

出納責任者以外の者が議員候補者のために選挙運動に關する寄附を受けたときは、その寄附を受けた日から七日以内に、寄附者の氏名、住所及び職業並びに寄附の金額及び年月日を記載した明細書を出納責任者に提出しなければならないのであり、この寄附で議員候補者が立候補届出前に受けたものについては、立候補届出後直ちに立納責任者にその明細書を提出しなければならないことになつています（規法二五）から、この明細書を受領して保存するとともに、提出のないときは提出を請求しなければなりません。

(ホ) 領收書の徴收

出納責任者は、選挙運動に關するすべての支出について領收書その他の支出を證すべき書面を徴さなければなりません。但し、天災事變のため交通が杜絶したり、相手方が死亡したり、その他社会通念上領收證を發行しない慣例となつている場合等これを徴し難い事情があるときは、徴しなくてもさしつかえないのです。

なお、議員候補者又は出納責任者と意思を通じてそのために支出した者は、やはり領收書その他の支出を證すべき書面を徴して、直ちにこれを出納責任者に送付しなければならないことになつていますから、出納責任者は、これを受領して保存しなければなりません（規法二七）。

(ハ) 選挙運動費用に關する報告

出納責任者は、議員候補者の選挙運動に關しなされた寄附及びその他の収入並びに支出に關する事項を記載した報告書を、それぞれ左の各號に掲げる期限までに都道府縣の選挙管理委員會に提出しなければなりません（規法二八）。

(1) 選挙の期日前における當該選挙に關しなされた寄附及びその他の収入並びに支出に關するものは、選挙の期日の公示又は告示の日前のもものと選挙の公示又は告示の日以後選挙の期日前七日までのものとを併せて、選挙の期日前五日まで。

(2) 選挙の期日前六日から選挙の期日まで及び選挙の期日經過後におけるものについては、その寄附及びその他の収入並びに支出を選挙の期日前七日までの寄附及びその他の収入並びに支出と併せて精算し、選挙の期日から十五日以内に。

(3) 前號の精算届出をした後になつて當該選挙に關しなされた寄附及びその他の収入並びに支出があるときは、その寄附及びその他の収入並びに支出がなされた日から七日以内に。

なお、報告書の様式は、次の通りです。

選挙運動費用收支報告書

一、昭和何年何月何日執行何選挙（何何選挙區）

二、候補者、住所

(三) 「収入の部」記載については、「収入簿」備考中(二)(三)及び(五)乃至(七)の例により、「支出の部」の記載については、「支出簿」備考中(三)(四)及び(六)乃至

(八)の例によるものとする。

(四) なお、この報告書の調製については、衆議院議員選挙運動取締規則その他従前の關係規定により調製した報告書があるときは、右に掲げた様式に適合するように訂正してこれを使用することができることになっています(全選規則一四號)。

(ト) 書類の保存

出納責任者は會計帳簿、明細書及び領收書その他の支出を證すべき書面を(一)の(1)―(3)による報告書提出の日から二年間、保存しなければなりません(規法三〇)。

(4) 事務の引繼

出納責任者が辭任し、又は解任せられた場合においては、前任者は、直ちに後任者に引繼をしなければならぬのであつて、選挙運動に關しなされた寄附及びその他の収入並びに支出の計算をして引繼書を作成し、これに引繼の旨及び引繼の年月日を記載するとともに引繼をする者及び引繼を受ける者双方において署名捺印し、現金及び帳簿その他の書類とともに後任の出納責任者又はその職務代行者に對し引繼をします(規法二九)。

第五 罰 則

一 刑 罰

議員候補者が心得ておらねばならない選挙犯罪とこれに対する刑罰を関係法規から抜萃して左に一覽表として掲げておきます。

選 舉 事 務	事 關 前 運 動 係	區 分	刑 罰	犯 罪	根 據 法 規
	二千五百圓以下の罰金		一年以下の禁錮又は一萬五千圓以下の罰金	立候補届出前に選挙運動をすること	衆法一二九、九五
	選挙事務所の設置又は異動の届出を怠ること			(一) 選挙事務所を法定数を超えて設けること	衆法一三〇、九〇、衆令五七、全選規則第一號

係關導誘害利び及收買		係 關 所		
	三年以下の懲役若しくは禁錮又は五萬圓以下の罰金	七千五百圓以下の罰金	(二) 選挙の當日投票所を設けた場所の入口から三丁以内に選挙事務所を置くこと	衆法一三〇、九一
		六月以下の禁錮又は七千五百圓以下の罰金	(三) 選挙運動のため休憩所その他これに類似の設備を設けること	衆法一三〇、九二
		一年以下の禁錮又は一萬五千圓以下の罰金	議員候補者又は推薦届出者以外の者が選挙事務所を設置すること	衆法一三一、八九一
			選挙事務所の閉鎖命令に従わないこと	衆法一二九、九四
			当選を得若しくは得しめ又は得しめざる目的を以つて選挙人又は選挙運動者に対し金銭その他の供與、饗應接待、直接利害誘導、周旋勸誘等をなし、或はその約束をし又は申込をすること	衆法一二二
			(一) 議員候補者たること若しくはたらんとすることをやめさせる目的で議員候補者若しくは議員候補者たらんとする者に對し、又は當選	衆法一一三、一一

買収及び利益誘導關係

四年以下の懲役若しくは禁錮又は七萬五千圓以下の罰金

<p>をやめさせる目的で當選人に對し利益供與、鬻應接待若しくはその申込約束をし、又は直接利害誘導をすること</p>	<p>衆法一一三I一</p>
<p>(二) 議員候補者たることを若しくはたらんとすることをやめたこと、當選をやめたこと、又はその周旋勸誘をしたことの報酬となす目的で議員候補者、當選人に對し、利益供與、鬻應接待又はその申込約束をすること</p>	<p>衆法一一三I二</p>
<p>(三) 前述の二つの供與鬻應接待を受け若しくは要求し申込を承諾し誘導に應じ若しくはこれを促すこと</p>	<p>衆法一一三I三</p>
<p>(四) 前述の三つの犯罪行為について周旋勸誘をすること</p>	<p>衆法一一三I四</p>
<p>(一) 財産上の利益をはかるため事前</p>	

演 説 會 關 係		
五年以下の懲役又は禁錮	一年以下の禁錮又は一萬五千圓以下の罰金	二年以下の禁錮又は三千圓以上五萬圓以下の罰金
買収、事後買収、利害誘導、周旋勸誘等の犯罪行為をなし、又はなさしめ又は請負い、請負わしめ又はその申込をすること	(二) 常習的に買収、利益交付、利益誘導等を行うこと 買収、利益交付、懇應、接待、選挙妨害、利害誘導その他の選挙犯罪を犯させる目的を以つて人を煽動するような演説をすること	(一) 立會演説會に於て議員候補者以外の者が演説をすること又は總回数五分一を超えて代理演説をすること (二) 個人演説會を三十回以上開くこと (三) 立會演説會の開催日當該市町村で個人演説會を開催すること
衆法一二二ノ二	衆法一二五	特例法三三一、三一 特例法三二二、九一 特例法三二二、一〇

書 文		演 說 會 關 係	
一年以下の禁錮又は千圓以上三萬圓以下の罰金	拘留又は科料	二年以下の禁錮又は二萬五千圓以下の罰金	
(一) 選舉事務連絡のための葉書及び無封書状一千枚の外文書圖畫を頒	街頭演說會において候補者がいなくなつて、立札及びちようちんの掲示を撤去せぬとき	承諾を得ず他人の土地又は、工作物に文書圖畫を貼付し又は掲示すること	(四) 候補者現在せざるときに街頭演說會を開催すること (五) 立會演說會、個人演說會及び街頭演說會以外の選舉演說會を開催すること
特例法三三一、一四	衆取締三四 輕犯罪法一三三	衆法一二六	特例法三三三、一四六 特例法三三四、一五

係 關 画 圖

二年以下の禁錮又は三
千圓以上五萬圓以下の
罰金

布し、又は回覽すること（特例法 第二十條の文書圖畫を除く）	特例法三二六、一九一 〃
(二) 街頭演說會のためその場所にお いて掲示する文書圖畫、自動車・ 擴聲機・船舶に使用する文書圖畫 選舉事務所を表示するための文書 圖畫以外の文書圖畫を掲示するこ と	特例法三二六、二〇〇
(三) 選舉運動の期間中著述演藝等の 廣告その他の名義により文書圖畫 の禁止を免れる行爲として候補者 の氏名、政治團體の名稱、候補者 を推薦支持し又は反對する者の名 を表示する文書圖畫を頒布又は掲 示すること	特例法三二六、二二一
(四) 二回以上又は寸法を超えて選舉 に關する新聞廣告をすること	特例法三二五、一八一
(五) 街頭演說會において候補者が現 在しないのに立札又はちようちん	特例法三二八、一四〇

選 舉 運 動 の 収 入

三年以下の禁錮又は千圓（虚偽記入等の場合は五千圓）以上五萬圓以下の罰金。

を揭示すること	
(一) 出納責任者が會計帳簿を備えず又は會計帳簿に記載せず、若しくは虚偽の記入をすること	規法三九一、二四
(二) 明細書の提出を怠り又はこれに虚偽の記入をすること	規法三九二、二五
(三) 選挙運動に関する支出について領收書を徴せず若しくは出納責任者に送付せず又はこれに虚偽の記入をすること	規法三九三、二七
(四) 出納責任者が會計帳簿、明細書及び領收書を二年間保存しないこと	規法三九四、三〇
(五) 保存すべき會計帳簿明細書及び	

支 及 び 届 出 關 係

三年以下の禁錮又は千圓（虚偽記入等の場合は五千圓）以上五萬圓以下の罰金

領收書その他支出を證すべき書面に虚偽の記入をすること	規法三九五、三〇
(六) 出納責任者の更迭にあたり完全な事務引繼をしないこと	規法三九六、二九
(七) 出納責任者が規定による届出前に寄附を受け又は支出をすること	規法三九七、二三
(八) 出納責任者以外のものが承諾を得ないで選挙運動費用を支出すること	規法三九八、二六一
(九) 候補者が立候補届出後七日以内に過去一年間にしたすべての寄附の届出を怠り又はこれに虚偽の記	規法三九九、三五

出 届 び 及 支 收 の 動 運 舉 選

<p>五年以下の禁錮又は五 千圓以上十萬圓以下の 罰金</p>	<p>入をすること</p> <p>一〇 選挙管理委員会から報告又は資料の提出を求められたときこれを提出せず又は虚偽の報告若しくは資料を提出すること</p> <p>二〇 一件二千五百圓以上の支出をした者、公職に在る者が報告書の提出を怠り又はこれに虚偽の記入をすること</p>	<p>規法三九〇、五二</p>
<p>(一) 公職の候補者が當該選挙の關係</p>	<p>規法三九〇、三二、 三二</p>	<p>規法三九〇、一三、一四、 一八、二八、三二</p>

寄 附 の 禁 止 關 係

三年以下の禁錮又は五
千圓以上五萬圓以下の
罰金

区域内でその屬する政黨協會その 他の團體又は支部以外のものに對 して選挙に關し寄附をすること	規法四一、三五I1
(二) 國と請負その他特別の利益を伴 う契約の當事者が選挙に關し寄附 をすること	規法四一、三五I2
(三) 規法三五條に規定せる寄附をす ることの出來ない者に對して寄附 を勸誘したり、要求したり又はこ れらの者から寄附を受けること	規法四二I、三六I11
(四) 外國人、外國法人及び外國の團 體から選挙に關し寄附を受けるこ と	規法四二I、三六11
(五) 選挙に關し本人以外の名義を用 いた寄附又は匿名の寄附をす ること	規法四一、三七I

他 の そ	
一年以下の禁錮又は千 圓以上三萬圓以下の罰 金	一年以下の禁錮又は一 萬五千圓以下の罰金
(六)選挙に關し本人以外の名義を用 いた寄附又は匿名の寄附を受ける こと	(一)學校の兒童、生徒及び學生等で 年齡二十年未滿のものに對する特 殊の關係ある地位を利用して選挙 運動を行うこと
(四)自動車用燃料を返還しないこと	(二)投票を得又は得しめない目的を 以つて戸別訪問をすること
(三)自動車等に關する證明書を携行 せず、表示をしないこと	(一)選挙の當日選挙運動を行うこと
(二)選挙に關し自動車を連ね又は隊 伍を組んで往來する等氣勢を張る 行爲をすること	(二)投票を得又は得しめない目的を 以つて戸別訪問をすること
(一)選挙に關し自動車を連ね又は隊 伍を組んで往來する等氣勢を張る 行爲をすること	(一)選挙の當日選挙運動を行うこと
規法四二、三七Ⅱ	衆法一二九、九六
衆法一二九、九八	衆法一二九、九六
特例法三三三、二四三	衆法一二九、九八
特例法三三三、二四二 (衆法一二四)	衆法一二九、九八
特例法三三二、二二一	衆法一二九、九八
特例法三三三、二二六	衆法一二九、九八

他	共	
	二年以下の禁錮又は三 千圓以上五萬圓以下の 罰金	(一)自動車、擴張機等を數を越えて 使用すること (二)飲食物を提供し、又はその提供 を受けること
四年以下の懲役又は禁 錮	暴行又は騷擾等を行うこと	衆法一一九
四年以下の懲役若しく は禁錮又は七萬五千圓 以下罰金	威迫、拐引その他の方法で選挙妨 害を行うこと	衆法一一五

二 當選無効

選挙法規に對する違反の制裁として當選人の當選が無効とされる場合は、次の通りです。

- (イ) 議員候補者自身の違反行為によつて議員候補者の當選が無効となる場合
- (1) 議員候補者が衆議院議員選挙法第一百一條乃至第一百三十三條に掲げる罪を犯し刑に處せられたとき(衆法一三六前段)。

(2) 議員候補者が選挙に關し政治資金規正法第八條、第十三條若しくはこれらを準用する第十八條又は第二十三條若しくは第二十八條の規定の違反に關し第三十八條第二項、第三十九條又は第四十條の規定により刑に處せられたとき(規法四四)。

(3) 議員候補者が選挙運動等の臨時特例に關する法律第三十二條又は第三十三條に掲げる罪を犯し刑に處せられたとき(特法三四I)。

(ロ) 議員候補者以外の第三者が刑に處せられることによつて議員候補者の當選が無効となる場合

(1) 議員候補者のため支出された選挙運動の費用が法定制限額を超えたとき(衆法一一〇、八四一)。

(2) 議員候補者のため選挙運動を總括主宰した者が衆議院議員選挙法第一百十二條乃至第一百十三條の罪(買収の罪)を犯し刑に處せられたとき(衆法一三六後段)。

(3) 政黨、協會その他の團體若しくはその支部の會計責任者又は議員候補者の出納責任者が、議員候補者を當選させる目的で、選挙に關する收支報告書の提出を怠り、又は虚偽の報告書を提出したため刑に處せられたとき(規法四五)。

三 選挙権及び被選挙権の停止

議員候補者が選挙法規に違反して刑に處せられたため、その當選を失うばかりでなく、更に一定期間選挙権及び被選挙権を停止されることになるのは、次の場合です。

(イ) 議員候補者が衆議院議員選挙法第十二章第三百三十條、第三百三十二條及び第三百三十三條に掲げる以外の罪を犯し刑に處せられたとき（衆法一三七）。

(ロ) 議員候補者が政治資金規正法第三十九條乃至第四十二條の罪を犯し刑に處せられたとき（規法四七）。

(ハ) 議員候補者が選挙運動等の臨時特例に関する法律第三十二條の罪を犯し刑に處せられたとき（特法三五）。

—以上—

Cabinet Order No.

