

THE CABINET ORDER CONCERNING THE ENFORCEMENT OF THE LAW CONCERNING
THE TEMPORARY EXCEPTIONS RELATING TO ELECTION CAMPAIGN, ETC.

NO. 192

In order to put into operation the Law concerning Temporary Exception relating to Election Campaign, etc., the Cabinet hereby enacts the Cabinet Order concerning the Enforcement of the Law concerning the Temporary Exceptions relating to Election campaign, etc.

(Individual Speech Meeting)

Article 1. In case where the election administrative committee of city, town or village designates the establishment in accordance with the provisions of Article 9, Paragraph 1, of the Law concerning Temporary Exceptions relating to Election Campaign, etc. (it shall be referred to hereinafter as the Law) it shall designate the establishment among schools (they are the schools prescribed in Article 1 of the School Education Law, the Law No. 26 of the 22 year of Showa, it shall be referred to hereinafter as the same meaning), and public halls, assembly halls under the control of the Local Public Bodies.

2. An election administrative committee of city, town or village may, if deemed necessary, designate an establishment in addition to these mentioned in the preceding paragraph in spite of the same paragraph.

Article 2. The filing in accordance with the provisions of Article 12, Paragraph 1, of the Law shall be made by using the filing paper delivered beforehand to the candidates from the election administrative committee in Metropolis, District, urban or rural prefectures.

2. In case where the same candidate intends to hold an individual speech meeting more than twice using the same establishment according to the provisions of Article 9, Paragraph 1 of the Law, the candidate shall not make filing furthermore unless after days for using mentioned in the previous filing has elapsed.

3. Hours for using the establishment according to the provisions of Article 9, Paragraph 1 of the Law shall not exceed five hours for one time.

Article 3. In case where the filing for more than two individual speech meetings to be held at the same establishment and at the same time according to the provisions of Article 9, Paragraph 1 of the Law are made, the person filed later, or if the filings are made at the same time the person who has used the establishment more often, or if times of using are equal the person decided by the lots by the election administrative committee of city, town or village shall not hold the individual speech meeting reported by the said filing.

Article 4. When the filing in accordance with the provisions of Article 12, Paragraph 1 of the Law has been made, excepting the case where the filing is made by the persons who are not able to hold the individual speech meeting in accordance with the provisions of Article 10, Paragraph 2 of the Law and the preceding Article, the election administrative committee of city, town or village shall notify of the meeting to the custodian (hereinafter to be referred to as custodian) of the establishment as mentioned in the provisions of Article 9, Paragraph 1 of the Law.

Article 5. In case where the teaching and other activities of a school in respect to the school or the business or other activities in respect to the other establishments are hampered, an individual speech meeting shall not be held by using such establishments as mentioned in the provisions of Article 9, Paragraph 1 of the Law.

Article 6. In case where the report has been made according to Article 4, the custodian, if deemed it impossible to hold an individual speech meeting in accordance with the provisions of the preceding Article, shall notify the

fact to the election administrative committee of city, town or village concerned. In such case, with respect to an individual speech meeting by using a school, the custodian shall beforehand ask for the opinion of the president of the school concerned.

Article 7. In case where the notification mentioned in the preceding Article has been given the election administrative committee of city, town or village shall notify the fact to candidate.

2. The provisions of the preceding paragraph shall be applied in the cases of Article 10, Paragraph 2 of the Law and Article 3.

Article 8. In case where the notification has been made in accordance with the provisions of Article 4, except the cases falling under the provisions of Article 6, the custodian shall make arrangement for such required facilities for holding an individual speech meeting as lights, rostrum, audience's seats, etc., excepting the heating apparatus.

2. With respect to the facilities to be arranged in accordance with the provisions of the preceding paragraph, the custodian shall decide about the extent to which these facilities are to be provided or other required matters upon approval of the election administrative committee of city, town or village and shall give notification in advance.

3. In case where there has occurred any calamity or inevitable accidents, the custodian shall not be required to make arrangements prescribed in the provisions of Paragraph 1. In this case the custodian shall notify the fact to the election administrative committee of city, town or village.

4. Upon receiving the notification mentioned in the preceding paragraph, the election administrative committee shall notify the fact to the candidate and at the same time make the report to the election administrative committee of metropolis, district, urban or rural prefecture.

5. A candidate for membership may add other facilities necessary for holding his individual speech meeting at his own expense in addition to the facilities prescribed in the provisions of Paragraph 1.

6. If a candidate for membership or a person who engages in election campaign in his behalf inflicts any damage on the establishment, mentioned in the provisions of Article 9, Paragraph 1 of the Law the candidate concerned shall pay the indemnity or restore the establishment to its original status.

Article 9. The custodian of the school established by metropolis, district, urban or rural prefecture may delegate to the president of the school the authority of the custodian as prescribed in Article 4, Article 6 and the preceding Article, Paragraphs 1 - 3.

