DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

4. A vote on which the name of a person who is not eligible has been entered.

5. A vote on which other matters in addition to the name of a candidate have been entered. But the profession, social status, address or a title of honour of the candidate may be written or.

6. A vote on which the name of a candidate has not been written by the voter himself.

7. A vote by which it is impossible to ascertain the name of the candidate entered.

8. A vote on which the name of a person who is a member of the House of Councillors has been entered.

The provisions of the item numbered 8 in the preceeding paragraph shall apply to the election held in accordance with the provisions of Article 62 or Article 63 or Article 71.

The provisor of the item numbered 8 in the preceeding paragraph shall apply, in the case of a regular election also, to a vote on which the name of a member of the House of Councillors who is either a member from the prefectural constituency or a member from the national constituency, with a longer term of office, has been entered.

Article 35. The Ballot-Counting Overseer shall keep minutes of the ballot-counting, in which shall be recorded all matters relating to the ballot-counting, and affix his signature thereto together with Ballot-Counting Witnesses.

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDC # 773 012

Article 36. Ballots shall be sorted into lots that are valid and those that are invalid and shall be preserved, together with the minutes of the voting and the minutes of the ballot-counting, by the Commissions for Overseeing the Election of the Municipal, Town and Village Assemblies during the term of office of the Members elected.

Article 37. The provision of the principal sentence of Article 26 shall apply mutatis mutandis to the counting of ballots.

Article 38. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the counting of ballots in the election of Members of the House of Councillors shall conform to the counting of ballots in the election of Members of the House of Representatives.

Chapter VI

Election Meeting and Election Sub-Meeting

Section 1. Election Meeting for Members from the prefectural constituency

Article 39. The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies from among those who have the right to vote in the election of Members of the House of Councillors.

The Chairman of Election ~~District~~ shall take charge of affairs pertaining to election meeting.

Article 40.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

Article 45. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the election meeting in the election of members of the House of Councillors shall conform to the election meeting in the election of members of the House of Representatives.

Section II. Election Sub-Meeting and Election Meeting for Members from the national constituency.

Sub-section I. Election Sub-Meeting

Article 46. The election sub-meeting shall be held at the Metropolitan, District or Prefectural Office or a place designated by the Chairman of the Election Sub-Meeting.

Article 47. As soon as the examination in accordance with the provisions of Article 42, which are applied mutatis mutandis in Article 48, has been finished, the Chairman of the Election Sub-Meeting shall submit a report of the result to the Chairman of Election, together with a copy of the minutes of the election.

Article 48. In addition to the provisions of the preceding two Articles, the provisions of the preceding Section shall be applied mutatis mutandis to the election sub-meeting.

Sub-section II. Election Meeting

Article 49. The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of Members from the national constituency from among those who have the right to vote in the election of members of the House of Councillors.

The Chairman of Election shall take charge of

affairs

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

affairs pertaining to election meeting.

Article 50. The election meeting shall be held at a place designated by the Chairman of Election.

Article 51. The Chairman of Election shall hold an election meeting on the day when the report provided for in Article 47 is received from every Chairman of the Election Sub-Meeting or on the following day and examine such reports in the presence of Election Witnesses.

In case a part of an election has become invalid and a new election has been held, the Chairman of Election shall, upon receipt of the report provided for in Article 47, examine such report anew, together with the report concerning the other part of the election in accordance with provisions of the preceding paragraph.

Article 52. The Chairman of Election shall make minutes of the election, in which shall be recorded all matters relating to the election meeting, and affix his signature thereto together with Election Witnesses.

The minutes of the election shall be preserved, together with documents concerning the report provided for in Article 47, by the Commission for Overseeing the Election of Members from the national constituency during the term of office of the Members elected.

Article 53. The provisions of Articles 41, 44 and 45 shall apply mutatis mutandis to the election meeting.

Chapter VII

Candidates and Persons Elected

Section I. Candidates for and Persons Elected as Members from the prefectural constituency.

Article 54.

DECLASSIFIED E.O. 14,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

Article 54. (on which) A person who desires to become a candidate shall so notify the Chairmen of Election between the day ~~the day~~ the date for election is proclaimed or given public notice and the twntieth (20th) day preceding the date for election.

When a person whose name is registered in the electoral list desires to name another person as a candidate, he may notify his recommendation with the consent of the person recommended during the period stipulated in the preceding paragraph.