The Draft of the Cabinet Order amending a part of the Cabinet Order concerning the Enforcement of the Local Autonomy Law and others.

(Jan. 10, 1949)

The Cabinet establishes this Cabinet Order in consequence of the enforcement of the Ordinance amending a part of the Ordinance concerning the Enforcement of the Law concerning the Election of the Members of the House of Councillors (Cabinet Order No. 191, 1948) on the basis of the provisions of Article 5 of the Supplementary Provisions of the Law concerning partial amendments of the Local Autonomy Law (Law No. 179, 1948).

Article 1. A part of the Cabinet Order concerning the Enforcement of the Local Autonomy Law (Cabinet Order No. 16, 1947) shall be amended as follows;

In Article 141-5, "Arts. 26 to 34 inclusive" shall read "Arts 26 to 28 inclusive, Arts 29 to 34 inclusive" and "(in par. 1, except those parts concerning Art. 10 of the Ordinance concerning the Enforcement of the Law concerning the Election of the Members of the House of Representatives), Arts 52" shall be deleted.

Article 2. A part of the Cabinet Order amending a part of the Cabinet Order concerning the Enforcement of the Local

Autonomy Law (Cabinet Order No. 204, 1948) shall be amended
as follows;

In Art. 9 of the Supplementary Provisions, "Arts 26 to
33 inclusive" shall read "Arts 26 to 28 inclusive, Arts 29
to 33 inclusive" and "(in par. 1, except those parts concerning
Art. 10 of the Ordinance concerning the Enforcement of the Law
concerning the Election of the Members of the House of Represen-
tatives)⁴ shall be deleted.

Supplementary Provisions.

This Cabinet Order shall be enforced as from the day
of the Promulgation.

20 July

The list concerning the prohibition
of holding position concurrently of the
personnel of the city.

1. Mayor--can't be concur-
rently

Member of the Diet

(Art. 141, Local Autonomy Law
Art. 39, Diet Law)

Member of the assembly of the local
public body

(Art. 141, Local Autonomy Law)

(Exception)

In case where he is a member of
local public body other than the said
local public body, he may still remain
in the post during the remainder of
his term of office.

(Art. 1, Supplementary Provision of
the Local Autonomy Law (Law No.
179, 1948))

Paid official (including the police
official, fire defence official and
educational official)

(ditto)

Inspection commissioner

(Art. 196, Local Autonomy Law)

Member of the public safety commission
(Art. 22, 44, Police Law)

Member of the board of education

(Art. 10, Board of Education Law)

Full-time national public personnel in
regular service (Rule No. 14-5 of
National Personnel Authority.)

Public prosecutor, government police
official and revenue official

(Art. 21, Local Autonomy Law)

Member of the Diet

(Art. 92, Local Autonomy Law)
(Art. 39, Diet Law)

Paid official (including the police
official, fire defence official and
educational official)

2. Member of the city assembly--can't be concurrently

educational official)
(Art. 92, Local Autonomy Law)

(Exception)

In case where he is a paid official of a local public body other than the said local public body, he may still remain in the post during the remainder of his term of office.

(Art. 1, Supplementary Provision of the Local Autonomy Law (Law No. 179, 1948)

Member of the public safety commission
(Art. 22, 44, Police Law)

Full-time national public personnel in regular service (Rule No. 14-5 of National Personnel Authority)

Public procurator, government police official and revenue official
(Art. 21, Local Autonomy Law)

Member of the Diet
(Art. 39, Diet Law)

Member of the assembly of the local public body (Art. 21, Local Autonomy Law)?

3. Member of the election administration commission--can't be concurrently

Public procurator
(Art. 193 166, 21 Local Autonomy Law)

Government police official
(ditto)

Revenue official
(ditto)

Member of the public safety commission of the local public body
(ditto)

Local police official
(ditto)

Member of the Diet
(Art. 39, Diet Law)

Paid official (including the police official, fire defence official and educational official)
(Art. 196, Local Autonomy Law)

4. Inspection commissioner--
--can't be concurrently

Public procurator
(Art. 201, 166, 21 Local Autonomy Law)

Government police official
(ditto)

Revenue official
(ditto)

Member of the public safety commission
of the local public body
(ditto)

Local police official
(ditto)

5. Member of the public
safety commission--
--can't be concurrently

Member of the Diet
(Art. 39, Diet Law)

Member of the assembly of the local
public body
(Art. 44, The Police Law)

Paid official (including the police
official, fire defence official and
educational official)
(ditto)

Member of the election administration
commission (Art. 21, Local Autonomy Law)

6. Member of the board
of education --can't be
concurrently

Member of the Diet
(Art. 10, Board of Education Law)
(Art. 39, Diet Law)

Member of the assembly of the local
public body
(Art. 10, Board of Education Law)

National public official
(ditto)

Paid employee of local public body
(ditto)

Member of the Diet
(Art. 39, Diet Law)

Mayor (Art. 141, Local Autonomy Law)

7. Educational official--
--can't be concurrently

Member of the assembly of the local
public body
(Art. 92, Local Autonomy Law)

(Exception)

In case of the city where the
board of education is not established
he may still remain in the post during
the remainder of his term of office
(Art. 16, Cabinet Order for the
Enforcement of the Law of Special
Regulations concerning the
Educational Public Service)

Inspection commissioner
(Art. 196, Local Autonomy Law)

Member of the public safety commission
(Art. 22, 44, The Police Law)

Member of the board of education
(Art. 10, Board of Education Law)

Pursuant to the National Public Service Law, the National Personnel Authority hereby establishes the following rule concerning elective public office;

June 29, 1949. President of National Personnel Authority

ASAI Kiyoshi

Rule No. 14-5 of the National Personnel Authority

(Effective date; June 29, 1949)

Elective Public Office

1. The elective public office referred to in the Law and rules shall be construed to indicate offices held by these enumerated below:

- (1) Members of the House of Representatives;
- (2) Members of the House of Councillors;
- (3) Chiefs of Local public entities;
- (4) Members of assemblies of local public entities;
- (5) Members of Boards of Education; and
- (6) Members of Agricultural Land Commissions of Metropolis, Hokkaido, urban and rural prefecture and of Agricultural Land Commissions of cities, towns and villages (exclusive of those members designated without public election).

2. Anyone occupying the elective office on and after the effective date of the amended provision of Paragraph 2, Article 102 of the Law, who is a part-time constituent member of the duly established commission ("Inkai"), council ("Singikai"), committee ("Kyogikai") or other similar organs of the national government under law or orders

exclusive of their secretarial staff), or part-time Committee-man ("I-in"), Adviser ("Komon"), Councillor ("Sanyo"), or the like established by law or orders, may continue to hold the office concerned until its present term expires.

3. Except in the case as prescribed in the preceding paragraph, employees shall not occupy any elective public office concurrently with their government position on and after July 1, 1949.

4. In case an employee actively occupying elective public office on and after July 1, 1949 under the provision of Paragraph 2 is separated from that public office, the appointing officer of the employee concerned shall immediately report to that effect to the National Personnel Authority.

Under the National Public Service Law, the National Personnel Authority hereby establishes the following rule concerning elective public offices.

June 26, 1949

Asai Kiyoshi,
President of the National
Personnel Authority

Rule No.14-5 of the National Personnel Authority.
(Effective as from 29 June, 1949)

1. The elective public office referred to in the Law and rules shall be construed to mean offices held by those enumerated below:
 - (a) Members of the House of Representatives;
 - (b) Members of the House of Councillors;
 - (c) Chiefs of local public entities;
 - (d) Members of assemblies of local public entities;
 - (e) Members of Boards of Education; and
 - (f) Members of Agricultural Land Commissions of Metropolis, Hokkaido, urban and rural prefectures and of Agricultural Land Commissions of cities, towns and villages (exclusive of those members designated without public election).
2. Any non-regular member (exclusive of clerks) of a committee, councillor deliberative assembly established in accordance with Laws or Ordinance, or similar national agencies, or any non-regular committee member, councillor or adviser employed in accordance with Laws or Ordinances or a similar officer, who has held an elective public office since the date of the enforcement of the revised para.2, Art. 102 of the Law, may remain in his office pending the expiration of the term of office.
3. Except in the specified cases as prescribed in the preceding paragraph employees shall not take any elective public office concurrently with their government position on and after 1 July, 1949.
4. In case any member remaining in an elective public office since 1 July 1949 in accordance with the provisions of para.2, retire's from such office, the person who appointed him shall report it immediately to the National Personnel Authority.

one and after

Under the National Public Service Law, the National Personnel Authority hereby establishes the following rule concerning elective public offices.

June 26, 1949

Asai Kiyoshi,
President of the National
Personnel Authority

Rule No.14-5 of the National Personnel Authority.
(Effective as from 29 June, 1949)

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 - (b) Members of the House of Councillors;
 - (c) Chiefs of local public entities;
 - (d) Members of assemblies of local public entities;
 - (e) Members of Boards of Education; and
 - (f) Members of Agricultural Land Commissions of Metropolis, Hokkaido, urban and rural prefectures and of Agricultural Land Commissions of cities, towns and villages (exclusive of those members designated without public election).
2. Any non-regular member (exclusive of clerks) of a committee, councillor deliberative assembly established in accordance with Laws or Ordinance, or similar national agencies, or any non-regular committee member, councillor or adviser employed in accordance with Laws or Ordinances or a similar officer, who has held an elective public office since the date of the enforcement of the revised para.2, Art. 102 of the Law, may remain in his office pending the expiration of the term of office.
3. Except in the specified cases as prescribed in the preceding paragraph employees shall not take any elective public office concurrently with their government position on and after 1 July, 1949.
4. In case any member remaining in an elective public office since 1 July 1949 in accordance with the provisions of para.2, retire's from such office, the person who appointed him shall report it immediately to the National Personnel Authority.

Hall Public Serv
Ed Public Serv

The list concerning the prohibition
of holding position concurrently of the
personnel of the city.

1. Mayor--can't be concur-
rently

Member of the Diet
(Art. 141, Local Autonomy Law
Art. 39, Diet Law)

Member of the assembly of the local
public body
(Art. 141, Local Autonomy Law)

Paid official (including the police
official, fire defence official and
educational official)
(ditto)

Inspection commissioner
(Art. 196, Local Autonomy Law)

Member of the public safety commission
(Art. 22, 44, Police Law)

Member of the board of education
(Art. 10, Board of Education Law)

2. Member of the city
assembly--can't be con-
currently

Member of the Diet
(Art. 92, Local Autonomy Law)
(Art. 39, Diet Law)

Paid official (including the police
official, fire defence official and
educational official)
(Art. 92, Local Autonomy Law)

(Exception)
In case where he is a paid
official of a local public body other
than the said local public body, he may
still remain in the post during the
remainder of his term of office.
(Art. 1, Supplementary Provision
of the Local Autonomy Law (Law
No. 179, 1948)

art 2

Member of the Diet
(Art. 39, Diet Law)

3. Member of the election administration commission--
--can't be concurrently

Public procurator
(Art. 193 166, 21 Local Autonomy Law)

Government police official
(ditto)

Revenue official
(ditto)

Member of the public safety commission of the local public body
(ditto)

Local police official
(ditto)

4. Inspection commissioner--
--can't be concurrently

Member of the Diet
(Art. 39, Diet Law)

Paid official (including the police official, fire defence official and educational official)
(Art. 196, Local Autonomy Law)

Public procurator
(Art. 201, 166, 21 Local Autonomy Law)

Government police official
(ditto)

Revenue official
(ditto)

Member of the public safety commission of the local public body
(ditto)

Local police official
(ditto)

5. Member of the public safety commission--
--can't be concurrently

Member of the Diet
(Art. 39, Diet Law)

Member of the assembly of the local public body
(Art. 44, The Police Law)

Paid official (including the police official, fire defence official and educational official)
(ditto)

6. Member of the board of education --can't be concurrently

Member of the Diet
(Art. 10, Board of Education Law)
(Art. 39, Diet Law)

Member of the assembly of the local public body
(Art. 10, Board of Education Law)

National public official
(ditto)

Paid employee of local public body
(ditto)

7. Educational official --
--can't be concurrently

Member of the Diet
(Art. 39, Diet Law)

Member of the assembly of the local public body
(Art. 92, Local Autonomy Law)

(Exception)

In case of the city where the board of education is not established he may still remain in the post during the remainder of ^{his} term of office
(Art. 16, Cabinet Order for the Enforcement of the Law of Special Regulations concerning the Educational Public Service)

Inspection commissioner
(Art. 196, Local Autonomy Law)

Member of the public safety commission
(Art. 8, 22, 44, The Police Law)

Member of the ^{board of} education ~~commission~~
(Art. 10, Board of Education Law)

Effective Public Office

In accordance with the National Public Service Law, the National Personnel Authority laid down a rule concerning elective public office, which was announced under Rule No. 14-5 of 29 June, 1949 to take effect as from that date.

