

Article 9. The Commissioners of the National Election Management Commission shall not concurrently be the members of the Diet or members of the Assemblies or heads of local public entities.

Article 10. Any person who comes under any of the following Items shall not be qualified to be a Commissioner of the National Election Management Commission.

1. Person under disability or quasi-disability.
2. Any person who has committed any of the offences and is sentenced to punishment in relation to elections under the Election Law for Members of the House of Representatives and the Election Law for Members of the House of Councillors, elections or voting held under the Local Autonomy Law, or examinations under the Law for People's Examination of the Supreme Court Judges.
3. Any person, who has, apart from the preceding item, been sentenced to imprisonment or heavier punishment, and has not served out his sentence, or until he is exempted from its execution.
4. Any person who has been dismissed on account of his misconduct during his tenure of office as the Commissioner of the National Election Management Commission.

Article 11. The Prime Minister shall dismiss a Commissioner of the National Election Management Commission, in case the latter comes under any of the following Items, provided, however, that, in case of Items 1 and 2, he shall previously obtain an approval of the National Diet.

1. In case a Commissioner is prevented from performing his duties on account of mental and physical weakness.

2. In case a Commissioner has acted in violation of his official duty or has committed other misconducts derogatory to the post of a Commissioner.

3. When the dismissal of a Commissioner has been recommended by a resolution of the Diet.

4. In case the political party or group to which a Commissioner belongs has been dissolved.

5. In case a change has occurred in the person designated in accordance with the provisions set forth in Article 6, Paragraph 5.

6. In case the resignation of a Commissioner has been approved by the Commission.

In case the approval of the Diet as provided for by the proviso to the preceding paragraph shall not be obtainable on account of its adjournment or the dissolution of the House of Representatives, an *ex post facto* approval of it shall be obtained.

Article 12 The Commissioner of the National Election Management Commission shall *ipso facto*^o retire under any of the circumstances enumerated hereunder:

1. When he contravenes the provision of Article 9.

2. When his removal is decided under the procedure of public impeachment prescribed by Law.

3. Where he has been a Commissioner of the National Election Management Commission consecutively for 9 years.

Article 13. The Chairman of the National Election Management Commission shall be appointed by the Prime Minister in accordance with the result of the mutual election of its members.

The Chairman of the Commission shall supervise the business of the Commission, represent it and direct and supervise its staff.

The Commission shall nominate, before the fact, a person who shall assume the duty of the Chairman in his absence.

The meetings of the Commission shall be convened by its Chairman. The Chairman shall convene a meeting of the Commission if and when such is requested by its members.

Article 14. The meeting of National Election Management Commission shall not be opened unless one-half or more of its members are present. The business of the Commission is decided by the majority of the members attending its meeting. In case of a tie, the Chairman shall decide. Regarding such important matters as shall be specifically designated by the Commission however, the decision shall nevertheless be made by a majority of two-thirds.

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December 1st, 1947: provided, however, until the National Election Management Commission shall completely take over the business prescribed in Article 3 in accordance with the provisions of Article 21, the Home Ministry shall manage such business as heretofore.

Article 20. The process of the designation of the Commissioners and the reserve Commissioners of the National Election Management Commission provided for by Article 6, Paragraph 2 and Article 7, Paragraph 3 may be taken prior to the date prescribed in the preceding Article.

In the case of the preceding paragraph, the number of the Diet Members of each political party or group existing on the day of promulgation of this Law, shall be taken as the standard.

Article 21. The business prescribed in Article 3 which now belong to the Home Ministry shall be completely transferred from the Home Ministry to the National Election Management Commission *upon request but in no event later than* ~~by~~ December 31st, 1947.

Article 22. The Law for the Election of Members of the House of Representatives shall be partly amended as follows:

The words "the Minister for Home Affairs" mentioned in Art. 76, Para. 2 of Art. 79, Art. 86, Para. 1 of Art. 106, Art. 107, Para. 1 of Art. 108, Art. 143 and Para. 3 of Art. 144-2 shall be altered to "the National Election Management Commission." The words "the Minister for Home Affairs" mentioned in Article 100

and

and Article 100-2 shall be altered to "the Prime Minister."

Article 23. The Law for the Election of Members of the House of ~~Representatives~~ ^{Councillors} shall be partly amended as follows:

The words "be placed under the jurisdiction of the Minister for Home Affairs and" appearing in Paragraph 2 of Article 13 shall be deleted.

The words "the Minister for Home Affairs" appearing in Art. 63, Para. 2 of Art. 71, Proviso of Art. 75, Para. 2 of Art. 80, Art. 81 and Para. 1 of Art. 82 shall be altered to "the National Election Management Commission."

The words "the Minister for Home Affairs" appearing in Article 83 shall be altered to "the Prime Minister."

Article 24. The Law for People's Examination of the Supreme Court Judges shall be partly amended as follows:

In Paragraph 2 of Article 33, the words "and the National Election Management Commission" shall be added after the words "the Prime Minister."

In Article 40, the words "the National Election Management Commission" shall be added after the words "the Prime Minister."

Article 25. The Law for Exceptions concerning Writings, Drawings and others for Election Campaigns shall be amended as follows:

The words "1947" in Article 1 and Paragraph 2 of Supplementary Provisions shall be altered to "1948".

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The words "the Minister for Home Affairs" appearing in Article 13 shall be altered to "the National Election Management Commission."

Article 26. The Diet Law shall be partly amended as follows:

The words "the Minister for Home Affairs" appearing in Article 11 shall be altered to "the National Election Management Commission."

Swope
Williams

Agree with Carlos.
Guy J. Swope.

Ditto - JW

The last P of art 8

states :

" In case the Term of office of the
Commissioners shall have expired or
vacancy occurred during the period of
adjournment of the diet or while the
House of Rep stands dissolved the
procedure shall be determined by the
National Election Management Commission"

I think this inefficient and subject to
exploitation

recommend that expired term be extended
until the diet reconvenes or a new house is
elected - in no event later than 30 days after
convocation - this will assure continuity and force timely action

Swape

William