections, the NEC has gained trust from the public. In order to prevent illegal elections and to realize fair elections, lawmakers revised election law in 1992 and granted investigation authority to the election commissions.

1. Authority to Investigate Election Crimes

- Election officials may ask questions to a person who is related to a possible election law violation if there is suspicion of an election crime, when a petition filed by a candidate is regarded as reasonable or when a report is received.
- Rights Granted: Investigation right, right to request for submission of relevant materials, right to collect evidence related to an election crime, right to request to visit a designated place together with election officials, right to request to be present at a designated place, right to order to stop unlawful activities at the crime site and right to take measures to prevent unlawful activities.

2. Authority to Investigate Communications-related Election Crimes

- When considerable suspicion exists for finding an election law violation utilizing an information communications network or by telephone, the relevant election commission may demand the information communications service provider to submit the relevant communications data or allow the election commission to view the data after obtaining approval from the relevant high or district court.

3. Authority to Take Measures against Election Law Violations

- The relevant election commission may not only make an order to stop unlawful activities, issue a warning or impose fines for light violations, but also request an investigation and bring charges against serious violations.

4. Measures against Illegal Facilities or Advertisements

- The relevant election commission takes action against illegal facilities or advertisements, removing them or making a request for suspension of their delivery.

5. Order to Stop Election Advertisement

- The relevant election commission may make a request to broadcasters, newspaper companies or advertisers to stop unlawful advertisements violating election law.

6. Restrictions on Posting or Spreading Unlawful Information through Information Communications Networks

- The relevant election commission may request a person in charge of managing and operating an internet homepage to delete unlawful information.
- The relevant election commission may make a request to a person in charge of managing and operating an internet homepage or an information communications service provider to refuse, suspend or restrict unlawful information on their service.

FAQ

Q. Who is in charge of investigating election law violations?

The election commissions have the authority to investigate election law violations and may not only execute administrative measures but also accuse the suspect or request an investigation to the judicial authority according to the gravity of the violation. On the other hand, the judicial authorities such as prosecutors or police may undertake an investigation into an election violation separately from the election commissions.

Q. Do election commissions have enough staff to regulate all election law violations?

No, there are not enough staff. That is why each election commission has a Fair Election Support Group (FESG) composed of citizens selected from among applicants who are not party members and who are considered neutral.

Q. What is a Fair Election Support Group?

A FESG is a surveillance unit composed of non-partisan citizens at the election commissions at each level in order to effectively respond to election crimes that occur during the election process. The FESG assists election officials in collecting evidence of election crimes and investigating them, following the instruction of the relevant election commission.

Q. How does the NEC tackle the spread of fake news through modern technologies such as Youtube, Instagram or similar platforms?

The NEC monitors and measures existing illegal text using the Cyber Election Crime Response System. The NEC mainly checks the posts containing keywords on main issues and judges whether they are illegal or not. In the case a post is deemed to violate the Public Official Election Act, the NEC requests the person who manages and operates the relevant website to delete or block the post

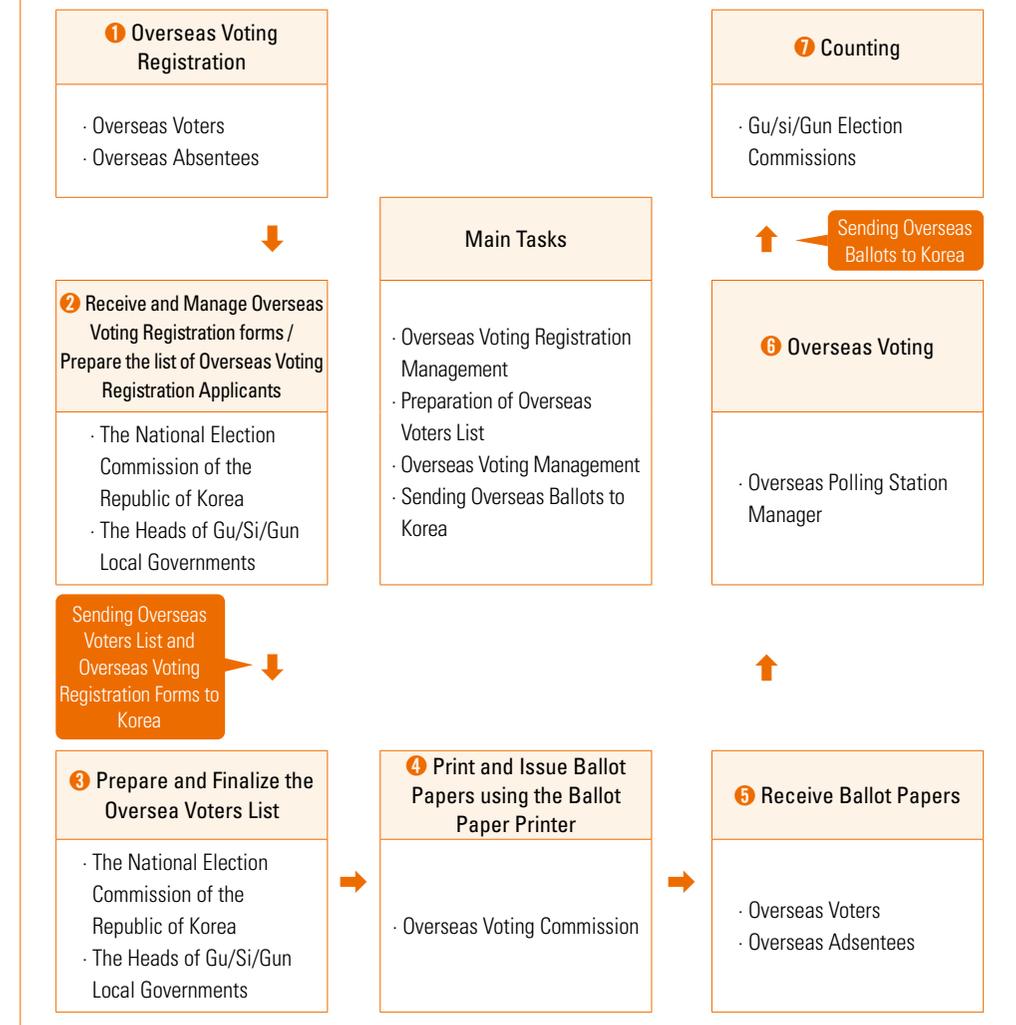
Q. How do you discuss internally to determine which news is deemed fake?

In a broad sense, the NEC has the Internet Election News Deliberation Commission (IENDC) to deliberate on and take measures against unfair reporting including fake news. All unfair information is subject to deliberation by the commission to determine whether they are unfair or not.

13 Overseas Voting

The Constitutional Court ruled that it was unconstitutional to prevent all overseas Koreans, including Koreans residing overseas permanently and temporarily, from exercising their voting rights based on the grounds that no provisions for overseas voting in the Public Official Election Act violated overseas Koreans' suffrage and their equal right as well as the principle of universal suffrage in 2007. Accordingly, the overseas voting system was introduced by the revision of the Public Official Election Act in September, 2009.

Main Tasks for Overseas Voting and the Voting procedures



1. Applicable Elections

- Elections held upon the expiration of the term of office, on the occurrence of a vacancy, or by or re-elections.
- National Assembly elections held upon the expiration of the term of office.

2. Organization of Overseas Voting Commissions

- **Establishment and Operation of Overseas Voting Commissions.**
 - Established at all diplomatic missions including consulate generals (176 diplomatic missions established for the 21st National Assembly elections).
 - Established and operated during a seven month period from 180 days before election day until 30 days after election day.
 - ※ The Overseas Voting Commissions consist of commissioners (up to two) appointed by the NEC, commissioners recommended by each political party which has a negotiating group in the National Assembly, and the head of the mission or one recommended by the head of the mission from among their staff.
- **Overseas Voting Manager:** The head of the competent diplomatic mission (Consul general may serve the post if appointed).

3. Eligible Overseas Voters

- Any overseas Koreans who are 18 years old (lunar age) or over as of election day.
 - ※ Overseas voters who are not registered residents in Korea, such as Koreans permanently residing overseas, may only exercise their voting right in presidential elections and elections for proportional representation members of the National Assembly.

4. Preparation of the Overseas Voters List

- **Preparation Method:** The overseas voters list is prepared through overseas voter registration.
- **How to Register:** By submitting a registration form on the internet, by visiting a mission, by mail or by e-mail.
- **Registration Period**
 - 1) Overseas Voters Who are not Registered as a Resident: Anytime
 - 2) Overseas Absentees who are Registered as a Resident: From 150 days until 60 days before election day.
- **Preparation of the Overseas Voters List:** From 49 days to 40 days before election day.
- **Completion of the List:** By 30 days before election day.

5. Voting and Counting

- **Voting Period:** For a set number of days decided by each Overseas Voting Commission within the six-day period from 14 days to nine days before election day.
- **Polling Stations:** Established at diplomatic missions or a place designated by the relevant diplomatic mission. Up to two additional overseas polling stations may be established in an area where 40,000 or more overseas Koreans and soldiers in overseas military camps reside.
- **Voting Hours:** From 8am to 5pm during the voting period.

- **Vote Method:** Only casting a ballot at a polling station is allowed.
- **Voting Procedures:** Voters receive ballot papers printed by the ballot paper printer at an overseas polling station, mark the ballots and put them inside the return envelop, then place the envelop into the ballot box.
- Overseas ballots are sent by diplomatic pouch or by the overseas ballot returning officer to the competent Election Commissions for counting.
- **Counting:** Overseas ballots which arrive by 6pm on election day to the competent Gu/Si/Gun election commission are counted at the counting centers.