The main points of the rule are explained as follows:

- (1) The elective public office referred to in the Law and rules shall be construed to mean offices held by those enumerated below:
 - (a) Members of the House of Representatives;
 - (b) Members of the House of Councillors;
 - (c) Chiefs of local public entities;
 - (d) Members of assemblies of local public entities;
 - (e) Members of Boards of Education; and
 - (f) Members of Agricultural Land Commissions of Metropolis, Hokkaido, urban and rural prefectures and of Agricultural Land Commissions of cities, towns and villages (exclusive of those members designated without public election).
- (2) Except in the specified cases as prescribed in this rule, employees shall not take any elective public office concurrently with their government position on and after 1 July, 1949.

12 DECEMBER 1948 AMENDMENT TO THE 30 NOVEMBER 1948 AMENDMENT OF THE
NATIONAL PUBLIC SERVICE LAW NO. 120 OF 1947.

Article 1 shall read as follows:

(Object and Effect of this Law.)

Article 1. The object of this Law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards including adequate measures to promote the welfare and interest of personnel which shall be applicable to all official positions and places of employment in the national public service, and by providing that personnel shall be so selected and directed in a manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties.

In Para. 4, of the Article 3: "the administrative sphere" shall read "the sphere".

In Para. 1 of Art. 8, "The Prime Minister" in Item 2 shall read "The Diet".

In Article 9, "The Prime Minister" appearing in Paragraphs 2 to 4 shall read "The Diet".

In Article 12, Para. 6, Item 6 shall be carried down as Item 7 and the number of Item following Item 7 shall be carried down by one consecutively.

The following item shall be added as Item 6. "6. Recommendations to the Diet and the Cabinet under Article 28".

Article 16, Para. 3 shall read as follows:

"The Authority is authorized to issue directives to implement a rule or take other action under this Law."

The following provision shall be added to after the revised Article 62, Para. 2:

In Article 63, "The Prime Minister" in Para. 2 shall read "The Diet and the Cabinet".

The following provision shall be added to after the revised Art. 66:

In Article 67, "The Prime Minister" shall read "The Diet and the Cabinet."

In the provisions of Para. 2 of Art. 92, "The Authority may in such cases order" shall read "The Authority shall in such cases order".

In Art. 95. "The Cabinet" shall read "The Diet and the Cabinet".

In Para. 2 of Art. 103 "any agency of the national public service" shall read "any agency defined by rule of the Authority".

In Art. 108, Para. 3, "sound basis" shall read "sound actuarial basis" and "The Prime Minister" in Para. 4 shall read "The Diet and the Cabinet".

Art. 2 of the 2nd Revised Supplementary Provisions shall be amended as follows:-

"Article 2. Except when otherwise provided by rule of the Authority, a person in the service actively holding elective public office on the effective date of the revised provision of Para. 2 of Art. 102, National Public Service Law, shall lose his position in the service effective as of June 30, 1949 unless he resign from such elective office and communicate to the National Personnel Authority a copy of his resignation and official certification that such resignation has been accepted and has become effective prior to June 30, 1949.

1200 Scott

ASAHIYA - Hyogo

Communist party have set up
booth at entrance to polling places
and are getting petitions signed
for removal recall of city assembly
Bob told Scott believed it to be
violation and interference - Police
probably will remove

1315

Vau

Fukayama - ^{Provisional} Application forms

passed out by society and collected
^{but not filed}

Mitsubishi ^{the} Boundary - Clerk failed

to put names in register - People did not
check list - Communist ^{members of} + local assembly wanted

them to vote - Not allowed - Matter going
to court.

YOKOHAMA LIAISON OFFICE

JAPANESE GOVERNMENT

N.E.M.C. #716 dated Dec. 26th '48 to all prefectural E.M.C.

Re. Definition of public service employees of both the national and local public bodies as stipulated in Para. 5 of Art. 67 of the Election Law for the members of the House of Representatives and in Art. 39 of the Diet Law.

This is the reply to a telephone enquiry from Gumma prefecture.

N.E.M.C. #742 dated Jan. 1st '49 to all prefectural governors.

In this letter to the governors cooperation of all the prefectural officials is solicited for the forthcoming elections. The letter emphasizes the supreme importance of the coming election and examination of the judges, pointing out that it is incumbent not merely on the prefectural E.M.C. alone but on all local officials that the elections be carried out smoothly.

N.E.M.C. #2 dated Jan. 1st to all prefectural E.M.C.

Re. Lecture meetings to popularize platforms of the political parties.

N.E.M.C. (unnumbered) dated Jan. 4th to all prefectural E.M.C.

Re. Recorded lectures at the individual lecture meetings.

A notification was sent on Jan. 4th to the managers of all political parties reminding them that recorded lectures of the candidates as well as their deputies are permissible at the individual lecture meetings.

N.E.M.C. #10 dated Jan. 8th to all prefectural E.M.C.

Re. Lecture meetings to popularize platforms of the political parties.

Another notification was sent to the managers of the respective political parties explaining the contents of the previous notification on the same subject.

YOKOHAMA LIAISON OFFICE

JAPANESE GOVERNMENT

(2)

N.E.M.C. #11 dated Jan. 10th to all prefectural E.M.C.

Re. Measures to deal with those candidates who were disowned or removed by the party headquarters.

N.E.M.C. (unnumbered) dated Jan. 10th to all prefectural E.M.C. *must report - end - FF*

Re. Expenditure for the general election of the members of the House of Representatives.

Expense required by the E.M.C.s were formally decided at 7.75 millions yen, the original demand of 820 million yen having been slashed. ?

N.E.M.C. #18 dated Jan. 12th to all prefectural E.M.C.

Re. How to deal with such spare time as occasioned by the absence or coming in late of the expected speakers at the competitive lecture meetings.

N.E.M.C. #19 dated Jan. 13th to all prefectural E.M.C.

Re. Forwarding that part of SCAP New Year message which deal with the general election.

Urges local E.M.C. to give as much publicity as possible to the message for educational and propaganda purposes.

N.E.M.C. #20 dated Jan. 12th to the governors and prefectural E.M.C.

Re. Appropriation for holding the general election and people's examination.

Tells how to use the fund allocated to each prefecture and to account for the expenditure.

YOKOHAMA LIAISON OFFICE
JAPANESE GOVERNMENT

(3)

N.E.M.C. #25 dated Jan. 12th to all prefectural E.M.C.

Re. Gist of reporting election offenses.

At the demand of G.H.Q. a form has been decided upon in consultation with Attorney General's Office and National Rural Police HQ. Prompt reporting by filling in the prescribed form is requested.

People's Examination M.C. (Shin #4) dated Jan. 13th to all prefectural E.M.C.

Re. Transmittal of examination branch reports.

The subject reports shall be submitted to the People's Examination M.C. by Jan. 29th at the latest.

N.E.M.C. #22 dated Jan. 13th to all prefectural E.M.C.

Re. Reporting of election returns etc.

N.E.M.C. #26 dated Jan. 13th to all prefectural E.M.C.

✓ Re. Substituting competitive lecture meetings and round table conferences in the newspapers.

This is the reply to an enquiry from Toyama.

"No vote shall be accorded to ~~at~~ those for whom the Japanese Koseki-ho (Family Registration Law) is not applicable."

Statute No. 42
17 December 1920.

日本標準規格 B5) 文書用印刷

横濱連絡調整事務局

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

18 January 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Interpretation of the Election Law.

The National Election Management Commission, the Attorney General's Office, the National Rural Police, and other agencies of the Japanese Government agree that a too literal interpretation of all provisions of the Law Concerning Provisional Exceptions to Election Campaigns would in some degree violate the basic rights guaranteed by the Constitution. These agencies therefore have instructed all prefectural and local subsidiaries to give full consideration to the Bill of Rights contained in the Constitution in applying all provisions of the law.

O. I. HAUGE
Chief, Public Affairs Div.

18 January 1949

SUBJECT: Statement Issued 18 January 1949 by the National Election Management Commission, Japanese Government.

The National Election Management Commission after obtaining Cabinet approval, made the following announcement regarding the press in connection with the election.

"Needlessto say, it is the true function of the press to report to the public all news freely and impartially. The Constitution guarantees the press freedom to express opinion. This also is the spirit of the Press Code. It is therefore desired that the press at the time of an election especially demonstrate their true function and speedily and actively supply to the voting public fair and just opinions on political parties and candidates. We believe that in the administration of election laws also these principles naturally should be fully respected.

"The foregoing imposes on the press the obligation to perform its functions as a responsible media of public information, at all times giving paramountcy to respect for the interests of the people."

- END *

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 Jan. 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Interpretation of Election Laws.

1. Major Daniel Imboden, Chief of the Press Unit, CI&E, informed the undersigned yesterday that he had been asked by representatives of leading newspapers whether the Japanese press has the right, under the provisions of existing elections laws, to support or oppose individual candidates or political parties. In reply Imboden assured the press that the Constitution guarantees this right. (See Tab A for Memorandum prepared by Major Imboden.)

2. Representatives of the National Election Management Commission visited Government Section to express disagreement with Major Imboden's statement. It was held that Japanese newspapers could not support or oppose individual candidates or parties without violation Articles 19 and 21 of the Law Concerning Provisional Exceptions to Election Campaigns, promulgated on 1 July 1948.

3. The undersigned urged the Commission to interpret all provisions of the law in the light of the Constitution and to take account of the intention of the Diet in enacting the election law, which obviously was to afford a reasonable minimum but not necessarily equal opportunity to all candidates. Representatives of the Commission requested opportunity to discuss this question with Major Imboden and to confer with representatives of the Attorney General's Office.

4. At 1715 hours yesterday representatives of the National Election Management Commission, accompanied by a representative of the Attorney General's Office, returned with a long interpretation of the Commission's position, which had been drafted with the assistance of the Attorney General's Office. According to this interpretation activities of candidates and political parties could be fully reported in the press, but if a newspaper should go beyond the point of merely reporting events and urged support or opposition to any candidate or political party it would be guilty of violating the Election Law.

5. Since General Whitney had approved Major Imboden's Memorandum, excerpts were read to the conferees. The Section's support of Major Imboden's position was also expressed. Once again a broad interpretation of the law, with conscious adherence to the principles of the Constitution, was urged. At the conclusion of this conference it was agreed that a number of specific questions of concern to the Commission should be referred to Major Imboden the following day.

6. At the request of General Whitney, the projected conference scheduled to be held at CI&E, was transferred to Government Section in order to permit General Whitney to comment on the issues under consideration. Present in addition to General Whitney were Major Imboden and Jack O'Brien, representing CI&E; three representatives of the National Rural Police; three representatives of the Attorney General's Office: Mr. Unno, head of the National Election Management Commission, and his chief assistant, Mr. Suzuki, and other advisers.

7. Following is the text of General Whitney's statement to the conference:

"I feel that the question immediately before you is a fundamental one. It is our purpose to give all assistance in resolving the question in the interest of the people of Japan.

"There is involved a question concerning freedom of the press, freedom of the individual, and respect for the agencies of the Japanese Government. It is not our purpose to inject ourselves into the operational procedures of agencies of the Japanese Government, but rather to join with you in asserting our desire that no principles of the Constitution be violated by any improper interpretation of existing laws.

"Fundamental to that Constitution is the provision that freedom of expression is guaranteed and that the Government of Japan shall be responsive to the free will of the Japanese people. We do intend to join with you in insuring that these fundamentals of the Constitution are not violated by any law or by any interpretation of the law. Had we felt that the Constitution was violated by any changes in the Election Law under consideration by the Diet, we would have been forced to intervene and to hold up those proposed changes. It is fundamental to the responsibility of this Headquarters to insure that basic freedoms and rights guaranteed by the Constitution are preserved inviolate to the people so long as we are here. We did not intervene in that legislative process because we assumed that the legislation would be broadly construed in the light of the paramountcy of the public interest. For there can be no free and enlightened expression of the people's will unless the people can be fully informed concerning facts about which they are called to register their will.

"Since I have been in Japan I have observed a great tendency on the part of judicial, quasi-judicial, and administrative bodies to place a too literal interpretation on laws and administrative regulation, and I have on numerous occasions urged that official thinking and official interpretations be broadened so as to encompass the public interest. Because after all, the public interest should be master of all official thinking and official action.

"Now that is precisely the issue presently involved: a narrow, literal, arbitrary interpretation of the body of law which governs the elections or a broad statesmanlike interpretation which serves the public interest. My advice to you and to every section of the government here represented, in the interest of insuring free election and an untrammelled expression of

public will, construe all laws which you are called on to administer in the light of constitutional mandates.

