

POLITICAL PARTIES ACT

Wholly Amended by Act No. 7683, Aug. 4, 2005

Amended by Act No. 8881, Feb. 29, 2008

Act No. 9785, Jul. 31, 2009

Act No. 9973, Jan. 25, 2010

Act No. 10396, Jul. 23, 2010

Act No. 10866, Jul. 21, 2011

Act No. 11212, Jan. 26, 2012

Act No. 11375, Feb. 29, 2012

Act No. 12112, Aug. 13, 2013

Act No. 12150, Dec. 30, 2013

Act No. 13460, Aug. 11, 2015

Act No. 13757, Jan. 15, 2016

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of democratic politics by securing organizations necessary for political parties to participate in the formation of the political will of the people, and by guaranteeing the democratic organizations and activities of political parties.

Article 2 (Definition)

For the purposes of this Act, the term "political party" means a voluntary organization of the people that aims to promote responsible political assertions or policies for the benefit of the people and to take part in the formation of the political will of the people in national interests by recommending or supporting candidates for public positions.

Article 3 (Composition)

Political parties shall be comprised of a central party located in the capital, and *City/Do* parties located respectively in the Special Metropolitan City, and

in each Metropolitan City and *Do* (hereinafter referred to as "City/*Do* parties").

CHAPTER II COMPOSITION OF POLITICAL PARTIES

Article 4 (Establishment)

- (1) A political party shall come into existence when its central party is registered with the National Election Commission.
- (2) Registration under paragraph (1) shall satisfy the requirements of Articles 17 and 18.

Article 5 (Preparatory Committee for Party Formation)

Activities for the formation of a political party shall be made by a preparatory committee for party formation which is comprised of promoters.

Article 6 (Promoters)

A preparatory committee for party formation shall be comprised of at least 200 persons in the case of a central party, and at least 100 persons in the case of City/*Do* parties. *<Amended by Act No. 10396. Jul. 23, 2010>*

Article 7 (Notification)

- (1) When a Preparatory Committee for Central Party Formation is established, its representative shall notify the National Election Commission of the following matters:
 1. The object of its establishment;
 2. The (tentative) title of the political party;
 3. The location of its office;
 4. The names and addresses of the promoters and their representative;
 5. Specimen imprints of the seal of the Committee and the official seal of its representative;
 6. Other matters prescribed by the Regulations of the National Election Commission.
- (2) A Preparatory Committee for Central Party Formation may begin its activity only after making the notification under paragraph (1).
- (3) In cases of notification under paragraph (1), the agreement sealed and signed by the promoters shall be attached. *<Newly Inserted by Act No.*

10396, Jul. 23, 2010>

- (4) When any modification occurs in the matters provided for in paragraph (1) 1 through 5 (excluding the names and addresses of promoters among subparagraph 4) among matters reported under paragraph (1), the representative of the Preparatory Committee for Central Party Formation shall notify the National Election Commission of the modification within 14 days. *<Amended by Act No. 10396. Jul. 23, 2010>*

Article 8 (Scope of Activity of Preparatory Committee for Central Party Formation)

- (1) A preparatory committee for party formation may conduct activities only within the scope of the purpose of formation of a political party.
- (2) A Preparatory Committee for Central Party Formation may perform the activities for formation of a political party only within six months from the date of notification of its formation under Article 7 (1).
- (3) When a Preparatory Committee for Central Party Formation has failed to make an application for registration of formation of the central party under Article 11 within the period under paragraph (2), the said Preparatory Committee for Central Party Formation shall be regarded as ceasing to exist from the day following the expiry of such period.
- (4) When a Preparatory Committee for Central Party Formation ceases to exist, the National Election Commission shall give public notice of such effect without delay.

Article 9 (Approval for Formation of City/Do Party)

Approval for the formation of a City/Do party shall be granted by the Central Party or by the preparatory committee for formation thereof.

Article 10 (Opening to Public of Meeting for Formation of Political Party)

- (1) Meetings for the formation of a political party shall be made open to the public.
- (2) In order to open the meeting to the public, a Preparatory Committee for Central Party Formation shall publicly announce the opening of such meeting in a daily newspaper under Article 2 of the Act on the

Promotion of Newspapers, etc. at least five days before the day the meeting is to be held. <Amended by Act No. 9785, Jul. 31, 2009>

Article 11 (Application for Registration)

When a Preparatory Committee for Central Party Formation has completed its preparation for formation of a political party, its representative shall apply to the competent election commission for registration to form a political party.

Article 12 (Matters regarding Application for Registration of Central Party)

(1) Matters included in an application for registration of the Central Party shall be as set out in each of the following subparagraphs:

1. The title of the political party (including its abbreviation, when one is resolved upon);
2. The location of the office;
3. The party platform (or basic policies) and party constitution;
4. The names and addresses of the representative and the executive members;
5. The number of party members;
6. Specimen imprints of the seal of the political party and the official seal of its representative;
7. The locations and titles of City/*Do* parties;
8. The names and addresses of the representatives of City/*Do* parties.

(2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, evidential materials for proving that public notice was given in a daily newspaper under Article 10 (2), and a copy of the political party formation rally proceedings.