6. Overseas Election Campaigning

- Overseas election campaigns may be carried out using the Internet, e-mail, phone calls, verbal communication, broadcast advertisement and through speeches and advertisements on the internet.
- Election campaigning targeting overseas voters is prohibited under the name of an organization or of the representative of an organization.

7. Statue of Limitations of Election Law Violations Committed Overseas: Five years from election day.

FAQ

Q. How many overseas Koreans are entitled to vote?

It is estimated that there are around 2.15 million overseas Koreans, including those permanently and temporarily residing overseas.

Q. In how many Korean diplomatic missions are overseas voting commissions established?

Overseas Voting Commissions were established at 176 diplomatic missions around the world during the 21st National Assembly elections.

Q. How many registered overseas voters are there and what is the turnout for overseas voting?

The number of registered overseas voters during the 21st National Assembly elections in 2020 was 171,959, 40,858 of whom participated in overseas voting, recording a low turnout of 23.8%. This was because overseas election administration was suspended at 91 diplomatic missions from 55 countries due to the COVID-19 pandemic. When it comes to the 85 diplomatic missions in 62 countries where overseas voting was held, there were 84,690 voters and turnout was 48.2%.

14

Election Litigation

If there is an objection against the validity of an election or an election result, it shall be settled by election litigation pursuant to the due process. Election litigation is divided into two types according to who reviews and rules on the case. Election petitions are dealt with by the relevant election commission, and election lawsuits are dealt with by the relevant court. Both types of litigation cover the validity of the election itself and the election result.

1. Election Petitions

• Overview

- Election petitions are a prerequisite procedure before an election lawsuit only used in local elections, where there are many objections raised due to a large number of constituencies and candidates.

• Introduction Goal

- To ease the burden on the courts and to secure the legitimacy of an election through due process.

• Petition Cases

- When there is an objection against the validity of an election or an election result in local elections.

• Petitioner

- Voters (only in the case of petitions against validity of an election), political parties, candidates.

• Ruling Body

- The National Election Commission rules on elections for Si/Do mayors or governors, proportional representation members of Si/Do councils.

- The relevant Si/Do election commission rules on all other local elections.

• Decision Deadline: Within 60 days of a petition being submitted.

2. Election Lawsuits

• Lawsuit Cases

- Presidential and National Assembly Elections: When an objection is raised against the validity of an election or an election result.

- Local elections: When a petitioner appeals against a ruling on an election petition.

• Plaintiff: Voter (only in the case of petitions against the validity of an election), political parties, candidates.

• Competent Court

- The Supreme Court: Presidential and National Assembly elections, elections for proportional representation members of Si/Do councils, elections for mayors and governors of Si/Do.

- The Relevant High Court: Elections for constituency members of Si/Do councils, Gu/Si/Gun council members and the heads of Gu/Si/Gun governments.

• Ruling Deadline: Within 180 days of a lawsuit being filed.

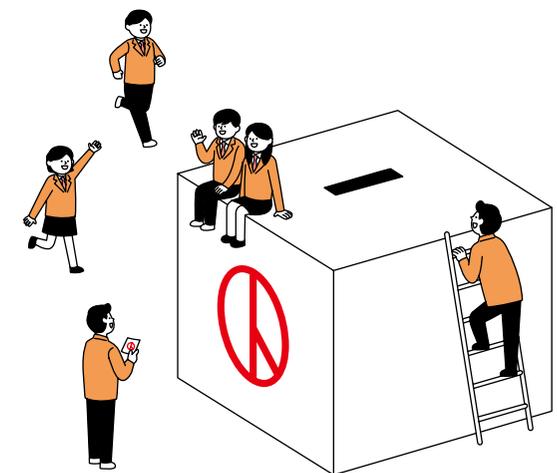
FAQ

Q. How is a decision made regarding election litigation?

In regards to election litigation, even if an election law violation is found, the relevant election commission or court invalidates the result of an election only when the violation is deemed to have had a substantial effect on the result of an election.

Q. What happens if a decision is made to invalidate an election or an election result?

If the election invalidation is upheld, another candidate is elected. There are two cases which can result in an election being invalidated. If the result of an election is invalidated due to a violation that occurred during counting, a new elected candidate is redetermined from among the remaining candidates. But if an elected candidate loses their electoral eligibility, a re-election shall be held.



Penalties for Election Law Violations

The penalties for election law violations stipulated by the Public Official Election Act are divided into criminal punishment for election crimes and fines for negligence against violations of administrative regulations to maintain public order. When it comes to legislation of the penalties for election law violations, election related crimes are punished according to the Public Official Election Act, not according to criminal law. In the case that a person commits a mix of crimes, the election crime is punished by the Public Official Election Act independently of other crimes punished by criminal law.

1. Main Penalties for Election Law Violations

• Penalties for Buying Votes and Inducing Interest

- Violation: Providing voters with any property, money, goods or public office positions either in return for a voter casting their ballot for a candidate or party, or to ensure a candidate is elected or not.
- Punishments: Imprisonment for up to five years or a fine of up to 30 million Korean won (\$25,200 USD).

• Penalties for Unlawful Contributions

- Violation: Providing a voter with any property, money, goods or public office positions to a person or an organization in the relevant constituency.
- Punishments: Imprisonment for up to five years or a fine up to 10 million Korean won (\$8,400 USD).

• Penalties for Disclosing False Information

- Violation: Disclosing false information on a candidate or a stakeholder related to a candidate in order to ensure a candidate is elected or not.
- Punishments
 1. A Violation to Elect a Candidate: Imprisonment for up to five years or a fine up to 30 million Korean won (\$25,200 USD).
 2. A Violation to Prevent a Candidate From Being Elected: Imprisonment for up to seven years or a fine of between five million Korean won (\$4,200 USD) and 30 million Korean won (\$25,200 USD).

• Penalties for Slandering a Candidate

- Violations: Slandering a candidate, their spouse or their siblings in order to ensure a candidate is elected or not.
 - ※ This does not apply to cases where a candidate was slandered based on facts and was done in the public interest.
- Punishments: Imprisonment for up to three years or a fine up to five million Korean won (\$4,200 USD).

2. Statue of Limitations

- The statue of limitations for election crimes expires six months after the relevant election day.
- The statue of limitations for an election crime committed on a ship concerning shipboard voting expires six months after the day a criminal arrives in Korea.
- The statue of limitations for an election crime committed abroad which are stipulated in the Public Official Election Act expires five years after the relevant election day.
- The statue of limitations for an election crime committed by a public official in line with their duties or by abusing their power expires ten years after the relevant election day.

FAQ

Q. How do the election commissions deal with election crimes?

The election commissions investigate election crimes first. If a commission finds that a charge against the suspect is serious, they report or request an investigation by the prosecutor. If a suspected violation is minor, the commission directly gives a warning or imposes a fine.

Q. Do election commissions implement a special system to reduce election crimes?

Since the nature of election offenses is covert, the election commissions have adopted a reward system in order to encourage citizens to report election offenses. A person who reports an election offence may receive a reward up to 500 million Korean won (\$420,000 USD) and the identity of the reporter shall be fully protected. Also, for those who turn themselves in, the punishment shall be mitigated or discharged. In addition, those who receive money or meals from a politician may receive a fine up to 30 million Korean won (\$25,200 USD) which may vary between ten and 50 times the value of what they received.

Q. Can foreigners be punished for election law violations?

Yes, in the case they commit a crime within Korean territory, they can also be punished by Korean law pursuant to the territorial principle.

Q. Do election crimes affect the result of an election?

Yes. If an elected candidate is sentenced to imprisonment or a fine of one million Korean won (\$840 USD) or more due to election law violations, their election will be invalidated. If an election campaign manager, an accountant, or a spouse of a candidate is sentenced to imprisonment or a fine of not less than three million Korean won (\$2,520 USD), the candidate's election will also be invalidated.

Q. In case a candidate's election is invalidated, what happens to the reimbursement made for election expenses?

The candidate whose election is invalidated shall return the entire amount of reimbursed election expenses. If the elected candidate does not return expenses within a given period of time, the head of the competent tax office shall collect it.



Political Parties Act



1

Overview

In 1960, articles related to political parties were first adopted in the 3rd Amendment to the Constitution, and in 1962 the Political Parties Act was signed into law. The Political Parties Act stipulates matters related to the organization and activities of parties, including the establishment of a party, the merger of political parties, admissions and withdrawals from political parties, the operation of political parties, guaranteeing political parties activities, and the dissolving of political parties.

1. Role of the NEC in Political Party Affairs

- Management of general affairs of political parties such as registration and dissolution.
- Responsible for key matters related to the operation of political parties such as their general operation and political funds.
- Regulation of political parties if there are cases of violations of the Public Official Election Act and other political laws.

2. History

- **August 15, 1945 (after liberation):** The first political party, the Korean Democratic Party, was founded
- **1960:** The Second Republic of Korea Founded (3rd reform of the Constitution)
 - First provisions on political parties set out in the Constitution, introduced dissolution of unconstitutional parties.
- **1962:** The Third Republic of Korea Founded (5th reform of the Constitution)
 - Guaranteed freedom to establish political parties and a multi-party system, state mandated to protect democratization of the organization and activities of political parties and protect political parties.
- **1962:** Political Parties Act Enacted (revised 20 times since enactment)
 - Stipulated provisions of necessary regulations in order for all political parties to participate in making the political decisions of the people.
 - Stipulated provision to guarantee the democratic organization and activities of political parties.
- **1972:** The Fourth Republic of Korea Founded (7th reform of the Constitution)
 - The NEC was given the authority to oversee administrative affairs of political parties.
- **1980:** The Fifth Republic of Korea Founded (8th reform of the Constitution)
 - Introduced a national subsidies system for political parties.