"And in so doing, whenever there is doubt in your minds concerning the proper interpretation of laws or regulations you can make no mistake if you resolve that doubt in the interest of free expression. This is a fundamental requirement of all law in Japan. You must understand that it is not necessary that the provisions of the Constitution be repeated in every act of the Diet. Those provisions are superimposed over all laws enacted in Japan. You can never fail in meeting your trust and responsibilities if you read into every law every provision of the Constitution. Apply every law and administer every law as if every provision of the Constitution were written therein. That, of course, gentlemen, is your safest course since your first loyalty and devotion is to the Constitution.

"As between obedience to the Constitution and obedience to a law which traverses the Constitution there can be no question in any of your minds as to where your duty lies. So my advice to you is broadly to interpret and apply the election laws, with first concern for preserving to the people and the instrumentalities of the people the freedoms contained in the Bill of Rights of the Constitution. By so doing, and only by so doing, do you recognize the paramountcy of the public interest and serve the people of Japan.

"As you may or may not know, the policies of this Headquarters and more particularly of Government Section, have been to leave the legislative branch and the executive branch and the judicial branch of the Government of Japan free to conduct their own affairs. It is precisely why we didn't intervene when the election laws were considered by the Diet. I'd hate to think that because of this freedom the people of Japan should be subjected to oppressive measures enacted by an agency of the people. I still feel that those measures which the Diet adopted and which you are administering are not of Allied concern unless they are administered in such fashion that they traverse the interests of the people of Japan.

"There is no slightest doubt in my mind that you gentlemen of the Commission, of the police, and of the Attorney General's Office are striving conscientiously to perform your duties. You are confronted with an extremely difficult task and I know you are facing it honestly, fearlessly and faithfully. So don't let anything I say be construed as critical of you or of your efforts because it is not intended in that way. It is your purpose, just as it is our wish, to see in Japan a free and untrammelled election and election campaign, to see that the people of Japan fearlessly and independently record their opinions on election day, and to see that the Bill of Rights of the Constitution is given vital enforcement.

"I agree most fully with views expressed by Major Imboden to the press yesterday or the day before. He will unquestionably discuss this matter with you after I leave. I believe it is absolutely essential to interpret

these election laws in the light of constitutional guarantees. I believe it is essential that the press be accorded complete freedom to register its political views, whether they refer to parties, party platforms, or individuals, whether they are critical or favorable. There is no other way that freedom of expression and freedom of press can be preserved to the people of Japan.

"I believe that those provisions of the election law which interfere with or may be interpreted to restrict the freedom of the individual, whether they be applied to members of the electorate, political parties, candidates, or the press, should be interpreted in such fashion as to insure preservation of individual liberties guaranteed by the Constitution. I recognize that there are some seeming conflicts between the laws and the Constitution. I want to see a broad, statesmanlike interpretation of those provisions, with unfailing devotion to the precepts of the Constitution. This is a challenge to your wisdom, the breadth of your minds and your devotion to the public interest. If any person dares to challenge your action in applying the Constitution to those issues which may arise, thereby preserving inviolate the human rights and freedoms contained in the Constitution, you can place the blame directly on me, the Chief of Government Section.

"If there is any doubt in your minds, resolve it in favor of the citizen and you will never go wrong. Feel free at any time to discuss any of these problems with us. Assume full responsibility if you will, but have no doubt we will back you up one hundred per cent if you follow these precepts.

"That's all I have to say. I hope my position is fully understood. I want to repeat that I intend no criticism of any agency or individual present, that I have complete understanding of the magnitude of the task before you and deep appreciation for the energy with which you are attempting to fulfill that task."

8. At the conclusion of General Whitney's statement Mr. Unno expressed appreciation in behalf of the Japanese officials present. He indicated, however, that Headquarters' advice and guidance might occasionally be requested. Otherwise, there seemed to be full acceptance of the principles enunciated by General Whitney. A few of the questions then raised indicated that they would require assistance in interpreting certain technical provisions of the law in accordance with the principles enunciated by General Whitney.

9. It was agreed that the National Election Management Commission and other agencies of the Japanese Government would make every effort to resolve all future questions and doubts in the light of General Whitney's statement and that all residual knotty questions would be referred to the Headquarters for assistance in developing guidance principles.

O. I. HAUGE
Chief, Public Affairs Div.

HEADQUARTERS EIGHTH ARMY
MILITARY GOVERNMENT SECTION
Legal and Government Division

20 January 1949

MEMORANDUM FOR RECORD:

SUBJECT: Japanese National Elections

1. The following documents have been submitted informally to Legal and Government Division, MG Section, by Government Section, GHQ, SCAP:

a. Memorandum for Record, subject: "Interpretation of Election Laws," dated 15 January 1949.

b. Message from the National Election Management Commission to all Prefectural Election Administration Committees, subject: "Popular Review of Justices of Supreme Court," dated 17 January 1949.

c. Statement issued by the National Election Management Commission, Japanese Government, regarding the press, dated 18 January 1949.

d. Memorandum for Record, subject: "Interpretation of the Election Law," dated 18 January 1949.

2. In addition to the above written statements, numerous telephone calls have been received by this division from Government Section as to their interpretation of the Election Law for the election of the members of the House of Representatives. The general tone of these telephone conversations was that a liberal interpretation should be given to the enforcement of these laws, giving full consideration to the Bill of Rights as contained especially in Chapter III of the Constitution of Japan. Based upon these written statements and oral telephone conversations, it was determined by this division, with the approval of Colonel Watts, that information should be sent to each of the military government teams; that for the purpose of surveillance of this election, no acts which might be considered violations of Articles 14, 15, 16, 17, 18, 19, 20, 21 (as amended), and 24 of the Law Concerning Provisional Exceptions to Election Campaigns, and Article 100 of the Law for the Election of Members of the House of Representatives, would be reported or taken cognizance of. The teams, though, were to be definitely informed that the operation of these articles was

not suspended and that if the Japanese Government desired to prosecute violations under these particular articles, that would be a matter of determination for the Japanese Government alone; that the military government teams would not advise for or against prosecution.

a. In this connection, "Suggestions for Pre-Voting Day Surveillance Teams," issued by this headquarters, dated 29 December 1948, is amended by substituting the word "certain" for the word "all" in line 5 of paragraph 6 and eliminating items (11), (12), (13), (15), (17), (19) and (24). Item (24) is eliminated because the law refers to political activities defined by rules of the National Public Service Commission. To date, no rules have been published; therefore, the law will not apply until the rules are published.

b. Any action taken by Japanese authorities under the provisions of the aforementioned articles of the law, especially arrests, should be reported as an incident pertaining to the election.

3. The above information was transmitted by telephone to Mr. Foster R. Scott, I Corps, on 18 January 1949, and Mr. James M. Wilcox, Legal and Government Officer, IX Corps, the same date, for further transmittal to the military government teams within the respective corps, and by telephone to Captain Fuller, USMC, U.S. Naval Fleet Activities, Yokosuka, Japan, and by conference to Mr. William H. Abrams, Tokyo Military Government Team, Major Charles R. Thomas, Kanagawa Military Government Team, on 19 January 1949, and to Captain S. L. Callihan, Shizuoka Military Government Team, 20 January 1949.

4. In addition to the above information, the following information was given to the same persons at the same time:

a. That all persons detained in prisons in Japan would be entitled to vote, provided (1) that they were being detained on suspicion, (2) that they were awaiting trial, (3) that sentence had been passed but appeal taken and final determination had not been made on the appeal; that these prisoners would vote by absentee ballots for the candidates of the district in which they were legal residents; that if they were legal residents of the districts or the area in which the place of detention was located, that at the option of the prison officials, they could be taken to the polling places under guard. It is to be distinctly understood that persons in prison under final sentence are not entitled to vote.

b. Attention was called to the document referred to in paragraph 1b, above, "Popular Review of Justices of Supreme Court,"

especially as to how it differed from other elections in that only one ballot box was to be used for both parts of this election and that both ballots were to be given at one time. Previously, two ballot boxes would have been used and ballots could have been given out separately.

c. Explanation of statement concerning the press. In that explanation, it was stated that this statement gave complete freedom to the press to print whatever they so desired in regard to opinions or support of various candidates or political parties, including special editions, if necessary, provided, however, that they complied with all other laws and regulations other than election laws; that is, it did not entitle the papers to print libelous or false statement nor to exceed their paper allotment.

HOWARD D. PORTER

EXTRACT FROM INSTRUCTIONS TO CANDIDATES FOR THE HOUSE OF REPRESENTATIVES
ISSUED BY THE ALL-JAPAN ELECTION MANAGEMENT COMMITTEE, DECEMBER 1948

Chapter 3. Election campaign and Public Management of Election

General Remarks

In the 2nd Diet session, law concerning temporary special cases in connection with the election campaign was enacted to take effect from the coming general election. Of all laws and regulations applicable to the election campaign on and after next general election, the following are principal.

- (1) Chapters 10 and 11 of the Election Law for member of House of Representatives and also paragraphs 4 and 5 of Art. 140.
- (2) Articles 8 and 12 and parag. 2 of Art. 12 of Election Procedure Regulation for members of House of Representatives.
- (3) Law concerning Temporary special case of election campaign.
- (4) Procedure Regulation of the above.
- (5) Regulation concerning control of election campaign.
- (6) Regulation governing political funds.
- (7) Order to fix the amount of money to be taken as the base for computation of the maximum sum for election campaign set forth in clauses 1 to 3 in paragraph 1 of Art. 102 of Election Law.
- (8) Nos. 1, 3, 5, 14, 16 and 20 of the All-Japan election management Committee Regulation

The law concerning special case in connection with literatures and pictures (Law No. 16 in the 22nd year of Showa, (1947)) shall not be applicable in election after enforcement of law concerning Temporary Special cases in connection with the election campaign (Special Law 38).

Summing up the foregoing regulation the following schedule is made out to show difference between election campaign by public management and free campaign and restriction and prohibition.

Schedule of Election campaign according to revised law.		
Public Management	Free	Campaign Prohibited
Campaign by speech		
1. Speech meeting participated by all candidates. It will be held at a village or town designated by Election Management Committee in cities or prefectures, on the fixed date, place and order. Number of meeting about	1. Speech meeting on the street. Allowed only in case of presence of candidate. 2. Campaign other than specially prohibited. Examples (1) Broadcasting of political view over radio	1. All speech-meeting other than meeting under public management and meeting on the street attended by candidate. 2. Campaign on the very day of election. 3. Constant calling of name of special candidate, political party

- 30 or 40 per each candidate. Speakers are limited to candidate himself or his delegates. Supporters not allowed to speak.
2. Individual speech meeting, to be held by utilizing facilities designated by election management committee of city, town or village. *Not more than* Less than 30 in number for each candidate. Speeches by delegates and supporters recognizable.
3. Radio Broadcast
- (1) Broadcast as news. (abt 10 broadcasts for each candidate)
- (2) Broadcast by candidate himself (less than thrice for each candidate).
- by the representatives of Political party
- (2) Private Individual interview, greetings(?)
- (3) Campaign over telephone.
4. Any action giving rise to animation or other organization with exception of that recognized as notification of a speech meeting.

2. Campaign by means of literatures (Display and distribution of) (literatures and pictures)
1. Publication of public report of candidates career. To be distributed to each household not less than 3 days prior to election.
2. Distribution of name lists. Papers describing names of candidates and political party he belongs to be distributed to each household.
3. Display of names. 3 to 5 places in each voting district.
4. Ad in newspapers. candidate - once Political party and other political organization - once
5. Putting up posters to notify speech meeting partaken by all candidates and also individual meeting Speech meeting partaken by all candidates. More
1. Posters and paper lanterns (no restriction on number, size and description thereon) to be used on the spot at and during hours of speech meeting on the street.
2. Automobiles and amplifiers and posters, cards and paper lanterns (no restriction on number and size) to be put up on vessels, *auto. or amplifier* allowed for use for election campaign.
3. Posters, cards, lanterns and sign-boards (no restriction on number and size) to be put up at the place of election office for the purpose of indicating its location.
4. Circulation among many people literatures referred to in Nos 1 and 2.
1. Display and distribution of literature and pictures other than in accordance with public management and recognized as free for individual and also distribution and prohibition of literatures and pictures in the name of advertisement of literary work or performances or in other names.
2. Display and distribution of literatures and pictures on the very day of election (with exception of those in accordance with public management).

than 20 places in city,
town and village.

Individual speech meet-
ing - 10 places.

6. Indication of place
of meeting of speech
both by all candidates
and individual candi-
date and bills inside
the hall.
 7. 1,000 non-postage post
cards and letters.
-

3. Others

1. Free use of means of
conveyance
15 free pass for state
railway, private rail-
way and bus.

1. One Automobile, one
set amplifier and 1
vessel. Indication
for election purpose to
be made and certifi-
cate to be carried
with person.

1. Offering or accepting
anything eatable. (Hot
water or tea excepted).
2. Using more than two
automobiles, two sets
amplifiers or two ves-
sels, recognized as
usable.

1. Election campaign by means of speeches.

Of election campaign by speech, speech meeting partaken by all candidates and individual speech meeting as well as radio broadcast shall be conducted under public management. Speech meeting on the street, individual personal interview and campaign over phone are almost free. Other speech meetings and constant calling of names are tabooed or restricted.

Public Management

1. Asking opinion of representative of political party.
(a) Speech meeting partaken by all candidates.

On deciding the number of candidates, and date and place of meeting and also length of time allotted to each candidate for speech, they have to ask presence of a representative of a political party who has a seat in the Diet and ask for his opinion (Special Law 4111). As it is a matter of importance for candidate to decide when and how the speech meeting is to be held, candidate would do well to give the representative what they require. However, election management committee is an organ for carrying out just and right election, the final decisive power rests on the committee. The date of presence of the representative of political party is decided by the committee (Special Law 4111).