(3) The scope of executive members under paragraph (1) 4 shall be determined by the Regulations of the National Election Commission.
<Newly Inserted by Act No. 9973, Jan. 25, 2010>

Article 13 (Matters regarding Application for Registration of City/*Do* Party)

(1) Matters to be included in an application for the registration of a City/*Do* party shall be as set out in each of the following subparagraphs:

1. The title of the political party;

2. The location of the office;
 3. The names and addresses of the representative and the executive members;
 4. The number of party members;
 5. Specimen imprints of the seal of the political party and the official seal of its representative.
- (2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, written approval for the formation of a political party by the Central Party or a preparatory committee for its formation, copies of the written applications for joining the party by the statutory number of party members, and a copy of the political party formation rally proceedings.
- (3) The scope of executive members under paragraph (1) 3 shall be determined by the Regulations of the National Election Commission.
<Newly Inserted by Act No. 9973, Jan. 25, 2010>

Article 14 (Registration of Modifications)

When any modification has occurred in any of the matters under the following subparagraphs as a matter to be included in an application for registration under Articles 12 and 13, registration of any such modification shall be made within 14 days to the competent election commission:
<Amended by Act No. 9973, Jan. 25, 2010>

1. The title of the political party (including its abbreviation);
2. The location of its office (in the case of a central party, limited to the relevant office);
3. The party platform (or basic policies) and party constitution;
4. The names and addresses of the representative and the executive members;
5. Specimen imprints of the seal of the political party and the official seal of its representative.

Article 15 (Examination of Application for Registration)

The election commission in receipt of an application for registration shall not refuse it so far as it fulfills the formal requirements: *Provided*, That when

the formal requirements have not been fulfilled, the commission shall order that supplements be made by providing for a significant period. Where an applicant fails to comply therewith upon the ordering of supplements on more than two occasions, the commission may reject the relevant application.

Article 16 (Registration, Delivery of Certificate for Registration, and Public Notice)

- (1) The competent election commission in receipt of an application for registration under Articles 12 through 14 shall accept the registration within seven days from the date of receiving the application for registration, and deliver the certificate of registration.
- (2) When accepting the registration under paragraph (1), the relevant election commission shall publicly notify the relevant effects without delay.

Article 17 (Statutory Number of City/Do Parties)

Political parties shall have five or more City/Do parties.

Article 18 (Legal Numbers of Members of City/Do Parties)

- (1) City/Do parties shall have at least 1,000 party members.
- (2) The statutory number of party members under paragraph (1) shall have residential addresses within the districts under the jurisdiction of the relevant City/Do parties.

CHAPTER III MERGER OF POLITICAL PARTIES

Article 19 (Merger of Political Parties)

- (1) When political parties are merged under a new party name (hereinafter referred to as "party newly established by merger"), or a political party merges into another political party (hereinafter referred to as "party absorbed by merger"), they may be merged under the resolution of a joint meeting of the representative agencies of the political parties engaging in the merger of parties or their mandatory agencies.
- (2) The merger of political parties shall come into existence upon the registration with or report to the National Election Commission under Article 20 (1), (2), and (4): *Provided*, That when political parties merge from the opening date of application for registration of candidates for an

- election under Article 2 of the Public Official Election Act to the election day, such merger shall take effect within 20 days after the election day.
- (3) Where a merger of political parties has come into effect under paragraphs (1) and (2), City/*Do* parties belonging thereto shall also be regarded as being merged: *Provided*, That in the case of a party newly established by merger, an application for modified registration shall be made within three months from the date of application for registration of party merger by going through a reorganization rally for City/*Do* parties.
 - (4) Where a party newly established by merger has failed to make an application for modified registration within the period under the proviso to paragraph (3), the relevant City/*Do* parties shall be regarded as having ceased to exist on the day following the expiration date of the relevant period.
 - (5) The newly-established political parties or those remaining in existence due to a merger of parties shall succeed to the rights and obligations of the political party before the merger of political parties.

Article 20 (Application for Registration of Party Merger)

- (1) In cases of a party newly established by merger, the representative of the political party shall make an application for registration under Article 12 to the National Election Commission by attaching copies of the relevant proceedings within 14 days from the date of resolution of the joint meeting under Article 19 (1).
- (2) In cases of paragraph (1), the matters under Article 12 (1) 7 and 8 may be supplemented within 120 days from the date of application for registration.
- (3) When no supplements are made within the relevant period in terms of paragraph (2), the National Election Commission shall order that supplements be made by extending such period for a substantial time twice, and when no supplements is made, it may cancel the relevant registration pursuant to Article 44 (1).
- (4) The representative of a political party absorbed by merger shall file a

report with the National Election Commission on the reasons for that party's merger within 14 days from the date of resolution of the joint meeting under Article 19 (1) by attaching the copies of the relevant minutes.

Article 21 (Party Members involved in Party Merger)

In cases of a party merger under Article 19, the party members of the party absorbed shall become the party members of the merged political party. In such cases, the written application prior to the party merger shall be regarded as the written application for joining the merged political party.

