"When the candidate for governor of the Metropolis mentioned in paragraph 1 of the preceding Article by death or by declining the candidature for governor reduces the number of candidates for governor to one, no polling shall be held; the provisions of Article 93.11, paragraph 2 to 4 inclusive shall be applied mutatis mutandis in the case prescribed in the preceding paragraph."

Article 93.15 "When the elected person mentioned in Article 93.13, paragraph 3 or paragraph 4 falls under any of the reasons enumerated in Article 93.12, paragraph 1 and there is no one to whom the provisions of paragraph 2 can be applied, another election shall be held within twenty-five days.

"In the case where the reasons stated in the preceding paragraph arise and there is a person to whom the provisions of Article 93.13, paragraph 4 were applied, an election meeting shall be held forthwith and the said person shall be determined elected.

"In the case prescribed in the preceding paragraph, when the person to whom the provisions of Article 93.13, paragraph 4 were applied comes to lose his eligibility for election after the date of election, he cannot be deemed to be elected.

"The provisions of Article 93.17, paragraph 4 shall be applied mutatis mutandis to the period prescribed in paragraph 1"

Article 93.16 "When an elected candidate accepts his election, the electoral administration committee shall immediately announce the address and name of the elected person and report the matter to the minister of Home Affairs.

"When no one is elected, the electoral administration committee shall announce the matter and report it to the minister of Home Affairs."

Article 93.17 "When the invalidation of an election is confirmed another election shall be held within 25 days. In case non-election of a candidate is confirmed, an election meeting shall be held forthwith and the successful candidate shall be determined. In this case the provisions of Article 93.12, paragraph 3, shall be applied mutatis mutandis.

"When there are no successful candidates or when events cause the absence of successful candidates, an election shall be held within 25 days, the period referred to in paragraph 1 and the preceding paragraph, in case the provisions of Article 93.18, paragraph 1 or Article 93.19, paragraph 1 or 3 are applied shall be computed from the following day of the date on which the reason which prevented the holding of the election ceased to exist."

Article 93.18 "The election referred to in Article 93.5, paragraph 2, Article 93.12 paragraph 1, or paragraph 1 or paragraph 3 of the preceding Article, shall not be held during the period of protestation relative to the election or the return connected with or while a decision or protest or a judgement on appeal is pending or while an appeal is being proceeded with the Governor of Metropolis shall not lose his office until decision or judgement concerning the election or return is made or a verdict is given."

Article 93.19 "In case a notice is given of the election of the members of the Metropoliten assembly, the election of the Governor of the Metropolis shall not be held until after the date of such election has passed.

"In case a cause for holding the election of the Governor of the Metropolis and also a cause for holding the election of the members of the House of Representatives occurs the election of the Governor of Metropolis shall not be held until after the date of election of the members of the House of Representatives has passed."

Article 93.20 "The provisions of chapters 10 and 11, Article 140, paragraphs 2 to 4 inclusive, Article 142 and 147 of the Law for the election of the members of the House of Representatives shall apply mutatis mutandis to the election of the Governor of the Metropolis provided that the ward officials in Article 99 of the same Law shall include electoral administration committee for the election of the members of the Metropolitan assembly, electoral administration committee for the election of the members of the ward, city, town, or village, assembly clerks, superintendents of the poll, superintendents of the vote-counting, presiding officer of election of the electoral administration committee and the electoral administration committee for the election of the members of the ward, city, town, or village assembly and matter pertaining to the amount of election campaign expenses per candidate for governor shall be determined by an Imperial Ordinance."

Article 93.21 "The provisions of Article 14, paras. 2 and 3, Article 22, para. 2, Articles 26 to 35 inclusive, Articles 35.3 to 35.8 inclusive, Art. 35.9, para. 1, items 1 to 7 inclusive, Articles 35.6 to 35.13 inclusive, Articles 38 to 41 inclusive, Articles 45, 47 and 48, the text of Article 52, Article 53, para. 1 to 5 inclusive, Article 54 and Article 58.2 (excluding the part concerning the electoral administration committee) shall apply mutatis mutandis to the election of the Governor of the Metropolis, provided that in Article 27, para. 2 "three" shall be "two" in the election mentioned in Article 93.15, para. 1, "governor of Metropolis" mentioned in Article 48 para. 2 shall be the Ministry of Home Affairs and in Article 53, para. 1 "Art. 51, para. 2" shall be read "Article 93.16, para. 2"; "in the election held in accordance with Article 93.13, para. 1 the date of election or date of announcement shall read "these dates pertaining to the election referred to in Article 93.13, para. 1" and in Article 54, para. 5, para. 7 of the preceding paragraph" shall read "Article 93.18, para. 2" and the provisions of Article 48, para. 4 shall not be applicable to the Governor of Metropolis actually in office and who has been elected."

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# CHAPTER FOUR

## Miscellaneous Source Materials

Provisions of the Law for the Election of Members of the House of Representatives mentioned in the laws for prefectures, cities, towns, and villages.

Chapter X.

Article 89 "No election office may be established by persons other than a candidate or the person who recommends a candidate /in case several persons recommend a person, their representative/.

"When the person mentioned in the preceding clause has established an election office, he shall immediately notify concerning this fact as well as when there is any change in the election office the police office of the locality of the election office /or of the main election office in case the number of the election offices is more than two/."

Article 90 "Only one election office may be established for each candidate, but five or less election offices may be established in accordance with Imperial Ordinance."

Article 91 "The election offices shall not be established within three cho /about 500 yards/ from voting-places."

Article 92 "Resting places or places of similar character shall not be established for the purpose of election campaign."

Article 93 Deleted.

Article 94 "When election offices are found to be established contrary to the provisions of para. 1 of Article 89, the Governor /Superintendent-General of the Metropolitan Police in Tokyo Metropolis/ shall immediately order such offices to close: this regulation is applicable similarly when election offices are found to be established in excess of the number authorized under Article 90."

Article 95 "No election campaign shall be conducted until the notice of recommendation of candidates under Sections one to three of Article 67 has been made."

Article 96 Deleted.

Article 97 Deleted.

Article 98 "No person shall carry on house to house visiting for the purpose of obtaining votes or of aiding or preventing the obtaining of votes."

Article 98.2 "No person shall, in districts where the pamphlets are published under the fourth clause of Article 140, distribute any letters or pictures for election campaign purposes except such letters as notifying of meetings for speeches and those of recommendation. However, this rule does not apply to ordinary mail matters sent in accordance with the provisions of the first section of Article 140."

Article 99 "No public officer or official engaged in the conduct of an election shall carry on an election campaign in the district in which his office is located."

Article 100 "The Minister of Home Affairs may establish limitation by ordinance upon letters and pictures to be distributed or posted in an election campaign."

Article 100.2 "The Minister of Home Affairs may establish limitations by ordinance upon such acts to be made with the object of greeting electors, after the day of election, in connection of candidate's success or failure in election."

Chapter XI Election Expenses

Article 101 "A candidate shall appoint a person responsible for the disbursement of election campaign expenses /hereinafter referred to as "responsible disburser"/ provided, however, that this does not prevent a candidate from himself becoming a responsible disburser, nor a person who has recommended a candidate /In case there are several such persons, their representative/ from appointing with approval of the said candidate a responsible disburser or from himself becoming a responsible disburser.

"A person who has recommended a candidate without the latter's approval need not obtain the approval mentioned in the proviso of the preceding clause.

"A candidate may relieve a responsible disburser of his office by notice in writing. This rule shall apply in case a person who has recommended a candidate and who has appointed a responsible disburser, obtains the candidate's approval. A responsible disburser may resign by notice in writing to the candidate and the person who appointed him.

"One who has appointed a responsible disburser /including one who has himself become a responsible disburser/ shall immediately report the fact of appointment to the police station to which the report under the second section of Article 89 was made. The same rule shall apply when a responsible disburser has changed.

"One who acts for a responsible disburser in accordance with the provisions of Article 101.2 shall make a report in pursuance of the instance mentioned in the preceding clause. The same rule shall apply when one has resigned."

Article 101.2 "When a responsible disburser is prevented from discharging his duties, one who has appointed him shall act for him.

"When one who has recommended a candidate and who has appointed a responsible disburser /including one who has himself become a responsible disburser/ is also prevented from discharging his duties, the candidate shall act for him, except in case the recommendation was made without the candidate's approval."

Article 101.3 "The expenses of the election campaign shall not be paid out by any person other than the responsible disburser except the expenses involved in the preparation for candidacy and those paid out without any understanding of the candidates or the responsible disburser; however, this rule shall not apply to those who have obtained the written approval of the responsible disburser."

Article 102 "The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items:

1. The amount obtained when the total number of electors registered on the final electoral list, divided by the number of members to be elected in the election district, is multiplied by thirty sen.

2. In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of the electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by thirty sen.
3. In case an election is held under Article 57, the amount shall be calculated in accordance with the preceding item; however, this amount may be reduced by the Governor /Superintendent-General of the Metropolitan Police in Tokyo Metropolis/ when he deems it necessary. The Governor /Superintendent General of the Metropolitan Police in Tokyo Metropolis/ shall publish the amount determined upon under the preceding section as soon as the date of election is published or notified."

Article 103 "In case material obligations for an election campaign have been recognized or material benefits from the use of the buildings, ships, horses, and vehicles, printed matter, food and drink, etc., other than cash, have been received, the obligations or benefits shall be considered expenses of election at their market values."

Article 104 "Amounts paid out for any of the following purposes shall not be considered expenses of election:
1. For ships, horses, and vehicles used by a candidate;
2. For the adjustment of the remaining business of an election campaign after the date of election;
3. Expenses other than those which are paid out by or with the understanding of the candidate for whom notice has been given under sections one to three of Article 67 or the responsible disburser;
4. For the preparation of the candidate other than those paid out by or with the understanding of the person who has become the candidate or responsible disburser."

Article 105 "The responsible disburser, according to Imperial Ordinance, shall provide an account-book and shall keep a record of the expenses of the election campaign."

Article 106 "The responsible disburser, according to Imperial Ordinance, shall prepare an account of the expenses of the election campaign and shall report it within fourteen days from the date of election to the Governor /Superintendent General of the Metropolitan Police in Tokyo Metropolis/ through the police station to which the notice was given under section five of Article 101.

"The Governor /Superintendent General of the Metropolitan Police in Tokyo Metropolis/ shall publish the expenses of the election reported to him under the preceding section."

Article 107 "The responsible disburser shall preserve the books and documents relating to the expense of the election for a period of one year from the date the report was made under section one of the preceding article.

"The nature of the books and documents to be kept under the preceding section shall be fixed by Imperial Ordinance."

Article 108 Deleted."