2. In case where the delegation of authority mentioned in the preceding paragraph has been made the custodian of the school established by the metropolis, district, urban or rural prefecture shall give the notification thereof.

Article 10. In case where the custodian did not perform his functions in accordance with the provision of Article 8, Paragraph 2, the election administrative committee of city, town or village may perform them in his behalf.

Article 11. In Article 4, Article 6, Article 8, Paragraphs 1 - 3, and the preceding Article "the custodian" shall read "the president of the school" in the case of national school.

Article 12. In addition to the provisions prescribed in Article 1 to Article 8 and Article 10, the election administrative committee of city, town or village shall determine the matters necessary for the individual speech meeting.

(The standard of expenditure)

Article 13. The standard of expenditure relating to the establishment for a dialogue debate and an individual speech meeting shall be provided by the National Election Management Commission.

Article 14. The individual speech meeting held in the district designated by the National Election Management Commission where the communication is absolutely difficult shall be prescribed as not to be included into the times for an individual speech meeting prescribed in the provisions of Article 9, Paragraph 1 of the Law, within the limitation of the five times decided by the election administrative committee.

(Special district, ward and whole affairs association)

Article 15. For the purpose of the application of the present Cabinet Order, a special district and a ward prescribed in the provision of Article 15, Paragraph 2 of the Local Autonomy Law (Law No. 67 of the 22nd year of Showa) shall be deemed as a city, and a whole affairs association of towns and villages as a town or village.

Additional Provisions

The present Cabinet Order shall come into force as from the day of the enforcement of the Law concerning the Temporary Exceptions relating to Election Campaign, etc.

LAW CONCERNING THE REGULATION OF POLITICAL
CONTRIBUTIONS AND EXPENDITURES

(As passed by the House of Representatives April 30, 1948)

CHAPTER I

General Rules

Article 1. The present law aims at the sound development of democratic government, by clearing up political activities of political party, association and other organizations and candidate for public office, etc. and by securing just election.

Article 2. The term "election" as used in this Law shall mean the election under the Law for Election of Members of the House of Representatives, the Law for Election of Members of the House of Councillors and the Local Autonomy Law.

Article 3. The term "political party" as used in this law shall mean any organization which have as their primary purpose, that of promoting, supporting or opposing a political principle or policy, or recommending supporting or opposing candidate for public office.

The term "association and other organization" as used in the Law shall mean organizations other than political parties which have the purpose of supporting or opposing a political principle or policy, or recommending, supporting or opposing a candidate for public office.

Article 4. The term "candidate for public office" as used in this Law shall mean a individual who has declared himself or been recommended as a candidate in the election under Article 2 in accordance with the laws mentioned in the aforesaid Article.

Article 5. The term "income" as used in this Law shall mean receipt of money, goods and other property interests as well as acceptance or promise of receipt of the same.

The term "contribution" as used in this Law shall mean offer or delivery of the same, other than those made as party fee, membership fee or discharge of liabilities.

The term "payment" as used in this Law shall mean offer or delivery of money, goods and other property interests as well as promise of offer or delivery of the same.

CHAPTER II

Political Party, Association and other Organization.

Article 6. The political party, association and other organization shall have a chairman or chief manager and a treasurer, and report in writing to the Election Management Commission concerned, according to the following classification, their names, addresses, dates of birth and dates of appointment as well as the address of the main office of the political party, association and other organization, within seven (7) days from the day of its establishment or from the day when it has come to have the purpose prescribed in Article 3.

1. As to the political party, association and other organization, which have the purpose as provided for by Article 3, within the boundary of city, town or village, the Election Management Commission of the city, town or village, wherein its main office is located.

2. As to the political party, association and other organization, which have the purpose as provided for by Article 3, within the boundary of city, town or village, the Election Management Commission of the city, town or village, wherein its main office is located.

2. As to the political party, association and other organization, which have the purpose as provided for by Article 3 over the boundary of more than one city, town or village within the same To, Do, Fu or Ken or outside the boundary of city, town or village wherein its main office is located, the Prefectural Election Management Commission through the Election Management Commission of city, town or village wherein its main office is located.

3. As to the political party, association and other organization, which have the purpose as provided for by Article 3 over the boundary of more than one To, Do, Fu or Ken, or outside the boundary of To, Do, Fu or Ken, wherein its main office is located, the National Election Management Commission through the Election Management Commission of To, Do, Fu or Ken wherein its main office is located.

The political party, association and other organization shall previously designate a person who shall perform the duties of a treasurer in the latter's incapacity or absence, and report the same simultaneously with the report under the preceding Paragraph in the similar manner as prescribed in the aforesaid Paragraph.

Article 7. The political party, association and other organization shall report any change in the matters reported in accordance with the preceding Article, within seven (7) days from the day of such changes in the similar manner as prescribed in the preceding Article.