CHAPTER IV JOINING AND SECEDING FROM POLITICAL PARTY

Article 22 (Qualifications of Party Members and Promoters)

- (1) Anyone who has the right to elect members of the National Assembly is entitled to become either a promoter or a member of a political party, notwithstanding the provisions of other statutes that prohibit him/her from joining any particular political party or engaging in political activity due to their status as a public official or others: *Provided*, That the same shall not apply to any of the following persons: *<Amended by Act No. 10866, Jul. 21, 2011; Act No. 11212, Jan. 26, 2012; Act No. 11375, Feb. 29, 2012; Act No. 12150, Dec. 30, 2013>*
1. Public officials provided for in Article 2 of the State Public Officials Act or Article 2 of the Local Public Officials Act: *Provided*, That, the President, the Prime Minister, State Council members, members of the National Assembly, members of local councils, publicly elected heads of local governments, the senior secretary officers, secretary officers, secretaries, and administrative assistants of the Vice Speaker of the National Assembly, the administrative assistants of the Chairmen of the Standing Committees, Special Committee on Budget and Accounts, Special Committee on Ethics of the National Assembly, the advisors, secretary officers, and secretaries of members of the National Assembly,

administrative secretary officers of the representative members of negotiating groups of the National Assembly, the policy research fellows and administrative assistants of negotiating groups of the National Assembly, and school teachers provided for in Article 14 (1) and (2) of the Higher Education Act shall be excluded;

2. School teachers in private schools excluding the school teachers provided for in Article 14 (1) and (2) of the Higher Education Act;
 3. Any person whose status is a public official under the provisions of statutes.
- (2) Persons who are not nationals of the Republic of Korea shall not become party members.

Article 23 (Joining Party)

- (1) Persons desiring to become a member of a party shall apply for membership of the party to a City/*Do* party or its preparatory committee for party formation by using any of the following methods: *<Amended by Act No. 13460, Aug. 11, 2015>*
1. Submission of a written application for membership of the party which has been signed or sealed by the applicant him/herself;
 2. Submission of a written application for membership of the party in electronic form bearing a certified digital signature referred to in subparagraph 3 of Article 2 of the Digital Signature Act;
 3. Utilization of information and communications networks as set forth in the party constitution and party regulations. In such cases, an applicant's identity shall be confirmed under relevant statutes, such as the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.
- (2) When the City/*Do* party or its preparatory committee for party formation has received a written application for joining the party under paragraph (1), it shall determine whether or not to permit the applicant to join the party upon examination by the party member qualifications examination committee, and enter the applicant's name on the roster of party members.

Then the representative of the *City/Do* party or its preparatory committee for party formation shall issue a certificate for the party member if so requested by the person who becomes a party member. In such cases, the applicant's accession to membership of the party shall arise at the time the applicant's name is entered on the roster of party member. <Amended by Act No. 13460, Aug. 11, 2015>

- (3) Where the *City/Do* party or its preparatory committee for party formation refuses to accept a written application for party membership or delays an examination for joining the party without lawful justification, or refuses to permit an applicant to join the party, the applicant may submit the written application for membership to the Central Party or its preparatory committee for party formation, and when the Central Party or its preparatory committee for party formation acknowledged that it is reasonable to grant a permission to join the party after examining whether or not to permit membership in the party, it shall order the relevant *City/Do* party or its the *City/Do* party or its preparatory committee for party formation to enter the applicant's name on the roster of party members. In such cases, the effect of joining the party shall occur when the written application for membership was received by the Central Party or its preparatory committee for party formation.
- (4) A person whose name has not been entered on a roster of party members shall not be recognized as a member of that party.

Article 24 (Roster of Party Members)

- (1) A *City/Do* party shall keep a roster of party members.
- (2) A Central Party may perform integrated management of a roster of party members via a computer system, on the basis of rosters of party members of *City/Do* parties. In such cases, where details listed on rosters of party members belonging to *City/Do* parties fail to correspond to details listed on the roster of party members managed by the Central Party via the computer system, the roster of party members for a *City/Do* party shall prevail against the roster of party members managed by the Central Party

- in terms of the validity of a membership roster. <Newly Inserted by Act No. 11375, Feb. 29, 2012>
- (3) A roster referred to in paragraphs (1) and (2) shall, except in cases where a court requests it for a trial and where a related election commission verifies matters on party members, not be subject to compulsory scrutiny. <Amended by Act No. 11375, Feb. 29, 2012>
- (4) An inspection of a roster of party members for criminal investigation shall require a warrant issued by a judge. In such cases, a related public official who engages in the investigation shall not divulge details on the roster of party members, which have come to his/her knowledge. <Amended by Act No. 11375, Feb. 29, 2012>

Article 25 (Secession from Party)

- (1) When a party member intends to secede from a party, he/she shall report his/her secession from the party to a City/*Do* party to which he/she belongs, and when he/she cannot report to the City/*Do* party to which he/she belongs, he/she may report to the relevant Central Party: <Amended by Act No. 13460, Aug. 11, 2015>
1. Submission of a written report of secession from the party which has been signed or sealed by the applicant him/herself;
 2. Submission of a written report of secession from the party in electronic form bearing a certified digital signature referred to in subparagraph 3 of Article 2 of the Digital Signature Act;
 3. Utilization of information and communications networks as set forth in the party constitution and party regulations. In such cases, an applicant's identity shall be confirmed under relevant statutes, such as the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.
- (2) The session from a party under paragraph (1) shall take effect when the report of secession is received by the City/*Do* party to which the party member belongs or the Central Party.
- (3) The relevant City/*Do* party in receipt of the written report of secession

from the party shall delete the entry on the roster of party members and issue a certificate of secession from the party.