Article 109 "In case the responsible disburser resigns or is dismissed, he must prepare an account of the expenses of the election campaign without delay for a new responsible disburser or for the person who takes over the duties of the responsible disburser appointed under Article 101.2 when there is no responsible disburser, and he shall transfer it to him. This is applicable in case a new responsible disburser is elected after the duties have been transferred to a person who

has taken charge thereof under Article 101.2."

Article 110 "In case the expenses of the election paid out for a candidate exceed the amount specified in section two of Article 103, the election of the candidate shall be invalid except when the candidate and the person who has made the recommendation have paid due attention to the appointment and supervision of the responsible disburser or the person who takes over the duties of the responsible disburser and there can be found no fault in the expenditure of campaign funds on the part of the responsible disburser or the person who takes over his duties."

Chapter XII

Article 111 "Any person who has effected by fraudulent process the insertion of his name in the electoral list or who has made a false declaration under the second clause of Article 25 shall be liable to a fine of not more than 100 yen.

Article 112 "Any person who has committed an act falling under any of the following heads shall be liable to confinement or penal servitude for not more than three years or to pay a fine of not more than 3,000 yen.

1. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, money, goods, or other presents or public or private employment has been given to an elector or to a canvasser or when such gifts have been proposed or promised or when entertainment has been provided;

2. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, irrigation, tenancy, credit, contributions, or other matters of direct interest to an elector or canvasser or to a shrine, temple, school, company, guild, or civic corporation in which an elector or canvasser is interested have been taken advantage of in persuading an elector or canvasser;

3. When, in connection with an election, anything mentioned in the first head of this article has been carried to an elector or a canvasser for the purpose of compensation for voting or carrying on an election campaign or for declining to do either or for canvassing or persuading others;

4. When, in connection with an election, a voter has received or demanded offers, or accepted proposals of presents or entertainments mentioned in the first or preceding paragraph of this article or yielded to persuasion or asked for such forms of assistance as are mentioned in the second paragraph;

5. When, with the object of inducing the acts mentioned in paras. one to three, a person has made, proposed or promised offers of money or goods to election canvassers; or when an election canvasser has received, demanded or accepted such offers;

6. When in connection with an election, a person has acted to persuade or mediate between others concerning the acts mentioned in the preceding paragraphs.

"Such public officer or officials engaged in matters pertaining to an election who has committed a crime falling in one of the items of the preceding clause in connection with the election in question shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 3,000 yen. This rule shall apply to the police officers who have committed similar crimes in connection with the election in the Metropolis or prefectures concerned."

Article 113 "Those who come under any of the following heads shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 3,000 yen:

1. Those who have offered the advantages mentioned in the first and second items of the first section of Article 112 to a candidate or to a person, who contemplates becoming a candidate, for the purpose of dissuading him from candidacy; or to an elected person for the purpose of persuading him to decline the election;
2. Those who have acted as mentioned in the first item, of the first section of Article 112 for the purpose of compensating a candidate for having withdrawn his candidacy or becoming a candidate or a person elected for having declined election; or for having mediated or persuaded with the same object;
3. Those who have received or demanded offers or entertainments under the two preceding sections or have accepted a proposal under the second section or have agreed to or sought persuasion under the first section;
4. Those who have acted to mediate between or persuade others in relation to the acts mentioned in the preceding sections.

"An officer or official in charge of matters pertaining to an election who has committed one of the crimes mentioned in the preceding clause in connection with the election in question is liable to confinement or penal servitude for not more than five years or to a fine of not more than 4,000 yen. The same rule shall apply to those police officers who have committed similar crimes in connection with the election in the Metropolis or prefecture concerned."

Article 116 "When in connection with an election, a government official or employee has willfully neglected to discharge his duty or has obstructed the exercise of the right of election by the abuse of his authority, tracing candidates or election canvassers, or intruding their houses or election offices without any justifiable reason, he shall be liable to confinement for not more than four years.

"A government official or employee who requests an elector to reveal the name of the candidate for whom he intends to vote or has voted shall be sentenced to minor confinement for not more than six months or to pay a fine of not more than 500 yen."

Article 117 "When a government official, employee, witness, or overseer connected with the election has revealed the name of candidates voted for by electors, he shall be liable to minor confinement for not more than two years or to pay a fine of not more than 1,000 yen. The same penalties shall apply in cases of false representation of votes cast."

Article 127 "Any person, not an elector, who has voted shall be liable to minor confinement for not more than one year or to a fine of not more than 500 yen.

"Any person who has voted by fraudulently assuming the name of another person or by other unfair means shall be liable to minor confinement for not more than two years or to a fine of not more than 1,000 yen.

"Any person who has forged votes or manipulated votes to affect their number shall be liable to minor confinement or penal servitude for not more than three years or to a fine of not more than 2,000 yen.

"In case an officer, official, witness, or scrutineer has offended against the preceding section, he shall be liable to minor confinement or penal servitude for not more than five years or to a fine of not more than 2,000 yen."

Article 159 "Election expenditures shall be fixed by Imperial Ordinance

Article 140 "A candidate or a person who has recommended a candidate may send one piece of mail matter to each elector in his election district in the election campaign free of charge as provided by Imperial Ordinance.

"In accordance with Imperial Ordinance, public schools or other buildings which are designated by Imperial Ordinance may be used for campaign speeches.

"The caretaker of the building mentioned in the preceding section shall provide equipments necessary for meetings of speeches in accordance with Imperial Ordinance.

"The prefectural Governor shall, as provided for by Imperial Ordinance, circulate the pamphlets in which the political opinions of the candidates and other matters are published.

"The prefectural governor shall notify the public through the newspapers of the names of the candidates, the parties to which they belong and other matters, in conformity with Imperial Ordinance."

Article 141.2 "With regard to the lawsuits under the provisions of the second clause of Article 84 of the present Law, the provision of the Code of Criminal Procedure on the private Law-suits shall be applicable, excepting the provisions of items two, three, five to eight and ten to thirteen of Article 572, 582, 588, 589, 591, 605, 610, 612 and 574, provided, that "the Code of Civil Procedure" and "the Civil Department" shall read "The Code of Criminal Procedure" and "The Criminal Department" respectively.

"A judgement invalidating an election, which has been passed for a suit brought under the provisions of the second clause of Article 84, shall not come into force, unless a sentence of guilt has been declared for the public action on the same case."

Article 142 "In respect of criminal cases enumerated in Chapter XII of the present Law, the court of revision shall not be bound by the term provided in the first clause of Article 423 of the code of criminal procedure."

Article 147 "When the voting is conducted in accordance with Article 33, a person who takes charge of the voting is recognized as a voting overseer, the place where the votes are recorded as a polling place and witnesses present at the voting as voting witnesses, and the provisions of Chapter XII shall be applied."

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# REGULATIONS CONCERNING EXPENDITURES PERMITTED IN LOCAL ELECTIONS

## Governor of Tokyo Metropolis

Article 35.2 of the "Regulations Governing the Enforcement of the Tokyo Metropolis Law:"

"The expenses of an election campaign shall not exceed 50,000 yen per candidate for the Governor of Tokyo Metropolis, provided that in the election prescribed in Article 93.13, paragraph 1 of the Tokyo Metropolis Laws it shall not exceed 17,000 yen and in the election which is held again as a result of invalidation of a part of an election or in accordance with the provisions of Article 22, paragraph 2 of the Tokyo Metropolis Law it shall not exceed the amount obtained by multiplying the fraction obtained by dividing the total number of persons registered in registers of the respective areas by the total number of persons registered in the electors' register on the date of the confirmation of the said register, by 50,000 yen. In the proviso in the preceding paragraph when there is an odd sum of less than 10,000 yen it shall be left out."

## Chief of a Ward

Article 78.18 of the "Regulations Governing the Enforcement of the Tokyo Metropolis Law:"

"Election campaign expenses shall not exceed per candidate for Chief of Ward the sum enumerated as follows, provided that in the election prescribed in Article 78.10, paragraph 1 it shall not exceed one-third the sum enumerated and in the election which is to be held again as a result of invalidation of a part of it or in the voting which is to be reheld in accordance with the provisions of Article 51, paragraph 2 which are applied mutatis mutandis in Article 78.19, it shall not exceed the sum obtained by multiplying the enumerated sums by a fraction obtained by dividing the number of persons registered in the lists of competent districts by the total number of persons registered on the electors' list on the date of confirmation of the same.

1. In an area not exceeding population of 50,000,-5,000 yen.
2. In an area not exceeding population of 150,000 and exceeding 50,000 -- 10,000 yen.
3. In an area not exceeding 300,000 and exceeding 150,000 -- 15,000 yen.
4. In an area exceeding population of 300,000 -- 20,000 yen.

After the announcement of the date of election or polling the superintendent of the Metropolitan Police Board shall immediately make an announcement of the sum in accordance with the provisions of the preceding paragraph.

In the case of the proviso of paragraph 1, when there is an odd sum below one such odd number shall be struck off."

## Prefectural Governor

Excerpt from the Imperial Ordinance concerning the application of the Law concerning the Organization of Prefectures:

Article 20.2. "The expenses of election campaign of candidate for the office of governor of a prefecture shall not exceed the following amounts. Provided, however, in case of the election which is held by the provision of Article 74.13, paragraph 1 of the Law concerning the organization of Districts and Urban or Rural Prefectures, the maximum amount shall not exceed one third; and when a new election takes place on account of a part of the former election becoming invalid, or when a new election is held in part of an area according to provisions of Article 22, paragraph 2, the maximum shall not exceed the amount which is obtained by multiplying the following amount with the quotient obtained by dividing the number of electors in the register of electors of the areas concerned, by the number of registered electors at the date of fixing the register of electors.

| Population of a prefecture | Amount allowed |
|---|---|
| 1,000,000 and less | 25,000 yen |
| 1,000,000 - 1,500,000 | 30,000 |
| 1,500,000 - 2,000,000 | 35,000 |
| 2,000,000 - 3,000,000 | 40,000 |
| 3,000,000 and over | 50,000 |

If, in the case of the provisory clause of the preceding article, there are fractions less than one yen, that fraction shall be omitted."

## Mayors of Cities, Towns & Villages

Excerpts from the Imperial Ordinance concerning the Enforcement of the Law concerning the Organization of Cities and the Law concerning the Organization of Towns and Villages:

Article 32.2 "The expenses of an election campaign shall not exceed the amount prescribed in the following items for a candidate for the office of mayor of a city, provided, however, that they shall not exceed one-third of the amount prescribed in the following items in a case of the election contemplated in Article 73.0, paragraph 1 of the City Organization Law and shall not exceed the product of the amount prescribed in the following items multiplied by a quotient of the total number of persons entered in the register of the electors of the concerned section divided by the total number of the persons entered in the register of electors on the day on which the register of electors has become conclusive in the case of an election which is to be held after a part of the election has become null or in the case of an election contemplated in Article 22, paragraph 4 of City Organization Law.