2

Status of Political Parties

The political party system is the bedrock of the democratic political process. The Constitution of the Republic of Korea provides regulations for the special protection of political parties, including the freedom to establish a political party and the guarantee of a multiparty system as well as the provision of national subsidies by the state for the operation of political parties

3. Constitutional Provisions about Political Parties

- **The Establishment of Political Parties (Article 8-1):** The establishment of political parties shall be free.
- **Multiparty System (Article 8-1):** The plural party system shall be guaranteed.
- **Protection of Political Parties by the State (Article 8-3)**
 - **Obligation of the State to Protect Political Parties:** The state protects political parties as prescribed by law.
 - **National Subsidies System:** The state provides subsidies necessary for the operation of political parties as prescribed by law.
- **Constitutional Obligations of Political Parties (Article 8-2)**
 - Political parties shall be democratic in their objectives, organization and activities.
 - Political parties shall have the necessary organizational arrangements in carrying out their role to make the political decision of the people.
- **System for the Dissolution of Political Parties (Article 8-4)**
 - If the purposes or activities of a political party are contrary to the fundamental democratic order, the government may bring an action against it in the Constitutional Court for its dissolution.
 - The political party shall be dissolved in accordance with the decision of the Constitutional Court.



1. Party System: Multi Party System

2. How National Assembly Seats are Distributed

- Candidates elected through single-member constituencies (constituency members of the National Assembly).
- Seats distributed through proportional representation elections, where support for political parties is evaluated according to the percentage of the vote for each party.

3. The Number of National Assembly Seats and Seats by Political Parties (as of the 21st National Assembly election results)

- **Number of National Assembly Seats:** 300 seats
(253 constituency member seats, 47 proportional representation member seats).
- **Number of Political Parties with Seats:** 7
- **Seats by Political Party** ※ Number of registered political parties: 45 (As of May 29, 2020)

Political Party	Total	Constituency	Proportional Representation
Minjoo Party of Korea	163	163	-
The Citizen Party	17	-	17
United Future Party	84	84	-
Future Korea Party	19	-	19
Justice Party	6	1	5
People's Party	3	-	3
Open Minjoo Party	3	-	3
Independent	5	5	-
Total	300	253	47

4. Number of Party Members

- **Total Number of Party Members:** 7,825,929
 - Minjoo Party of Korea: 3,579,111 (45.7%)
 - United Future Party: 3,340,979 (42.7%)
 - The Bareunmirae Party: 364,834 (4.7%)
- ※ Source: 2018 political party activity and accounting report, published in November 2019

3

Organization and Operation of Political Parties

The Political Parties Act has provisions that state that political parties shall be comprised of a central party office and Si/Do party offices, and the party is required to establish and operate a system for party membership fees. In addition, in accordance with the authority of the NEC to supervise political parties, registered political parties are required to report the number of members they have and their activities to the NEC on a regular basis.

1. The Structure of Political Parties

- **Central Party Office:** Set up in the capital.
- **Si/Do Party Office:** Set up in special or metropolitan cities or provinces.
- **Party Organization.**
 - Representative Body: A body that can reflect the general consensus of the members.
 - ※ For example: General assembly of party members, party delegate convention.
 - Executive Body: A body that implements decisions or policies determined by the political party's decision-making bodies.
 - ※ For example: Representatives of political parties, party executives, party secretariat.
 - General Assembly: If the party has a National Assembly member, it is set up inside the political party to maintain a democratic internal order.
 - Budget Audit Committee: Inspect and audit matters related to the party's finances, including the party's budget and account details.
 - Policy Research Institute: Facilitate policy development and research activities of parties eligible for subsidies.

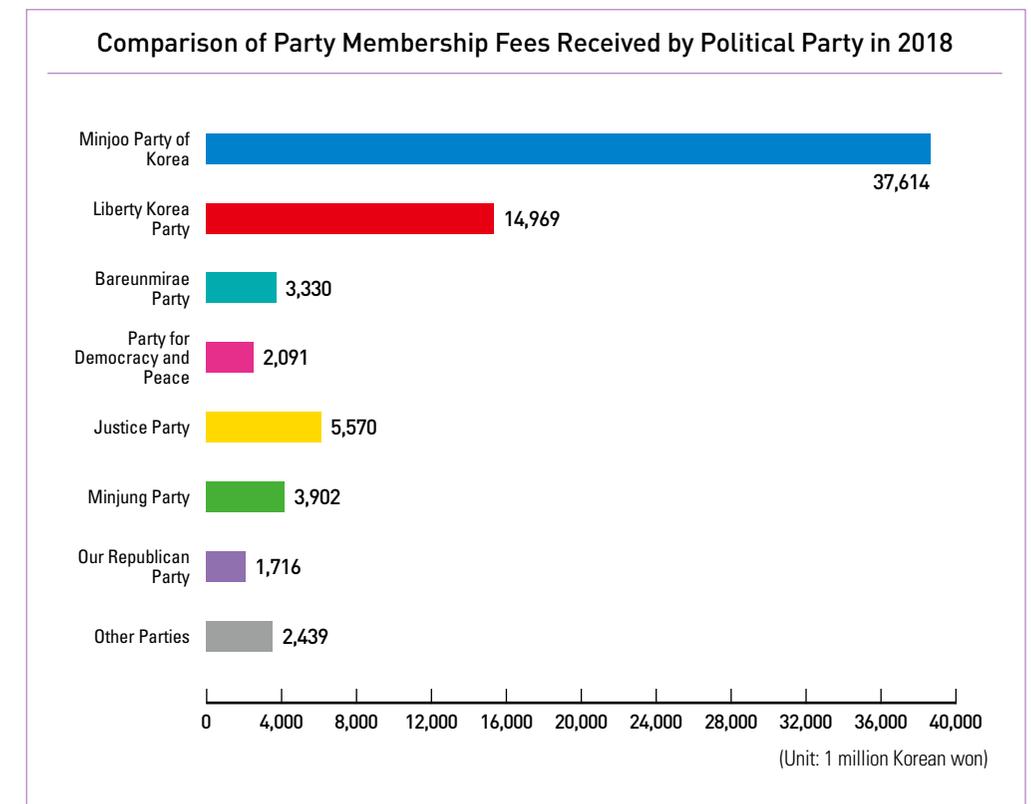
2. Party Leadership Election Method (executives and party representatives)

- Matters concerning the selection method of the party's representatives and executives should be provided in the party's constitution.
- Possible to entrust the election of party representatives to the NEC.
 - Eligible Body: Central party offices which receive national subsidies.
 - Entrusted Role: Management of work related to voting and counting.
 - Budget Responsibility: The political party that makes a request for an entrusted election.

3. Party Expenses System

- **Purpose:** To promote input from party members and the financial independence of the party.
- **Operation**
 - Political parties may receive party membership fees from their party members but fees paid in the name of another person or using a pseudonym are forfeited to the state.
 - ※ Companies or organizations are prohibited from paying party membership fees.
 - A member of a political party cannot pay the fees of another member from the same party.
 - ※ A person who has paid for another party member's fees and a person who had their fees paid for by another person will have their party membership suspended for one year from the date on which such payment is confirmed.

Status of Party Membership Fees Received in 2018 by Major Political Party



※ Source: 2018 political party activity and accounting report, published in November 2019

4

Organization and Operation of Political Parties

The Republic of Korea adopted a formal application procedure where a political party is established by the registration of the central party office with the NEC. There are two kind of party mergers, one is where a new party is created and another is when one party is absorbed by another. Both mergers require a resolution by the authorized representative body. Political parties can be dissolved by having their registration cancelled due to issues with their registration, by voluntary dissolution or by dissolution due to a decision by the Constitutional Court.

4. Reports on Political Party Activities

- **Bodies Required to Submit Reports:** Central party office and Si/Do party offices.
- **Base Date:** Every year on December 31.
- **Due Date:** By February 15 of the following year (by January 31 for Si/Do offices).
- **Overseeing Body:** Relevant election commission.
- **Content:** Number of party members and major activities. In the case of the central party office promotion content and results and major policy plans for the following year.

5. Management of Party Members

- **Administrative Body:** Each Si/Do party.
- **Management Method:** Creation and update of a party membership list.
 - ※ It is not possible to forcibly require the submission of a party list except when required by a court for a trial.