Article 8. No contribution shall be accepted or payment made, in whatever name, by the political party, association and other organization, for the purpose of recommendation, support or opposition of candidate for public office or for other political activities, until report is made in accordance with the provisions of Article 6 or of the preceding Article. Provided, however, in case of absence of treasurer, if there is a person reported in accordance with the provisions of Article 6, Paragraph 2 or of the preceding Article to perform the duties of treasurer, the foregoing provisions shall not apply.

Article 9. The treasurer of political party, association and other organization shall keep account-books and enter therein the matters mentioned in the following items.

1. In case of a political party, all contributions and other incomes, and in case of an association and other organization, all contributions (including contributions made for such political party, association and other organization with the knowledge of its chairman or chief manager, or treasurer.)

2. The name, address (in case of an organization its name, address of main office and the name and address of its representative, the same shall apply hereinafter) and occupation of all persons making contributions as mentioned in the preceding item, as well as the amount (in case of property interests other than money, their current value, the same shall apply hereinafter) and date thereof.

3. All payments made by political party, association and other organization (including payments made with the knowledge of its chairman or chief manager or treasurer on behalf of the political party, association and other organization).

4. The name, address and occupation of all persons to whom such payments mentioned in the preceding item have been made, as well as the object, amount and date of such payments.

The National Election Management Commission shall prescribe the kind and form of account-book mentioned in the preceding Paragraph and publish them in the Official Gazette.

Article 10. Any person who accepts contributions or makes payments with the knowledge of the chairman, or chief manager or the treasurer of political party, association and other organization for or on behalf of the said political party, association and other organization, shall submit to its treasurer a detailed statement including the name, address and occupation of contributor or receiver of such payment and the amount of contribution or payment, date and object of payment thereof within seven (7) days after the receipt of contribution or the defrags of payment. It shall however, be submitted immediately upon request of its treasurer.

Article 11. The treasurer of political party, association and other organization or the person who made payment with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such political party, association and other organization, shall collect and keep receipt or voucher for any payment exceeding one thousand (1,000) yen except, where are the circumstances which render such collection impossible.

The person who made payment exceeding one thousand (1,000) yen with the knowledge of the chairman or chief manager, or the treasurer of the political party, association and other organization on behalf of such political party, association and other organization shall send the receipt or voucher under the preceding Paragraph to the treasurer immediately.

Article 12. The treasurer of political party, association and other organization shall render a statement as of April 30, August 31 and December 31 each year, within ten (10) days from the next day of the aforesaid dates, containing the particulars mentioned in the following items to the Election Management Commission concerned in accordance with the classification under each item of Article 5, Paragraph 1.

1. In case of a political party, all contributions and other income, and in case of association and other organization all contributions (including contribution made with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such organizations.)

2. Concerning aforesaid contributions which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times, their aggregate amount), the name and contributions which were made by one other than a political party, association and other organization and exceed five hundred (500) yen address and occupation of the person making such contribution, the amount and date thereof.

3. All the payments of political party, association and other organization (including payments made with the knowledge of the chairman or chief manager or the treasurer of political party, association and other organization on behalf of such organizations).

4. Concerning the aforesaid payments which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times their aggregate amount), and payments which were made by one other than a political party,

association or other organization, and exceed five hundred (500) yen the name, address and occupation of the person to whom such payments were made, and the object and date thereof.

The statement mentioned in the preceding Paragraph shall show all contributions and other income as well as payment received or made since January 1 with the aggregate.

The National Election Management Commission shall prescribe the form of the statement under Paragraph 1 and publish the same in the Official Gazette.

Article 13. The treasurer of the political party, association and other organization shall submit, concerning the matters relative to the contributions and payments received or made in connection with the election, to the Election Management Commission concerned a statement showing the matters prescribed in each item of Paragraph 1 of the preceding Article in accordance with the provision prescribed in the following items.

1. Among the contributions and other income as well as payments received or made in connection with the election of candidate for public office prior to the date of such election, those received or made before the day of announcement or notice of the date of such election together with those received or made after the announcement or notice of the date of election but seven (7) days before the date of election, five (5) days before the date of election.

2. As to the contributions and other income as well as payments received or made in connection with the election of candidates for public office, during the period six (6) days before the date of such election up till the date of such election as well as after the date of such election, as well as after the date of such election, together with the settlement of account of the contributions and other income as well as payments, received or made before seven (7) days prior to the date of election, with fifteen (15) days after the date of election.

3. As to the contributions and other income as well as payments received or made in connection with the election after the statement under the preceding item was filed, within seven (7) days from the day such contributions and other income as well as payments were received or made.

In case of election under Article 65, Paragraph 1 of the Local Autonomy Law, the contributions and other income as well as payments received or made in connection with the election, required after the election day of chief of local public entity shall be regarded as contributions and other income as well as payments received or made in connection with the election, and the provisions of items 2 and 3 of the preceding Paragraph shall be applied to them. Provided that, the report shall be submitted within fifteen (15) days from the date of election under the aforesaid Article.

Article 14. In case where two or more elections are held simultaneously or in rapid succession and the contributions and other income as well as payments are difficult to decide for which of such elections they were intended, the statement prescribed in Paragraph 1 of the preceding Article shall contain all such contributions and payments.