In case the number of candidates notified during the period stipulated in the preceding two paragraphs exceeds the number of members to be elected, and any of the candidates dies or withdraws his candidacy after the period has expired, notification of candidacy or recommendation of a candidate may be made in conformity with the preceding two paragraphs up to the tenth (10th) day preceding the date for election.

A person who has become a candidate in one electoral district shall not notify his candidacy or approve the notification recommending him as a candidate in another electoral district.

A person who has become a candidate for a Member from the national constituency shall not notify his candidacy, or approve the notification recommending him as a candidate, for a Member from the prefectural constituency.

A candidate shall not withdraw his candidacy without having notified the Chairman of Election.

Upon receipt of the notification provided for in paragraph 1 to 3 and the preceding paragraph or information of the death of a candidate, the Chairman of Election shall immediately give public notice of the fact.

Article 55.

DECLASSIFIED E.O. 14,652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

Article 55. A person who desires to notify his candidacy or who desires to notify recommendation of a candidate shall deposit five thousand (5.000) yen in cash or national loan bonds of the same face value for each candidate.

The deposit provided for in the preceding paragraph shall belong to the national treasury in case the total number of votes for a candidate for whom the deposit has been made does not reach one-tenth of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election.

The provision of the preceding paragraph shall apply mutatis mutandis in cases where a candidate has withdrawn his candidacy within ten (10) days before the date for election, unless such withdrawal is due to loss of elegibility.

Article 56. The candidate who has obtained the greatest number of valid votes shall be declared elected; provided, however, that the number of votes obtained shall be one-fourth or more of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election.

In case the elections for the Members of the different terms of office are combined, the candidates who obtained the necessary votes under the proviso of Paragraph I shall be determined in the order of the number of their respective votes as the elected, starting from the members with a longer term of office.

If there are persons who have obtained the same number of votes, the Chairman of Election shall determine the person elected by drawing lots at an election meeting

In

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 012

In cases where the person elected can be determined without holding a new election in consequence of the litigation provided for in Article 73, such a person shall be determined at an election meeting.

When a person elected has declined election or has been dead, or when his election has become invalid in accordance with the provisions of Article 57, an election meeting shall be held immediately to determine the person elected from among those who have obtained such number of votes as mentioned in the proviso of paragraph 1 but have not been elected.

When any of the causes mentioned in Article 62, paragraph 1, items numbered 5 and 6, has occurred during the period stipulated in Article 61 and there are persons who have obtained such number of votes as mentioned in the proviso of paragraph 1, or when such a cause has occurred after the expiration of that period and there are persons who have obtained votes and to whom the provisions of paragraph 3 are applicable, an election meeting shall be held to determine the person elected from among the above-mentioned persons.

The provisions of paragraph 2 shall apply mutatis mutandis in cases where the causes mentioned in the preceding three paragraphs have occurred simultaneously or consecutively with regard to the persons elected in the combined election of members with different terms of office.

In any of the cases mentioned in paragraphs 4 to 6, when a person who has obtained such number of votes as mentioned in the proviso of paragraph 1 but has not been elected, becomes ineligible for election after the date of the election, he shall not be determined as the person elected.

Article 57.

DECLASSIFIED E.O. 12(65)2 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

Article 57. When the person elected becomes ineligible for election after the date of the election, he shall forfeit election.

Article 58. In case the ~~member~~ number of candidates notified in accordance with the provisions of Article 54, paragraphs 1 to 3, does not exceed the number of members to be returned in the election, there shall be no election in the electoral district concerned.

When there is no voting in accordance with the provisions of the preceding paragraph, the Chairman of Election shall so notify the Voting Overseer immediately and at the same time give public notice of the fact and also report it to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned.

Upon receipt of the report mentioned in the preceding paragraph, the Voting Overseer shall immediately give public notice thereof.

In the case mentioned in paragraph 1, the Chairman of Election shall hold an election meeting within five (5) days from the date of the election and determine the candidates as elected.

In case there is a combined election for the Members with the different terms of office and the provision of paragraph 1 is applicable, the candidates shall be determined by lot as the elected for the members with a longer term of office.