2. Notification of date and place of speech meeting and the number of candidates who can speak and time required for speech is to be made within 3 days from the date of public notification of the election date.
3. Report to take part in the speech meeting.

- (1) Qualification. No report shall be sent in unless he is a candidate.
- (2) Report. Report must be sent in on or before the date named by election committee.

The report is not meant for each speech meeting but it is for all coming meetings. So if the candidate failed to send in report before the date named first, he is not allowed to take part in all the meetings. Only those who ^{they do not send date} candidated later, is entitled to the meeting according to the decision of election committee. (Special 6.1)

4. Notice. ^{of decision} Date, place of the meeting and order of speaker are informed to the candidates on decision by election committee. In case the candidates are divided into groups (group and order to be decided by lot-drawing), the candidate will be informed to what group he belongs (Special Law 5.11.11). From the second day on, order of speaker will be changed mechanically, that is the 2nd speak on the first day shall be the 1st one on the second day, and the 3rd one 2nd and so on. Thus the order shall be changed by one each day. Those who took part later than others are last on his first day but slide up by one from the following days. (Special Law 5.11 and 6) So the candidate can work out on what day and hour he has to speak.
5. Notification of date and place of speech meeting will be attended to by the election committee. Candidates and their supporters are not allowed to meddle with it.
6. In the speech meeting, only candidates are allowed to speak. Supporting speech by others are not allowed. Only in case the candidate cannot speak himself, his one delegate can speak on his behalf, but number of speeches by delegates shall not exceed one-fifth of total number (Special Law 3).
7. ^{as to speech meeting partaken by all candidate besides the above there is regulation fixed by the election committee. As to particulars, please refer to it.}
(B) Individual Speech meeting

and indication on the very day

This is different from speech meeting partaken by all candidates in that the individual candidate opens it. The place of meeting is limited to school buildings or other facilities designated by election committee and also notification and arrangements of the place will be attended to by committee. Provisions in paragraphs 2 and 3 of Art. 140 of Election Law shall cease to be effective as long as the special law is in force.

1. Report. Candidate who intends to hold a meeting shall report 5 days before opening to the election committee all particulars of date, name of candidate and name of political party he belongs with a form handed him by the committee (Special Law 12.1 and Special Ordinance 21). Candidate who intends to use the same facilities for more than twice, in order to give equal opportunity to all candidates, is not allowed to file a report for repeated use, but he must send in report each time for each use. (Special Ordinance 21) ^{of same facilities}
2. Decision. Individual speech meeting being not allowed to be held on the day when the meeting partaken by all candidates is opened (Special Law 10.11) the election committee will inform the candidate who intended to hold a meeting on that day that he is not allowed to open the meeting (Special Ordinance 311). As the following parties cannot open the meeting, the

election committee informs them to that effect. (Special Ordinance 31) (Special Ordinance 311).

Those who sent in their report later than others in case there are more than two candidates who intend to use the same facilities on the exact same day.

Those who made use of the facilities more in number than others.

Those, in case the number of use is same, were decided by the election committee as the result of lot-drawing.

Thus even after the decision of place and date for opening the meeting, in case it may cause hinderance to lesson or other practices in the case of school building or to business and other practices in the case of other facilities, the individual meeting is not allowed to be held and in such case the candidate will be informed accordingly by the elction committee (Special Ordinance 5-7). On receipt of such notice, the candidate must send in a new report naming some other date and facilities.

3. Individual speech meeting is limited to 30 times in number. Once decided, even if the meeting is not held for the convenience of the candidate, it will be taken as one. Exception is that in the district difficult for traffic as set forth in the Regulation No. 24 of All-Japan Election Management Committee, the individual meeting is allowed to be held besides the foregoing 30 times, in number decided by the election committee not exceeding 5 times. The "within 5 times" means the number of meeting throughout one election district and not in each city, town or village.

Notification of individual speech meeting

4. The election committee will make notification of date and place two days before opening of the meeting and also display the name of candidate and his political party on the day of opening. All these notifications and displays are handled by the election committee. However, to call to elections at the entrance of the meeting one hour before opening is free (Special law 1211 and 241 Proviso). *and notifying*

5. Necessary equipments for speech meeting.

With approval of the election committee, equipments within the limit of expenses set forth in All-Japan Election Management Committee Regulation No. 22 will be arranged and notified to candidates. Any candidate not satisfied with such equipments can bring in amplifiers and chairs, *and other elect. saw equipment* at his own expense (Special Ordinance 81.11.V). Any damage caused to the equipment shall be compensated by the candidate. (Special Ordinance 8V1)

restored to the original condition

6. In the individual speech meeting, anybody besides the candidates *being different from speech meeting partaken by all candidates* can deliver speech (Special Law 11). The presence of the candidate is not necessary.

7. As to the individual speech meeting, the election committee will specify several necessary items. So it is necessary for the candidate to get hold and study all rules.

(C) Radio broadcast.

There are two ways of broadcast. One is that the candidate broadcast his own political view. The other is that the broadcast station broadcast on their responsibility, name, age, ^{name of} political party to which the candidate belongs and the candidate's career, 10 times during 20 days before the election and its preceding day.

(1) Broadcasting of political view.

(1) Registration at the broadcasting station.

The candidate must get his name registered 5 days before the notification of election. One who candidated after the elapse of the above limit of time must get registration within 2 days after report of candidacy. The applicant for registration shall be candidate himself or his proxy who can dispose of the draft of broadcast-speech. Necessary papers they have to carry to the station are draft of speech, specimen of seal of the candidate and certificate of the candidate. Then the candidate or his proxy express their desire as to the date, hour and other necessary items and get the decision of the station.

(II) As to the particulars, each station will give the decision which must be adhered to by the candidate.

(2) Broadcasting of the candidates career.

Upon request of the Election Committee, the candidate must submit his rough career not exceeding 50 words and 10 words.

Items the candidate can do freely.

Individual personal interview
(d) Calling on from door to door is prohibited (Art. 98 Law concerning House of Representatives). So, it is not allowed to call on elector at his home or at office where he is working. By means other than stated above, the candidate can have interview with any elector and make the elector interested with his election. However, it is not allowed to do so on the very day of election. (Special Law 24.3). *Procedure Election of Member*

on the place corresponding thereto

(e) Election campaign over telephone.

There is not restriction except for the very day of election. As to expenses, those spent with the agreement of the candidate, or the party responsible for account are taken as to election campaign expenses. But in the case the third party spend independently, there is no restriction. *Political fund control law*

(f) Speech-meeting on the street.

It is free with only exception that it is not allowed to open it unless attended by the candidate. *in the case* But the meeting contradicting in its nature to the speech-meeting on the street is not allowed (Special Law. 14) In the speech-meeting, *on the street* they can put up placards and paper lanterns. No restriction to their size and number (Special Law 14 II, 20 I). No restriction to the number of speakers supporting the candidate.

Restrictions.

- (1) It must be held on the street. The road where the general public can walk on the lot of the ground facing the road can be interpreted as the street. But the inside department stores, court-yard of the work-shops, vacant ground owned by a private individual, private road, inside the running trains or electric cars cannot be interpreted as the street.
- (2) The candidate must be present.

There is no question when the candidate speaks himself. But in the case the third party speaks, it is necessary for the candidate to be present there. If it is allowed that the third party can speak with no restriction it naturally requires much of expenses and will oppose to the principle of "Election not requiring much expenses". Hence this restriction. So the candidate's absence from the spot for drinking water or washing hands can be recognized as his presence on the spot.

Items restricted or prohibited.

- (g) Constant calling out the candidate's name for notifying the opening of the speech meeting.

The calling out the names of special candidate, the name of political party and other organization also naturally want many men which makes necessary spending much of expenses. So it is allowed only in the following instances (Special Law 24).

- (1) Constantly calling out the name of candidate or his political party or organization at the entrance and its vicinity of the individual speech meeting, from one hour before its opening and to the closing.
 - (2) Constantly calling out the name of candidate or his political party or organization during the speech going on at the meeting on the street.
- (h) All election campaign to be carried on by other means are prohibited.
 - (1) Except the speech meeting partaken by all candidates, the individual meeting and street meeting, all other speech meetings for the purpose of election campaign are prohibited regardless of its name. (Special Law 15).
care must be taken as the speech meeting includes speech in its broad sense
 - (2) It is same as before that school-children and students under 20 years of age are prohibited to engage in election campaign taking advantage of their position of special connection (House of Rep. Law 96).
 - (3) Calling at from door to door is also prohibited, same as before (House of Rep. 98).

2. Election campaign by means of Literatures and Pictures.

Much stricter restriction has been placed on election campaign by means of literatures and pictures than before. All posters and placards or Ad. in papers necessary for notification of opening of speech meetings partaken by all candidates or that of individual will be attended to

under public management. 20,000 non-postage cards recognized formerly has been restricted to 1,000 post cards and unsealed letters. As to display of name and career, it remains same as before. Besides this, distribution of name list has been instituted.

Items placed under public management.

(a) Newspaper Advertisement.

(1) The number of insertion and its size.

The number is limited to twice - one for the candidate and the other for political party or other political organization or its branch. No matter how many supporting or recommending organization there may be, advertisement is limited to once each for the candidate and the organization. The paper in which the Ad. can be inserted is limited to one daily paper designated for each election district by the Election Management Committee. The size of Ad. is fixed by the Election Committee. But any political party or other organization having five candidates among their members can make the size 5 times as big as its unit size. It is different in this respect from the previous restriction. As to its contents, they can state anything they want as long as it is connected to the election - greetings, or recommendation or can make use of it for notification of speech meeting.

(3) Restriction on delivery of papers.

As to the delivery or sale of paper which has Ad. inserted therein, it is prohibited that they employ laborers for the purpose or members of political party or other organization make delivery of papers. Only usual way of delivery by newspaper sellers is allowed.

(4) Others

No newspaper Ad. other than prescribed above is prohibited. Those who infringed the provision limiting size or number are liable to punishment. (Special Law 32.5.6) Organ papers of organization and others are not allowed for use in the election campaign (Special Law 19. 32.6)

(b) Post cards and unsealed letters

20,000 no-charge post cards allowed in the past have been reduced to 1000 post cards and unsealed letters. Post cards will be handed over free of charge and delivery also free.

(1) Restriction on use.

Those cards are not allowed to use for other purpose than matters relating to establishing election office, asking for witness, or in connection with speech meeting and election business. (Special Law 19)

(2) Procedure for receipt.

The denotation that non-postage cards or letters are for the purpose of election shall be made by affixing a stamp thereon which are issued by the Communication Ministry. (Regulation concerning special handling of no-

H. Posters, placards and paper lanterns to be used or automobiles, amplifiers & vessel.
No restriction on size and number of posters, placards and paper lanterns or automobiles, amplifiers and vessels marked with specified "For election use" (Special Law 20.2) Registration theory in sum to the name of party and must be displayed. Same as in (G) Control Law 2

charge postal matters relating to election of House of Rep. members 2). These stamps are handed over 1000 pcs. to each candidate through campaign chairman. In the case of use of no-charge cards, they have to go to the post office separately designated and receive ordinary post cards in exchange for the stamps. On these post cards, the post office make specified denotation instead of the stamps (Same regulation).

3) In the case of use of unsealed letter, they affix stamp on the letter. The candidates either can post such cards or letters marking oblique red line on right down corner or take them to the post office. As to further particulars please refer to the regulations concerning special handling of no charge postal matters relating to election of House of Rep members).

C) Official report of candidate's careers.

In the election conducted in April 1947, these reports were not delivered to each household. But this time it will be delivered. All others remain same as before. Candidates who want to have their careers put on the reports must apply to Election Committee in writing before the date named by the committee, producing their own written careers. (Election Law of House of Rep. members 87). The written career must not exceed 200 characters (Election Law of House of R. members 87, 4 II). Points on "Kana" letter s attached to character are not calculated as characters, but those parts exceeding the limit will be deleted. (Same Law 87.5II).

D) Distribution and display of names.

It is not necessary that candidates presents their name or other articles to be put on. The Election Committee will attend to such matter on their authority. (Same Law 87.10.11 and 15).

E) Date and place of the speech meetings and name of candidate who is scheduled to speak and his political party. (Special Law 7.1 12.II)

F) Notification of speech meeting and its place and names of candidates at the meeting and their political parties (Special Law 7II 12)

(E) and (F) will be attended to only by Election Committee. No other persons are allowed to meddle with those matters.

Items to be conducted without restriction.

G) Placards and paper lanterns to be used at the speech meeting on the street.

No restriction is placed on size and number of placards and paper lanterns put up at the place of speech meeting on the street during speech and any description to be put thereon. Not only these things can be put up at the place but also can they be circulated for showing (Special Law 19 Priviso 20.1). However, name and address of the party who put up these must be stated on the surface. (Control Regulation 2).

I) Posters, placards, paper lanterns and sign boards indicated the location of election office, put up at the place.

Those to be used at the very place are not under any restriction on their

size and number (Special Law 20.3). Descriptions thereon are limited to the location of election office, names of candidates (social position and profession included) and name of political organization recommending such candidates. (5).

Items restricted or prohibited:

(J) Distribution or circulation of literatures and pictures.

Except newspapers with Ad. inserted therein, 1,000 no-charge post cards and unsealed letters and official reports of candidates' careers and names relating to the foregoing election campaign, no other matters are not allowed for distribution. Notification circular boards and other literatures and pictures or sign boards including placards are prohibited for circulation among the people for reading as such are interpreted as distribution (Special Law 19). Any acts trying to evade this prohibition are also put under taboo. During the election campaign, no one is allowed to publish name of candidate and political organization by means of advertising for literary publication or entertainment, no matter in what names those are put in papers. Even those put in paper before commencement of election campaign are to be ordered withdrawn by Election Committee (Special Law 21).