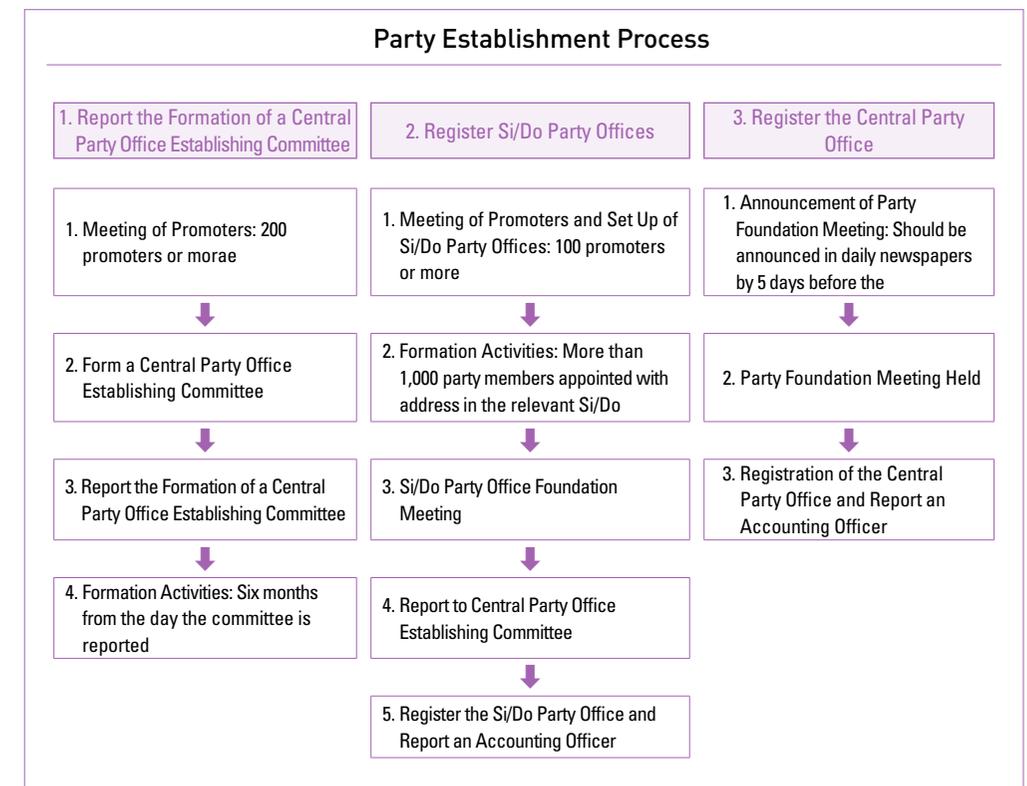
FAQ

Q. Can election commissions demand a political party to submit reports or documents in order to supervise the party?

The election commissions at each level (excluding the Eup/Myeon/Dong election commissions) may demand political parties to submit reports, materials, documents and other data when deemed necessary to supervise the party. However, the election commissions cannot request the list of party members for the same purpose.

1. Requirements for Party Establishments

- **Required Number of Si/Do Party Offices:** Five or more Si/Do party offices.
 - ※ There are a total of 17 Si/Do in the Republic of Korea.
- **Required Number of Party Members in Each Si/Do:** Over 1,000 (their address must be in the relevant region).



FAQ

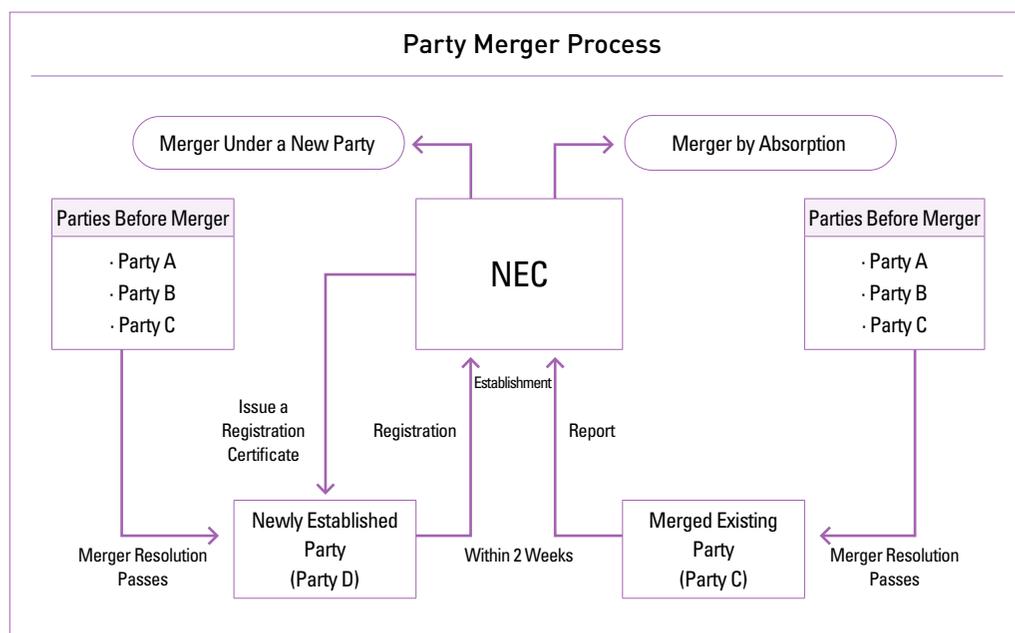
Q. Is the foundation of a regional political party possible?

The foundation of regional political parties is prohibited. That is why the Political Parties Act regulates that a political party should have at least five Si/Do party offices in order to register the central office of the political party.

Q. Should a political party report to the NEC if it has changed its name, representatives or other information?

Yes, it should report the changes to the NEC.

2. Party Merger



• Merger Type

- Merger Under a New Party: Two or more political parties merge under a new party name.
- Merger by Absorption: One or more political parties are absorbed by another.

• Requirement for Establishment

- Requires a resolution by the authorized body on party mergers.
- Register or report with the NEC.

• Results

- A party with a new name or an existing party left after a merger succeeds the rights and obligations of the parties that existed before.
- The Si/Do parties are also taken over by the new merged party.
 - ※ However, in the case a new party is formed, registration and the reorganization of Si/Do offices are required. In the case of a merger through the absorption of one or more political party, it is only required to make a report.
- Re-submission of a party membership application is not necessary because the party membership for the previous party is considered valid.

3. Dissolution

	Reasons for Dissolution	Disposal of Property	National Assembly Members	Rules on the Use of the Party Name
Registration Cancelled due to Issues with Their Registration	<ul style="list-style-type: none"> · If there are less than five Si/Do offices · When the number of party members in one of Si/Do party offices falls below 1,000 · When the party did not field candidates in public official elections, such as National Assembly elections, election for heads of local governments and members of local councils at the expiration of term of office over the last four years 	Disposal of property as determined by the party's constitution, the remaining property that is not disposed of by the party's constitution belongs to the treasury	Members maintained	The name of the political party cannot be used from the date the party is dissolved to the election day of the following National Assembly elections due to the expiration of term office
Voluntary Dissolution	Political parties may be dissolved by a resolution by the representative body of the party, and a representative must report the dissolution to the NEC without delay			May be used at any time
Dissolution by a Constitutional Court decision*	When a party's purpose or activities violate the basic democratic order, it may be dissolved by a decision by the Constitutional Court following a complaint issued by the government	Belongs to the treasury	Members lost	The same party name cannot be used again and a new party may not be created with a similar platform as the dissolved party

* In 2014, the Constitutional Court decided to disband the Unified Progressive Party on the grounds that it violated the Republic of Korea's national security and constitution, and removed all five of the party's National Assembly members.

5

Joining and Leaving a Political Party

People must join and withdraw political parties according to their own free will. The Political Parties Act stipulates that no one shall be forced to enter into, or secede from a political party without the consent of their own free will, provided that the same clause shall not apply to the expulsion of a party member.

Process of Joining and Leaving a Political Party



1. Joining a Political Party

- **Eligible Persons:** Korean citizens who have the right to vote in National Assembly elections.
 - ※ However, those who have a certain status such as civil servants may not join a political party:
 - Civil servants (though the President, National Assembly members, local council members and heads of local government may join a political party).
 - Private school teachers (school presidents, deans, professors, associate and assistant professors and lecturers may join a political party).
 - A person who has the status of a civil servant according to the provisions of the law.
 - Non-Korean citizens.
- **Process:** Submit an application form to the relevant political party (submitting e-documents with certified electronic signatures or ICT networks in accordance with the party's constitution and regulations) → The Si/Do party offices or the party establishing committee judges if the person is eligible for membership → Listed on the party member list → Party card issued.
- **Date effective:** When the applicant is listed on the party list.

2. Leaving a Political Party

- **Process:** Submit withdrawal application to the relevant Si/Do party office (submitting e-documents with certified electronic signatures or ICT networks in accordance with the party's constitution and regulations) → Removal from the party list and withdrawal certificate issued.
- **Date Effective:** When the member's report is filed with the Si/Do party office or the central party office.

3. Party Membership Rights and Responsibilities

Rights	Responsibilities
<ul style="list-style-type: none"> The right to vote in elections for political parties The right to participate in party decision making and activities Can run as a candidate recommended by the political party in public official elections 	<ul style="list-style-type: none"> Pay membership fee Obligation to comply with party regulations and decisions

4. Expulsion

- **Party Members:** Possible through internal party inspection under strict requirements.
- **Members of the National Assembly:** Possible but under strict regulations (In addition to going through the procedures prescribed by the party, additional approval by more than half of all members of the National Assembly members that are from the party are required).
 - Proportional Representation Members of the National Assembly: Remains a member of the National Assembly even if they are expelled from the party (If they join another party, they lose their seat).
 - Constituency Members of the National Assembly: Remains a member of the National Assembly even if they are expelled from or join another party.

FAQ

Q. Can a person join more than one political party?

A person cannot become a member of more than one political party.

Q. Can an elected official change their party affiliation after an election?

Yes, it is possible. However, for proportional representation members of the National Assembly, their election will be invalidated if they change party affiliation.