In the cases mentioned in the preceding two paragraphs, it shall be decided by the Chairman of Election, after consultation with Election Witnesses, whether or not the candidates are eligible for election.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

Article 59. When the person elected has been determined, the Chairman of Election shall immediately notify him of his election and at the same time give public notice of his name and also report his name, the number of votes he has obtained, the total number of valid votes in the election and other matters of the election to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned.

When there is no person elected or the number of the persons elected does not reach the number of members to be returned in the election the Chairman of Election shall immediately give public notice of the fact and also report it to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned.

Article 60. Upon receipt of notification of election, the person elected shall notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned whether or not he accepts election.

Article 61. When a person elected has failed to notify his acceptance of election within ten (10) days from the day he received notification of election, he shall be considered to have declined election.

Article 62.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 012

at least not later than

Article 62.

When, in an election of members with the same term of office, any of the cases mentioned in the following number items has occured, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall cause a new election to be held by fixing a date and giving public notice thereof ~~not less than~~ thirty (30) days preceding it, unless the person elected can be determined without holding a new election; provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the following or in accordance with the provisions of Article 71;

1. When there is no person elected or the number of persons elected does not reach the number of members to be returned in the election.

2. When the person elected has declined election or has been dead.

3. When the person elected has forfeited election in accordance with the provisions of Article 57.

4. When, in consequence of the litigation provided for in Article 73, there has ceased to exist a person elected or the number of persons elected has ceased to reach the number of members to be returned in the election.

5. When the election of a person has become invalid because of the fact that a person who has superintended the election campaign of the person elected has been sentenced to a punishment on account of a crime related to election.

6. When the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 773 012

The election provided for in the preceding paragraph shall not be held during the period allowed for filing the litigation provided for in Article 73. The same shall apply in cases where such a litigation has been filed and is still pending.

The date of ~~same~~ later election mentioned in paragraph 1 shall not be ~~more~~ than thirty-five (35) days after the date of expiration of the period alloved for filing the litigation provided for in Article 73, or the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Member of the District or Prefectural Assembly concerned has received the notification provided for in Article 75, when the litigation provided for in Article 73 is filed.

When any of the cases mentioned in the numbered items of paragraph 1 has occurred within six (6) months preceding the end of the term of office of members, the election provided for in paragraph 1 shall not be held.

Article 63. When the person elected has accepted election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately furnish him with a certificate of election and give public notice of his name and report it to the Minister of Home Affairs through the Governor of the Metropolis, District or Prefecture concerned.

Article 64. When the election in an electoral district or the election of a person has become invalid in consequence of the litigation provided for in Chapter IX or when the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately give public notice of

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 773 072

Section II. Candidates for and Persons Elected as Members from the national constituency.

Article 65. A person who has become a candidate for a Member from the prefectural constituency shall not notify his candidacy, or approve the notification recommending him as a candidate for a Member from the national constituency.

Article 66. When the number of votes for a candidate does not reach one-tenth of the total number of valid votes divided by the number of the members to be returned in a regular election, the deposit made for him in accordance with the provisions of Article [illegible], which are applied mutatis mutandis by Article 89, shall belong to the national treasury.

Article 67. A person who has obtained the greatest number of valid votes shall be declared elected; provided, however, that the number of votes obtained shall be one-eighth or more of the total number of valid votes divided by the number of members to be returned in a regular election.

Article 68. When, in an election of members with the same term of office, any of the cases mentioned in the numbered items of Article 62, paragraph 1, has occurred, and if the person elected cannot be determined without holding a new election, or if, with the person elected having been determined without holding a new election, there still remain a number of vacancies of persons elected which, added by the number of the vacancies mentioned in Article 71, paragraph 1, exceeds one-fourth of the number of members to be returned in a regular election, the Commission for Overseeing the Election of Members from the national constituency shall cause a new election to be held by fixing a date and giving public notice thereof not later than thirty (30) days preceding it; provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the above-mentioned.

DECLASSIFIED E.O. 14032 SEC. 3(E) AND 3(D) OR (E) NNDG # 173 072

the case mentioned in the preceding paragraph has occurred after

When the number of vacancies of persons elected in an election of members with the same term of office, added by the number of the vacancies of members mentioned in Article 71, Paragraph 1, does not exceed one-fourth of the number of members to be returned in a regular election but an election of members with different terms of office has to be held, such election and a new election shall be held simultaneously, regardless of the provisions of paragraph 1; provided, however, that this does not apply in cases where public notice of the date for the election of members with different terms of office ~~has been~~ was given.