1. In case of a city with a population less than 50,000 -- 5,000 yen.
2. In case of a city with a population more than 50,000 but less than 150,000 -- 10,000 yen.
3. In case of a city with a population of more than 150,000 and less than 300,000 -- 15,000 yen.
4. In case of a city with a population of more than 300,000 but less than 500,000 -- 20,000 yen.
5. In case of a city with a population of more than 500,000 but less than 1,000,000 -- 25,000 yen.
6. In case of a city with a population of more than 1,000,000 -- 30,000 yen.

In a case mentioned in the proviso of the preceding paragraph the amount less than one yen shall be omitted."

## Councillors

In respect to the election of councillors of the assemblies of a Metropolis, prefectures, cities, towns, and villages the following article of the Law for the Election of Members of the House of Representatives is applied:

Article 102: "The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items:
1. The amount obtained when the total number of electors registered on the final electoral list divided by the number of members to be elected in the election district, is multiplied by thirty sen.
2. In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of the electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by thirty sen.
3. In case an election is held under Article 37, the amount shall be calculated in accordance with the preceding item; however, this amount may be reduced by the governor /Superintendent - General of the Metropolitan Police in Tokyo Metropolis/ when he deems it necessary.

The Governor /the Superintendent General of the Metropolitan Police in Tokyo M./ shall publish the amount determined upon under the preceding section as soon as the date of election is published or notified."

* * * * * * * * * * *

2. Section of Disbursement From
To (or prior to filing of candidacy, after date of election

| Date | Money | | Outline of Use | Name of Disburser |
|---|---|---|---|---|
| | Money Disbursement | Other than money | | |
| | | | | |
| | | | | |
| | | | | |
| Total | | | | |
| Grand Total | | | | |

Note:

1. In the Section of Incomes, for those exceeding 100 yen to be entered separately and for those not exceeding 100 yen to enter the total sum showing kinds of incomes.

2. In the column for kinds of incomes, distinctions of donations, loans etc. shall be entered.

3. In the column of Section of disbursement, entry to be made in accordance with the Disbursement Register.

Report of Estimate of Incomes and Disbursements of Election Campaign Expenses

Name of Election (Electoral District)

Name of Candidate

A report concerning Incomes and Disbursements pertaining to Election Campaign in accordance with the provisions of Home Ministry Ordinance No. _____ Article 4 of _____ 1946 is submitted as follows.

Date _____

Responsible Disburser _____ (Name) Seal

To Local Governor (Superintendent of Metropolitan Police Board)

1. Section of Incomes From To (or prior to filing of candidacy or after date of election

| Date | Amount | Kind of Incomes | From where disbursed | |
|---|---|---|---|---|
| | | | Address | Name or Name of Organization |
| | | | | |
| Total | | | | |
| Grand Total | | | | |

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Report of Estimate of Incomes and Disbursements of
Expenses of Parties, Associations and other Organizations.

Name of Organization (or name of branch of organization)

A report concerning Incomes and Disbursements pertaining to election campaigns of (such and such) party of (such and such) election in accordance with the provisions of Home Ministry Ordinance No. Article 5 of 1946 is submitted as follows.

Date

Name of Organization (Name of Branch of Organization)

Principal officer (Name) Seal

To Minister for Home Affairs (or Local Governor or Superintendent of Metropolitan Police Board)



1. Section of Incomes From
To (Prior to promulgation or announcement of date of election or after date of election)

| Date | Amount | Kinds of Incomes | From where disbursed | |
|---|---|---|---|---|
| | | | Address | Name or Name of Organization |
| | | | | |
| | | | | |
| Total | | | | |
| Grand Total | | | | |

| 2. Section of Disbursement | From<br>To | (prior to promulgation or announcement of date of election or after date of election |
|---|---|---|
| Date | Amount | Outline of Use |
| | | |
| | | |
| Total | | |
| Grand Total | | |



Note:

1. In the Section of Incomes for those exceeding 100 yen to be entered separately and for those not exceeding 100 yen to enter the total sum showing kinds of incomes.

2. In the column of kinds of incomes, subscription fees, donations, loans, enterprise incomes etc. to be entered in detail.

# CHAPTER FIVE

## Index to Excerpts from Laws Governing Local Elections *)


| | |
|---|---|
| Assembly dispensed with | Art. 38 vt #1,2 |
| Assemblyman : see Councillor<br>Assemblymen : see Councillors | |
| Ballot: | |
| acceptability of | Art. 43 m<br>Art. 22.9 p<br>Art. 28 c<br>Art. 22.6 vt |
| contents | Art. 22.9 p Item 5<br>Art. 28 c Item 5<br>Art. 25 vt Item 5 |
| provisional | Art. 31 m #2,3<br>Art. 19 p #2,3<br>Art. 25.3 c #2,3<br>Art. 22.3 vt #2,3 |
| Balloting: procedure | Art. 29 m<br>Art. 18 p<br>Art. 25 c #3<br>Art. 22 vt #5 |
| Ballots: | |
| form prescribed by the EAC | Art. 29 m #8<br>Art. 18 p #8<br>Art. 25 c #8<br>Art. 22 vt #8 |
| invalid types enumerated | Art. 35.9 m<br>Art. 22.9 p<br>Art. 28 c<br>Art. 25 vt |
| registers etc. preserved by EAC | Art. 35.10 m #2<br>Art. 22.10 p #2<br>Art. 31 c #5,6<br>Art. 28 vt #5 |
| validity determined by the presiding officer upon asking views of watchers | Art. 42 m<br>Art. 26 vt<br>Art. 29 c<br>Art. 22.8 p |
| void see Ballots, invalid | |
| written in voter's own hand | Art. 43 m Item 6<br>Art. 18 p #5<br>Art. 25 c #5 |
| Blind persons: (see also Braille points) | Art. 29 m #6<br>Art. 18 p #6<br>Art. 25 c #6<br>Art. 22 vt #6 |
| Braille points | Art. 29 m #6<br>Art. 18 p #6<br>Art. 25 c #6<br>Art. 22 vt #6 |


*) The letters used in connection with articles relate to the appropriate laws of organization (m) of the Metropolitan Area (Tokyo), (p) of the prefectures, (c) of the cities, (vt) of the towns and villages, (HR) stands for the law of Election of the Members of the House of Representatives.

Branch polling meeting: Art. 28 vt #3,4; Art. 31 c #3,4

Branch polling station:
chief officer: Art. 23 c #3; Art. 20 vt #3

see also Poll
Branch polling stations

set up: Art. 17 c; Art. 14 vt

By-election of a councillor,
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causes: Art. 50 m #1; Art. 32 p #1; Art. 33 c #1; Art. 30 vt #1

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# LOCAL ELECTIONS IN JAPAN

(1947)

ANNEX I

Local Government Division
Government Section
General Headquarters
Supreme Commander For The Allied Powers

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# INTRODUCTION

Recent Japanese laws and ordinances have slightly modified the information contained in the booklet "Local Elections in Japan -- 1947." The following notes have therefore been prepared to provide military government personnel with necessary information in respect to these changes.

Only slight revisions have been made in the basic laws which govern local elections (the laws for the organization of prefectures, cities, towns, villages, and Tokyo Metropolis), the revised articles granting immediate franchise to individuals who have served penal sentences rather than calling for an extended period of "rehabilitation." The amended articles appear on page 2 herewith, in "Law for the Date and Other Matters Concerning the Election of Chief Executives and Members of Assemblies of Prefectures, Cities, Towns, Villages, and Wards."

Local elections are also affected by changes in the Law for the Election of Members of the House of Representatives -- since certain articles of the latter law (particularly those applying to campaign expenditures and penal provisions) are applicable to local elections. Revised excerpts from the House of Representatives Election Law follow on pages 3 to 14 and replace those excerpts appearing on pages 104 to 109 of the booklet "Local Elections in Japan - 1947." These changes, in general, provide for more stringent regulation of campaigns and impose greater penalties for violations of the election laws.*

Ministry of Home Affairs Ordinance No. 1 of 1947 provides detailed instructions for reporting election expenditures and appears herewith on pages 15 to 23. This Ordinance supersedes the instructions appearing on pages 113-116 of "Local Elections in Japan - 1947."

Diet Law No. 2 of 1947, "Law for Exceptions to Article 12 of the House of Representatives Election Law" provides for special registration prior to the April elections and will be found on pages 24 to 26 herewith.

A recent Diet Law, providing limitations on the use of posters, letters, etc. in connection with elections will be found on pages 27 to 30.

Provisions for absentee voting appear in the Enforcement Ordinances for the local government organization laws. Pertinent articles appear on pages 31 and 32.

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*The full text of the House of Representatives Election Law will be found in a companion booklet: "Handbook and Laws for Japanese Diet Elections - April 1947."

A Home Ministry circular of early March, which specifically directed all incumbent governors planning to run as candidates for governor, to resign by 15 March, appears on page 33.

As of the date of publication of this manual, it was indicated that slight changes would be made in the ordinance regulating total campaign expenditures of candidates for Members of the House of Representatives. This, in turn, will alter total expenditures permitted candidates for local assemblies, as outlined on page 11½ of the booklet "Local Elections in Japan - 1947". Although no ordinance on the subject had yet been issued, it was proposed total expenses of candidates for members of local assemblies would be limited to 12,000 yen for prefectural assemblies and 1,200 yen for city and ward assemblies. No provision was made for town and village assemblies.

# AMENDMENTS TO LOCAL GOVERNMENT ELECTION LAWS

## Law for the Date and other Matters Concerning the Election of Chief Executives, and Members of Assemblies of Prefectures, Cities, Towns, Villages and Wards.

Article 1. The first election of the executives and members of the Assemblies of the Metropolis, District, Prefectures and Cities, Wards, Towns, Villages and of others of this kind to be effected according to Law No. 26 of 1946 (the Law for Partial Amendments to the Tokyo Metropolis System Law), Law No. 27 of 1946 (the Law for Partial Amendments to the Prefectural System Law), Law No. 28 of 1946 (the Law for Partial Amendments to the Municipal System Law) and Law No. 29 of 1946 (the Law for Partial Amendments to the Town, Village System Law) shall be carried out on the date designated by the Minister for Home Affairs.

Article 2. The terms of office of the members of the Assemblies of Cities, Towns, Villages or others of this kind which do not expire till April 28th, 1947, shall expire on April 29th, 1947.

### Additional Rules

This Law shall come into force on the date of promulgation.

A part of the Tokyo Metropolis System Law shall be amended as follows:

Article 13. Paragraph 1, Proviso, Items 2 to 4 shall read:

2. Any person who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or whose punishment has not yet been decided not to be executed.

A part of the Municipal System Law shall be amended as follows:

Article 14. Paragraph 1, Proviso, Items 2 to 4 shall read:

2. Any person who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or whose punishment has not yet been decided not to be executed.

A part of the Town or Village System Law shall be amended as follows:

Article 12. Paragraph 1, Proviso, Items 2 to 4 shall read:

2. Any person who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or whose punishment has not yet been decided not to be executed.