Political Party Activities

The Political Party Act defines a political party as a voluntary organization of the people that aims to take part in making the political decisions of the people by promoting responsible political policies for the benefit of the public and by nominating or supporting candidates in public official elections. The main ways political parties are involved in making political decisions for the people are promoting responsible political policies and pledges for the benefit the public, nominating or supporting candidates in public official elections, and participating in parliamentary activities as well as state affairs and lawmaking.

1. Freedom of Party Activities

- Freedom guaranteed according to the Constitution and law.
- Promotion of the party's position on policy or political issues using methods such as printed materials, facilities and advertisements.
- Activities for recruiting members guaranteed (except door-to-door visits).

2. Promotion of Policy-based Elections

- A central party office eligible for national subsidies should establish and operate a policy research institute.
- The National Election Broadcasting Debate Commission holds policy debates inviting political parties that receive national subsidies.
- Terrestrial broadcasters use public advertisements to promote policy-based elections.

3. Nominating Candidates for Public Official Elections

- **Nomination Process:** Candidates selected through primary elections or nominated through the party constitution or regulations.
 - ※ Those who cannot be party members, such as civil servants, cannot be nominated as candidates for political parties.
- **Entrusting Primary Elections to the NEC**
 - Entrusting Body: Political parties receiving national subsidies.
 - Entrusted Body: NEC.
 - Entrusted Roles: Voting, counting and campaign management related to the primary election.
 - ※ Even if the primary election is not entrusted to the NEC, the NEC oversees the election to ensure it abides by the general restrictions of election law.

4. Nomination of Female Candidates

- **Obligation**
 - **Applicable Elections:** Elections for proportional representation members of the National Assembly and local councils.
 - **Nomination Method:** When nominating candidates on proportional representation lists, 50% or more of the candidates must be women. Female candidates must occupy every odd number on the list.
 - **Sanctions:** In the case a party violates the rules on nominating female candidates, the registration applications are rejected and registrations are invalidated.
- **Non-obligation**
 - **Applicable Elections:** Elections for constituency members of the National Assembly and local councils.
 - **Nomination Method:** Parties should make efforts to nominate 30% or more female candidates.

FAQ

Q. Can a candidate defeated in a primary election run as a candidate in the same constituency in the main election?

A candidate defeated in a primary election shall be prohibited from running in the relevant election in the same constituency. However, in case the nominated candidate resigns, dies, loses their eligibility to run in an election, or becomes disqualified due to party membership withdrawal or change, the defeated candidate may run in the election in their place.

Crimes Related to Political Parties and Penalties

The provisions on crimes and penalties in the Political Parties Act are intended to maintain the smooth operation of the party system, and to ensure the effectiveness of the restrictions and prohibitions in the Political Parties Act. Penalties for violating the law include imprisonment, confinement and fines for criminal violations, and fines for administrative violations such as sanctions for minor violations.

1. Vote Buying and Inducing Interest During Party Elections

- **Violation:** If a person provides or promises to provide money to candidates, voters or other persons for the purpose of either electing or preventing the election of a candidate in an primary election, such as a party election to elect party representative or executives.
- **Punishment:** Imprisonment of up to three years or a fine not exceeding six million Korean won (\$5,040 USD).

2. Crimes Related to Prohibited Persons Becoming a Promoter or Party Member

- **Violation:** If a person who is prohibited by law from promoting a party or being a party member acts as a promotor of a party or a party member in violation of the law.
- **Punishment:** Imprisonment of up to one year or a fine not exceeding one million Korean won (\$840 USD).

3. Compelling a Person to Join a Political Party

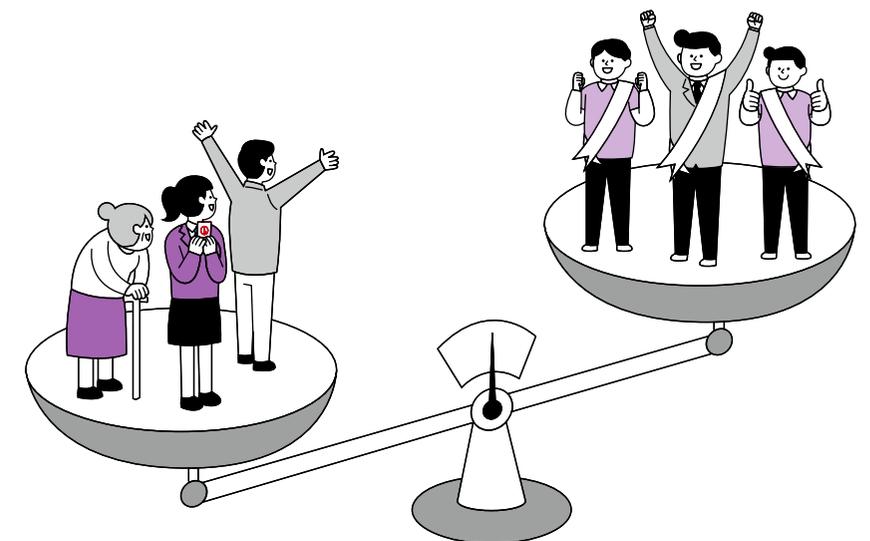
- **Violation:** If person violates regulations to protect political freedoms regarding joining or leaving political parties, those who forced a person to join or leave a political party will be punished.
- **Punishment:** Imprisonment of up to two years or a fine not exceeding two million Korean won (\$1,680 USD).

4. Committing the Crime of Being a Member of Two or More Political Parties

- **Violation:** If a person violates the provision that prevents a person from being a member of two or more political parties, the person is punished in order to prevent interference and involvement between political parties and preserve the political order.
- **Punishment:** Imprisonment of up to one year or a fine not exceeding one million Korean won (\$840 USD).

5. Crimes Related to the Forced Disclosure of the Party Member List

- **Violation:** If a person violates provisions on the forced disclosure of the political party's member list, the person is punished in order to protect the activities of political parties from unfair interference and outside involvement.
- **Punishment:** Imprisonment of up to five years.



IV

Political Fund Act



1

Overview

The Political Fund Act was enacted in 1965 based on the Constitution and the Political Parties Act. The Political Fund Act develops a legal system to prevent political fund-related fraud whilst at the same time also ensuring the proper procurement of political funds and securing transparency by disclosing accounting details to the public.

1. The Main Roles of the NEC Related to Political Funds

- Provide national subsidies.
- Oversee the spending of political funds.
- Oversee the establishment of Political Fund Associations (PFAs) and oversee their operation.
- Receive and distribute political deposits.
- Announce election spending limits and oversee the settlement of accounting affairs.

2. History

- **February 23, 1946 (after liberation):** Regulations enacted on issues such as accounting reports by political parties in regulations on political parties in US Military Decree 55
- **July 1, 1960 (Second Republic):** Regulations regarding accounting reports by political parties enacted only in the Act on Registration of Newspapers and Political Parties (no direct regulations regarding political donations)
- **December 31, 1962 (Third Republic):** The Political Parties Act was enacted and included matters related to political funds
 - Political parties should report their property and their income and expenditure.
 - Prohibitions including on receiving donations from certain people and punishment for violations.
- **February 9, 1965:** Enactment of the Political Fund Act
 - Made political funds legitimate by institutionalizing illegal funds under the law.
 - Enacted regulations on issues such as the method of political deposits and their distribution.
 - Continued to expand the scope of rules and regulations on issues such as the fundraising and expenditure of political funds (more than 20 revisions since enactment).

3. Laws Related to Political Funds

- **Constitution (Article 8-3):** Political parties are protected by the state and the state can subsidize funds necessary for the operation of political parties as prescribed by law.
- **Political Parties Act (Article 34):** Matters related to finance such as property, income and expenditure of the party are separately determined by law.
- **Political Fund Act**

4. Principles of the Political Fund Act

- **Principles on the comprehensive regulation of political funds.**
 - Political funds received in a manner that are not in accordance with the Political Fund Act are deemed illegal.
- **Principles of Political Fund Disclosure:** Disclosure of political fund accounts
- **The private and illegal use of political funds are prohibited.**
- **Principle of the donation and expenditure of political funds using the real name verification method.**
 - When anyone contributes or spends political funds in excess of a set amount, it should be carried out in a way that the persons real name can be verified, including by the use of cheques, credit cards and deposits into a bank account.
 - The use of illegal means such as cash to receive and spend political funds is prohibited.
- **Principles of the Real-name System for Political Funds**
 - Not possible to donate political funds using another person's name or a pseudonym.
 - Prohibits any expedient political donations from persons or bodies barred from doing so such as companies and organizations and guarantees a system of a large number of small-scale clean political funds.

5. Measures to Ensure Transparency of Political Funds

- Sets PFA fundraising and donation limits and limits on individual donations to PFAs.
- Requires the disclosure of information on donors who contribute over a certain amount.
- Allows the copy and issuance of accounting reports.

FAQ

Q. What is the difference between election expenses and political funds?

Election expenses refer to money, goods, debt, or other items of economic value used for election campaigns in a given election and borne by a candidate. Election expenses are part of political funds. Political funds include other types of funds in addition to election expenses.