- (4) When the Central Party has accepted the written report of secession from the party under paragraph (1), it shall promptly issue a certificate of secession from the party, notify the relevant *City/Do* party thereof, and have it delete the entry on the roster of party members.

Article 26 (List of Those Who Have Seceded from Party)

A list of those who have seceded from a party shall be kept in a *City/Do* party. In this case, the list of those who have seceded from a party may be substituted by an entry of the date of secession from the party on the roster of party members.

Article 27 (Handing over of Roster of Party Members, etc.)

In cases of changing its representative, etc. or reorganizing its organization following a merger of political parties, a political party shall provide for the person responsible for handing over the relevant documents prescribed by the Regulations of the National Election Commission (hereinafter referred to as "relevant documents"), such as the roster of party members, and seals, etc. relating to operations of the party in the party constitution, and the relevant person responsible for handing over shall hand over the relevant documents, seals, etc. within 14 days from the date on which such circumstances arise.

CHAPTER V OPERATION OF POLITICAL PARTY

Article 28 (Disclosure of Platform, etc. and Entry of Matters in Party Constitution)

- (1) A political party shall manifest its platform (or basic policies) and party constitution.
- (2) The matters falling under each of the following subparagraphs shall be provided for in the party constitution under paragraph (1):
 1. The title of the political party;
 2. Matters on general organization, composition, and competence of the political party;
 3. Matters on methods of appointment, term, and rights and obligations of

- the representative and executive members;
4. Matters on joining and seceding from the party, expulsion of party members, and the rights and obligations of party members;
 5. Matters on the establishment and convocation procedures of the representative organs;
 6. Matters on the composition, competence, and convocation procedures of the executive council;
 7. Matters on the finances of the political party;
 8. Matters on the election of candidates for elected public offices;
 9. Matters on the establishment and amendment of the party constitution and party regulations;
 10. Matters on the dissolution and merger of the political party;
 11. Matters on the disposal of residual assets in cases of revocation of registration or voluntary dissolution.
- (3) The National Election Commission shall preserve the platforms (or basic policies) and party constitutions whose registration is requested as referred to in Article 12 (1) and 14; and shall publish such information on its website. In such cases, the National Election Commission shall keep such information accessible even after the relevant party is merged with another party or is dissolved. *<Newly Inserted by Act No. 13757, Jan. 15, 2016>*
- (4) The methods of preserving and publishing platforms and party constitutions under paragraph (3) and other necessary matters shall be prescribed by the National Election Commission Regulations. *<Newly Inserted by Act No. 13757, Jan. 15, 2016>*

Article 29 (Organizations of Political Party)

- (1) A political party shall have a representative organ capable of reflecting the consensus of party members in order to maintain its democratic internal order and an executive organization, and a plenary session of National Assembly members where any of National Assembly members belonging thereto are present.
- (2) The Central Party shall have a budget and accounts committee in order to

- verify and examine matters concerning the finances of the political party, such as its budget, closing accounts, and auditing, etc. of details thereof.
- (3) Composition, competence, and other matters of the organizations referred to in paragraphs (1) and (2) shall be provided for by the party constitution.

Article 30 (Restriction on Number of Salaried Clerical Staff of Political Parties)

- (1) The number of salaried clerical staff members to be employed by a political party shall not exceed 100 in cases of the Central Party, and shall be determined by the Central Party in cases of City/Do parties within 100 for each City/Do party. *<Amended by Act No. 9973, Jan. 25, 2010>*
- (2) Where a political party has employed salaried clerical staff in excess of the number provided for in paragraph (1), the National Election Commission shall reduce the amount obtained by multiplying the average annual personnel expenses of salaried clerical staff of the relevant party by the number of excess salaried clerical staff, from the subsidies to be paid in the next fiscal year under Article 25 (4) of the Political Fund Act. *<Amended by Act No. 8881, Feb. 29, 2008>*
- (3) The term "salaried clerical staff" under paragraph (1) means persons who provide services, under employment of the political parties, for 15 days or more per month, notwithstanding permanent services or part time services, and receive compensation therefor in whatever form, whether as wages, salary, allowances, activity expenses, or any others. In such cases, if two or more persons have provided services and are paid considerations (excluding day laborers, employees of service companies, etc. who have temporarily provided casual labor, such as cleaning, moving, etc.) for less than 15 days per month, one person shall be added to the number of salaried clerical staff whenever the sum of working days of the aforementioned persons amounts to 30 days as it exceeds 15 days or more per month. *<Amended by Act No. 9973, Jan. 25, 2010>*

(4) Notwithstanding paragraph (3), any person falling under any of the following subparagraphs shall not be included in the number of salaried clerical staff under paragraph (1): <Amended by Act No. 9973, Jan. 25, 2010>

1. Researchers at Policy Research Institutes under Article 38;
2. Executive members of a political party who are only reimbursed activity expenses incurred in carrying out their duties with no payment of considerations for labor.