AMENDMENTS TO HOUSE OF REPRESENTATIVES ELECTION LAW

Provisions of the revised Law for the Election of Members of the House of Representatives mentioned in the laws for prefectures, cities, towns, and villages. This section replaces the excerpts from the House of Representatives Election Law appearing on pages 104 to 109 of the booklet "Local Elections in Japan - 1947."

Chapter X -- The Election Campaign

Article 88 - Deleted.

Article 89 - No election office may be established by persons other than a candidate or the person who recommends a candidate (in case several persons recommend a person, their representative).

When the persoh mentioned in the preceding clause has established an election office, he shall immediately notify the fact to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, as well as when there is any change in the election office.

Article 90 - Only one election office may be established for each candidate, but five or less election offices may be established in accordance with Imperial ordinance.

Article 91 - The election offices shall not be established within three cho (about 360 yards) from voting places.

Article 92 - Resting-places or places of like character shall not be established for the purpose of an election campaign.

Article 93 - Deleted.

Article 93-2 - Deleted.

Article 94 - When election offices are found to be established contrary to the provisions of section one of Article 89, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies shall immediately order such offices to close: this regulation is applicable similarly when election offices are found to be established in excess of the number authorized under Article 90.

Article 95 - No election campaign shall be conducted until the notice of recommendation of candidates under Sections one to three of Article 67 has been made.

Article 96 - No persons shall conduct the election campaign by making use of their positions specially related to children, pupils or students of schools under the age of twenty (20).

Article 97 - Deleted.

Article 98 - No person shall carry on house-to-house visiting for the purpose of obtaining votes or of aiding or preventing the obtaining of votes.

Article 98-2 - No person shall, in districts where the pamphlets are published under the fourth clause of Article 140, distribute any letters or pictures for election campaign purposes except such letters as notifying of meetings for speeches and those of recommendation. However this rule does not apply to ordinary mail matters sent in accordance with the provisions of the first section of Article 140.

Article 99 - None of those mentioned in Article 8 shall carry on an election campaign in the districts in which his office is located.

Article 100 - The Minister of Home Affairs may establish limitations by ordinance upon letters and pictures to be distributed or posted in an election campaign.

Article 100-2 - Shall be deleted.

Chapter XI - Election Expenses

Article 101 - A candidate shall appoint a person responsible for the disbursement of election campaign expenses (hereinafter referred to as "responsible disburser"), providing however, that this does not prevent a candidate from himself becoming a responsible disburser, nor a person who has recommended a candidate (in case there are several such persons, their representative) from appointing with approval of the said candidate a responsible disburser or from himself becoming a responsible disburser.

Article 101, Para 2 shall be deleted.

A candidate may relieve a responsible disburser of his office by notice in writing. This rule shall apply in case a person who has recommended a candidate and who has appointed a responsible disburser, obtains the candidate's approval.

A responsible disburser may resign by notice in writing to the candidate and the person who appointed him.

Article 101, para 5 - One who has appointed a responsible disburser (including one who has himself become a responsible disburser) shall immediately report the fact of appointment to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, to which the report under the second section of Article 89 was made. The same rule shall apply when a responsible disburser has changed.

One who acts for a responsible disburser in accordance with the provisions of Article 101-2 shall make a report in pursuance of the instance mentioned in the preceding clause. The same rule shall apply when one has resigned.

Article 101-2 - When a responsible disburser is prevented from discharging his duties, one who has appointed him shall act for him.

When one who has recommended a candidate and who has appointed a responsible disburser (including one who has himself become a responsible disburser) is also prevented from discharging his duties, the candidate shall act for him.

Article 101-3 - The expenses of the election campaign shall not be paid out by any person other than the responsible disburser except the expenses involved in the preparation for candidacy and those paid out without any understanding of the candidates or the responsible disburser; however this rule shall not apply to those who have obtained the written approval of the responsible disburser.

Article 101-4 - Any person who, not being the responsible disburser, has received or accepted any receipts relating to the election campaign for a candidate for membership, shall immediately inform the responsible disburser of the amounts, the kinds and other items of the receipts; receipts relating to the election campaign received or accepted prior to the

notification of standing as a candidate shall be reported to the responsible disburser immediately after the notification of standing as a candidate has been made.

Article 102 - The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items:

1. The amount obtained when the total number of electors registered on the final electoral list, divided by the number of members to be elected in the election district, is multiplied by the amount of money fixed by ordinance.

2. In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by the amount of money fixed by ordinance.

3. In case an election is held under Article 37, the amount shall be calculated in accordance with the preceding item; however, this amount may be reduced by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies when they deem it necessary.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall publish the amount determined upon under the preceding section as soon as the date of election is proclaimed or notified.

Article 103 - In case material obligations for an election campaign have been recognized or material benefits from the use of buildings, ships, horses and vehicles, printed matter, food and drink, etc., other than cash, have been rereived, the obligations or benefits shall be considered expenses of election at their market values.

Article 104 - Amounts paid out for any of the following purposes shall not be considered expenses of election:

1. For ships, horses, and vehicles used by a candidate.
2. For the adjustment of the remaining business of an election campaign after the date of election.
3. Expenses other than those which are paid out by or with the understanding of the candidate for whom notice has been given under sections one to three of Article 67 or the responsible disburser.
4. For the preparation of the candidate other than those paid out by or with the understanding of the person who has become the candidate or responsible disburser.

Article 104-2 - Receipts relating to the election campaign shall mean such money as has been received and accepted in order to meet the expenses for the election campaign.

In the case where property obligations have been exempted in order to meet the expenses for the election campaign or where buildings, ships, cars, printing matters, foodstuffs, or other property interests except money have been obtained, the obligations or interests, being estimated in current prices, shall be regarded as receipts relating to the election campaign.

Article 105 - The responsible disburser shall, as provided for by an Ordinance, submit reports on the expenses for the election campaign and the receipts relating to the election campaign to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of the District or Prefectural Assemblies.

Article 106 - The representative or leader of a political party or any other organization which recommends or supports candidates shall in accordance with the provisions of ordinance, report the expenses of the election campaign and receipts relating to the election campaign to the Minister of Home Affairs through the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assembly, as the case may be, according to the locality of its principal office, if it recommends or supports candidates in two or more Metropolitan, District or Prefectural areas or in an area outside of the Metropolis, District or Prefecture where its principal office is located, and, in other cases report to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assembly as the case may be according to the locality of its principal office.

The provisions of the preceding paragraph shall apply mutatis mutandis to any local branch of a political party or any other organization which recommends or supports candidates.

Article 107 - Upon receipt of the report provided for in the preceding two paragraphs, the Minister of Home Affairs or the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies, shall make public the main points of such reports in accordance with the provisions of ordinances.

Article 108 - The reports under Articles 105 and 106 shall be preserved during the term of office of the members by the Minister of Home Affairs, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members for the District or Prefectural Assemblies who have received the reports.

Any person may demand inspection of such reports, in accordance with the provisions of ordinances, during the period mentioned in the preceding paragraph.

Article 108-2 - The responsible disburser shall, in accordance with the provisions of ordinances, keep note-books, in which expenses for the election campaign and receipts relating to the election campaign shall be recorded.

The responsible disburser shall preserve the books under the preceding paragraph and the documents as provided for in Ordinances in regard to expenses for election campaign and receipts relating to election campaign, during the term of office of the member.

Article 109 - In case the responsible disburser resigns or is dismissed, he must prepare an account of the expenses for election campaign and receipts relating to election campaign without delay for a new responsible disburser or for the person who takes over the duties of the responsible disburser appointed under Article 101-2 when there is no new responsible disburser, and he shall transfer it to him. This is applicable in case a new responsible disburser is elected after the duties have been transferred to a person who has taken

charge thereof under Article 101-2.

Article 110 - In case the expenses of the election paid out for a candidate exceed the amount specified in section two of Article 102, the election of the candidate shall be invalid except when the candidate and the person who has made the recommendation have paid due attention to the appointment and supervision of the responsible disburser or the person who takes over the duties of the responsible disburser and there can be found no fault in the expenditure of campaign funds on the part of the responsible disburser or the person who takes over his duties.

Chapter X11 - Punitive Rules

Article 111 - Any person who has effected by fraudulent process the insertion of his name in the electoral list or who has made a false declaration under the second clause of Article 25 shall be liable to a fine of not more than 1,000 yen.

Article 112 - Any person who has committed an act falling under any of the following heads shall be liable to confinement or penal servitude for not more than three years or to pay a fine of not more than 20,000 yen.

1. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, money, goods, or other presents or public or private employment has been given to an elector or to a canvasser or when such gifts have been proposed or promised or when entertainment has been provided.
2. When, with the object of being elected, causing a candidate to be elected, or preventing him from being elected, irrigation, tenancy, credit, contributions, or other matters of direct interest to an elector or canvasser or to a shrine, temple, school, company, guild, or civic corporation in which an elector or canvasser is interested have been taken advantage of in persuading an elector or canvasser.
3. When, in connection with an election, anything mentioned in the first head of this article has been carried to an elector or a canvasser for the purpose of compensation for voting or carrying on an election campaign or for declining to do either or for canvassing or persuading others.
4. When, in connection with an election, a voter has received or demanded offers, or accepted proposals of presents or entertainments mentioned in the first, or the preceding clause of this article or yielded to persuasion or asked for such forms of assistance as are mentioned in the second item.
5. When, with the object of inducing the acts mentioned in Items one to three, a person has made, proposed or promised offers of money or goods to election canvassers; or when an election canvasser has received, demanded or accepted such offers.
6. When in connection with an election, a person has acted to persuade or mediate between others concerning the acts mentioned in the preceding items.

Such public officer or official as mentioned in Article 8 engaged in matters pertaining to an election who has committed a crime falling in one of the items of the preceding clause in connection with the election in question shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen. This rule shall apply to the police officer who has committed similar crimes in connection with the election in the Metropolis or prefecture concerned.

Article 112-2 - A person who has committed one of the following acts shall be liable to confinement or penal servitude for not more than five years.

1. When, with the object of obtaining material benefits, a person has, on behalf of a candidate, committed against a large number of voters or election canvassers, or caused them to commit one of the acts mentioned in Items one to three, five or six of the first clause of the preceding article.
2. When, with the object of gaining material benefits, a person has, on behalf of a candidate, undertaken to commit against a large number of electors or election canvassers, caused them to undertake to commit, or made proposals therefor, one of the acts mentioned in Items one to three, five or six of the first clause of the preceding article.

This rule shall apply in case a person who has committed one of the offenses mentioned in Items one to three, five or six, is a habitual offender.

Article 113 - Those who come under any of the following heads shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen.