The date for election mentioned in the preceding paragraph shall be the date for the election of members with different terms of office.

The provisions of Article 62, paragraphs 2 to 4, shall apply mutatis mutandis in the cases mentioned in paragraphs 1 and 2.

Article 69. The provisions of Article 54, paragraphs 1 to 3 and paragraphs 6 and 7, Article 56, paragraphs 1 and 3, Article 56, paragraphs 2 to 8, Articles 57 to 61, Articles 63 and 64 shall apply mutatis mutandis to candidates for and persons elected as Members from the national constituency; provided, however, that "preceding paragraph" in Article 55, paragraph 3, shall read "Article 66", "the proviso of paragraph 1" in Article 56, paragraphs 5, 6 and 8, shall read "the proviso of Article 67", "Article 62, paragraph 1, items numbered 5 and 6" in the same Article, paragraph 6, shall read "Article 68", and "Commission for Overseeing the Election of members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned" in Article 58, paragraph 2, Article 59, 60, 63 and 64 shall read "Commission for Overseeing the Election of Members from the national constituency."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 012

Chapter VIII.

Term of Office for Members and Filling Vacancies

Article 70. The term of office for the members shall be counted as from the date following the date of expiration of the term of office for the members elected in the previous regular election.

However, it shall be counted as from the date of a regular election in case the regular election is held after the date following the date of expiration of the term of office for the members elected in the previous regular election.

Article 71. In case vacancies of members with the same term of office have occurred, no by-election shall be held until the number of such vacancies (to be added by the number of the vacancies of persons elected mentioned in Article 68, Paragraph 1, in the case of Members from the national constituency) exceeds onefourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of Members to be returned in a regular election in the case of Members from the national constituency).

When a vacancy of membership has occured, the Minister of Home Affairs shall, within five days after receipt of a communication to that effect from the President of the House of Councillors, so notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) through the Governor of the Metropolis, District or Prefecture concerned.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 773 072

The Commission for Overseeing the Election of Member of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of a Member from the national constituency) shall, upon receipt of the notification provided for in the preceding paragraph, immediately notify the Chairman of Election that a vacancy has occurred, if the member whose office has become vacant, vacated his office during the period mentioned in Article 61 and there is a candidate who has obtained such number of votes as provided for in the proviso of Article 56, paragraph 1 (the proviso of Article 67 in the case of a Member from the national constituency) but has not been elected, or if such a member vacated his office after the expiration of such period and there is a candidate to whom the provisions of Article 56, paragraph 3, have been applied but who has not been elected.

The Chairman of Election shall, within twenty (20) days after receipt of the notification provided for in the preceding paragraph, determine a person elected by applying mutatis mutandis the provisions of Article 56, paragraphs 3 and 5 to 8.

Upon receipt of the notification provided for in paragraph 2, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Member from the national constituency) shall, unless the provisions of paragraph 3 are applicable or

public

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773 072

public notice of the date for a new election has been given with regard to the same person in accordance with the provisions of Article 62 (Article 68 in the case of a Member from the national constituency), wait until the number of vacancies of members with the same term of office (to be added by the number of the vacancies of persons elected mentioned in Article 68, paragraph 1, in the case of Members from the national constituency) exceeds one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) and then cause a by-election to be held within thirty-five (35) days from the day on which the notification provided for in paragraph 2 is last received.

When the number of vacancies of members with the same term of office (to be added by the number of the vacancies of person elected mentioned in Article 68, Paragraph 1, in the case of Members from the national constituency) does not exceed one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) but an election of members with differenct terms of office (including here and hereinafter the election mentioned in Article 62 in the case of Members from the prefectural constituency) has to be held, such an election and a by-election shall be held simultaneously, regardless of the provisions of paragraph 1 and the preceding paragraph, provided, however, that

this

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

this shall not apply in cases where the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) shall have received the notification provided for in paragraph 2 after public notice of the date for the election of members with different terms of office has been given.

The date of a by-election mentioned in the preceding paragraph shall be that of an election of members with different terms of office.

The later date of a by-election shall be proclaimed not ~~less~~ than thirty days preceding it by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency).

The provisions of Article 62, paragraph 2 to 4, (Article 68, paragraph 4, in the case of Members from the national constituency) shall apply mutatis mutandis to a by-election.