Article 31 (Party Membership Fees)

- (1) A political party shall establish and operate systems for paying party membership fees for the purpose of securing elite party members and achieving self-sufficiency in its finances.
- (2) No members of a political party shall bear the party membership fees of others in the same party. Anyone who has borne the party membership fees of another and anyone who compels another to bear his own party membership fees, shall have their qualifications as party members of the relevant political party suspended for one year from the date on which it is verified that such party membership fees had so been paid.
- (3) Matters necessary for restrictions on the exercise of rights, expulsion and suspension of qualifications as party members under paragraph (2) with regard to the party members failing to perform their obligations for paying party membership fees, shall be provided for by the party constitution.

Article 32 (Prohibition of Resolution in Writing)

- (1) Resolutions of a representative organ and resolutions on the expulsion of National Assembly members belonging thereto shall not be made in writing or by proxy.
- (2) Resolutions of the representative organ may be made by way of a digital signature authenticated under the provisions of subparagraph 3 of Article 2 of the Digital Signature Act, and the detailed methods thereof, shall be provided for by the party constitution.

Article 33 (Expulsion of National Assembly Members Belonging to Political Party)

For the expulsion of any of its party members who are National Assembly members, the political party shall obtain the consent of one half of all National Assembly members or more belonging thereto in addition to going through the procedures as provided for by the party constitution.

Article 34 (Finance of Political Party)

Financial matters, such as the property, revenue, and payments of a political party, shall be separately provided for by the statutes.

Article 35 (Regular Reports)

- (1) A Central Party and City/*Do* party shall report on its party members and a summary of its activities as of December 31 each year to the competent election commission by no later than February 15 (January 31 in case of a City/*Do* party) of the next fiscal year. In this case, the Central Party shall report the details of the promotion of its policies for the relevant fiscal year, the results of the said promotion, and the plans for promoting major policies for the next fiscal year to the National Election Commission.
- (2) When any defects have occurred in the requirements of Articles 17 and 18, the Central Party and City/*Do* party shall report them to the competent election commission within 14 days from the date such defects occur.
- (3) The policy research institutes referred to in Article 38 shall report on the annual activities records as of December 31 each year by no later than February 15 of the next fiscal year to the National Election Commission, and disclose them to the public by such means as publication on the Internet home page of the relevant political parties.
- (4) The National Election Commission shall disclose the annual activities records which have been reported under the provisions of paragraph (3) by utilizing the relevant Internet home pages, etc.

Article 36 (Demand for Submission of Reports or Data, etc.)

The election commission of each level (excluding the *Eup/Myeon/Dong* election commission) may demand the political parties to submit the reports, or books and documents and other data when deemed necessary for supervision: *Provided*, That the same shall not apply to the roster of party members.

CHAPTER VI GUARANTEEING ACTIVITIES OF POLITICAL PARTIES

Article 37 (Freedom of Activities)

- (1) Political parties shall have freedom in the activities provided for in the Constitution and Acts.
- (2) The activities of political parties promoting their own policies and current political issues without supporting and recommending the specific political parties or the candidates for election to public offices (including persons intending to become the candidates) or opposing them by utilizing printed materials, facilities, advertisements, etc., and activities for recruiting party members (excluding door-to-door visits) shall be guaranteed as normal activities of political parties.
- (3) Political parties may hold party members councils by the local area districts of National Assembly members and an autonomous *Gu* and a *Si/Gun* and a *Eup/Myeon/Dong*: *Provided*, That no one shall hold the offices of party members councils, etc. for the operation of subordinate organizations of *City/Do* party.

Article 38 (Establishment and Operation of Policy Research Institutes)

- (1) A political party entitled to allotment of subsidy under the provisions of Article 27 of the Political Fund Act (hereinafter referred to as the "political party entitled to allotment of subsidy") shall establish and operate in the Central Party a policy research institute as a separate legal entity (hereinafter referred to as a "policy research institute") in order to promote the development and research of policies.
- (2) The State may support the activities of a policy research institute.

Article 39 (Policy Discussion Meeting)

- (1) The Central Electoral Broadcasting Discussion Forum under the provisions of Article 8-7 of the Public Official Election Act shall hold a policy discussion meeting (hereinafter referred to as a "policy discussion meeting") by inviting the persons designated by the representative of the Central Party or the president of policy research institutes at least twice per year during the period excluding that from 90 days (during an election, or re-election due to a vacancy of the office of President, the fixed day of circumstances giving rise to holding the said election) before the election day of a general election (including an election, or re-election due to a vacancy of the office of President) to the election day.
- (2) Publicly-operated broadcasting companies (referring to the Korean Broadcasting System and broadcasting business operators whose largest contributor is the Broadcasting Culture Promotion Association under the Foundation for Broadcast Culture Act; hereafter in this Act, the same shall apply) shall make a relay broadcasting of the policy discussion meeting through the relevant TV broadcasting. The expenses therefor shall be borne by the publicly-operated broadcasting companies.
- (3) The provisions of Article 82-2 (7) through (9), (12) and (13) of the Public Official Election Act shall be applied *mutatis mutandis* to the policy discussion meeting. In this case, the term "conversation and discussion meeting" shall be regarded as "policy discussion meeting" and the phrase "election broadcasting discussion meeting of each level" shall be regarded as "Central Electoral Broadcasting Discussion Forum".
- (4) The opening, running, and notification of policy discussion meetings and other necessary matters shall be provided for by the Regulations of National Election Commission.