1. Those who have offered the advantages mentioned in the first and second items of the first section of Article 112 to a candidate or to a person, who contemplates becoming a candidate, for the purpose of dissuading him from candidacy; or to an elected person for the purpose of persuading him to decline the election.
2. Those who have acted as mentioned in the first item, of the first section of Article 112 for the purpose of compensating a candidate for having withdrawn his candidacy or becoming a candidate or a person elected for having declined election; or for having mediated or persuaded with the same objects.
3. Those who have received or demanded offers or entertainments under the two preceding sections or have accepted a proposal under the second section or have agreed to or sought persuasion under the first section.
4. Those who have acted to mediate between or persuade others in relation to the acts mentioned in the preceding sections.

An officer or official as mentioned in Article 8 in charge of matters pertaining to an election who has committed one of the crimes mentioned in the preceding clause in connection with the election in question is liable to confinement or penal servitude for not more than five years or to a fine of not more than 40,000 yen. The same rule shall apply to those police officers who have committed similar crimes in connection with the election in the Metropolis or prefecture concerned.

Article 114 - Any articles or benefits received in consequence of actions enumerated in the three preceding articles shall be confiscated; if confiscation in whole or in part is impossible, supplementary compensation shall be collected.

Article 115 - Those who fall under any of the following heads shall be liable to confinement or penal servitude for not more than four years or to pay a fine of not more than 30,000 yen:

1. Those who, in connection with an election, subject to an act of violence or to intimidation or abduct an elector, a candidate, a would-be candidate, a canvasser, or an elected person.
2. Those who obstruct freedom of movement, meetings or speeches or who by fraudulent or other unfair means obstruct the exercise of the right of election.
3. Those who, in connection with an election, take advantage of irrigation, tenancy, credit, contributions or other interests of an elector, candidate, would-be candidate, canvasser, or elected person: or of a shrine, temple, school, company, guild, or civic corporation in which such persons are interested, and threaten an elector, candidate, would-be candidate, canvasser, or elected person.

Article 116 - When in connection with an election a government or public entity, official or those mentioned in Article 8 have wilfully neglected to discharge their duty or have obstructed the exercise of the right of election by the abuse of their authority, tracing candidates or election canvassers, or intruding into their houses or election offices without any justifiable reason, they shall be liable to confinement for not more than four years.

A government or public entity official or those mentioned in Article 8 who requests an elector to reveal the name of the candidate for whom he intends to vote or has voted shall be sentenced to minor confinement for not more than six months or to pay a fine of not more than 3,000 yen.

Article 117 - When an officer or official as mentioned in Article 8, witness or overseer connected with the election has revealed the name of candidates voted for by electors, he shall be liable to minor confinement for not more than two years or to pay a fine of not more than 10,000 yen. The same penalties shall apply in cases of false representation of votes cast.

Article 118 - When, without any justifiable cause, any person has either at a polling-place or a counting-place, interfered with the voting of an elector or has put into practice any device to discover the name of a person voted for, he shall be liable to minor confinement for not more than one year, or to pay a fine of not more than 5,000 yen.

Any person who, contrary to law and regulations, has opened a ballot-box or has removed ballots therefrom shall be liable to minor confinement or penal servitude for not more than three years or to pay a fine of not more than 20,000 yen.

Article 119 - Whoever has committed violence against or threatened a voting overseer, counting overseer, chairman of election, witness, or election overseer, or has disturbed an election meeting, counting-place or voting-place, or has detained, damaged, or plundered ballots or ballot-boxes or election documents shall be liable to minor confinement or penal servitude for not more than four years.

Article 120 - Whoever has committed an offense mentioned in the first section of Article 115 or in the preceding article by assembling a crowd shall be liable to be penalized as follows:

1. The principal leaders shall be liable to confinement or penal servitude for not less than one year and not more than seven years.

2. The leaders shall be liable to confinement or penal servitude for not less than six months and not more than five years.
3. Whoever has knowingly joined such a crowd to add to its influence shall be liable to pay a fine of not more than 1,000 yen.

Whoever has knowingly formed a crowd or joined it in offense against any provision of the first section of Article 115 or against the preceding article and has disobeyed more than three times the orders of the officers or officials of the election dispersing the crowd, shall be liable to pay a fine of not more than 100 yen and the leader shall be liable to minor confinement for not more than two years.

Article 121 - When, in connection with an election, whoever uses a firearm, sword, dagger, bludgeon, or other weapon capable of causing death or injury, he shall be liable to minor confinement for not more than two years or to pay a fine of not more than 10,000 yen.

A police official may, whenever it is judged necessary, seize any of the weapons mentioned in the preceding clause.

Article 122 - Whoever enters a place of election meeting, counting-place carrying any of the weapons mentioned in the preceding article shall be liable to minor confinement for not more than three years or to a fine of not more than 20,000 yen.

Article 123 - In case any person has offended against the provisions mentioned in the two preceding articles, the weapons carried by him shall be confiscated.

Article 124 - Whoever, in connection with an election, makes a display, such as assembling a crowd, conducting a procession or parade, making use of fireworks, bonfires or torchlights, beating bells or drums or sounding conches or bugles or raising flags, etc., and disregards the warnings of police officials to stop, shall be liable to minor confinement for not more than six months or to a fine of not more than 3,000 yen.

Article 125 - Whoever, with the object of inducing other persons to commit any of the acts mentioned in Articles 112, 113, 115, 118-122, or the preceding article, incites them by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen. Provided that in case a newspaper or magazine is found guilty of such acts, the person registered as the editor or who has taken the place of an editor shall be liable to the foresaid punishment.

Article 126 - Whoever commits an offense under any of the following items by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than two years or to a fine of not more than 10,000 yen. In cases involving newspapers or magazines the proviso of the preceding article shall apply:

1. Whoever, with the object of being elected or causing a candidate to be elected has published false information about his rank, position, occupation, or career.
2. Whoever has published false information about a candidate with the object of preventing his election.

Article 127 - Any person, not an elector, who has voted shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen.

Any person who has voted by fraudulently assuming the name of another person or by other unfair means shall be liable to minor confinement for not more than two years or to a fine of not more than 10,000 yen.

Any person who has forged votes or manipulated votes to affect their number shall be liable to minor confinement or penal servitude for not more than three years or to a fine of not more than 20,000 yen.

In case any officer; official as mentioned in Article 8 witness, or scrutineer has offended against the preceding section, he shall be liable to minor confinement or penal servitude for not more than five years or to a fine of not more than 20,000 yen.

Article 128 - Should a witness fail to discharge any of the duties provided in the present law without any justifiable reason, he shall be liable to a fine of not more than 1,000 yen.

Article 129 - Any person who has offended against the provisions of Article 95, 96 and 98 or has disobeyed the orders made in accordance with the provisions of Article 94 is liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen.

Article 130 - Any person who has established election offices in excess of the number authorized in Article 90, or who has offended against the provisions of Article 91 or has established resting-places or places of like character, as described in Article 92, shall be liable to a fine of not more than 3,000 yen.

Article 131 - A person who has offended against the provisions of the first clause of Article 89, Article 99 or Article 101-4, 105, 106 or 109 shall be liable to minor confinement for not more than six months or to a fine of not more than 3,000 yen.

Article 132 - A person who has neglected to make reports or to give notices in accordance with the second section of Article 89 or the fourth or fifth clause of Article 101 shall be liable to a fine of not more than 1,000 yen.

Similar punishment shall be applied to a person who has offended against orders issued in accordance with the provisions of Article 100.

Article 133 - Delted.

Article 134 - A person who has paid out expenses of election contrary to Item three of Article 101 shall be liable to minor confinement for not more than one year or to a fine of not more than 5,000 yen.

Article 135 - Any person who commits an offense under any of the following heads shall be liable to minor confinement for not more than six months or to a fine of not more than 3,000 yen.

1. One who has neglected to prepare or keep the books provided for in Article 108-2, Para. 1 or has entered a false statement or false account in the books.
2. One who, contrary to the first section of Article 108-2, Para. 2, has failed to preserve books or documents.

3. One who has entered a false statement in the books or documents to be preserved under the first clause of Article 108-2, Para 2.

Article 136 - An election shall be invalid when, in connection therewith, a candidate has offended against the provisions of this chapter and been punished, or the person who controlled and managed election campaigns has been punished for offending against the provisions of Articles 112 or 113 except when the person elected has taken proper care in the selection and supervision of the person who controlled and managed the election campaigns, did not know the person as such, or the person in question, in spite of refusal by the elected, did control and manage the election campaign.

Article 137 - Any person who has been punished for offending against any of the provisions of this chapter, (except those of articles 130 and 132) shall be forbidden to exercise the right to vote and the right to be elected in an election to which the provisions of this Chapter apply mutatis mutandis, for a period of five years after the decision of the court, in case he was sentenced to pay a fine; or in case he was sentenced to confinement or more severe punishment, for the period from the time when the decision of the court was given until his term of punishment has expired, or until he has been exempted from execution of the sentence (except in case of a sentence extinguished by prescription) and another period of five years immediately following. This rule shall also apply for the period in case he was sentenced to confinement or more severe punishment, from the time when the decision of the court was given until the time when he is no longer liable to execution of any sentence.

In the case of a person who has been punished for an offense against any of the provisions of Article 112 or 113, or any offense to which these provisions are correspondingly applied, and who is again to be punished for an offense under Article 112 or 113, the term of five years mentioned in the preceding section shall be extended to ten years.

The court of law, in extenuating circumstances, may, while giving sentence to a person whose offense falls under the provisions of the first clause of the article, declare that the provisions of the same clause disqualifying him for voting or eligibility for five years shall not be applied, or that the term be reduced, or, in the case of a person whose offense falls under the provisions of the preceding clause, that the term of ten years provided for in the same clause be reduced.

Article 138 - For an offense punishable according to the third and fourth sections of Article 127 one year shall be considered as the term of prescription.

For an offense punishable according to the provisions of this chapter, other than those mentioned in the preceding section, six months shall be considered as the term of prescription, except when the offender has absconded, in which case one year shall be considered as the term.

Article 138-2 - When Voting-Overseers, Ballot-Counting Overseers or Chairmen of Election have come to lose their right to vote, they shall not remain in such positions.

Chapter XIII - Supplementary Rules

Article 139 - Election expenditures shall be fixed by Ordinance.

Article 140 - A candidate or the person who has recommended a candidate may send ten thousand (10,000) ordinary post cards for election campaign per candidate free of charge as provided by ordinance.

In accordance with ordinance, schools or other buildings which are designated by ordinance may be used for campaign speeches.

The caretaker of the buildings mentioned in the preceding section shall provide equipment necessary for meetings of speeches in accordance with ordinance.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall as provided for in Ordinance issue pamphlets in which names of candidates, their personal histories or other items are given.

The Commission for Overseeing the Election of Members of the Municipal Town, or Village Assemblies shall post up a notice of the names of the candidates in accordance with ordinance.