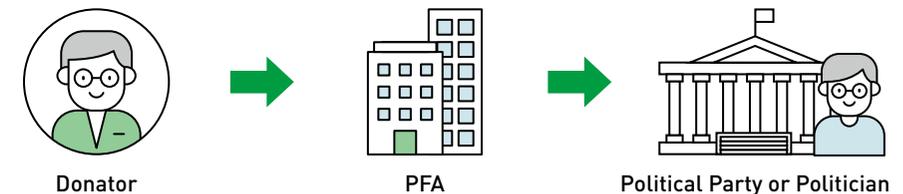
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The Income and Expenditure of Political Funds

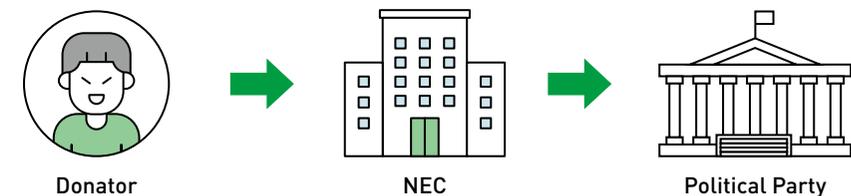
The system put in place by the Political Fund Act can be divided into two aspects to ensure the act is effective. The first is the procurement of political funds and then controlling funds by transparent disclosure. The second is to achieve the effectiveness of the law by preventing fraud related to political funds. Party membership fees, donations, political deposits and national subsidies are sources which ensure the adequate provision of political funds, and the account report system controls political funds through disclosure of the income and expenditure.

1. Sources of Political Funds

- **Donations:** Money, securities, or other items donated to PFAs registered with the relevant election commission by individuals who wish to donate to specific political parties or politicians.



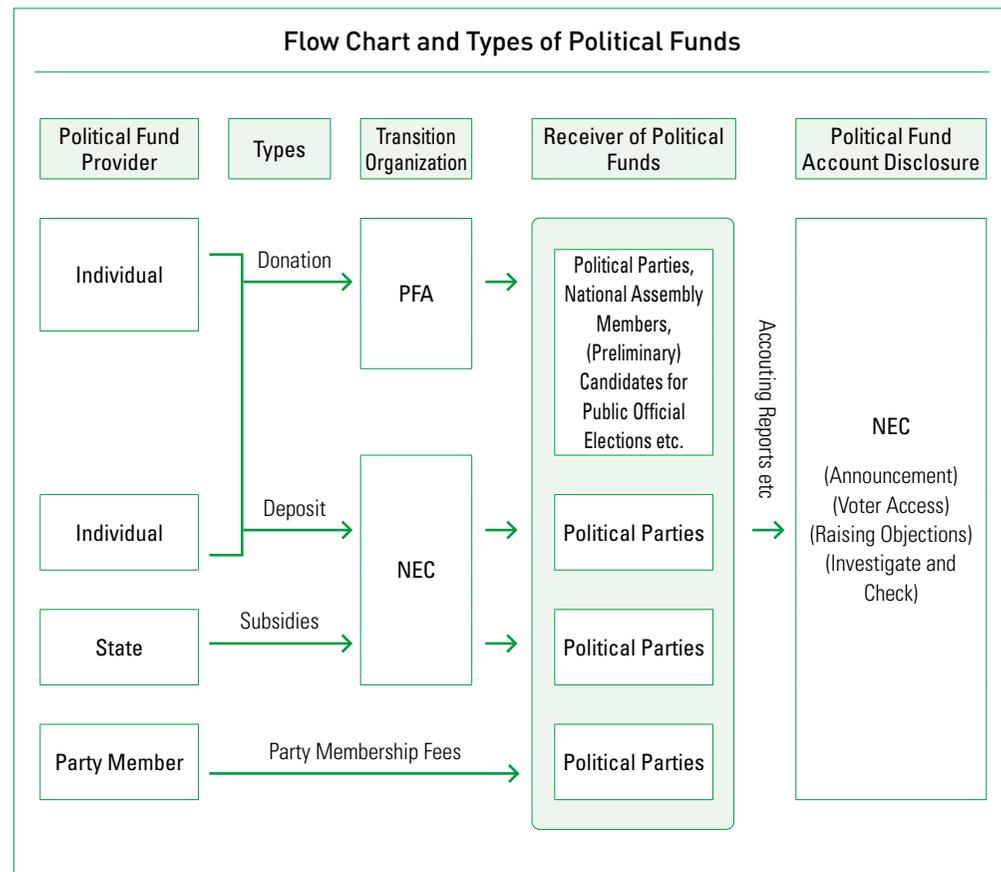
- **Political Deposits:** Money, securities, or other items deposited with the relevant election commission by individuals who wish to donate political funds to political parties.



- **National Subsidies:** Money provided by the state to political parties for protecting and fostering political parties.
- **Party Membership Fees:** Money paid by party members to the political party according to the party's constitution and regulations.

2. Classification of Political Funds by Recipient

- **Political Parties:** Party membership fees, political deposits, national subsidies, donations to PFAs and other incomes.
- **National Assembly Members and Candidates:** The person's assets, donations to PFAs, subsidies from political parties (during the election period), deposits from relatives.
- **Other Politicians:** The person's assets, subsidies from political parties (during the election period), deposits from relatives.



3. Donation of Political Funds

- **Eligible Persons:** Any Korean citizen as an individual.
- **Ineligible Persons:** Not possible for foreigners, domestic and foreign companies or organizations, or anyone in the name of those companies or organizations to donate political funds.
- **Benefits:** Tax credit or income tax deductions for party members who pay party membership fees and for individuals who donate to a PFA or who make a political deposit with the NEC.

4. Expenditure of Political Funds

- **Eligible persons:** A person who is appointed as responsible for accounting or an accountant who has been delegated the authority in writing within the scope of allowed expenditure.
- **Method:** Using methods where a person's real name can be verified such as cheques, credit cards and deposits.
- **Scope:** Only covers expenses required for political activities.
 - ※ Cannot be used for household subsidies, personal debt reimbursement, membership fees for private gatherings and other support expenses and personal leisure activities or hobbies.

FAQ

Q. Why are corporations or organizations both at home and abroad not allowed to donate any political funds?

It is because of concerns that political funds from corporations or organizations may corrupt political activities, and undermine public trust in transparency of and fairness in political activities. In particular, donations are prohibited in order to prevent suspicious events to exert political influence for a specific corporation or organization. Also it is to prevent activities that harm the fairness of elections and distort the will of members of the relevant organizations.

3

Political Fund Associations (PFAs)

Political Fund Associations (PFAs) are organizations that are established and operated for the purpose of receiving political fund donations and are registered with the relevant election commission. Under the Political Fund Act, the PFA system allows political funds to be raised through a separate organization PFA because there is a possibility of corruption if the recipients of political funds receive donations directly from the donor.

1. Overview

- **Introduction:** 1980 (First introduced together with the national subsidies system)
- **Purpose of Introduction**
 - Encourage citizens to support politicians voluntarily by increasing awareness of voluntary political participation among all members of society.
 - Raise the public's confidence in politics and legislate on illegal political funds.

2. Those Eligible to Appoint PFAs

- Central party offices (including a central party office establishing committee)
- National Assembly members (Including National Assembly members-elect).
- Candidates and preliminary candidates for presidential elections and elections for constituency members of the National Assembly.
- Candidates in presidential primary elections and party elections for party representative or the party's executives.
- Candidates for elections for heads of local governments.
 - ※ Candidates for local council elections not allowed.

3. PFA Establishment Process



- Those who wish to set up a PFA must gather voluntarily to form an internal organization.
- A PFA appointer appoints the relevant organization as their PFA
- The PFA is established when it is registered with the relevant election commission.

4. Donations to Political Parties and Candidates



- **Eligible Persons:** Anybody
(excluding foreigners, companies, organizations and those prohibited from being a member of a political party).
 - ※ A person may join one or more PFAs voluntarily.
- **Donation Method:** Donations only allowed through PFAs
(Donations made directly to National Assembly members or candidates are now allowed).
 - By post or ICT (by phone, internet or electronic payment system)
 - Exchange with a political funds receipt.
 - Credit card or bank account deposit.
 - ※ The donation of political funds at rallies is not allowed.
- **Allowed Donations:** In addition to money, it is possible to donate securities and goods.
- **Limit**
 - Donations by a single person may not exceed 20 million Korean won (\$16,800 USD) in a year.
 - Donations by a single person to a single PFA for candidates (and preliminary candidates) for presidential elections and in primary elections may not exceed 10 million Korean won (\$8,400 USD) in a year, and for other PFAs may not exceed 5 million Korean won (\$4,200 USD) in a year.
 - Possible to make anonymous donations of up to 100,000 Korean won (\$84 USD) at a time up to a total of 1.2 million Korean won (\$1,010 USD) a year.
- **Issuance of a Political Funds Receipt**
 - Issuing Organization: The PFA that receives the donation.
 - Deadline: By 30 days after the donation was made.
 - Recipient: Donor.
- **Donation Report Disclosure**
 - Relevant Persons: A person who has donated 3 million Korean won (\$2,520 USD) or more in a year (5 million Korean won, or \$4,200 USD, in the case of a PFA for candidates for presidential elections).
 - Content: Donation amount and personal information.

5. PFA Fundraising Limit

- PFAs for a Central Party Office: 5 billion Korean won (\$4.2 million USD).
- PFAs for National Assembly Members and Candidates (including preliminary candidates): 150 million Korean won (\$125,000 USD).
- PFAs for Candidates for Presidential Elections (including preliminary candidates) and Primary Election Candidates: 5% of the election expenses limit.
- PFAs for Candidates Running in Elections for Party Representative or the Party's Executive: 150 million Korean won (\$125,000 USD).
- PFAs for Candidates for Elections for Heads of Local Governments: 50% of the election expenses limit.