Article 72. A member filling a cavancy shall remain in office during the remaining period of the term of office of his predecessor.

* Chapter IX.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDC # 773 012

Chapter IX Litigation

Article 73. A litigation may be filed on the validity of the election in an electoral district on the election of a person, in the same way as the litigation on such validity in the election of members of the House of Representatives; the proviso, with regards to an election for the Members from the national constituency, a person who files a litigation on the validity of an election or on the validity of the elected, on the ground that he obtained the necessary votes, according to the proviso, Article 87, or that the provisions of Article 56, Paragraph 3, or Article 57 which are applied mutatis mutandis by Article 69, are not applicable to him, or that the decision in Article 58, Paragraph 6 which is applied mutatis mutandis by Article 69, is illegal, shall have the chairman of the commission for Over-seeing the Election of Members from the national constituency be the accused.

Article 74. When a person who has superintended the election campaign of a candidate has been sentenced to a punishment, in accordance with the penal provisions concerning the election of members of the House of Representatives to be applied mutatis mutandis and the election of the candidate concerned is considered to have become invalid, the Public Procurator shall institute, incidentally to the public action, a litigation against the candidate elected.

Article 75. The litigations provided for in the preceding two Articles shall be conducted in the same way as the corresponding litigations concerning

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

concerning the election of members of the House of Representatives; provided, however, that notification concerning these litigations shall be given to the Minister for Home Affairs as well as the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency.

Chapter X Election Campaign

Article 76. The persons who are listed in Article 6 shall not be engaged in the election campaign within the district with which they are concerned.

Article

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

Article 77. Election campaign expenses in this Chapter shall mean such election campaign expenses in connection with the election of members of the House of Councillors as correspond to the election campaign expenses provided for in the Law for the Election of members of the House of Representatives.

Incomes in connection with election campaigns shall in this Chapter mean such money or property interest as has been received and accepted in order to meet the expenses mentioned in the preceding paragraph.

The assessment of the property interest mentioned in the preceding paragraph shall conform to the assessment of property interest in connection with the election campaign expenses provided for in the Law for the Election of members of the House of Representatives.

Article 78. Any candidate or any person who has notified of his recommendation of a candidate shall appoint a person responsible for the disbursement of election campaign expenses (to be called hereinafter "responsible disburser"), in the same way as the person responsible for the disbursement of election campaign expenses in connection with the election of members of the House of Representatives.

The dismissal or resignation of the responsible disburser, the subrogation of his functions and notification concerning him and a person who subrogates his functions shall conform to the corresponding cases in the election of members of the House of Representatives; provided, however, that in the case of candidates for Members from the national constituency, notification concerning the responsible disburser or a person who subrogates his functions shall be given to the Commission for Overseeing the Election of Members from the national constituency.

Article 79. The responsible disburser shall, in accordance with the provisions of Ordinances, report the income in connection with election campaigns and expenses of such campaigns to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District and Prefectural Assembly concerned (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency).

Article 80.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

Article 80. The leader of a political party or any other organization which recommends or supports candidates shall, in accordance with the provisions of ordinances, report the income in connection with election campaigns and expenses of such campaigns to the Minister of Home Affairs through the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission 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 the Commission 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 81. Upon receipt of the report provided for in the preceding two articles, the Minister of Home Affairs or the Commission for Overseeing the Election of Members of the Metropolitan Assembly, the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies, or the Commission for Overseeing the Election of Members from the national constituency shall make public the main points of such reports in accordance with the provisions of ordinances.

Article 82. The Minister for Home Affairs, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of the District and Prefectural Assemblies, or Commission for Overseeing the Election of Members from the national constituency shall preserve the reports ~~for in Article 79 and 80 during the term~~ provided of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 072

of office of the members elected.

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

Article 83. The Minister of Home Affairs may restrict by ordinance literatures and pictures, to be posted or distributed for election campaigns, in the way of their form, number and the place where they are posted.

Chapter XI

Penal Provisions

Article 84. Any person who has violated the provisions of Article 76 shall be liable to imprisonment for not more than six (6) months or a fine of not more than three thousands (3000) yen.

Article 85. Any person who has neglected to submit the report provided for in Article 78, paragraph 2, shall be liable to a fine of not more than one thousand (1,000) yen.

The preceding paragraph shall ~~supply~~ apply to persons who violate orders issued under the provisions of Article 83.