Article 141 - In lawsuits under the provisions of Article 16, 81 or 83, or the first section of Article 84, the example of civil cases shall be followed with the exceptions provided in this present law.

Article 141-2 - With regard to the lawsuits under the provisions of the second clause of Article 84 of the present law, the provision of the Code of Criminal Procedure on the private lawsuits shall be applicable, excepting the provisions of Items two, three, five to eight and ten to thirteen of Article 572, Article 574, 582, 588, 589, 591, 605-610 and 612, provided that "the Code of Civil Procedure" and "the Civil Department" shall read "the Code of Criminal Procedure" and "the Criminal Department" respectively.

A judgment invalidating an election, which has been passed for a suit brought under the provisions of the second clause of Article 84, shall not come into force, unless a sentence of guiltiness has been declared for the public action on the same case.

Article 141-3 - When a lawsuit has been instituted on an election, the court of law shall immediately sit in judgment notwithstanding the order of lawsuits on hand.

Article 142 - In respect of criminal cases enumerated in Chapter XII of the present law, the court of revision shall not be bound by the term provided in the first clause of Article 422 of the code of criminal procedure.

Article 143 - When, in connection with an election, an elected person has been punished for offenses enumerated in Chapter XII or the person who controlled and managed election campaigns has been punished for offending against the provisions of Article 112 or 113, the president of the court of law shall notify the Minister of Home Affairs and the Commission for Overseeing the Election of Members of the Metropolitan Assembly or Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies concerned through the governor of the Metropolis, District or Prefecture concerned.

Article 144 - In the application of the present law, a corporation of towns or villages which takes charge of the entire office of towns or villages or conducts affairs of the town or village, the Commission for Overseeing the Election of Members of the Corporation and Commissioners for the same

or the Commission for Overseeing the Election of Overseers of the Corporation or the Commissioners for the same, as the Commission for Overseeing the Election of Members of the Town or Village Assemblies or the Commissioners for the same and the corporation office as the town or village office.

The Commissions for Overseeing the Election of Town or Village Heads under Article 38 of the Town or Village System Regulations and the Commissioners for the same shall be regarded as the Commissions for Overseeing the Election of Members of Town or Village Assemblies or the Commissioners for the same in the application of this Law.

Article 145 - For the areas of wards of the Tokyo Metropolis and the cities enumerated in Article 6 and the first clause of Article 82 of the Law on Municipalities, the provisions concerning the cities, The Commission for Overseeing the Election of Members of the Municipal Assemblies and the Commissioners for the same and city offices in the present law are applied to wards, the Commissions for Overseeing the Election of Members of the Ward Assemblies and the Commissions for the same, or the Ward Commission for Overseeing the Election of Members of the Municipal Assemblies and the Commissions for the same and ward offices respectively. However, in applying the provisions of Article 12, the "persons who have been domiciled for more than six months without interruption in their respective localities" shall be understood as the persons who have been domiciled for more than six months without interruption in the area where the wards of the Tokyo Metropolis exist, or in the cities of the Metropolis, and who are domiciled in the wards on that day.

In a place where there is no town or village system, the provisions of the present Law relating to the Commission for Overseeing the Election of Members of Town or Village Assemblies, town or village heads, the town or village offices are applicable to the corresponding organizations, persons, and offices respectively.

Article 146 - When, in an island or other place where communications are very difficult, the provisions of the present law are hardly applicable, special provisions may be enacted by imperial ordinance.

Article 147 - Then the voting is conducted in accordance with Article 33, a person who takes charge of the voting is recognized as a voting overseer, the place where the votes are recorded as a polling-place and witnesses present at the voting as voting witnesses, and the provisions of Chapter XII shall be applied.

Article 148 - Deleted.

Article 149 - The provisions of Section 9, Article IV, Part II of criminal law, No. 36 of 1880 shall not be applied to the election of members of the House of Representatives.

Article 150 - The present law shall not be enforced for the time being in the islands of Ogasawara in Tokyo Metropolis or in the countries of Shumushu, Niichi, and Emu, under the Nemuro branch office in the Hokkaido.

# ORDINANCE CONCERNING PUBLICITY ON ELECTION EXPENSES

(Ministry of Home Affairs Ordinance No. 1)

January 9, 1947

Matters concerning the Publicity of the Expenditures of Election Campaigns and the Receipts in respect of Election Campaigns relating to the Elections of Members of the House of Representatives, Members of Local Assemblies, etc. shall, in pursuance of the Imperial Ordinance No. 542 of the twentieth year of Showa, Matters concerning the Ordinance issued in consequence of the Acceptance of the Potsdam Declarations, be provided as follows:

Minister of Home Affairs

ONURA Seiichi

## Ministerial Ordinance

Article 1. This Ministerial Ordinance shall be applied to those elections which are set up by the use of the electors' register for the Election of the Members of the House of Representatives,* and to the election of the Head of Chonaikai or Burakukai or Rengokai.

Article 2. The election campaign expenses contemplated in this ordinance shall mean the election campaign expenses of those elections described in the preceding Article and correspond to election campaign expenses prescribed in the Law for the election of the Members of the House of Representatives. The receipts pertaining to election campaigns contemplated in this Ordinance shall mean money or financial assets received for the purpose of allocating them to the expenses described in the preceding paragraph. In the estimation of the financial assets contemplated in the preceding paragraph, the example of the estimation of the financial assets pertaining to election campaign expenses prescribed in the Law for the Election of the Members of the House of Representatives shall be followed.

Article 3. The responsible disburser contemplated in this Ordinance, shall mean the responsible person concerning the disbursement of election campaign expenses in the Law for the Election of the Members of the House of Representatives or in provisions to which the latter law is applied mutatis mutandis (including any person who executes such function in his behalf) and the responsible person concerning the disbursement of election campaign expenses contemplated in paragraph 2.

A candidate or a recommender of candidate for the election of, member of town or village assembly, member of the association assembly of the town and village association of general business as well as the supervision of association of town and village association of general or village business, shall in accordance with the example of appointment and report of a responsible person in respect of the disbursement of election campaign expenses in the House of Representatives,

* This applies to all elections to be held in April, 1947.

appoint a responsible person in respect of the disbursement of election campaign expenses of such election and make a report thereof to the electoral administration committee which controls such elections. The same shall apply when a candidate or a recommender becomes himself the responsible disburser.

Article 4. The responsible disburser shall report election campaign expenses and receipts relating to election campaigns to the electoral administration committee which controls the said election according to the form prescribed in Annex Form No. 1.

Article 5. The principal officers of any party or other organization which recommends or supports a candidate shall report election campaign expenses and receipts relating to election campaigns to the electoral administration committee which controls the said election according to the form prescribed in Annex Form No. 2, provided that in the case of any organization which recommends or supports a candidate over the areas of two or more district, urban or rural prefectures, they shall report this fact to the Minister for Home Affairs through the members of the electoral administration committee of the metropolitan assembly of the metropolis, district or prefectures or the electoral administration committee for the election of the members of the metropolitan district or prefectural assembly and in the case of any organization which recommends or supports a candidate in the elections which pertain to two or more cities, wards, towns or villages, (including those which correspond to towns and villages) of one and the same district or urban or rural prefecture, they shall report this fact to the electoral administration committee for the election of the members of the metropolitan assembly of the metropolis, district or prefectures or the electoral administration committee for the election of the members of the metropolitan, district or prefectural assembly. The provisions of the preceding paragraph shall be applied mutatis mutandis to any branch of a party or organization which recommends or supports a candidate.

Article 6. The report as provided for in Article 4, which pertains to election campaign expenses and receipts prior to the date of elections prescribed under each of the following respective items shall be made within the respective time limits.

1. In respect to expenses and receipts prior to filing of candidacy within three days from the date of filing of candidacy (in the case of election contemplated in Article 3, paragraph 2, two days).

2. Excluding the election contemplated in Article 3, paragraph 2, in respect to expenses and receipts subsequent to the filing of candidacy, for those from the day of the filing of candidacy up to the eleventh day before the date of election within three days and for those from the tenth day before the election to the fourth day before the election within two days from that day.

3. In respect to expenses and receipts subsequent to the filing of candidacy in the election contemplated in Article 3, paragraph 2 for those from the day of the filing of candidacy up to the third day before the election within two days from that day.

Any report which is made in accordance with the provisions of the preceding Article in respect of election campaign expenses or election campaign receipts prior to the date of election and which relates to expenses and receipts before the date of the promulgation or announcement of the date of election, shall be made within ten days (in the election contemplated in Article 2, paragraph 3, within five days) from the day on which the date of the election is promulgated or announced, and in the case of expenses and receipts after the date of the promulgation or announcement of the date of election they shall be calculated every ten days (in the election contemplated in Article 2, paragraph 3, within five days) within such period and reported within five days (in the election contemplated in Article 2, paragraph 3, two days) counting from that day. Provided, however, that report relating to expenses and receipts in the final period may be substituted for by the report mentioned in paragraph 3.

In regard to any report made in accordance with the provisions of the preceding two Articles and which pertain to those expenses of election campaigns and incomes of election campaigns which occur after the date of the election, they shall be calculated together with expenses and incomes which occurred prior to the date of election and shall be reported within fifteen days from the date of the election.

Article 7. In regard to those elections prescribed in Article 93-13, paragraph 1 of the Law for the Organization of Tokyo Metropolis, Article 74-13, paragraph 1 of the Law for the Organization of District and Urban or Rural Prefectures, Article 73-9, paragraph 1 of the Law for the Organization of Cities, or Article 61-8, paragraph 1 of the Law for the Organization of Towns and Villages (including those provisions to which the above provisions are applied mutatis mutandis) or of Article 78-10, paragraph 1 of the Ordinance for the Enforcement of the Law for the Organization of Tokyo Metropolis, the report contemplated in Article 4 shall be made, notwithstanding the provisions of paragraphs 1 and 3 of the preceding Article in respect of election campaign expenses and receipts which occurred prior to the date of election and which come under the expenses and receipts which occurred prior to the date of announcement in accordance with Article 93-13, paragraph 2 of the Law for the Organization of Tokyo Metropolis, Article 74-13, paragraph 2 of the Law for the Organization of District and Urban or Rural Prefectures, Article 73-9, paragraph 2 of the Law for the Organization of Cities or in Article 61-8, paragraph 2 of the Law for the Organization of Towns and Villages or Article 78-10, paragraph 1 of the Ordinance for the Enforcement of the Law for the Organization of Tokyo Metropolis, and in respect to expenses and receipts which occurred subsequent to the date of announcement in accordance with these provisions and from the day following the date of announcement up to three days prior to the date of election (in the election prescribed in Article 61, paragraph 1 of the Law for the Organization of Towns and Villages, two days) shall be made on the day following that day (in election prescribed in Article 61, paragraph 1 of the Towns and Village Laws, on the following day) and for those which occur after

that time up to the date of election, these shall be calculated together with those expenses or incomes which occurred subsequent to the election date as well as those which occurred prior to the same and shall be made within 15 days from the date of election.