For the purpose of the filing of the statement prescribed in the preceding Paragraph, the period of election shall be the period from the day the first announcement or notice of the date of such election was made to the day of the last election.

Article 15. In case a change is made in the treasurers of political party, association and other organization, the retiring treasurer shall hand over his duties to his successor within fifteen (15) days from the day of former's retirement.

In case the retiring treasurer cannot transfer his duties or his successor cannot take over the former's duties, the person who perform the duties of treasurer under Article 6, Paragraph 2 shall transfer or take over the duties. When it becomes possible to transfer the duties to the successor after the person who performs the duties of treasurer took over the duties, the latter shall immediately transfer the duties to the successor.

When the transfer of duties is made in accordance with the provision of the preceding two Paragraph, the person who transfers the duties shall make a statement of transference in similar manner as prescribed in Articles 12 and 13, write the fact of transference and the date thereof, sign and set seal on the statement with the person who takes over the duties, and hand over the statement together with cash, account-book and other documents.

Article 16. The treasurer of political party, association and other organization shall preserve account-book, detailed statements as well as receipt or other voucher for payment for a period of two years after the day when the statements prescribed in Article 12 or 13 was filed.

Article 17. In case a political party is dissolved or a political party, an association and other organization has ceased to have the object prescribed in Article 3, its chairman or chief manager and treasurer shall report the fact and the date within fifteen (15) days from such date, together with the statement of contributions and other income as well as payments as of the day of dissolution or the day when it ceased to have the object of Article 3 in the similar manner under Article 12 to the Election Management Commission concerned.

Article 18. Among the provisions in this Chapter, those concerning political party shall be applied with necessary modification to its local chapters, and these concerning association and other organization shall apply with necessary modification to its branches.

CHAPTER III

Candidate for Public Office

Article 19. A candidate for public office shall appoint a person who shall assume the responsibility for payments of expenses for election campaign (hereinafter to be called the accountant.) This shall not preclude the candidate to assume such responsibility on himself or the recommender (in case where these are more than one recommender, their representative) to appoint, or himself to act as the accountant with the consent of the candidate.

The person who has appointed the accountant shall fix the highest amount of money which the accountant may defray in a written statement, sign and set seal upon it together with the treasurer.

The person who has appointed the accountant (including the candidate or the recommender who has become the accountant himself) shall forthwith render a written report to the Election Management Commission concerned stating the name, address, occupation, age and date of such appointment along with the name of the candidate.

The recommender, who has appointed the accountant, in filing the report mentioned in the preceding Paragraph shall attach thereto a document proving the candidate's consent to such appointment (in case where there are more than one recommender, also a document to prove his representative capacity).

Article 20. A candidate may remove the accountant by a written notice. The same shall apply to the recommender who appointed the accountant, when the consent of the candidate was obtained for such measure.

The accountant may resign his post by notifying the candidate and the appointer in writing.

Article 21. The person who appointed the accountant shall report any change in the appointment, after the manner prescribed in Article 19, Paragraph 2 and Paragraph 3.

The report of removal or resignation prescribed in the preceding Paragraph shall be accompanied by a document proving the fact that the notice provided for in the preceding Article has been given. In case where the accountant is removed from his post by the recommender, the report must be accompanied additionally by a document proving the candidate's consent.

Article 22. In case where the accountant is prevented from executing his duty or absent, the person who appointed him shall take his place. Should the recommender who appointed the accountant be unable to take the accountant's place, the candidate shall attend to the duties of the accountant (the same applies to the case with the recommender who has become the accountant).

The person who executes the duties of the accountant in accordance with the provision of the preceding Paragraph shall report the fact in writing in the similar manner as prescribed in Article 19, Paragraph 3 and Paragraph 4.

The report mentioned in the preceding Paragraph must show the name (also the name of the recommender who appointed the accountant, if he, too, is prevented or absent) the circumstance which prevented the execution of the duty or of vacancy and the date on which the execution of the duty of the accountant by proxy was commenced. Where the person who acts in place of the accountant ceases to do so, the fact and the date thereof shall be reported in writing.

Article 23. The accountant (including the person who acts in his place) shall not, until after the report prescribed in Article 19, Paragraph 3 and Paragraph 4, Article 21 or Paragraph 2 and 3 of the preceding Article, receive contributions or make payment for the candidate, in whatever name, for the

recommendation, support or opposition and other campaigns. The same shall apply in case where the candidate or the recommender receives contributions.

Article 24. The accountant shall keep account-book and enter therein the following matters:

1. All contributions and other income in connection with the election campaign (including contributions made for the candidate with the knowledge of the candidate or the accountant).

2. The name, address and occupation of the person who made contributions prescribed in preceding item as well as the amount and date of such contributions.

3. All payments made in connection with the election campaign (including payments made for the candidate with the knowledge of the candidate or the accountant).