Article 86. Any person who has neglected to submit the report provided for in Articles 79 or 80, or made a false report shall be liable to imprisonment for not more than six (6) months or a fine of not more than three thousand (3,000) yen.

Article 87. In addition to the provisions of the preceding three Articles, the penal provisions concerning the election of members of the House of Representatives shall apply mutatis mutandis to the election

of

of members of the House of Councillors; provided, however, that the Chairman of the Election Sub-Meeting and the place of such a meeting in the election of Members from national constituency are respectively considered as the Chairman of Election and the place of an election meeting.

Chapter XII

Supplementary Provisions

Article 88. When a Commissioner for Overseeing the Election of Members from the national constituency, Voting Overseer, Ballot-Counting Overseer, Chairman of Election Sub-Meeting or Chairman of Election has ~~become ineligible for election~~ lost the right to vote, he shall forfeit his office.

Article 89. Expenditures in connection with the execution of election shall be provided for by ordinance.

Article 90. Facilities of schools and other establishments to be designated by ordinances shall be permitted to be used for campaign speeches, in accordance with the provisions of ordinances.

The caretaker of the establishments mentioned in the preceding paragraph shall provide facilities necessary for making campaign speeches in accordance with the provisions of ordinances.

The

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies shall, in accordance with the provisions of ordinances, publish documents in which the names, careers, etc. of candidates are described.

The Commission for Overseeing the Election of the Municipal, Town and Village Assemblies shall post up a notice of the names, etc. of candidates in accordapce with the provisions of ordinances.

Article 91. In this law the provisions concerning the Commission and Commissioners for Overseeing the Election of the members of the City Council shall apply to the Commission and Commissioners for Overseeing the Election of the Members of the Ward ~~(city)~~ Councils, or the Ward Commission and Ward Commissioners for the Overseeing the Election of the Members of the City Council, and also the provisions concerning cities shall apply to wards in cities, with regards to the ward areas in Tokyo To and the cities stipulated in Article 6 and Article 82, paragraph I, of the law of the Organization of Cities.

(City)

In the application of the provisions of this law, the Commission for Overseeing the Election of the Town or Village Headman and the Commissioners for the same in the towns and villages stipulated in Article 38 of the Law concerning the Organization of Towns and Villages shall be considered respectively as the Commission for Overseeing the Election of the member of the Town or Village Assemblies and the Commissioner for the same.

In the application of this law, such associations of towns or villages as collectively take charge of the whole affairs of the towns or villages or affairs of the town or village offices shall be considered as one town or village and the Commission for Overseaing the Election of

members

or the Commission for Overseeing the Election of Overseers of the Town or Village Assembly and the Commissioners for the same

- 37 -

members of the Assemblies of the Association of towns or villages and the Commissioners for the same shall be considered respectively as the Commission for Overseeing the Election of Members of the Town or Village Assembly and the Commissioners for the same.

In places where the Law concerning the Organization of Towns and Villages has not yet been enforced, the provisions in this law concerning the Commission for Overseeing the Election of Members of the Town or Village Assembly shall apply to persons who hold a post corresponding to the town or village headman; the provisions relating to town or village shall apply to the body corresponding to town or village.

Article 92. With regard to matters to which the provisions of this law cannot be applied in an island or any other place without adequate means of transportation, special provisions may be enacted by ordinances.

Article 93. Provisions necessary for the enforcement of this law shall be enacted by ordinances.

Additional Provisions

Article 1. This law shall come into force as from the date of its promulgation.

Article 2. Any person who has been adjudicated bankrupt and has not been rehabilitated; any indigent person who is receiving official or private relief or allowances for livelihood; any person who has no fixed abode; and any person whose term of punishment has been completed or shall be excuted no longer but who is still disqualified for voting in the election of members of the House of Representatives (excluding any person who has been sentenced to a punishment on account of a crime relating to election) shall have for the time being the right to vote in the election of members of the House of Councillors, regardless of the provisions of this law.

The head of a family belonging to the Imperial Family or a family of peerage shall have the right to vote, for the time being, regardless of the provisions of this law.

With regard to the electoral lists necessary for the persons mentioned in the preceding two paragraphs, provisions shall be enacted by ordinance.

Article 3. The President or judges of the Court of Administrative Litigation in active service shall, pending the enforcement of the Constitution, not be eligible for election, regardless of the provisions of this law.