(K) Display of literatures and pictures.

Display of posters (formerly 1,000 sheets were allowed) is prohibited in the coming election. Except display of names to be carried on by public management (H. of Rep. member Law 87/11) and notification of speech meetings, only those mentioned in (G) to (I) are allowed (Special Law 20).

Election campaign by some other means.

Items coming under public management.

(A) Handing over of special car tickets.

Formerly tickets were handed over with charges, but this time no charge. (Special Law 25).

(1) Available term.

Tickets are obtainable only after official acceptance of candidacy report. Tickets can be used after receipt up to the day preceding the election with exception of death of candidate or withdrawal of candidacy report.

(2) Means of conveyance for use.

These are limited to the State railways, State Automobiles, local railways, omnibus and cars used for transportation enterprises.

(3) Procedures for obtaining car tickets.

- (1) On the presentation of candidacy report, candidate can receive from Election Committee 15 papers certified with charges to be paid afterward.

(2) Presenting these certified paper to the ticket office of the means of conveyance which the candidate intends to make use of, he receives car tickets free of charge as many as he wants within 15 tickets. For further particulars please refer to No. 320 Railway Ministry Ordinance.

(b) Assistance for getting fuel.

The state or local public entity will assist the candidate in getting gasoline or charcoal for their cars (Special Law 26). But under the present circumstances they cannot expect to get much and so it is advisable to arrange the matter with the parties concerned. The Election Committee can only supply data re delivery of oil but not organ for assisting for obtaining oil.

Items restricted or prohibited.

(c) Offering of food and drink

Entertainment of electors or canvassers with the object of getting himself elected or making other candidates fail, even if it is simply an offering or as promise comes under penalty. As a crime in accordance with Art. 112 of Election Law of House of Rep. members. Formerly, tacit approval was given to only one entertainment given within certain limit which was considered not much from the view point of common sense. But the law concerning election now in force was enacted on the principle of "not requiring much expenses", strictly controls all actions offering or accepting invitation to food and drink except hot water and tea.

(d) Use of Automobiles, amplifiers and vessels.

In parallel with food and drinks, principal items of, expenses were expenses for traffic, particularly hire of automobiles and charges for fuel, so restriction was put on these items this time, and each candidate is not allowed to use more than one automobile, one set amplifier and one vessel for election campaign (Special Law 27.1). All these things are not required to be one and the same throughout the whole term of election campaign but that to be used is limited to only one. Certificate handed over by the Election Commission must be carried in person all the time. Further, display fixed by the Election Committee must be put up thereon. (Special Law 22.3.7). Trucks are prohibited for use in lieu of passenger car (Traffic Control Regulation 36 II). But in case of urgent necessity it can be used for a passenger car with the permission of police station at the place of departure. So if candidate wants to use it, he has to take necessary steps. Use of bicycles, horses and sledges is not restricted at all.

It is prohibited to give rise to animation at the time of election by forming ranks or forming in line riding bicycles.

(選挙権及び被選挙権の停止)
第三十五條 第三十二條の罪を犯した者で、罰金の刑に處せられたものはその裁判が確定した日から五年間、禁錮の刑に處せられたものはその裁判が確定した日から刑の執行を終るまでの間又は刑の時効に因る場合を除く外刑の執行の免除を受けるまでの間及びその後五年間、衆議院議員の選挙における選挙権及び被選挙権を有しない。但し、刑の執行猶豫の言渡を受けた者については、その期間は、その裁判が確定した日から刑の執行を受けることなく、なるまでの間とする。

2 裁判所は、情状に因り、刑の言渡と同時に前項に規定する者に對し、同項の選挙権及び被選挙権を有しない旨の規定を適用せず、又は同項の期間を短縮する旨を宣告することができる。

(時効)
第三十六條 第三十二條及び第三十三條の罪の時効は、六箇月を経過することに因り完成する。但し、犯人が逃亡したときは、その期間は、これを一年とする。

附 則
第三十七條 この法律は、次の總選挙から、これを施行する。
第三十八條 選挙運動の文書圖書等の特例に關する法律(昭和二十二年法律第十六號)は、この法律の施行後は、衆議院議員の選挙については、これを適用しない。

(施行に關する政令)

第三十二條 この法律の施行に關し必要な規定は、政令でこれを定める。

(罰則)

第三十二條 左の各號の一に該當する者は、これを二年以下の禁錮又は三千圓以上五萬圓以下の罰金に處する。

一 第三條第一項又は第二項の規定に違反して演説をした者

二 第九條第一項又は第十條第二項の規定に違反して個人演説會を開催した者

三 第十四條の規定に違反して街頭における演説をし、又は立札若しくはちようちんを掲示した者

四 第十五條の規定に違反して演説會を開催した者

五 第十八條第一項の規定に違反して新聞廣告をした者

六 第十九條、第二十條又は第二十一條の規定に違反して文書圖書を頒布し、又は掲示した者

七 第二十二條第一項の規定に違反して自動車、擴張機又は船舶を使用した者

八 第二十三條の規定に違反して飲食物を提供し又は飲食物の提供を受けた者

第三十三條 左の各號の一に該當する者は、これを一年以下の禁錮又は千圓以上三萬圓以下の罰金に處する。

一 第十四條第二項の規定による立札又はちようちんを正當な理由がなくて撤去しなかつた者

二 第二十二條第三項又は第四項の規定に違反して證明書を携帯せず、表示をせず又は呈示を拒んだ者

三 第二十四條の規定に違反した者

四 第二十六條第二項の規定によるガソリンその他の自動車用燃料を正當な理由がなくて返還しなかつた者

(當選無効)

第三十四條 當選人がその選舉に關し、この法律に掲げる罪を犯し刑に處せられたときは、その當選を無効とする。

2 衆議院議員選舉法第四百十三條の規定は、前項に掲げる者が刑に處せられた場合に、これを準用する。

3 第一項の規定による當選無効は、衆議院議員選舉法第七十五條及び第七十七條の規定の適用については、これを同法第三百三十六條の規定による當選無効とみなす。

2 前項の規定により國庫に納付した物は、議員候補者が選挙の期日までに死亡し、又は当該候補者たることを辭したときその他いかなる場合においても、これを返還しないものとする。

3 第一項の規定による納付をした者が、當該選挙区において衆議院議員選挙法第七十五條第一項の規定により更に選挙が行われるとき、再び議員候補者の届出又は推薦届出をする場合には、第一項の規定による納付をすることを要しない。

4 衆議院議員選挙法第六十七條第一項乃至第三項の規定による届出をする場合にあつては第一項の納付をしたことを證すべき書面、前項の規定による届出をする場合にあつては前回に納付したことを證すべき書面を添付しなければならぬ。

(國庫の負擔)

第二十八條 左の各號に掲げる経費は、國庫の負擔とする。

一 立會演說會の開催に要する経費

二 個人演說會のための告知及び施設に關する経費

三 放送に要する経費

四 新聞廣告に要する経費

五 第十九條第二項に規定する郵便葉書及び無封書狀の経費

六 第二十五條の規定による交通機關の使用に要する経費

(特別區、區及び全部事務組合)

第二十九條 この法律の適用については、特別區及び地方自治法第五十五條第二項の規定にまゝる區は、これを市とみなし、町村の全部事務組合は、これを一町村とみなす。

(特別の規定)

第三十條 交通至難の島嶼その他の地においてこの法律の規定を適用しがたい事項については、政令で特別の規定を設けることができる。

第二十四條 何人も、左の各號に掲げる行爲は、これをする事ができない。

一 いかなる方法を以てするを問はず、選挙運動のために特定の候補者の氏名又は政黨その他の政治團體の名稱を連呼すること 但し、個人演説會を開催する場合にあつてはその實施一時限前か
ける演説會を行う場合にあつてはその實施の場所において、當該演説會の告知のためにする場合はこの限りで方
い。

二 選挙に關し、自動車を連ね又は隊伍を組んで往來する等氣勢を張る行爲をすること

三 選挙の當日選挙運動をすること

(交通機關の利用)

第二十五條 議員候補者、推薦届出者その他選挙運動に従事する者が、選挙運動の期間中關係區域内において、國有
鐵道、國營自動車、地方鐵道、軌道、一般乗合旅客自動車運送事業等の交通機關を利用するため、各議員候補者は、
運輸大臣の定めるところにより、通じて十五枚を限り、特殊乗車券の交付を受けることができる。

(燃料のあつせん)

第二十六條 議員候補者が選挙運動のため第二十二條第一項第一號の規定による自動車のために使用するガソリンそ
の他の自動車用燃料に關しては、その配給又は交付につき、國又は地方公共團體において、これをあつせんするも
のとする。この場合においては、全國選挙管理委員會又は都道府縣の選挙管理委員會は、配給の計畫その他實施上
必要な措置を講じなければならない。

前項の規定によりガソリンその他の自動車用燃料の配給又は交付を受けた者は、議員候補者たることを辭した場
合には、直ちに、その全部を返還しなければならない。但し、選挙運動に使用したため全部を返還することができ
ないときは、選挙運動に使用したことを證する明細書を添えて、殘部を返還しなければならない。

(公營に要する經費の分擔)

第二十七條 議員候補者の届出又は推薦届出をしようとする者は、選挙の公營に要する經費の分擔として、議員候補
者一人につき、二万圓又はこれに相當する額面の國庫證券を、あらかじめ國庫に納付しなければならない。

有する政黨又はその支部で最近に行われた總選舉において所屬の衆議院議員を有し若しくは有したものの代表者一人の參集を求めて、その意見をきかなければならない。

4 前項の參集に加わらうとする政黨又はその支部は、都道府縣の選舉管理委員會に、その指定する期日までに、その旨を届け出なければならない。

第五條 立會演說會に加わらうとする議員候補者は、都道府縣の選舉管理委員會に、その指定する期日までに、その旨を届け出なければならない。

2 前項の届出のあつた議員候補者について、最初に行われる立會演說會における演說の順序及び前條第二項の規定により班を分けて實施する場合におけるその所屬の班は、都道府縣の選舉管理委員會が、くじでこれを決定する。この場合においては、併せて議員候補者が演說をすることのできる立會演說會の日時及び會場を決定しなければならない。

3 第二回以後の立會演說會における議員候補者の演說の順序は、原則として、前回の第一順位の者を最後の順位とし、第二順位以下の者を順次一順位づつ繰り上げたものによる。

4 都道府縣の選舉管理委員會は、第二項の決定をしたときは、直ちに、當該候補者及び關係市町村の選舉管理委員會に、これを通知しなければならない。

第六條 前條第一項の規定による期日後立候補の届出をした者で立會演說會に加わらうとする者は、都道府縣の選舉管理委員會の定めるところにより、その旨を届け出なければならない。

2 前項の届出のあつた議員候補者が演說をすることのできる立會演說會の日時、會場及び最初に加わることを得べき立會演說會における演說の順序並びに第四條第二項の規定により班を分けて實施する場合におけるその所屬の班は、都道府縣の選舉管理委員會がこれを決定する。

3 前條第三項及び第四項の規定は、前項の場合に、これを準用する。

第七條 市町村の選舉管理委員會は、前二條の規定により通知があつたときは、立會演說會を開催すべき期日前二日までに、公衆の見易い場所に、立會演說會を開催すべき日時及び會場並びに演說を行うべき議員候補者の氏名及び

For Mr. Porter

Law # 196
July 29, 1948

選舉運動等の臨時特例に関する法律

昭和二十三年七月二十九日
法律第六十九号

(この法律の目的及び適用範囲)

第一條 この法律は、現下の經濟事情に鑑み、選舉の公營を強化し、選舉を最も公平且つ適正に行い、以て選舉の腐敗を防止することを目的とし、衆議院議員の選舉に、これを適用する。

(立會演說會)

第二條 市及び人口概ね五千以上の町村で都道府縣の選舉管理委員會の指定するものは、議員候補者の政見を選舉人に周知させるため、立會演說會を開催しなければならない。

2 前項の市は、人口概ね五万ごとを一單位として、立會演說會を開催するようになければならない。

3 第一項の町村以外の町村で人口、交通の狀況等を參酌の上、都道府縣の選舉管理委員會の指定したものは、立會演說會を開催しなければならない。

第三條 立會演說會において演說をする者は、議員候補者でなければならない。

2 議員候補者は、その代理として一人を限り、自己の加わるべき立會演說會において演說を行わせることができる。但し、その演說の回数、當該候補者が第五條第二項又は第六條第二項の規定により行い得べき演說の總回数の五分の一を超えてはならない。

3 前項但書の回数の計算については、端数は、これを一回とみなす。

第四條 都道府縣の選舉管理委員會は、あらかじめ立會演說會を開催すべき豫定の日時及び会場並びに一回の立會演說會において演說をすることのできる議員候補者の數及び演說の時間を決定し、選舉の期日の公示又は告示の日から三日以内に、これを告示しなければならない。

2 前項の場合において必要があるときは、都道府縣の選舉管理委員會は、議員候補者を班に分けて、立會演說會を実施する方法を講じなければならない。

3 第一項の規定による決定をなすに當つては、都道府縣の選舉管理委員會は、都道府縣の区域内に主たる事務所を

十回とする。

(新聞廣告)

第十八條 議員候補者及び政黨その他の政治團體又はその支部の代表者は、都道府縣の選舉管理委員會が議員候補者一人につき定める同一寸法で、都道府縣の選舉管理委員會が同一選舉區ごとに指定する一つの日刊新聞に、選舉運動の期間中一回を限り、選舉に關して廣告をすることが出来る。

2 前項の廣告を掲載した新聞紙は、第十九條の規定にかかわらず、新聞販賣を業とする者が、通常の方法でこれを頒布することが出来る。

(文書圖書の制限)