Article 39-2 (Public Service Announcement for Encouraging Policy Voting)

- (1) A terrestrial broadcasting company provided for in the Broadcasting Act shall, five or more times, provide public service announcement aimed to encourage policy voting in the time slot prescribed by Regulations of the

- National Election Commission in a year when an election for public office is held following the expiration of the term of office, and the expenses associated therewith shall be borne by the relevant broadcasting company.
- (2) For the purpose of providing public service advertisement referred to in paragraph (1), the Korea Broadcasting Advertisizing Corporation (hereafter in this Article referred to as “Korea Broadcasting Advertisizing Corporation”) prescribed in the Korea Broadcasting Advertisizing Corporation Act shall produce broadcasting advertisement at its expense and, one or more times, provide such advertisement to a terrestrial broadcasting company.
 - (3) When intending to produce broadcasting advertisement under paragraph (2), the Korea Broadcasting Advertisizing Corporation shall discuss the main theme of such broadcasting advertisement with the National Election Commission.

[This Article Newly Inserted by Act No. 11375, Feb. 29, 2012]

Article 40 (Prohibition of Substitute Political Parties)

When a political party has been dissolved by a ruling of the Constitutional Court, no political party shall be established upon the same or similar platform (or basic policies) as that of the dissolved political party.

Article 41 (Prohibition of Use of Similar Denomination, etc.)

- (1) Unless it is a political party that is registered under this Act, no letters indicating that it is a political party shall be used in its title.
- (2) Any title which is the same as that of a political party dissolved by a ruling of the Constitutional Court, shall not be used again as the title of a political party.
- (3) The title (including its abbreviation) of the preparatory committee for party formation and the political party shall be clearly distinct from the title used by an already-reported preparatory committee for political party formation and the registered political party.
- (4) Any title identical with that of a political party whose registration has

been cancelled under Article 44 (1), shall not be used as the title of a political party from the date of such cancellation of registration until the date of election of National Assembly members first held following the expiration of their term.

Article 42 (Prohibition of Forced Membership, etc.)

- (1) No one shall be forced to enter into, or secede from, a political party without the consent of his/her own free will: *Provided*, That the same shall not apply to a disposition for expulsion of a party member.
- (2) No one shall become a party member of two or more political parties.

Article 43 (Obligation to Keep Secrets)

Members and staff at each level of election commission shall keep strictly any secret in respect of their duties not only during their terms of office but also after retirement.

CHAPTER VII EXTINGUISHMENT OF POLITICAL PARTY

Article 44 (Revocation of Registration)

- (1) When a political party falls under any of the following subparagraphs, the relevant election commission shall revoke its registration:
 1. When it becomes incapable of satisfying the requirements under Articles 17 and 18: *Provided*, That such revocation shall be postponed until three months after the election day when a failure to satisfy such requirements has occurred three months before the general election day, and in other cases until three months from the time of failure to satisfy such requirements;
 2. When failing to participate, during the past four years, in an election of National Assembly members due to the expiration of term of office or an election of the head of local governments due to the expiration of term of office or that of the members of City/*Do* council;
 3. When failing to obtain a seat in the National Assembly after participating in an election of National Assembly members due to the expiration of

term of office, and failing to obtain more than 2/100 of the total number of effective votes.

- (2) When the registration has been revoked under paragraph (1), the relevant election commission shall publicly give notice to that effect without delay.

Article 45 (Voluntary Dissolution)

- (1) Any political party may be dissolved by a resolution of its representative organ.
- (2) When a political party is dissolved under paragraph (1), its representative shall give notice to that effect without delay to the competent election commission.

Article 46 (Revocation of Approval on Formation of City/Do Party)

The Central Party or its preparatory committee for party formation shall provide for the grounds and procedures for revocation of approval for formation of a *City/Do* party in the party constitution or the regulations of its preparatory committee for party formation, and when an approval for formation of a party has been revoked on other grounds than those provided for in the party constitution or the regulations, it shall be decided by the votes of the Central Party or the representative organ of its preparatory committee for party formation.

Article 47 (Public Notification of Dissolution)

When a report is made under Article 45, the Constitutional Court notifies dissolution of a political party, or the Central Party or its preparatory committee for party formation notifies revocation of the approval of formation of a *City/Do* party, the competent election commission shall delete the registration of the relevant political party, and give public notice to that effect without delay.

Article 48 (Disposal of Residual Assets in Cases of Dissolution, etc.)

- (1) When the registration of a political party is revoked under Article 44 (1) or a political party is dissolved voluntarily under Article 45, its residual assets shall be disposed of under the conditions as prescribed by its constitution.

- (2) The residual assets of a political party which have not been disposed of under paragraph (1), and those of a political party dissolved by a ruling for dissolution by the Constitutional Court, shall revert to the National Treasury.
- (3) Matters necessary for paragraph (2) shall be prescribed by regulations of the National Election Commission.

CHAPTER VII-II SUPPLEMENTARY PROVISIONS

Article 48-2 (Entrusting Business for Intraparty Competitive Election of Party Representative)

- (1) The central party of a political party eligible for subsidies under Article 27 of the Political Funds Act may entrust the management of business relating to voting and vote counting among election affairs to elect its representative (hereafter in this Article referred to as "intraparty competitive election for a party representative") to the National Election Commission.
- (2) In cases where the National Election Commission takes charge of the management of business relating to voting and vote counting for an intraparty competitive election for a party representative under paragraph (1), the expenses thereof shall be borne by the relevant political party.
- (3) Detailed procedures and necessary matters in cases where the central party of a political party entrusts business for an intraparty competitive election for a party representative under paragraph (1) shall be prescribed by the Regulations of the National Election Commission.