Article 4. The words "the House of Councillors" in Article 14 shall read "House of Representatives", pending the establishment of the House of Councillors.

Article 5. With regard to the election of Members from the prefectural constituency, the notification concerning the litigations provided for in Articles 73 and 74 shall for the time being be made to the Minister of Home Affairs and the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned through the Metropolitan, District or Prefectural Governor concerned.

In the case of ~~candidates~~ election of for the Members from the prefectural constituency, a person who files a litigation on the validity of an election or on the validity of the elected provided for in Article 73, on the ground that he obtained the necessary votes, according to the proviso, Article 56, Paragraph 1, or that Article 56, Paragraph 8 or Article 57 are not applicable to him, or that the decision in Article 58, Paragraph 6, is illegal, shall have the Chairman of the Commission for Overseeing the Election of Members of the Metropolitan Assembly, or the Chairman of the Commission for

Overseeing

Overseeing the Election of Members of the District or Prefecture concerned as the accused, for the time being, regardless of Article 73.

Article 6. In the case of candidates for Members from the prefectural constituency, the notification concerning the responsible disburser and a person who subrogates his functions provided for in Article 76, paragraph 2, shall for the time being be made to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned, regardless of the provisions of the above-mentioned paragraph.

Article 7. In cases where any elected person or any person who superintended election campaings has been punished in accordance with the provisions of Article 87, the notification thereof shall for the time being be made through the Minister for Home Affairs and the Governor of the Metropolis or the District or Prefecture concerned to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned, regardless of the provisions of the above-mentioned Article.

Article 8. In applying mutatis-mutandis the penal provisions concerning the election of members of the House of Representatives, the persons listed in Article 6 shall for the time being be considered as public officials.

Article 9. The right to vote and te eligibility of any person to whom the House Registration Law does not apply shall be suspended for the time being.

Article 10. In the first regular election of Members of the House of Councillors to be held under this law the election of six year term Members and that of three year term Members shall be held

conjointly

conjointly on the date to be fixed by an Imperial Rescript.

Article 11. With respect to the first regular election of Members of the House of Councillors to be held under this law, the phrase "the fixed number of members to be returned for the electoral district concerned in a regular election" in Article 55, Paragraph 2 and Article 56, Paragraph 1, proviso, shall read "the fixed number of members in the electoral district concerned" and the phrase "the fixed number of members to be returned in a regular election" in Article 66, and Article 67, proviso, shall read "the fixed number of members."

Article 12. As regards the initial members of the House of Councillors, in case a regular election ~~has taken~~ takes place before the enforcement of the Constitution of Japan, they will become member of the House from the effective date of the Constitution, and their term of office shall be calculated as from that date; in case a regular election takes place after the enforcement of the Constitution, their term of office shall be calculated as from the date of the said regular election.

Annex

Electoral District	Number of Members
Tokyo Metropolis	8
Kyoto Prefecture	4
Osaka Prefecture	6
Kanagawa Prefecture	4
Hyogo Prefecture	6
Nagasaki Prefecture	2
Niigata Prefecture	4
Saitama Prefecture	4
Gumma Prefecture	4
Chiba Prefecture	4
Ibaragi Prefecture	4
Tochigi Prefecture	4
Nara Prefecture	2
Mie Prefecture	2
Aichi Prefecture	6
Shizuoka Prefecture	4
Yamanashi Prefecture	2
Shiga Prefecture	2
Gifu Prefecture	2
Nagano Prefecture	4
Miyagi Prefecture	2
Fukushima Prefecture	4
Iwate Prefecture	2
Aomori Prefecture	2
Yamagata Prefecture	2
Akita Prefecture	2
Fukui Prefecture	2
Ishikawa Prefecture	2
Toyama Prefecture	2
Tottori Prefecture	2
Shimane Prefecture	2
Okayama Prefecture	4
Hiroshima Prefecture	4
Yamaguchi Prefecture	2
Wakayama Prefecture	2
Tokushima Prefecture	2
Kagawa Prefecture	2
Ehime Prefecture	2
Kochi Prefecture	2
Fukuoka Prefecture	6
Oita Prefecture	2
Saga Prefecture	2
Kumamoto Prefecture	4
Miyazaki Prefecture	2
Kagoshima Prefecture	4
Hokkaido District	8