PFAs Which Can Raise Twice the Annual Fundraising Limit During Public Official Elections

Election	PFA
Presidential	PFAs for central party offices that nominate a candidate and PFAs for constituency members of the National Assembly
National Assembly (upon expiration of term of office)	PFAs for central party offices that nominate candidates and PFAs for registered candidates in elections for constituency members of the National Assembly
Nationwide Simultaneous Local Elections (upon expiration of term of office)	PFAs for central party offices that nominate candidates and PFAs for candidates in elections for constituency members of the National Assembly in the constituencies where candidates have been nominated

※ PFAs of central party offices and National Assembly members (as of December 31, 2019).

- Central party offices: 15 PFAs, 4.4 billion Korean won (\$3.7 million USD) (average of 290 million Korean won, or \$243,500 USD, per PFA).
- National Assembly members: 295 PFAs, 35 billion Korean won (\$29.3 million USD) (average of 120 million Korean won, or \$160,000 USD, per PFA).

6. Dissolution of PFAs

- Reasons for dissolution
 - When a PFA appointer is no longer eligible to appoint a PFA.
 - When a PFA appointer cancels the appointment of their PFA.
 - When there is a cause for dissolution as prescribed in the PFA founding articles
- Remaining Property.

PFA Appointer	Disposal Method
Central Party Office (including founding committee) or a Party member	The relevant political party takes over the property or assets
Non-party member or a dissolved or extinct political party	Public organizations or social welfare facilities take over the property or assets

※ In the case of PFAs for candidates for primary elections to be nominated as candidates for presidential elections, party representative or the party's executive or preliminary candidates for presidential elections and National Assembly elections, if the person loses their eligibility to have a PFA (except if they win or lose the relevant election) then the remaining property and assets are returned to the treasury.

FAQ

Q. How do political groups or local council members who cannot designate a PFA raise political funds?

Under the current Political Fund Act, organizations and individuals other than those who can designate a PFA may not raise political funds. In the case of a member of the National Assembly who does not have a PFA, their assets (including borrowings from third parties) should be used as political funds so they are prohibited from receiving political funds from third parties. Local council members are also not allowed to designate a PFA under the law, so they must spend their assets (including borrowings from third parties) as political funds regardless of whether they are members of political parties or independents, and should not receive political funds from third parties.

Q. Why is there a limit on the amount of yearly contributions that a donor can make to a PFA?

If contributions are made to a specific PFA without any limit, it is possible for the PFA to be unduly influenced by a specific contributor. In this respect, the contribution limit aims to prevent such a situation and encourage small contributions by as many donors as possible.

Q. Is it possible for PFAs to take part in election campaigning?

It is possible to campaign in the name of the PFA or its representative. However, donations to a PFA cannot be used as expenses for campaigning.

4

Political Deposits

Political deposits are money, securities and other items deposited to the Election Commission by individuals who want to donate political funds to political parties. This is a distinct system that is not common in other countries and was institutionalized when the Political Fund Act was enacted for the purpose of fostering for political funds.

1. Overview

- **Introduction:** 1965
- **Purpose**
 - Blocking direct contact between donors and recipients by introducing a third party in the middle.
 - Preventing the harmful act of receiving illegal political funds and developing healthy democratic politics.
- **Process**



2. Making Political Deposits

- **Eligible Persons:** Any citizen, including those who cannot be party members such as civil servants or private school teachers.
 - ※ **Foreigners, companies and organizations cannot make political deposits.**
- **Method:** Individuals wishing to make a political deposit should do so with the relevant election commission at each level.
 - Not possible to deposit without revealing the name or personal information of the person who makes the deposit or by using another person's name or pseudonym.
 - No deposit can be made to a specific political party.
- **Possible Deposits:** It is possible to deposit money, securities and goods.
- **Limits**
 - 10,000 Korean won (\$8,4 USD) or the equivalent or more each time.
 - No more than 100 million Korean won (\$84,000 USD) annually or 5% of the person's previous year's income, whichever is the higher amount.

3. Distribution of Political Deposits

- **Distributing Organization:** NEC.
- **Distribution Period:** Deposits received by the last day of each quarter should be distributed within 14 days starting from the last day of the quarter.
- **Distribution Method:** The deposits are distributed to the central party offices according to the distribution ratio of national subsidies during the distribution period.

FAQ

Q. Why is a donor prohibited from designating a particular party when making their political deposit?

It is true that a donor's freedom should be respected and a political deposit is a way of expressing a donors' political belief. However, it may cause imbalance of political funds distributed to ruling and opposition political parties.



5

National Subsidies

The national subsidy system was introduced in the 1980s. This system aims to reduce political corruption by preventing political parties from being unfairly influenced by donors or pressure groups using political funds, bridge the gap between political parties in the ability to raise funds, and promote fair competition. The system also was created to promote the political progress of women and socially disadvantaged people and increase the possibility of competent candidates being elected.

1. Types of Subsidies

Type	Details
National Current Subsidies	Subsidizes ordinary expenses necessary for political party operation, distributed by the state evenly every quarter
Election Subsidies	Since the expenditure of political parties, such as costs related to elections, increases in the year in which public official elections including presidential elections are held due to the expiration of the term of office, additional subsidies are provided by the state to the political party to compensate
Subsidies for Female Candidates	Subsidies paid to political parties who nominate female candidates in the elections at the end of the term of office of constituency members of the National Assembly and local councils
Subsidies for Disabled Candidates	Subsidies paid to political parties who nominate candidates with physical disabilities in the elections at the end of the term of office of constituency members of the National Assembly and local councils

2. Distributing Body: NEC

• National Current Subsidies

- Distribution Period: Regular intervals over the year (on the 15th day of February, May, August and November).
- Eligible Recipients: Political parties eligible to receive national current subsidies.
- Calculation Method: Total number of voters during the last National Assembly due to the end of the term of office multiplied by the subsidy unit price.
- ※ The subsidy unit price is determined by applying the previous year's national consumer price inflation rate to the subsidy unit price from the previous year.

- Distribution Method

Type	Distribution Method and Standards	
Base Ratio	① Evenly distribute 50% of the subsidies to the political parties with a negotiation group in the National Assembly ② Distribute 5% of the subsidies to political parties with 5 or more seats not given subsidies in step one ③ Distribute 2% of the subsidies to political parties with no or less than 5 seats in the National Assembly who nominated candidates and received over a certain percentage of the vote in the last National Assembly elections or nationwide elections where parties were allowed to nominate candidates.	
	By number of seats	50% of the remaining subsidies is distributed on the basis of the number of National Assembly seats at the time of distribution
Remaining Subsidies	By number of votes	The remaining amount is distributed according to the ratio of votes at the last National Assembly elections.

※ National current subsidies for the 1st quarter of 2020 ('20. 2. 14.): 11 political parties, 11 billion Korean won (\$9.2 million USD)

• Election Subsidies

- Distribution Period: Within two days after the candidate registration deadline.
- Eligible Recipients: Political parties which nominate candidates for presidential elections, National Assembly elections and nationwide simultaneous local elections at the end of the term of office.
- Calculation Method: Same as national current subsidies.
- Distribution Method: Same as national current subsidies.

※ Election subsidies for the 21st National Assembly elections (March 30, 2020): 12 political parties, 44 billion Korean won (\$36.8 million USD).

• Subsidies for Nominating Female Candidates

- Distribution Period: Within two days after the candidate registration deadline.
- Eligible Recipients: Political parties that recommend female candidates for constituency members of the National Assembly elections and local council elections at the end of the term of office.
- Calculation Method: Total number of voters during the last National Assembly due to the end of the term of office multiplied by 100 Korean won (\$0.08 USD).
- Distribution Methods: The standards are split into cases of parties who nominated 30% or more female candidates and those that did not. Then distributed according to the ratio of the number of National Assembly seats by party and the number of votes during the last National Assembly due to the end of the term of office.

※ Subsidies for Nominating Female Candidates for the 21st National Assembly elections: One political party, 840 million Korean won (\$700,000 USD).

- **Subsidies for Nominating Disabled Candidates**

- Distribution Period: Within two days after the candidate registration deadline.
 - Eligible Recipients: Political parties that recommend disabled candidates for constituency members of the National Assembly elections and local council elections at the end of the term of office.
 - Calculation Method: Total number of voters during the last National Assembly due to the end of the term of office multiplied by 20 Korean won (\$0.02 USD).
 - Distribution Methods: The standards are split into cases of parties who nominated 5% or more disabled candidates and those that did not. Then distributed according to the ratio of the number of National Assembly seats by party and the number of votes during the last National Assembly due to the end of the term of office.
- ※ Subsidies for Nominating Disabled Candidates for the 21st National Assembly elections: One political party, 250 million Korean won (\$210,000 USD).

3. Use of National Subsidies

- **Restrictions on Use**

Subsidies can only be used for personnel costs, office equipment and consumables, office installation and operation costs, utility bills, policy development costs, party member education and training costs, organizational activity costs, PR costs and election-related expenses.

- **National Current Subsidies**

30% or more of the total amount should be distributed to the party's policy research institute, 10% or more to Si/Do party offices and 10% or more should be used for the development of participation in politics by women.

※ Since the eligible recipients of subsidies are political parties and therefore subsidies for the development of participation in politics by women should be spent by the party and cannot be used for female candidates themselves.

- **Subsidies for Nominating Female Candidates:** Election expenses for female candidates.
- **Subsidies for Nominating Disabled Candidates:** Election expenses for disabled candidates.
- **Election Subsidies:** Provides subsidies to candidates and preliminary candidates who are party members running in public official elections.