4. The name, address and occupation of the person who received the payments prescribed in preceding item as well as the object, amount and date of such payments.

The provisions of Article 9, Paragraph 2 shall be applied with necessary modifications to the account-books prescribed in preceding Paragraph.

Article 25. Any person other than the accountant who has received any contribution on behalf of the candidate in connection with the election campaign shall present to the accountant within seven (7) days of the receipt of such contribution a detailed statement showing the name, address and occupation of the contributor as well as the amount and date thereof. He shall, however, present it immediately on demand of the accountant.

With respect to any contribution received by such candidate before filing his candidacy, he shall present to the accountant the detailed statement thereof immediately after filing his candidacy.

Article 26. With the exception of initial expenses necessary for preparation for candidacy as well as expensed necessary payments made for conducting election campaign by recommending letters written by recommender own hands or by telephone without the knowledge of such candidate or of the accountant, all payments for an election campaign shall not be made by any person other than the accountant (including the person who executes the accountant's duty in latter's place). This, however, shall not apply to persons who have obtained a written consent of the accountant for such payments.

With respect to the initial expense for the preparation of candidacy paid by the candidate or any person who has become the accountant, or by any other person acting with the knowledge of such person as specified above, the accountant, immediately after assuming his post, shall settle accounts with such candidate or with the person who has made such payments.

Article 27. The accountant or any person who has made payments with the knowledge of the candidate or the accountant on behalf of the latter shall collect receipts and other vouchers of any payments made in connection with the election campaign. This shall, however not apply in case there are circumstances which prevent such collection.

The person who made payments with the knowledge of the candidate or the accountant on behalf of the latter shall immediately send such receipts and vouchers to the accountant.

Article 28. The accountant shall file a statement showing the matters prescribed in each item of Article 24, Paragraph 1 concerning the contributions and other income as well as payments received or made in connection with the election campaign of the candidate to the Election Management Commission concerned.

The provisions in Article 13 shall apply with necessary modifications to the date of filing such statement.

Article 29. When the accountant either resigns his post or is removed, he shall immediately prepare a statement of the contributions and other income received and payments made with respect to the election and hand it over to the new accountant, or the person who acts for the accountant. The above shall apply to a case where a new accountant is appointed after the person who is not the accountant took over the duties of an accountant.

In case the handing over of duties is made in accordance with the provisions of the preceding paragraph, the person who hands over the duty shall make a statement in similar manner as prescribed in the preceding Article showing the fact and date of such transference, to be signed and set seal by both the person who hands over and the person who takes over the duty. It shall be handed over together with cash, account-book, other documents.

Article 30. The accountant shall preserve the account-book, detailed statement and receipts and vouchers of payments for a period of two years from the day the report prescribed in Article 28 was filed.

CHAPTER IV

Person other than political party association, other organization and candidate for public office.

Article 31. In case any person other than a political party, association, other organization and its branch as well as candidate for public office, has made a payment more than two thousand (2,000) and five hundred (500) yen at one time, (in case such payments were made in installment, their aggregate amount) directly or indirectly under a name other than that of the person in connection with the election of the candidate for public office for sake of the political party, association, other organization or its branch. He shall file a report stating the following items within ten (10) days with the Election Management Commission having the control over the business matter concerning such election. However, this shall not apply to the case where the written report is to be made by the treasurer, in accordance with the Article 13.

1. All expenditures.
2. The name, address and occupation of those who received the payment provided for in preceding paragraph, and the purpose of expenses, sum and date.

Article 32. In case a person who holds a public office (including those who hold elective positions in the public services) made contributions in connection with election for a candidate for public office, he shall file within (10) days reckoning the date of contributions a written report stating his name, occupation and the name of office which he belongs to as well as amount of the contribution, date and the name of person whom such contributions were made with the Election Management Commission having the control over the business matter of the election concerned.

In case of the preceding paragraph, if the contributions were made for a political party, association or other organization, its treasurer and if they were made for a candidate for public office, his accountant shall file a written report in accordance with the provisions prescribed in the Article 13 or Article 28 stating in it the items of the aforesaid paragraph with the Election Management Commission having the control over the business matter of the election concerned, notwithstanding the amount of contribution.

CHAPTER V

Publication of Reports

Article 33. On acceptance of reports prepared in accordance with the Provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, Article 31, the preceding Article or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification, the Election Administration Commission concerned shall announce their substance publicly according to the manner prescribed by the National Election Management Commission.

The public announcement prescribed in the preceding paragraph shall be made by the Official Gazette in the case of the National Election Management Commission and the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency, and by the official bulletin in the case of the Election Administration Commissions of the Metropolis, Hokkaido and prefectures, and in the case of Election Administration Commissions of cities, towns and villages in a way convenient for dissemination that was fixed previously by notification.

Article 34. The reports prepared in accordance with the provisions of Articles 12 to 14, Article 17, or Article 18, or Article 28, Article 31, Article 32 or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification shall be kept for two years (2 years) by the Election Administration Commissions which have accepted them from the date of their acceptance.