In regard to the report prescribed in Article 5, the election campaign expenses and incomes of the election contemplated in the preceding paragraph shall be deemed to be the election campaign expenses and incomes which occurred after the date of election of the Governor of Tokyo Metropolis, Prefectural Governor, Mayor of city, town or village, Supervisor of association and the Chief of Ward of Tokyo Metropolis, which made such elections necessary and the provisions of paragraph 3 of the same Article shall be applied, provided that, such report shall be made within fifteen days from the date of elections contemplated in the preceding paragraph.

Article 8. In case two or more elections are to be held and it is difficult to differentiate the election campaign expenses and the election campaign receipts, the report mentioned in Article 5 shall be made by combining such expenses and receipts in accordance with the example of Article 6, paragraphs 2 and 3 and paragraph 2 of the preceding Article, provided that in this report the period of elections shall be deemed to be between the first date of promulgation or announcement of date of election and the date of the final election.

Article 9. In the case of a election of Blockhead of Town or Village or Federation thereof (Chonaikai, Burakukai or Rengokai) notwithstanding the provisions of Article 3 to preceding Article inclusive, any person who has disbursed any election campaign expenses shall report the election campaign expenses and receipts within two days from the date of election to the person who has supervised the business pertaining to such election in accordance with the form prescribed in Annex No. 3.

Article 10. On receipt of the report prescribed in the 4 preceding Articles the Minister for Home affairs, Electoral Administration Committee for the Election of the members of the Metropolitan Assembly, the Electoral Administration Committee for the Election of the members of the Prefectural Assembly, the Electoral Administration Committee for the Election of the Members of the City, Ward, Town or Village Assembly or any other Electoral Administration Committee which correspond thereto or any person who has supervised the business of election as described in the preceding Articles shall immediately make a public announcement of the main outline of the report in their respective competent districts.

Article 11. The documents pertaining to the report mentioned in Article 4 to Article 9 inclusive shall be preserved in custody of the Minister for Home Affairs, Electoral Administration Committee for the Election of the Members of the Metropolitan Assembly, the Electoral Administration Committee for the Election of the Members of the Prefectural Assembly, the Electoral Administration Committee for the Election of the Members of City, Ward, Town or Village

Assembly, or any other Electoral Administration Committee which correspond thereto or any person who has supervised the business of election as from the day in which such report was filed up to the date of the next election of the members or the date of the election of the Governor of Tokyo Metropolis, Prefectural Governor, Mayor of city, town or village, Supervisor of town or village association of general or village business, Head of Ward of Tokyo Metropolis, Blockhead of Town or Village or Federation thereof.

Any person shall be entitled to demand the inspection of the report prescribed in the preceding paragraph within the period prescribed in the preceding paragraph.

Article 12. Any person who neglects to make a report or makes a false report which is prescribed in Article 4, Article 5 or Article 9 shall be subject to imprisonment not exceeding six months or to a fine not exceeding 3,000 yen.

Supplementary Rule:

This Ordinance shall be enforced as from the next election.

(NOTE: In general the above law provides for the following chronology in reporting election expenses and receipts of individual candidates:

| Date of Expense or Receipt | Date of Filing |
|---|---|
| Prior to filing candidacy | Within 3 days of filing candidacy |
| Day of filing to 11th day before election | By 8th Day before election |
| 10th day before election to 4th day before election | By 2nd day before election |
| Total Expenditures and Receipts | Within 15 days after election |

In respect to expenses and receipts of parties, the law provides that a report on receipts and expenses prior to the announcement of an election shall be made within ten days of that announcement and that further reports shall cover successive ten day periods and shall be made within five days of the end of any such period. A final report is due within 15 days after an election. In all instances, reports of expenses and receipts should be made public by election administration committees shortly after receipt.)

Annex Form No. 1

Report of Estimate of Incomes and Disbursements of Election Campaign Expenses

Name of Election (Electoral District)

Name of Candidate

A report concerning Incomes and Disbursements pertaining to Election Campaign in accordance with the provisions of Home Ministry Ordinance No. 1, Article 4, of 1947 is submitted as follows.

Date_____

Responsible Disburser_____(Name) Seal

To Chairman of Election Administration Committee



| 1. Section of Incomes | From<br>To | | (or prior to filing of candidacy or after date of election) |
|---|---|---|---|
| Date | Amount | Kind of Incomes | From where disbursed |
| | | | Address / Name or Name of Organization |
| | | | |
| | | | |
| Total | | | |
| Grand Total | | | |

2. Section of Disbursement From
To
(or prior to filing of candidacy or after date of election

| Date | Amount | | Outline of Use | Name of Disburser |
|---|---|---|---|---|
| | Money Disbursement | Other than money | | |
| | | | | |
| | | | | |
| | | | | |
| Total | | | | |
| Grand Total | | | | |

Note:

1. In the Section of Incomes, for those exceeding 100 yen enter separately and for those not exceeding 100 yen enter the total sum showing kinds of incomes.

2. In the column for kinds of incomes, distinctions of donations, loans etc. shall be entered.

2. Section of Disbursement From (Prior to promulgation or announcement of date of election or after date of election

| Date | Amount | | Outline of Use |
|---|---|---|---|
| | Money Disbursement | Other than Money | |
| | | | |
| | | | |
| | | | |
| Total | | | |
| Grand Total | | | |

Note:

1. In the Section of Incomes for those exceeding 100 yen enter separately and for those not exceeding 100 yen enter the total sum showing kinds of incomes.

2. In the column of kinds of incomes, subscription fees, donations, loans, enterprise incomes etc. are to be entered in detail.

# LAW CONCERNING SPECIAL REGISTRATION PRIOR TO ELECTION

## Law for Exceptions to Article 12 of the House of Representatives Election Law (Law No. 2 of 1947)

Article 1. When an election is held using the Electors' Register for the election of Members of the House of Representatives in accordance with the provisions of Article 1 of Law No. 30, 1946 (Exception to the Electors' Register for the Election of Members of the House of Representatives)* and there is any person who is not registered in the Electors Register for the members of the House of Representatives but who possesses the right to vote at the election of the Members of the House of Representatives, the Electoral Administration Committee for the election of the Members of the city, ward, town or village assembly or any agency concerned with the making of the register, shall, in accordance with the application of the person concerned, temporarily make an Elector's register for the Election of the Members of the House of Representatives which will have such person or persons registered therein.

Any repatriate who resides within the area of a city, ward, town or village, (including any corresponding organization, hereinafter the same) may be registered in the electors' register mentioned in the preceding paragraph even if such person has not resided continually for over six months thereat.

The electors' register mentioned in paragraph 1 shall be valid for the period of validity of the basic electors' register.

The provisions of Article 1 shall not apply to the election contemplated under the provisions of Article 93-(13) paragraph 1 of the Law for the Organization of Tokyo Metropolis, Article 74-(13), paragraph 1 of the Law for the Organization of District and Urban or Rural Prefectures, Article 73-(9), paragraph 1 of the Law for the Orranization of Cities, Article 61-(8), aragraph 1 and Article 136 of the Law for the Organization of Towns and Villages and Article 78-(10) paragraph 1 of the Imperial Ordinance for the Enforcement of the Law for the Organization of Tokyo Metropolis.**

With the exception of those provided for under three preceding paragraphs, necessary matters in the case contemplated in paragraph 1 shall be determined by Ordinance.

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* This includes all Elections to be held in April, 1947. However, see footnote below.

** This would apply to the run-off elections for chief executives, which will be held on April 15 in those entities in which no candidate received 37½ percent of the votes in the April 5 elections.

Article 2. In regard to the application of the provisions of Article 16 - (11), paragraph 1 of the law for the Organization of Tokyo Metropolis, Article 20 - (2), paragraph 1 of the Law for the Organization of Cities, Article 17 - (2) paragraph 1 of the Law for the Organization of Towns and Villages, in the case of an election of a head of a local government or of the members of the assembly thereof by the use of the electors' register for the election of the members of the House of Representatives which contains the registration of those persons mentioned in paragraph 2 of the preceding Article, that part concerning those persons who possess the right to vote at the election of members of the assembly of a local government at the date of the making of the electors' register (to be called the relevant part of the Electors' Register for the election of the Members of House of Representatives) shall be regarded as the Electors' Register for the election of the Members of the House of Representatives.

Necessary provisions concerning the relevant part of the Electors' Register for the election of the House of Representatives shall be provided for by Ordinance.

Article 3. When there is any person who has the right to vote at the election of the members of the assembly of a local government, and who is not registered in the relevant part of the Electors' Register for the election of the Members of the House of Representatives or in the Supplementary Electors' Register in the case of an election held by the use of the Supplementary Electors' Register in accordance with the provisions of Article 3 of Law No. 30 of 1946, the Electoral Administration committee for the election of members of city, ward, town or village assembly or any other agency concerned with the making of Electors' Register shall, in accordance with the application of the person concerned, temporarily make a Supplementary Electors' Register with such person registered therein.

The provisions of Article 1, paragraphs 3 to 5 inclusive shall apply with necessary modification to the case described in the preceding paragraph. Supplementary Provisions:

The present Law shall come into force as from the day of its promulgation.

Law No. 84 of 1938 is hereby abrogated, provided that in respect of any Electors' Register for the election of the Members of the House of Representatives of Supplementary Electors' Register as provided for in the same Law which is valid or which is in the process of making at the time of the enforcement of this Law and in respect of any member of an assembly of a local government who having lost his office due to being called up but who has been discharged during the period of the remainder of his term of office, the same Law shall continue to apply.

Law No. 42 of 1945 (Law concerning the partial amendment of the Law for the Election of the Members of the House of Representatives) shall be amended as follows:

Paragraph 2 of the Supplementary Provisions shall be deleted.

(NOTE: The net effect of this law is to provide for special registration, prior to the April elections, of all individuals newly eligible for voting, and to provide for the waiver of the normal six months residence requirement in the case of repatriates desiring to vote in the Diet elections.

It should be noted that six months residence is still required of all individuals desiring to vote in local elections. The Enforcement Ordinance for this law provides that, for all elections, registration will be held from March 18 to 24 and that registration lists will be open for inspection and complaint from March 29 to 31. March 23 is the day set to be used in determining age, residence, etc.

# LAW CONCERNING LIMITATION ON USE OF POSTERS

(Law for Exceptions concerning Writings, Drawings and Others for Election Campaigns)

Article 1. With the purpose of making the elections which are to be held under the present extremely straitened economic circumstances resulting from the shortage of paper and other materials, most legitimate and fair ones, this law shall be applicable to the distribution or notification of writings, drawings and others intended for election campaigns in the 1947 elections of members of the House of Representatives, House of Councillors and local assemblies as well as the heads of local public entities.