4. Reasons for Reducing Subsidies and Reduced Amount

Reason for Reduction	Reduced Amount
False or omitted accounting reports regarding subsidies	Two times the amount falsely reported or omitted
Used for prohibited purposes	Two times the amount used for prohibited purposes
When an accounting report is not submitted	- Central Party Office: 25% of the subsidies paid - Si/Do Political Party Office: Two times the subsidy received from the central office

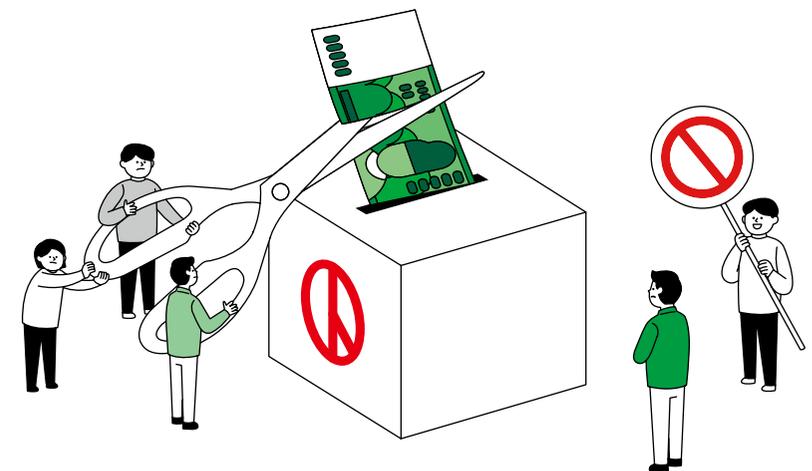
5. Return of Subsidies

- **Return:** When a political party that received subsidies is dissolved or their registration is canceled.
 - **Recipient of Return:** NEC.
- ※ If the political party does not return the required subsidies, the NEC may forcibly collect them.

FAQ

Q. Why restrict the use of national subsidies?

It aims to promote the primary function of political parties such as developing policies, and paving the way for female candidates and candidates with disabilities to enter the political arena.



Accounting Reports

Accounting reports are reports made by the person responsible for the accounts on the income and expenditure of political funds and submitted to the relevant election commission within a certain period. This system aims to secure transparency, accuracy and legitimacy in the accounting regarding the income and expenditure of political funds. There is a system for allowing the issuing and checking of copies of accounting reports, and the raising of objections in which citizens, civil groups and media organizations monitor and criticize regarding the publically-release accounting reports.

1. Overview

• Introduction

- When the Political Parties Act was introduced in 1962, only political parties submitted accounting reports.
- Later, as the Political Fund Act was enacted and amended, not only political parties but also other stakeholders such as PFAs and PFA appointers, candidates and preliminary candidates submitted accounting reports.

• Principles of Income and Expenditure

- Political funds should only be received and spent by an account manager.
- Political funds should only be received and spent through the account reported to the relevant election commission.
 - ※ Only one account should be used for expenditure, no limit for the number of accounts used for income.

2. Account Manager

• Purpose

- The account manager has unified control of political funds.
- Securing transparency in the income and expenditure of political funds and clarifying the responsibility for managing political funds.

• Eligible Persons: Anybody who may take part in election campaigning.

- ※ Candidates or preliminary candidates for public official elections can serve as account managers.

• Role

- Management of the income and expenditure of political funds.
- Submitting accounting reports.
- Preparing the accounting ledgers and holding them in the office.

3. Accounting Reports

- **Overseeing Organization:** Relevant election commission.
- **Submitting Person:** Account manager for the relevant accounting entity such as a political party.
- **Period:** In general, account managers of PFAs submit accounting reports twice a year and the account managers of political parties and National Assembly members submit account reports once a year.
- **Content:** Details such as property status, amount and details of political funds received, amount and details of political funds expenditures and settlements, copies of bankbooks.

4. Control Over Accounting Related to Political Funds

• Internal Audit Authority

- Audit and resolution by representative organizations (including those appointed by the organization) or the budget resolution commission.
- Audit by an internal auditor.

• External Audit Authority

- Audit by a certified public accountant (central party office).
- Publication of accounting report details.
- The relevant election commission has the right to investigate accounts.

FAQ

Q. To what extent does the relevant election commission audit after receiving the accounting report? Is it a formal examination or a practical examination?

When the competent election commission receives an accounting report from a political party or a PFA, there is lengthy review of the legality of the income and expenditure of political funds that usually takes two and three months by examination in writing and through field inspections.

Q. Is it possible to revise the published accounting report later?

During the viewing period, third parties, such as citizens, can raise objections. Under the current Political Fund Act, there is no stipulation that allows for the revision of the submitted accounting report and the relevant election commission does not allow for the revision of the report. However, in the case the accounting report turns out to be incorrect after an objection has been raised, legal punishments may be given.

Crimes and Penalties Related to Political Funds

In 2004, the right to undertake investigations related to political funds was granted to the election commissions. Unlike the right to undertake investigations related to election crimes, which was expanded in stages, the election commissions were granted a wide range of powers to undertake investigations related to political funds immediately after they were given the right to do so. This extension of powers to investigate political funds was not only introduced immediately because it was based on the existing investigation right related to election crimes, but it also reflected the public's desire to eradicate illegal political funds.

1. Election Commissions' Right to Undertake Investigation into Crimes Related to Political Funds

• History

- March 12, 2004 (first introduced in the 14th revision)
- At the same time, among the provisions related to political funds which were stipulated in the Public Official Election Act, the appointment and reporting of accounting managers, the submission of accounting documents, and the provision of penalties, the right to require submission of financial transaction data related to political funds were also included in the Political Fund Act.

• Scope of Authority

- To improve the transparency of political funds, a series of administrative activities are allowed that identify crimes related to the income and expenditure of political funds and collect evidence.
- Since investigations fall within the scope of administrative purpose, it is different from investigations by an investigative agency and forced dispositions are not permitted unless otherwise specified.
- However, the authority equivalent to an investigation by an investigative agency is recognized, in addition to administrative measures such as cautions and warning depending on the results of the investigation, judicial action is possible through prosecution.

2. Types of Investigation Right

• Right to Access Scene

Commissioners and election commission staff are allowed to enter the relevant place where there is suspected case of a violation of the Political Fund Act or if they receive a tip-off regarding an offender.

• Right to Ask Questions and Request the Submission of Evidence

Commissioners and election commission staff may ask questions or investigate the subjects of an investigation in order to clarify the possible crime, and order those who may have information related to the allegation to submit the information.

• Right to Request Submission of Financial Transaction Data

In the case of investigations on crimes related to the income and expenditure of political funds, the election commission may ask the head of a financial institution to submit financial transaction data.

• Collection of Evidence: If there is a possibility of the destruction of evidence in crimes related to political funds, the election commission may take and store the evidence.

• Right to Summon: The election commission may request a person to appear at the election commission office or at a designated location when it is deemed necessary to question and investigate the person concerned.

3. Major Crimes

• Crimes related to receiving political funds by means other than those allowed by law

- Violation: If a person donates or receives political funds in a manner not specified in the Political Fund Act, such as depositing a donation directly to a political party or directly donating to a candidate or a PFA appointer without going through a PFA.
- Punishment: Imprisonment for up to five years, fines of not more than 10 million Korean won (\$8,400 USD), provided goods or other material are confiscated or the equivalent value is collected if it cannot be confiscated.

• Crimes related to using political funds for purposes other than those allowed by law

- Violation: If a person spends political funds for private or fraudulent purposes.
- Punishment: Imprisonment for up to two years or a fine not exceeding four million Korean won (\$3,360 USD).

• Crimes violating the Political Fund Act which requires real-name verification when donating and using political funds and crimes related to donating political funds in another person's name or pseudonym

- Violation: If a person spends in excess of the political fund donation limit or donates political funds without using a real name, in a pseudonym or in the name of another person.
- Punishment: Fine not exceeding two million Korean won (\$1,680 USD).

- **Failure to submit accounting reports or required documents**
 - Violation: If a required person does not submit an accounting report or submits false information.
 - Punishment: Imprisonment for up to three years or a fine not exceeding six million Korean won (\$5,040 USD).
- **Fraudulent use of party membership fee receipts and political fund receipts**
 - Violation: If a person issues false receipts such as party membership fee receipts or uses counterfeit or forged party membership fee receipts of a different amount from the actual donated amount.
 - Punishment: Imprisonment for up to three years or a fine not exceeding six million Korean won (\$5,040 USD).
- **Crimes against regulations on donors and PFA donations limits**
 - Violations: If a donor violates the maximum amount that can be donated to a PFA annually, or if a donor contributes more than the annual limit that can be donated to a single PFA.
 - Punishment: If the donation exceeds the limit, the excess will be returned to the treasury and there will be imprisonment for up to five years or a fine not exceeding ten million Korean won (\$8,400 USD).

4. Report of Crimes Related to Political Funds

- **Rewards for a Person Reporting a Crime:** Reward of up to 500 million Korean won (\$420,000 USD) can be paid to those who report criminal activity prior to the Election Commission or the investigative agency finding it.
- **Identity Protection for a Person Reporting a Crime:** The NEC can protect the identity of a reporter if they have good reason to believe they are in danger of being harmed or are in fear in connection with reporting the political fund crime.



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Publisher Administration and International Affairs Division, National Election Commission of the Republic of Korea

P h o n e +82-2-503-0883(International Cooperation Division: Lim Juhyun, Lee Jieun)

E m a i l necvote@nec.go.kr / necvote@gmail.com