During the period specified in the preceding paragraph any person shall be at liberty to inspect the reports, according to the manner prescribed by the National Election Management Commission, the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency or the Election Administration Commissions of the Metropolis, Hokkaido and prefectures or cities, towns and villages.

CHAPTER VI

Restrictions concerning contributions

Article 35. No person given in the following items shall make contributions in connection with elections. Provided that a person referred to Item 1 may make a contribution to the political party, association or other organization and their branch offices which he belongs to, and to a person who resides in, or is campaigning in, or is a candidate for elective public office outside of the area concerned with a particular election.

1. A candidate for the election for public office.
2. A party of a contract for work or of other agreement attended with special profits made with the State, in case of the election under the Law for Election of the Members of the House of Representatives or the Law for Election of the Members of the House of Councillors or with the local public entity concerned, in case of the election under the Local Autonomy Law.
3. A person prescribed in the Memorandum mentioned in Article 3 of the Imperial Ordinance No. 1 in the year of 1947.

The candidate referred in Item 1 of the preceding paragraph shall submit the written report on the contributions made by him during the period of 1 year previous of the day of announcement and notice of the date of election stating the name of the person who received the contribution (if a body, the name of it) the amount of the sum, and the date to the Election Administration Commission administrating the business matters concerning the election concerned.

Article 36. Any person shall not canvass or ask for a contribution in connection with elections from the persons referred in the items of the first paragraph of the preceding Article.

Any person shall not receive contributions in connection with elections from the persons given in the items of the first paragraph of the preceding Article, and from a foreign national or a foreign corporation or organization.

Article 37. No person shall make a contribution in connection with any election unanously or under any name other than his full legal name together with his legal address or through a third person.

No person shall receive such a contribution such as prescribed in the preceding paragraph.

In case where contributions were made in violation of the provisions of the paragraph 1, ownership of money or property, thus contributed shall be deemed to revert to the State Treasury and the person in custody of these shall take the proceedings in order to deliver these to the State Treasury.

CHAPTER VII

Penal Provisions

Article 38. If any political party, association and other organization or their branches accepts a contribution or make an expenditure in contravention of the provisions of Article 8 or of Article 11, in which Article 8 is applicable, the political party, association and other organization or their branches shall be fined not less than five thousand (5,000) yen and not more than hundred thousand (100,000) yen.

In the case of the preceding paragraph, the chairman, chief manager or other responsible person of the organization or its branch may be also imprisoned not more than 5 years, or be fined not less than one thousand (1,000) yen and not more than hundred thousand (100,000) yen.

Article 39. Any persons who conducts any of actions enumerated in the following items shall be imprisoned not more than 3 years or be fined not less than one thousand (1,000) yen and not more than fifty thousand (50,000) yen. Provided that the fine to be imposed to any person who is guilty of making false entry or statement, or presenting false documents under Item 1 to Item 3 inclusive, Item 5, Item 9 and Item 10, shall be not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

1. Any person who does not provide for account-books, who omits to enter in the account-books, or who makes false entry therein in violation of the Provisions of Article 9 or of Article 18 or Article 24 in which Article 9 is applicable.

2. Any person who neglects to submit detailed statements or who makes false entry therein in contravention of the provisions of Article 10 or of Article 18 or Article 25 in which Article 10 is applicable.

3. Any person who does not call for receipts or other documents proving expenditures made or who makes false entry therein in contravention of the provisions of Article 11, or of Article 18 or Article 27 in which Article 11 is applicable with necessary modifications.

4. Any person who does not preserve account-books, detailed statements or receipts or other documents proving expenditures in contravention of the provisions of Article 16 or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

5. Any person who makes false entry into account-books, detailed statements or receipts or other documents proving expenditures required to be preserved in accordance with the provisions of Article 16, or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

6. Any person who does not hand over the duties in accordance with the provisions of Article 15 or of Article 29.

7. Any person who accepts a contribution or makes an outlay in contravention of the provisions of Article 25.

8. Any person who makes an outlay in contravention of the provisions of Paragraph 1, Article 26.

9. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Article 31, Paragraph 1 of Article 32 or Paragraph 2 of Article 35.

10. Any person who refuses to submit the report as prescribed in Article 52 or the materials or submits a false report or materials.

Article 40. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, or Paragraph 2, Article 32 or Article 31 in which these Articles are applicable, shall be imprisoned not more than 5 years or be fined not less than five thousand (5,000) yen, not more than one hundred thousand (100,000) yen.

In case of the preceding paragraph, the chairman or the chief manager of political party, association or other organization or their branch who neglects appropriate cares in regard to the appointment and supervision of treasurer of such organization or its branch may also be fined not less than one thousand (1,000) yen, not more than fifty thousand (50,000) yen.

Article 41. In case when any person who is given in Items 1 and 2, of the first paragraph of Article 35, makes contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment for not more than three (3) years or a fine of not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen. Any person who made contributions in violation of Paragraph 1, Article 37 shall be treated in the same manner.