Article 2. No writings or drawings shall be distributed primarily for election campaigns, except free post cards provided for by the following items:

1. Twenty thousand (20,000) post cards per candidate for members of the House of Representatives or for members of the House of Councillors to be elected from the prefectural constituency.

2. Thirty thousand (30,000) post cards per candidate for members of the House of Councillors to be elected from the national constituency.

3. Ten thousand (10,000) post cards per candidate for heads of the Metropolis, prefectures or Hokkaido.

The free post cards provided for by each item of the preceding paragraph shall be approved and sealed by a post office which is designated by an Election Control Commission which is responsible for the control of the election, except the numbers of post cards as provided for by other laws. (As regards candidates for members of the House of Councillors to be elected from the national constituency, seals shall be set by the election Control Commission for Members to be elected from the National Constituency or by an Election Control Commission of the Metropolis, a prefecture or Hokkaido as approved according to their application.)

Article 3. It shall be regarded as the distribution mentioned in the preceding Article to circulate among many people a circular and other writings, drawings, sign-boards (including placards) which are intended for an election campaign.

Article 4. No writings or drawings for election campaigns shall be put up for public notice, except those which correspond to any of the following items:

1. Election posters authorized under this law.

2. Posters, notice-boards, lanterns, a sign-board and others to be used at the place of a campaign meeting.

3. Posters, notice-boards, lanterns, a sign-board and others to be used at the site of an election office for its indication.

The use of the posters provided for in Item 1 of the preceding paragraph shall not be permitted in the elections of members of town and village councils and others corresponding thereto, and the heads of towns and villages.

Article 5. The elction posters authorized under this law shall not exceed the numbers provided for in the following items:

1. One thousand (1,000) sheets per candidate as regards the election of members of the House of Representatives and the House of Councillors as well as the heads of the metropolis, prefectures, Hokkaido and those cities as are provided for in Article 6 and Article 82, paragraph 1, of the Law concerning the organization of cities.

2. Three hundred (300) sheets per candidate as regards the election of members of the assemblies of the metropolis, prefectures, Hokkaido and the cities (including the wards of Tokyo Metropolis) as well as the heads of the cities other than those provided for in Article 6 and Article 82, paragraph 1 of the Law for the Organization of Citics (including the words of Tokyo Metropolis).

As regards candidates for members of the House of Councillors to be elected from the national constituency, the number of posters shall be limited to ten thousand (10,000) sheets per person, and the use thereof shall not exceed one thousand (1,000) sheets in the metropolis, a prefecture or Hokkaido.

The posters in the preceding two paragraphs must be approved and sealed by an Election Control Commission which is responsible for the control of the election. (As regards candidates for members of the House of Councillors to be elected from the national constituency, seals shall be set by the Election Control Commission for Members to be Elected from the National Constituency or by an Election Control Commission of the metropolis, a prefecture or Hokkaido as approved according to their application.)

Posters used by any person other than candidates on behalf of a candidate, shall be included within the number provided in each item of paragraph I.

Article 6. The election posters authorized under this law shall not be larger than the tabloid form (41 centimetres long by 28 wide).

Article 7. Any person who wants to put up election posters authorized under this law shall write his name and address on their surface.

Article 8. Any person, when he puts up election posters authorized under this law, shall be subject to the restriction of the following items.

1. Not more than one poster shall be put up on one structure for one candidate.

2. No posters shall be put up on any objects which are owned or controlled by the Government or local public entities.

3. No posters shall be put up within polling places on the date of election.

4. Without the consent of the owner or custodian, no poster shall be put up on any structure belonging to another person.

5. No poster shall be printed in more than two colors.

Article 9. During the term of an election campaign, it shall be prohibited to distribute or put up, as an act to evade bans in Articles 2 and 4, any writing or drawing which, under the name of an advertisement for a book or performance or of any other things, exhibits chiefly the name of a candidate, a political association which recommends him or any other organization.

Any writing or drawing, which was put up before the term of an election campaign begins, shall be removed or ordered removed, when it is considered to fall within the purview of the preceding paragraph by the Election Control Commission of the metropolis, a prefecture or Hokkaido.

Article 10. A candidate or the representative for a political association may give an advertisement concerning election in any one newspaper, for once only, in the size as fixed by each Election Control Commission of the metropolis, a prefecture or Hokkaido.

The newspaper printing such advertisement may be distributed, despite the provisions of Article 2, by newssellers in an ordinary way.

Article 11. A candidate for member of the House of Councillors to be elected from the national constituency may speak over the radio on election matters for three times at no expense to himself as provided for by the Election Control Commission for Members of the House of Councillors to be elected from the National Constituency.

The expense for the preceding paragraph shall be defrayed by the National Treasury.

Article 12. The bulletins on election, election posters, free post cards and newspaper advertisements authorized under this law shall contain such matters in connection with his candidacy that each candidate may desire.

Article 13. In case a report was not made of the candidacy or recommendation, or the candidacy was given up after making such report, a person who had obtained some paper for an election campaign through the modiation of the Home Ministry, the Metropolis, a prefecture or Hokkaido, must return all of the paper to the Home Minister or the Metropolis, prefecture or Hokkaido after the expiration of the term of report on candidacy or recommendation.

Article 14. When any person distributes or puts up a writing or drawing in violation of Article 2, 4 to 6 inclusive and 9, he shall be sentenced to a fine not exceeding five thousand (5,000) yen.

When any successful candidate has violated the preceding paragraph, he shall be sentenced to a fine not exceeding fifty thousand (50,000) Yen.

Article 15. When any person puts up a writing or drawing in violation of Articles 7 and 8, he shall be sentenced to a fine not exceeding three thousand (3,000) yen.

When a successful candidate has violated the preceding paragraph, he shall be sentenced to a fine not exceeding thirty thousand (30,000) yen.

Article 16. The crimes of Article 14 and 15 shall be prescribed in six (6) months.

However, when the offender runs away, the period of prescription shall be extended to one (1) year.

## Supplementary Provisions

This law shall be put into force on the date of promulgation.

Regarding the Regulations for the Control of Election Campaigns for Members of the House of Representatives, the Regulations for the Control of Election Campaigns for Members of the House of Councillors, and the Regulations for the Control of Election Campaigns for Members of Local Assemblies, and the like, those provisions which do not agree with this law shall suspend their force from the date of enforcement of this law until December 31st, 1947.

EXCERPTS FROM ORDINANCE CONCERNING ABSENTEE VOTING

(From Amended Enforcement Ordinance #467 (1946) for City, Town, or Village Laws)

Article 22. The circumstances mentioned in Article 25-4 of the Law for the Organization of Cities and Article 22-4 of the Law for the Organization of Towns and Villages are as follows:

1. When the crew of a Japanese vessel (including those registered at ports outside of Japan) with the exception of vessels with gross tonnages of less than 20 tons which navigate on rivers, lakes, and bays only, or lighters and other vessels operated with oars, or operated principally by oar, are on duty on board the vessels.

2. When the crew of Japanese vessels which exceed five gross tons, excepting those mentioned in the preceding paragraph, or the persons habitually employed on such vessels, are on duty on board these vessels.

3. When Railway employees, mail clerks and other persons, who are habitually employed on railway trains, are on duty on railway trains.

4. When persons engaged in handling election affairs, surveillance of voting places, supervision of election, or in any other occupation dealing with elections are on duty in areas outside of their own voting districts.

5. When persons who are habitually engaged in work or duties for more than ten consecutive days outside the Gun or Shi of their voting districts are(in case the voting district is under the jurisdiction of the branch office chief, the voting district under the jurisdiction of the branch office chief) on duty outside of the Gun or Shi of their voting districts.

The Gun mentioned in item 5 of the preceding paragraph is the district which was formerly under the jurisdiction of the chief of a Gun.

Article 23. In case a voter by reason of the circumstances falling under paragraph 1 of the preceding Article, is unable to vote by going to the polling station, he can apply to the superintendent of election or the superintendent of the polling station for a ballot envelope and paper by giving proof of his circumstances within the period specified below.

1. A person who falls under the circumstances mentioned in items 1 and 5 of the preceding article, may apply from the day of promulgation until the day before the election day.

2. A person who falls under the circumstances mentioned in items 2 - 4 of the preceding article may apply from ten days before the election day until the day before the election. However, this stipulation shall not hold true before the date of election is announced.

Any voter wishing to vote by means of braille must submit an application mentioned in the preceding paragraph along with informing the election chief and the chief of the polling station of his circumstance.

Article 24. In case a voter makes an application as stipulated under the preceding article, he shall simultaneously present a certificate which concerns the matters requiring proof and which is issued by one of the following persons:

1. In case of a seaman falling under the circumstances mentioned in Article 22 paragraph 1, item 1, it shall be the government office having jurisdiction over the sea area (or any office with similar authority). In cases of the Captain (or a person performing the duties of a captain, the same holds true for cases hereunder), it shall be the heads of their respective government offices or their business enterprises.

2. For persons covered in the circumstance mentioned in Article 22, paragraph 1, item 2, it shall be the heads of the respective government offices or their business enterprises.

3. In the case of Railway employees covered by the circumstance mentioned in Article 22 paragraph 1, item 3, it shall be the chiefs of the respective conductors section, locomotive depot, or the tram depot; (in case of local railway employees, the corresponding chiefs as mentioned above). In the case of mail clerks, it shall be the postmasters of respective post offices. In the case of all other persons, it shall be the heads of respective government offices and business enterprises.

4. In the case of a person covered by the circumstance mentioned in Article 22, paragraph 1, item 4, it shall be the heads of the respective government or public offices.

5. For person covered by the circumstances mentioned in Article 22, paragraph 1, item 5; it shall be the chiefs of the respective government and public offices, the presiding officer of a House of the Diet, or the head of the business enterprise..

A person, who is to issue certificates as provided for in the preceding paragraphs must upon receipt of an application for such a certificate, immediately issue the same if he considers the case as falling within the purview of this law.

In case a voter cannot present a proper reason as specified in paragraph 1, he must give an explanation thereof to the superintendent of election or to the superintendent of the counting of votes.

## CIRCULAR REQUIRING RESIGNATION OF GOVERNORS DESIRING TO RUN AS CANDIDATES

(Circular by Vice Minister of Home Affairs.)

Notification has already been given concerning the attitude of the Prefectural Governors and other Government officials who are to be candidates in the forthcoming various elections.

In the case, however, of the Prefectural Governors in active service who will choose to run for governorship, it is desired, from the viewpoint of the importance of their positions as well as for the purpose of fairly conducting the election, that their decision to run for a governor or not be made promptly, so that the retirement of such Governors as are candidates may be gazetted at latest on the 15th of this month. The resignations will be rendered, in advance, by a special courier, to the Vice Minister of Home Affairs.

It may be added that the desire for candidacy should not be expressed later than the 15th, except in such a special case as of the death of a candidate already filed.