第十九條 選舉運動のために使用する郵便葉書、筆書した書狀、名刺その他一切の文書圖書は、これを頒布することが出来ない。但し、選舉事務所の設置、立會人の依頼、演說會に關し必要な連絡その他選舉事務の連絡のために使用する郵便葉書及び無封書狀は、この限りでない。

2 前項但書の郵便葉書及び無封書狀は、議員候補者一人について通じて千枚とし、郵便官署において選舉事務用である旨の表示をしたものでなければならぬ。

3 選舉運動のために使用する回覽板その他の文書圖書又は看板(ブラカードを含む)の類を多數の者に回覽させることは、これを第一項の頒布とみなす。但し、第十四條第二項及び第二十二條第五項に規定するものを回覽させることは、この限りでない。

第二十條 選舉運動のために使用する文書圖書は、左の各號に掲げるものの外は、これを掲示することが出来ない。

一 第十四條第二項の規定により街頭における演說會のためにその場所において使用する立札及びちようちん

二 第二十二條第五項の規定により自動車、擴聲機又は船舶に使用する張札、立札及びちようちん

三 選舉事務所を表示するために、その場所において使用する張札、立札、ちようちん及び看板の類

第二十一條 何人も、選舉運動の期間中は、著述、演藝等の廣告その他いかなる名義を以てするを問はず、前二條の禁止を免れる行爲として、主として議員候補者の氏名、政黨その他の政治團體の名稱又は議員候補者を推薦し、支

持し若しくは反對する者の名を表示する文書圖書を頒布し、又は掲示することができない。

2 選挙運動の期間前に掲示した文書圖書で、前項の規定に該當するものがあるときは、都道府県及び市町村の選挙管理委員会は、選挙運動の期間中に限り、これを撤去し、又は撤去させることができる。

(自動車等の制限)

第二十二條 主として選挙運動のために使用される自動車(道路交通取締法第二條第五項に規定する諸車をいう。以下これに同じ。)擴聲機及び船舶は、議員候補者一人について、それぞれ同時に、左の各號の制限を超えてこれを使用してはならない。

一 自動車 一台

二 擴聲機 一揃

三 船舶 一隻

2 前項の自動車、擴聲機又は船舶を使用しようとする場合には、議員候補者は、あらかじめ都道府県の選挙管理委員会に發行する證明書の交付を受けなければならない。

3 第一項の自動車、擴聲機又は船舶を使用する者は、前項の證明書を常時携帯するとともに、その使用する自動車、擴聲機又は船舶には、都道府県の選挙管理委員会の定めるところの表示をしなければならない。

4 前項の證明書は、當該公務員の請求があるときは、これを呈示しなければならない。

5 第一項の自動車、擴聲機及び船舶には、議員候補者の氏名、黨派別等を表示する張札、立札及びちようちんを掲示することができる。

6 第一項の自動車を使用するために要した費用は、これを選挙運動の費用でないものとみなす。

(飲食物の提供の禁止)

第二十三條 何人も、選挙運動に關し、いかなる名義を以てするを問わぬ、飲食物を提供し又は飲食物の提供を受けずはならない。但し、湯茶を提供し又は湯茶の提供を受けることは、この限りでない。

(選挙運動の制限)

の選挙管理委員会のあらかじめ定めるところにより、公衆の見易い場所に、個人演説会を開催すべき日時及び会場並びに演説を行うべき議員候補者の氏名及び党派別を掲示しなければならない。この場合における掲示の場所は、個人演説会を開催すべき市町村につき、十箇所とする。

3 第七條第二項の規定は、個人演説会の会場に關する表示及び掲示について、これを準用する。

第十三條 個人演説会において使用する施設については、その使用に關し、料金を徴収することができない。

(街頭演説會)

第十四條 選挙運動のためにする街頭における演説會は、その場所に議員候補者が現在する場合に限り、これを行うことができる。

2 前項の場所には、議員候補者の現在する間、立札及びちようちんを掲示することができる。この場合において、當該候補者が現在しなくなつたときは、直ちに、これを撤去しなければならない。

(演説會の禁止)

第十五條 この法律に定めるところの立會演説會、個人演説會及び街頭における演説會を除く外、選挙運動のためにする演説會は、いかなる名義を以てするを問はず、これを開催することができない。

(放送)

第十六條 議員候補者は、選挙運動の期間中公益のため、その政見を放送することができる。

2 前項の放送に關しては、當該選挙區のすべての議員候補者に対して、同一放送設備を使用し、同一時間數を與える等同等の利便を提供しなければならない。

3 前二項の放送の回数、日時その他放送に關し必要な事項は、全國選挙管理委員會が日本放送協會と協議の上、これを定める。

第十七條 日本放送協會は、その定めるところにより、議員候補者の氏名、年令、党派別、主要な經歷等を關係區域の選挙人に周知させるため、放送をするものとする。

2 前項の放送の回数、選挙の期日前二十日から選挙の期日の前日までの間において、各議員候補者について概ね

黨派別を掲示しなければならない。この場合における掲示の場所は、立會演説會を開催すべき市町村又は一單位につき、二十箇所以上でなければならない。

2 市町村の選挙管理委員会は、立會演説會開催の當日の演説會場の表示並びに演説會場における議員候補者の氏名及び黨派別の掲示をしなければならない。

3 前二項に規定するものの外、會場の施設その他立會演説會の實施に関する事務は、市町村の選挙管理委員會がこれを行う。

第八條 前六條に定めるものを除く外、立會演説會に關し必要な事項は、都道府縣の選挙管理委員會がこれを定める（個人演説會）

第九條 議員候補者は、市町村の選挙管理委員會の指定する施設を使用して、個人演説會を三十回以内開催することができる。

2 前項の施設については、政令の定めるところによりその管理者において、必要な設備をしなければならぬ。

3 市町村の選挙管理委員會は、第一項の施設の指定をしたときは、直ちに、都道府縣の選挙管理委員會に、これを報告しなければならない。

4 前項の報告があつたときは、都道府縣の選挙管理委員會は、これを告示しなければならない。

第十條 議員候補者が第十二條第一項の規定による届出をした後、その開催すべき個人演説會を實施しなかつた場合においても、その實施しなかつた回数、これを前條第一項の規定による回数に算入するものとする。但し、天災その他不可抗力に因る場合は、この限りでない。

2 立會演説會が開催される當日には、當該市町村において、個人演説會を開催することができない。

第十一條 個人演説會においては、議員候補者以外の者も演説をすることができない。

第十二條 個人演説會を開催しようとする議員候補者は、開催すべき期日前五日までに、使用すべき施設、開催すべき日時並びに議員候補者の氏名及び黨派別を市町村の選挙管理委員會に届け出なければならない。

2 市町村の選挙管理委員會は、前項の届出があつたときは、個人演説會を開催すべき期日前二日までに、都道府縣

Return to 460

全選登傍七一六号

昭和二十三年十二月二十六日

全選登管理委員会事務局長

各都道府県選登管理委員会委員長殿

衆議院議員選登法第六十七條第五項及公職法第三十

九條の國又は地方公共団体の公務員の範囲について

標記の件に關し群馬縣から電話を以て照会があり、これについて別紙
のとおり回答したから参考まで送付する。

全選發第七一五号

昭和二十三年十二月二十五日

全國選挙管理委員会事務局長

群馬縣選挙管理委員会委員長 殿

衆議院議員選挙法第六十七條第五項及び国会法第三十

九條の國又は地方公共団体の公務員の範囲について

さき電話を以て御照会の委員会の委員等が衆議院議員選挙法第六十

七條第五項及び国会法第三十九條の國又は地方公共団体の公務員である

かどうかについては、左記の委員会等が、法律、政令、総理府令若し

くは省令又は地方公共団体の委員会等にあつては更に條例若しくは規則

により、設置せられ、國又は地方公共団体の負担において、且つ、國又

地方公共団体の事務を行ふ場合は、その委員会の委員等は、國又は地
 方公共団体の公務員と認められ、單に内閣総理大臣、各省大臣又は
 地方公共団体の長等の訓令、裁決等により設置されていゝものであ
 る場合は、國又は地方公共団体の公務員ではないと存する。
 なお、御照会のおつた委員会については、左記により承知せられたい。

記

根拠法令

公務員の五分

- 裁判所小作調停委員会委員
- 都市計画委員会委員
- 土木関係の補償審査委員会委員
- 土地区画整理委員会委員

小作調停法第三十二條
 都市計画委員会官制
 都市計画法第四條
 民法債権總論第十條
 民法債権總論第十條
 官制
 特別都市計画法第三十二條
 土地整理法施行令第四十五條

國 國 國 國

土地收用審査委員会委員
 特殊物件委員会委員
 地方債金委員会委員
 地方労働委員会委員
 水利組合常設委員
 耕地整理組合評議員
 耕地整理組合役員
 農業協同組合役員
 社会保険診療協議会委員
 社会保険診療報酬請求書審査委員会委員

土地收用法第三十五條

二〇一〇一八
内務省令第一七号

労働基準法第二十九條

労働組合法第二十六條

健康保険法第四三ノ五
社会保険診療協議会令

社会保険診療報酬支那資金法
第十二條

國

條例又は規則に特別の定めがない限り、地方公共団体の公務員でない

國

地方

地方公共団体の公務員ではない

同

同

同

國

國

国民健康保険運営協議会委員

国民健康保険審査会委員

地方森林組合委員

障害者運動委員会

酪農業調整協議会委員

食糧公団役員

健康保険法第八條ノ十八

健康保険法第五十二條ノ三

条例規則で設置されたものは
地方公務員である

酪農業調整協議会規程
(大臣政令)

食糧管理法第三十七條

地方

地方

地方公共団体の公務員ではない

地方公共団体の公務員ではない

国

NE No. 716

Dec. 26, 1948.

To the Chairman of the Election Management Committee
of each prefecture, "DO", "FU", or Metropolis.

Re Extent of Public Service Workers of the State or
Local Public Entities mentioned in the House of Represent-
atives Election Law, Art. 67, Par. 5 and the Diet Law,
Art. 39.

We received an inquiry from GUNMA Prefecture
by telephone with regard to the above-mentioned
subject. ^{Accordingly, in this connection,} we have replied to such effect as
mentioned in the attached papers. we hereby
send ^{you} a copy of ^{the} reply for your reference.

Director of the Office of the National
Election Management Commission.

NE No. 715.

Dec. 25, 1948

To the Chairman of the Election Management Commission
of GUNMA Prefecture.

Re Extent of Public Service Workers of the State or
Local Public Entities mentioned in the House of Represent-
atives Election Law, Art. 67, Par. 5 and the Diet Law,
Art. 39.

As regards whether or not the members of the
committees or commissions, about which you made
inquiry of us some time ago, ^{be public service workers,} we interpret it
in the following way.

If such committees or commissions have been
instituted by a law, gov't ordinance, Prime Minister's
Office ordinance, departmental ordinance, or
(as regards ^{the} committees of local public entities)
by a regulation or rule, and work for the State
or the said entities at an expense of the State or
the entities, ^{then} the members of such committees or
commissions are regarded as public service workers

of the State or local public entities. On the other hand, if the committees or commissions in question have been instituted merely by an instruction or decision on the part of the Prime Minister, the Minister of a Department, or the chief of a local public entity, then their members are not regarded as public service workers of the State or local public entities.

We here attach the following list for your reference.

Director of the Office of the National Election Management Commission.

Members of	Basic Laws and Ordinances	Classification of PS Workers
1. the Tenancy Mediation Committee of a Law court	Tenancy Mediation Law, Art. 32	state
2. City-Planning Committees	Organization of City-Planning Committees, City-planning Law, Art. 4.	state
3. Compensation Inquiry Committees concerning public works	Dwelling-house Urgent Measure Ordinance, Art. 10. Dwelling-house Urgent Measure Compensation Committee Regulation.	state
4. Committees for Delimitation of the Streets	Special-city-planning Law, Art. 12	state
5. Committees for Expropriation of Land.	Enforcement Ordinance for Arable Land Adjustment Law, Art. 45. Law of Expropriation of Land, Art. 35.	state
6. Released Military Supplies Committees	Home Affairs Ministry "HATSU-CHO" No. 17 (Oct. 18, 1945)	not public service workers unless specially prescribed by regulation or rule
7. Local Wage Committees	Labor Standard Law, Art. 29	state
8. Local Labor Committees	Labor Union Law, Art. 26	local
9. Standing officials of Water Utilization Associations.		not public service workers of local public entities nor state

10	Councillors of Arable Land Ad- justment Associations		same as above
11	Officials of Arable Land Adjustment Associations		same as above
12	Officials of Agri- cultural Cooperative Unions.		same as above
13	Social Insurance Medical Treatment Councils.	Health Insurance Law, Art. 43, No 5	state
14	Social Insurance Doctors' Bills Examination Committees	Social Insurance Doctors' Bill Payment Fund Law. Art. 13	state
15	National Health Insurance Operation Councils	Health Insurance Law, Art. 8, No 18	local
16	National Health Insurance Investigation Committees	Health Insurance Law, Art. 52, No. 2.	local
17	Officers of Local Forest Unions		not public service workers of local public entities nor state
18	Prefectural Horse-race Management Committees	Local public service workers if the committees have been instituted by regulation or rule.	
19	Dairy-farming Adjustment Councils	Regulations for dairy-farming Councils (sanctioned by the Minister concerned)	not public service workers of local public entities nor state
20	Officers of Public Food Corporations	Food Control Law, Art. 27	state