In case any person who is given in Item 3, of the first Paragraph of Article 35, makes the contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment of not less than six (6) months and not more than three (3) years.

Article 42. Any person who canvasses or requests the contribution in violation of the provisions of Paragraph 1, Article 36 or receives the contribution in violation of Paragraph 2 of the said Article or Paragraph 2, Article 37 shall be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case any political party, association or other organization or their branch accepts a contribution in violation of the provisions of Paragraph 2, Article 36, or Paragraph 2, Article 37 such political party, association or other organization or their branch shall be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case of the preceding paragraph, the chairman, chief manager or other responsible person of the organization of the said paragraph or its branch may be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen, and not more than fifty thousand (50,000) yen.

Article 43. A person who commits crimes in Articles 38: Paragraph 1, Article 39, Paragraph 1, Article 40, Paragraph 1 of the preceding Article, may, depending upon circumstances, be also imprisoned and fines.

A person who by grave negligence commits crimes in Article 39, Paragraph 1, Article 40, Paragraph 1, Article 41, and Paragraph 1 of the preceding Article shall be punished, provided that the court may, depending upon circumstances, extenuate the penalty.

Article 44. In case an elected person has been sentenced in accordance with the provisions of Article 38, Paragraph 2, Article 39 or Article 40 to a punishment on the charge of violation of the provisions of Article 8, Article 13, or of Article 18 or Article 23 or Article 28, in which these Articles are applicable with necessary modifications, this election shall be null and void.

Article 45. If the treasurer of a political party, association or other organization of their branch, the accountant of a candidate for a public office, has neglected to submit the written report as prescribed in the provisions of Article 13, or of Article 18 or Article 28, in which Article 13 is applicable with necessary modification, or has made false entry therein for the purpose of making a candidate for a public office to be elected and has been sentenced therefore to punishment by the provisions of Article 40, the election of such candidate shall be null and void.

When the procurator deems that the case fallen under the crime as prescribed in Article 40 shall come under the provisions of the preceding paragraph, he shall bring a lawsuit against the said elected person in parallel with the original criminal action.

Article 46. The provisions of Paragraph 2 and 3, Article 86, and Article 141-2 of the Election Law of the Members of the House of Representatives shall be applied to the action mentioned in Paragraph 2, of the preceding Article, and the provisions of Article 143 of the said Law shall similarly be applied with necessary modification to the case where the person mentioned in Paragraph 1, of the preceding Article or Article 44 has been sentenced to punishment, provided that the notification or sending as prescribed in Paragraph 2 or 3, Article 86 of the said Law shall be addressed to the National Election Management Commission and the Election Administration Commission of the Nationwide Constituency Members of the House of Councillors or the National Election Management Commission and the President of the House of Councillors in case of the nationwide constituency members of the House of Councillors, and to the National Election Management Commission and the President of the House of Councillors in case of the members elected at the local constituency of the House.

Article 47. Any person shall have neither the right to vote nor be eligible to be elected at the election, to which the present Law applied, for five (5) years after the decision of trial has been fixed in the case where he has been sentenced punishment of fine on conviction of such offences prescribed on Articles 39 to 42, or during the time until he shall have undergone the execution of punishment after the decision of trial has been fixed or until he has been exempted from the execution of such punishment, except for the case where the exemption has been made by the prescription, and for five (5) years more thereafter. Provided in case probation has been sentenced, such period shall be from the day of the court decision to the day on which he shall have not to be required to undergo the execution of punishment any more.

The court may, under the extenuating circumstances, sentence not to apply the provisions prescribed in the preceding paragraph that any person shall have neither the right to vote nor be eligible to be elected or to reduce such period, to the person prescribed in the same paragraph, at the time of the sentence of original punishment.

Article 48. The crime prescribed in the present Chapter shall be expired by prescription due to the expiring of two (2) years.

CHAPTER 8 SUPPLEMENTARY

Article 49. The report to be filed by the treasurer of a political party, association and other organization, the accountant of a candidate for public office or other person under Articles 12 to 14, Article 17, or under Article 18, or Article 28, 31, 32 or Paragraph 2, Article 35 which are applicable with necessary modifications of the aforesaid Articles shall be accompanied by an affidavit swearing the authenticity of the Statement written in such report.

Article 50. The documents to be filed under Articles 6, 7, or under Article 18, Article 19, Paragraphs 3 and 4, Art. 21 or Article 22, Paragraphs 2 and 3 pertaining thereto and the reports under Articles 12 to 14, Article 17, or under Article 18, pertaining thereto, or Articles 28, 31 or 36 shall be deemed to have duly been filed when there were deposited with a post office by registered mail.

Article 51. In case such is considered necessary in executing, this Law, the National Election Management Commission may direct and supervise the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency and the Metropolitan, Hokkaido and Prefectural Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency may direct and supervise the Prefectural Election Management Commission and the Prefectural Election Management Commission may direct and supervise the City, Town and Village Election Management Commission respectively. In case it is considered necessary to investigate the documents or reports which have been filed as provided for in this Law, the above-mentioned provision shall be applicable in the same manner.