[This Article Newly Inserted by Act No. 8881, Feb. 29, 2008]

CHAPTER VIII PENALTY PROVISIONS

Article 49 (Crimes of Impeding Freedom of Intraparty Competitive Election of Party Representative)

- (1) Anyone who falls under any of the following subparagraphs in connection with an election for selecting the representative of a political party, the party executives to be selected by vote (including the electoral college for

selecting party executives; hereinafter the same shall apply) (hereinafter referred to as an "intraparty competitive election of a party representative, etc.") shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won:

1. Anyone who has perpetrated an outrage, threat, temptation, arrest, or confinement against a candidate, anyone intending to become a candidate, or any elected person;
 2. Anyone who has impeded an election campaign or traffic, or impeded the freedom of an intraparty competitive election of a party representative, etc. by deception, malevolent, or other improper means;
 3. Anyone who has instigated anyone who is subject to his protection, command, or supervision due to duties, employment, or other relations, to support, recommend, or oppose a specific candidate.
- (2) When any gathering of people has thrown any dangerous goods or assaulted a candidate at a facility or place, etc. for election campaigns in connection with an intraparty competitive election of a party representative, etc., they shall be punished under the relevant classifications falling under the following subparagraphs:
1. Ringleader: Imprisonment for a definite term of three or more years;
 2. Persons who have led others, or acted at the head of others: Imprisonment for not more than seven years;
 3. Persons who have acted in concert with others' opinions: Imprisonment for not more than two years.

Article 50 (Crimes of Buying-off and Interests-Inducement in Intraparty Competitive Election of Party Representative, etc.)

- (1) In connection with an intraparty competitive election of a representative of a political party, etc., any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won: <Amended by Act No. 12112, Aug. 13, 2013>
1. A person who provides a candidate (including a person who intends to become a candidate), persons related to election campaigns, voters, or

witnesses with money and valuables, entertainment, and other property benefits, or with public or private positions, or who indicates an intention of making such provision, or promised to make such provision for the purpose of making sure the candidate becomes elected or not become elected the representative of a political party or a party executive, or of intending for the voters (referring to persons registered on the electoral roll for an intraparty competitive election of a party representative, etc.; hereafter in this Article, the same shall apply) to vote or not to vote for the candidate: *Provided*, That the foregoing shall not apply to any traffic convenience offered at the political party's expense to a party member who participates in a nationwide meeting of the supreme representative body which is held by the central party of the political party in accordance with the party constitution, and to any food and drinks to be provided for courtesy sake as prescribed by the Regulations of the National Election Commission;

2. A person who receives the benefits or the provision of positions referred to in subparagraph 1 or consented to the other person who indicates the intention of making such provision.

(2) A person who directs, persuades, demands, or mediates an act specified in paragraph (1) 1 and 2 shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 51 (Confiscation of Benefits from Crimes of Buying-off and Interests-Inducement of Intraparty Competitive Election of Party Representative, etc.)

Any benefits received by persons who have committed any crime under Article 50 shall be confiscated: *Provided*, That when the whole or part of any such benefits is not forfeitable, its value shall be collected additionally.

Article 52 (Crimes of Public Announcement of Falsehoods about Intraparty Competitive Election of Party Representative, etc.)

(1) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced

publicly, for the purpose of making a candidate being elected, the falsehoods about the affiliation, identity, occupation, assets, career, academic career, academic degree, or reward or punishment of a candidate, his spouse, or lineal ascendants or descendants or brothers and sisters by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents, and other means so as to be advantageous to the candidate, and those who have distributed propaganda stating such falsehoods (including anyone who has possessed such for the purpose of distribution) shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won.

- (2) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced publicly, for the purpose of preventing anyone from being elected, falsehoods about the candidate, his spouse, or lineal ascendants or descendants or brothers and sisters by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents, and other means so as to be disadvantageous to the candidate, and those who have distributed the propaganda documents stating such falsehoods (including anyone who has possessed such for the purpose of distribution) shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 53 (Crime of Becoming Promoter or Party Member Unlawfully)

Anyone who has become a promoter or a party member, in violation of the proviso to Article 22 (1), shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

Article 54 (Crimes of Compelling to Join Party, etc.)

Anyone who has compelled another person to join or secede from a political party, in violation of Article 42 (1), shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won.

Article 55 (Crimes of Joining Political Party Unlawfully)

Anyone who has become a party member of more than two political parties,

in violation of Article 42 (2), shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

Article 56 (Crimes of Forced Perusal of Party Members Roster)

Anyone who has compelled the inspection of a party members roster shall be punished by imprisonment for not more than five years.

Article 57 (Crime of Failing to Report, etc.)

Anyone who has failed to comply with a request of the competent election commission for a report or submission of data under Article 36 without justifiable cause, or has submitted a false report or made a false statement in such reports, or neglected to report under Article 35 (1) through (3) or made a false statement in such report, shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won.

Article 58 (Crime of Divulging Information Learned while on Duty, etc.)