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全道発光ニヨリ

昭和二十四年一月十二日

全國選挙管理委員会事務局長

知事

選挙管理委員会委員長 殿

衆議院議員総選挙及び最高裁判所裁判官国民審査施行費豫算に関する件

標記の件については、今回執行される選挙の時期、公営の程度及び最高裁判所裁判官の国民審査が始めにあわせて行われる等の特殊性に鑑み、客年十月以来関係当局と逐次交渉しその間種々難行を続けた後、漸く本年一月八日決定を見るに至った次第であるが、この決定豫算額は必ずしも十分の額といえないにしても、わが国がおかれていゝ現状と国家財政窮乏の状況に照し創意と工夫によつて選挙並に国民審査事務管理の適正を期す可きとすもに予算の執行に当つては、左記各項御留意の上遺算なきを期されたい。

記

- 一 この経費は、都道府県の予算に計上し経理するものであること。
- 二 この経費は、衆議院議員選挙及び最高裁判所裁判官国民審査に要する経費以外に支出することかできないこと。
- 三 右に及した事実があるときは、その選付を命ずることがあること。
- 四 都道府県と市町村に對する補助の区分は概ね別表の通りであるから、この区分に従い市町村の投票區、有権者数及び従事する職員の数等実情に即する適正な規程によつて配分せられたい。但し、市町村の選挙管理委員会がなすべき印刷、物件の購入等を都道府県選挙管理委員会が便宜代つて行ったものは留保され、なすべからざること。
- 五 超過勤務手当は、選挙及び国民審査の事務に従事した都道府県廳及び市町村並に町村役場の職員の超過勤務に對する手当であつて、投票所、開票所において学校の職員、協同組合職員、青年團員等に囑託し選挙及び国民審査の事務に従事せしめた場合においては、囑託手当のみを支給すべきであること。
- 六 選挙及び国民審査の事務に従事するものには對しては、正規の給与の外

従来の所請特別手当は支給することかできないこと。

六、この経費の支出については、関係方面からの指示もあり、検閲を受け
ることがあるかも知れないので、使途、計算の基礎及び真正に選挙及び
民署直に必要なことを証明し得るようには証拠を整備しおかねばならぬこと。
市町村に対しては、この点については指示しおかれたいこと。

七、選挙執行後は、三月三十一日までには別紙様式により精算書二通（選挙
審査各別に）を遅滞なく提出すること。

八、この経費の内容及び精算の基礎は、別紙参考資料の通りであること。

参考資料

(A) 衆議院議員選挙費

一 牛当及び給与金

(1) 囑託牛当

投票所、開票所の事務に従事せしめるため学校職員、
団体職員、青年団員等を囑託した場合の牛当
(市町村役場の一般の職員を除く。)であつて、七割を
市区町村の非現業の職員数により、三割を投票所
開票所の数により按分した。

(2) 選挙関係者
費用弁償

各管理者及び立会人手の費用弁償の額は、本委員
規則で定められた額により、投票区、開票区及び都道
府縣から報告のあつた実数に基づき、立会人の人員数は
投票立会人四人(平均) 開票立会人七人 選挙立会人八人と
算出した。

(3) 超過勤務牛当

非現業の一般職員及び^都道府縣における勤務地牛当
平均支給率により配分した。

有権者数、投票所^{及び開票所}の数により配分した。

二人夫賃

三 旅費
11. 縣令

各都道府縣の上京旅費單価、都道府縣と各地方
事務所(支庁)などの延軒数により配分した。

(1) 市町村分

半額を料割、半額を市町村お割とした。

四 消耗品費

(1) 文具費

縣分は、↓事務用紙配給お量及び市町村お
により、市町村分は文具費一市は二〇〇〇月一市村七〇〇月
投票所開票所の消耗器材費一市は二〇〇月一市村
配分した。

(2) 燃料費

ガソリン、重油等は各都道府縣別配給数量に
配分、木炭は一縣平均一俵一地方事務所(支庁)五俵
一市町村五俵とし、残量を緯度及び気温による所
謂寒冷地と指定されている府縣、市町村のお及びその
地の等級の区分に従い算出した。

(3) 食糧費

非現業一般職員お、投票所開票所お等により
算出した。

五、旅費

(1) 印刷製本費

有権者お世帯お投票所お開票所お、市町村お
お、立候補者見込お等により配分した。

(2) 通信費

市町村お、地方事務所お等により配分した。

(4) 演説会費

(1) 立会演説会

候補者見込総数と、演説会開催班数等による演説会総回数に於て、これに設備費、人件費を乗じた(設備費一回一六〇円(大都市は若干増額)告知ビラ掲示のための人夫賃、文具費等)に於ては一回平均六〇〇円とした。

(2) 個人演説会費

一回の経費平均五二〇円に立候補者見込数を乗じた。

(3) 新聞広告費

各府県地方新聞の五種二段の公定広告料金を立候補者数に於てとした。

B. 国民審査費

選挙年費

投票(開票)監督者、審査分会長及び各種立会人の選挙年費の額は選挙告示五号の規定により、人員は監督者により、

直存簿より提出があった投票紙、開票紙の実数に基づいて、立
会人については投票立会人加一投票紙につき四人、開票立会人加
開票紙につき七人として計算した。

二 賃金（人夫賃）

投票用紙に印押捺、枚数計算票のための人夫賃で、有権者総
数により按分した。

三 役務費

（一）印刷製本費

投票用紙等有権者が基礎にならている費目については有権者
数により、世帯数、投票枚数、開票枚数が基礎にならているも
のについては、それらによりて按分した。

（二）広告料

棄権防止票啓蒙宣伝のための新聞広告費で各地方新聞
（大阪府にありては三大新聞）の十厘二段の公定料金に基づいて
算出した。

四 備品費

投票函調製費で投票區数により按分した。

五番査公營費

(i) 審査公報 世帯数に於て按分した (世帯数 \times 2月)

(ii) 印刷費 世帯数に於て按分した 半額は各種道府縣別勤務

(iii) 人夫賃 半額は世帯数に於て按分した

地毎の率 (物価率) に於て按分した

(都道府縣)

衆議院議員選挙及最高裁判所裁判官国民審査に要する経費配付額

部	款	項	目(節)	金額
地方財政費				円
	地方公共団体 職員費補助			
		地方公共団体 職員費補助		
			19. 補助員担金及交付金 衆議院議員選挙費 負担金 最高裁判所裁判官 国民審査費負担金	

(備考) 配付区分は附表(通)。

附表 衆議院議員選挙に要する経費配付内訳

都道府縣名

区 分	配 付 額 円	備 考
1) 補助員担金及交付金		
衆議院議員選挙員担金		
半当及給与金		
嘱託半当		
選挙関係者費用弁償		
超過勤務半当		
賃 金		
人 夫 賃		
旅 費		
消 耗 品 費		
文 具 費		
燃 料 費		

投票所開票所事務嘱託半当
1人100円

投票(南東)管理者、選挙長、各種立会人の
費用弁償
都道府県(地方自治支庁を含む)市町村
役場の職員に超過勤務半当

投票用紙に印押捺すのための人夫賃並みに
投票所開票所の備え人夫賃 1人100円
市町村と府県に於ける町会連と地元の自治
会連と並視並に指導員旅費(地方自治
に支障するに要する旅費、投票所連絡旅費)

用紙、印、その他都道府県認可村において要
する文具費、投票所用票所の消耗器材と
ガソリン及び船舶用重油購入費、木炭(石炭)
に要する経費

食糧費	都道府縣(地方事務所・支庁を含む)及び市町村において要する食糧費
役務費	投票用紙、入場券、特別投票用封筒、票(用票用紙)封筒、ポスター、ビラ、選挙手続1冊、監視員復命書、選挙結果調、記、標等印刷するに要する経費、全国選挙管理委員会又は地方事務所(支庁)及び市町村に対する報告通知書に要する電報電話郵便料、臨時電話架設費、市町村を含む投票用紙、ポスター等の印刷物や他の輸送に要するの市町村を含む。
印刷製本費	投票箱修理費
通信費	新聞広告費、広告製作費
運搬費	投票所、船舶、選挙宣伝のためのトラック借と料
修繕費	
借料及損料	
送、奉、公、管、費	
経歴公報発行費	経歴公報印刷費、配付のための輸送費(人夫費)
氏名表発行費	氏名表印刷費
氏名揭示費	氏名の揭示のために要する経費
演説会費	立会演説会(会場施設費、文具費、通信費、人夫費)個人演説会に要する費用
新聞広告費	臨時18条の規定による新聞広告費
政治資金規正法関係公表費	政治資金規正法関係公表費(公報印刷費)

附表 最高裁判所裁判官國民審査に要する經費配付内訳
都道府の名

区	分	配付額	備	考
地方財政費				
地方公共団体職員費補助				
地方公共団体職員費補助				
1) 補助員税金及交付金				
最高裁判所裁判官國民 審査費 負担金				
手当及給与金				
審査内保着費用弁償				
債	金			
人	大			
	債			

枚原(南栗)管理者審査分会
長各種立会人の費用弁償

枚原用紙に印押捺手のため
万人大債(1人100円)

役 務 費

印 刷 製 本 費

備 査 公 告 料 費
審 査 公 報 行 費

氏 名 掲 示 費

枚 用 紙 特 列 枚 用 封 筒
類 七 用 印 刷 上 要 材 経 費
新 聞 公 告 上 要 材 経 費
枚 票 函 調 製 費

審 査 公 報 印 刷 費 配 付 の 法 規
氏 名 掲 示 上 要 材 経 費

From Director of Office,
The National Election Management Commission

To
Prefectural Governor.
Chairman of the Election
Management Commission.

Zen Sen Hatsu no. 20
January 12, 1949

Re budget estimate of expenditure for conducting
general election of members of the House of
Representatives and popular review of the
Supreme Court justices.

As for the headed matter, in consideration of the time
and extent of public management of the election to be
recently conducted and of the special character of popular
examination of the Supreme Court justices simultaneously
performed for the first time, a series of negotiation with
the competent authorities was carried on since October
last year and the decision was made at length on
January 8 this year, during which time several difficulties
had been confronted with. Although the final estimated
amount is far from being adequate, in the light of the
present situation in which our country is placed and also
stringent national finance, we aim for due and proper

management of the election and the popular review by our originality and ingenuity. Furthermore, on carrying the budget into effect, its proper and satisfactory execution is earnestly hoped for, paying your attention to each of the following items.

1. These expenditures shall be specified in the budget of municipality and prefecture and be disbursed.
2. These expenditures shall not be paid for any other outlay than those for the general election of the members of the House of Representatives and the popular examination of the Supreme Court judges.

In case of any instances infringing the above stipulation being committed, its repayment can be ordered.

3. As the subsidy is mostly divided as listed on the attached paper among metropolis, prefecture, municipality, ward, town and village, you will please distribute it basing on right and just standard and sticking to the actual condition of electoral district and also the number of electors and working staffs. However, in case printings or purchase of articles to be taken charge of by the election management committee of city, town or village has been carried out by the election supervision committee of metropolis or prefecture for sake of convenience, such may be reserved by the former.

4. Allowance for overtime work means allowance to be paid to staffs of metropolitan or prefectural government offices as well as town or village offices who engaged in business of the election and the popular examination. In case such business was commissioned to school faculty or officials of cooperative union or member of youths corps, either in polling station or counting office, only allowance for commissioned work shall be paid.
5. To those who engaged in business of the election and the popular examination, hitherto so-called special allowance shall not be paid, save their regular pay.
6. With regards disbursement of these expenditures, as a directive was given by the party concerned and it may be subject to official inspection, you will please see to it that all necessary proofs are properly provided proving its payment, basis of calculation and necessity to pay out for the purpose of election and popular examination and at the same all these points are strictly instructed to city, town and village authorities.
7. After performance of election and not later than March 31, two copies (for each of election and examination) of settlement of account according to the attached form shall be presented.

8. Items of expenditure on the basis of added sum shall be just as shown in "Data for Reference"

name of metropolis or prefecture

Form of Settlement of Account

Classification	Estimated amount distributed	Amount paid			Balance	Remarks.
		Prefecture	City, Ward, town, Village	Total		

Explanatory note.

1. Expenditures for election of members of the House of Representatives and that for people's examination of the Supreme Court justices shall be classified. In the column of "Remarks" shall be stated the basis of calculation after the example of general budget. This may be stated on separate paper if so desired.
2. In the column of "City, ward, town, village" under the item of "Amount paid" shall be stated the amount distributed to each of these public entities.
3. In the column of "Remarks" shall be stated the amount of expenditure diverted from other account items.

Data for Reference

(A) Expenditure for election of members of the House of Representatives

(1.) Allowance for commissioned work.

allowance to be paid to school faculty, members of organizations and members of youths corps (officials of city, ward, town and village excluded) in the case of having them engaged in the business at polling station or counting office.

70% was distributed according to the number of non-field officials of city, ward, town and village and 30% according to the number of polling station and counting office.

(2.) Compensation for expenses of parties concerned with election

Compensation for expenses of each supervisor and witness was calculated at the rate of amount stipulated in the regulation of the Committee and the number of polling station and counting office on the basis of information from metropolis and prefecture. The number of witness was calculated at the rate of 4 (on average) at polling station, 7 at counting office and 8 of election witness.

(3.) Allowance for overtime work.

This was distributed according to the number of general

non-field officials and at the average rate of regional allowance in county and prefecture.

2. Laborers wages.

This was distributed according to the number of electors, polling station and counting office.

3. Travelling expenses.

a. for prefecture.

This was distributed according to unit travelling expenses for each metropolis and prefecture required for coming up to Tokyo and total number of kilometers between prefecture and each local office (branch)

b. for city, town and village.

Half the amount at the rate of number of kilometer.

Other half at the rate of number of city, town and village.

4. Expenses for articles of consumption

(1) Stationery expenses.

For prefecture ——— Distributed according to the quantity of business paper allocated, and the number of city, ward, town and village.

For city, town and village ——— Yen 2,000 per city and yen 700 per town or village.

Expenses for materials of consumption at polling station and counting office ——— Yen 200 per office.