Article 52. The National Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency the Metropolitan, Hokkaido or Prefectural Election Management Commission, or the City, Town or Village Election Management Commission, may ask the political organization, association, other organization, candidate for public office or those relative thereto, to submit the reports or materials, in case such is considered necessary in executing this Law.

Article 53. The whole-business-matters union of towns and or villages shall be deemed as a town or a village in application of this law.

Article 54. The following expenses shall be borne by the National Treasury.

1. The expenses for publication as provided for in Article 33.
2. The expenses for the preservation of reports, as provided for in Paragraph 1, Article 34.
3. The expenses for the facilities for perusal of reports, as provided for in Paragraph 2, Article 34.

Additional Rules.

Article 55. This Law shall come into force on the day of its promulgation.

Article 56. The political party association, and other organization and their branch offices which fall under Article 3 and which exist at the time of enforcement of this Law shall make a notification, as provided for in Article 6 or Article 18 which shall be applied with necessary modification, within thirty days from the enforcement of this Law.

In case the notification is made within the term, as provided for in preceding Paragraph, the contribution and payment received or made by the political organization, association and other organization or its branch office during the period from the day of enforcement of this Law until the notification, as provided for in the preceding paragraph, shall be deemed to have been done after the notification as provided for in Article 8 or Article 18 which shall be applied with necessary modification.

Article 57. The Law for the Election of Members of the House of Representatives shall be partially amended as follows:

Article 101 shall be deleted.

Article 101-2 to 101-4 shall be deleted.

The following shall be inserted after Article 104.

"5. Tax or fee imposed by the State or Local Public entity in connection with the election campaign."

Article 105-109 shall be deleted.

In Article 111. One thousand (1,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 112, Twenty Thousand (20,000) yen shall be read as Fifty Thousand (50,000) yen and in Paragraph 2, same Article, Thirty Thousand (30,000) yen as Seventy-five Thousand (75,000) yen.

In Paragraph 1, Article 113, Thirty Thousand (30,000) yen shall be read as Seventy-five Thousand (75,000) yen and in Paragraph 2, same Article Forty Thousand (40,000) yen to One Hundred Thousand (100,000) yen.

In Article 115. Thirty Thousand (30,000) yen shall be amended to Seventy-five Hundred (7,500) yen.

In Article 117, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 118, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, and in Paragraph 2, same Article Twenty-Thousand (20,000) as Fifty Thousand (50,000) yen.

In Article 120, One Thousand (1,000) yen shall be read as Twenty-five Hundred (2,500) yen.

In Paragraph 1, Article 121, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Article 122, Twenty Thousand (20,000) shall be read as Fifty Thousand (50,000) yen.

In Article 124, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen.

In Article 125, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 126, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 127, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, in Paragraph 2, same Article Ten Thousand (10,000) yen as Twenty-five Thousand (25,000) yen and in Paragraph 3,4, same Article, Twenty Thousand (20,000) yen as Fifty Thousand (50,000) yen.

In Article 128. One Thousand (1,000) yen shall be amended to Twenty-five Hundred (2,500) yen.

In Article 129. Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 130, Three Thousand (3,000) yen shall be amended to Seventy-five Hundred (7,500) yen.

In Article 131, "Article 99, Paragraph 4, Article 101, Article 105, Article 106 or Article 109" shall be read as "or Article 99" and Three Thousand (3,000) yen as Seventy-five Hundred (7,500) yen.

In Paragraph 1, Article 132, "or Paragraph 4, Article 101 or Paragraph 5" shall be deleted, and One Thousand (1,000) yen be read as Twenty-five Hundred (2,500) yen, and Paragraph 2, same Article shall be deleted.

Article 134-135 shall be deleted.

Article 58, The Law for the Election of Members of the House of Councillors shall be partially amended as follows.

Article 77, Paragraphs 2 and 3 shall be deleted.

Article 78 shall be deleted.

Article 80 to 82 shall be deleted.

In Paragraph 1, Article 84, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen and in Paragraph 2, same Article, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

Article 85-86 shall be deleted.

In Article 87, "preceding 3 Articles" shall be read as "Article 84".

Article 59. With regard to the election, which was already conducted under the previous Law for the Election of members of the House of Representatives, the Law for the Election of Members of the House of Councillors or the Local Autonomy Law, or the election whose date was announced or noticed in accordance with the provisions of the laws above-mentioned, at the time of the enforcement of this Law, the previous provisions shall be applied, notwithstanding the preceding two articles.

The provisions of the preceding paragraph shall apply mutatis mutandis to the election to which the Chapter 12, of the Law for the election of Members of the House of Representatives is applied mutatis mutandis except the election, as provided for in the same paragraph.

LAW CONCERNING THE REGULATION OF CONTRIBUTIONS AND EXPENDITURES

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