Any of the following persons shall be punished by imprisonment or confinement for not more than three years: *<Amended by Act No. 11375, Feb. 29, 2012>*

1. A person who divulges information learned in relation to a roster of party members, in violation of the latter part of Article 24 (4);
2. A person who fails to keep secret about his/her duties, in violation of Article 43.

Article 59 (Crime of False Application for Registration, etc.)

(1) Anyone who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won:

1. Anyone who falsely applies for registration under Article 12 or 13;
2. Anyone who falsely applies for a modified registration under Article 14;
3. Anyone who establishes an office of the party members council, etc. for operation of subordinate organizations of a City/*Do* party, in violation of the proviso to Article 37 (3).

(2) Anyone who has violated the provisions of Article 41 (1) or (2), shall be punished by imprisonment for not more than one year or by a fine not

exceeding one million won.

Article 60 (Crime of Neglecting Various Obligations)

- (1) Anyone who has failed to maintain a roster of party members or that of the seceded party members, in violation of the provisions of Articles 24 (1) or 26, shall be punished by imprisonment for not more than one year, or by a fine not less than 500 thousand won, but not more than three million won.
- (2) Anyone who has violated the provisions of Article 25 (3) shall be punished by a fine not more than one million won.
- (3) Anyone who has failed to hand over the relevant documents and seal, etc., in violation of Article 27, shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won.

Article 61 (Crime of Interference, etc. with Formation of Political Party)

- (1) Anyone who interferes, by deceptive means or by force, with activities for the formation of a political party, and causes the preparatory committee for party formation to lose or temporarily suspend its function, shall be punished by imprisonment not more than seven years, or by a fine not exceeding 30 million won.
- (2) Anyone who interferes, by deceptive means or by force, with activities of a political party, and causes the political party to lose or temporarily suspend its function, shall also be punished by the punishment referred to in paragraph (1).

Article 62 (Administrative Fines)

- (1) Any of the following persons shall be punished by an administrative fine not exceeding one million won:
 1. A person who has neglected to apply for registration of modifications under Article 14;
 2. A person who has neglected to apply for registration under Article 20 (1), or to file a report under paragraph (4) of the same Article;
 3. A person who has neglected to file a report under paragraphs (1) through (3) of Article 35.

- (2) An administrative fine provided for in paragraph (1) shall be imposed on an offender by the competent election commission (excluding *Eup/Myeon/Dong* election commissions) as prescribed by the Regulations of the National Election Commission, and where the offender fails to pay the fine by the payment deadline, the head of the competent tax office shall be entrusted with the collection of the fine and shall collect it in the same manner as delinquent national taxes are collected.
- (3) through (5) Deleted. <by Act No. 11375, Feb. 29, 2012>

ADDENDA

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Opening of Meeting for Formation of Political Party) The previous provisions shall govern the public notification of a meeting for formation of a political party by the Preparatory Committee for Central Party Formation under the amended provisions of Article 10 before the Act on Freedom and Guarantee of Functions of Newspapers, etc. enters into force.
- (3) (Applicability concerning Policy Discussion Meeting) The policy discussion meeting may be convened once per year in the fiscal year in which this Act enters into force first time, notwithstanding the amended provisions of Article 39 (1).
- (4) (Transitional Measures concerning Penalty Provisions) In the application of penalty provisions to the acts committed before this Act enters into force, the previous provisions shall govern.
- (5) (Relations to other Statutes) In case where the previous provisions are cited in other statutes at the time this Act enters into force, if any provisions corresponding thereto exist in this Act, such corresponding provisions in this Act shall be deemed to be cited in lieu of the previous provisions.

ADDENDUM <Act No. 8881, Feb. 29, 2008>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 9973, Jan. 25, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Registration of Modification of Executive Members of Central Party and City/*Do* Parties) The registration of modification of executive members of the Central Party and City/*Do* parties under the amended provisions of Articles 12 through 14 shall be made within 30 days after this Act enters into force.
- (3) (Relation to other Statutes) Where the previous provisions are cited in other statutes as at the time this Act enters into force, the corresponding provisions shall be deemed cited in lieu of the previous provisions, if provisions equivalent thereto exist in this Act.

ADDENDA <Act No. 10396, Jul. 23, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Preparatory Committee for Central Party Formation) The Preparatory Committee for Central Party Formation established and reported as at the time this Act enters into force shall be deemed the Preparatory Committee for Central Party Formation established and reported in accordance with this Act.

ADDENDA <Act No. 10866, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That, ...(Omitted)...Article 3 of Addenda shall enter into force one year after the date of its promulgation, respectively.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11212, Jan. 26, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 11375, Feb. 29, 2012>

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

ADDENDA <Act No. 12112, Aug. 13, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Penalty Provisions)

The former penalty provisions shall apply to an offense committed before this Act enters into force.

ADDENDUM <Act No. 12150, Dec. 30, 2013>

This Act shall enter into force on January 1, 2014.

ADDENDUM <Act No. 13460, Aug. 11, 2015>

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

ADDENDA <Act No. 13757, Jan. 15, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its

promulgation.

Article 2 (Applicability to Disclosure of Platforms and Party Constitutions)

The amended provisions of Article 28 (3) shall apply to the platforms and party constitutions of parties registered as at the time this Act enters into force and of parties which are to be registered after this Act enters into force.