

POLITICAL PARTIES ACT

Wholly Amended by Act No. 7683, Aug. 4, 2005
Amended by Act No. 8881, Feb. 29, 2008
Act No. 9785, Jul. 31, 2009
Act No. 9973, Jan. 25, 2010
Act No. 10396, Jul. 23, 2010

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of democratic politics by securing organizations necessary for political parties to participate in the formation of the political will of the people, and by guaranteeing the democratic organizations and activities of political parties.

Article 2 (Definition)

For the purposes of this Act, the term “political party” means a national voluntary organization that aims to promote responsible political assertions or policies and to take part in the formation of the political will of the people in national interests by recommending or supporting candidates for public positions.

Article 3 (Composition)

A political party shall be comprised of a central party located in the capital, and *City/Do* parties located respectively in a Special Metropolitan City, and in each Metropolitan City and *Do* (hereinafter referred to as “*City/Do* parties”).

CHAPTER II COMPOSITION OF POLITICAL PARTIES

Article 4 (Establishment)

- (1) A political party shall come into existence when its central party is registered with the National Election Commission.
- (2) Registration under paragraph (1) shall satisfy the requirements of Articles 17 and 18.

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Article 5 (Preparatory Committee for Central Party Formation)

Activities for the formation of a political party shall be made by a Preparatory Committee for Central Party Formation which is comprised of promoters.

Article 6 (Promoters)

A Preparatory Committee for Central Party Formation shall be comprised of at least 200 persons in cases of a central party, and at least 100 persons in cases of City/*Do* parties. *<Amended by Act No. 10396, Jul. 23, 2010>*

Article 7 (Notification)

(1) When a Preparatory Committee for Central Party Formation is established, its representative shall notify the National Election Commission of the following matters:

1. The object of its establishment;
2. The (tentative) title of the political party;
3. The location of its office;
4. The names and addresses of the promoters and their representative;
5. Specimen imprints of the seal of the Committee and the official seal of its representative;
6. Other matters prescribed by the Regulations of the National Election Commission.

(2) A Preparatory Committee for Central Party Formation may begin its activity only after making the notification under paragraph (1).

(3) In cases of notification under paragraph (1), the agreement sealed and signed by the promoters shall be attached. *<Newly Inserted by Act No. 10396, Jul. 23, 2010>*

(4) When any modification occurs in the matters provided for in paragraph (1) 1 through 5 (excluding the names and addresses of promoters among subparagraph 4), the representative of the Preparatory Committee for Central Party Formation shall notify the National Election Commission of the modification within 14 days.

Article 8 (Scope of Activity of Preparatory Committee for Central Party Formation)

(1) A Preparatory Committee for Central Party Formation may conduct only those activities within the scope of objects for formation of a political party.

(2) A Preparatory Committee for Central Party Formation may perform the activities for formation of a political party only within six months from the date of notification of its formation under Article 7 (1).

(3) When a Preparatory Committee for Central Party Formation has failed to make an application for registration of formation of the central party under Article 11 within the period under paragraph (2), the said Preparatory Committee for Central Party Formation shall be regarded as ceasing to exist as from the day following the expiry of such period.

(4) When a Preparatory Committee for Central Party Formation ceases to exist, the National Election Commission shall give public notice to such effect without delay.

Article 9 (Approval for Formation of City/*Do* Party)

Approval for the formation of a City/*Do* party shall be granted by the Central Party or by the Preparatory Committee for formation thereof.

Article 10 (Opening to Public of Meeting for Formation of Political Party)

(1) Meetings for the formation of a political party shall be made open to the public.

(2) In order to open the meeting to the public, a Preparatory Committee for Central Party Formation shall publicly announce the opening of such meeting in a daily newspaper under Article 2 of the Act on the Promotion of Newspapers, etc. at least five days before the day the meeting is to be held. <Amended by Act No. 9785, Jul. 31, 2009>

Article 11 (Application for Registration)

When a Preparatory Committee for Central Party Formation has completed its preparation for formation of a political party, its representative shall apply to the competent election commission for registration to form a political party.

Article 12 (Matters regarding Application for Registration of Central Party)

(1) Matters included in an application for registration of the Central Party shall be as set out in each of the following subparagraphs:

1. The title of the political party (including its abbreviation, when one is resolved upon);
2. The location of the office;
3. The party platform (or basic policies) and party constitution;
4. The names and Addresses of the representative and the executive members;
5. The number of party members;
6. Specimen imprints of the seal of the political party and the official

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seal of its representative;

7. The locations and titles of City/*Do* parties; and

8. The names and addresses of the representatives of City/*Do* parties.

(2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, evidentiary copies of the proving that public notice was given in a daily newspaper under Article 10 (2), and a copy of the political party formation rally proceedings.

(3) The scope of executive members under paragraph (1) 3 shall be determined by the Regulations of the National Election Commission. *<Newly Inserted by Act No. 9973, Jan. 25, 2010>*

Article 13 (Matters regarding Application for Registration of City/*Do* Party)

(1) Matters included in an application for the registration of a City/*Do* party shall be as set out in each of the following subparagraphs:

1. The title of the political party;

2. The location of the office;

3. The names and addresses of the representative and the executive members;

4. The number of party members; and

5. Specimen imprints of the seal of the political party and the official seal of its representative.

(2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, written approval for the formation of a political party by the Central Party or a Preparatory Committee for its formation, copies of the written applications for joining the party by the statutory number of party members, and a copy of the political party formation rally proceedings.

(3) The scope of executive members under paragraph (1) 3 shall be determined by the Regulations of the National Election Commission. *<Newly Inserted by Act No. 9973, Jan. 25, 2010>*

Article 14 (Registration of Modifications)

When any modification has occurred in any of the matters under the following subparagraphs as a matter included in an application for registration under Articles 12 and 13, registration of any such modification shall be made within 14 days to the competent election commission: *<Amended by Act No. 9973, Jan. 25, 2010>*

1. The title of the political party (including its abbreviation);
2. The location of its office (in cases of a central party, limited to the relevant office);
3. The party platform (or basic policies) and party constitution;
4. The names and addresses of the representative and the executive members;
5. Specimen imprints of the seal of the political party and the official seal of its representative.

Article 15 (Examination of Application for Registration)

The election commission in receipt of an application for registration shall not refuse it so far as it fulfills the formal requirements: *Provided*, That when the formal requirements have not been fulfilled, the commission shall order that supplements be made by providing for a significant period. Where an applicant fails to comply therewith upon the ordering of supplements on more than two occasions, the commission may reject the relevant application.

Article 16 (Registration, Delivery of Certificate for Registration, and Public Notice)

(1) The competent election commission in receipt of an application for registration under Articles 12 through 14 shall accept the registration within seven days from the date of receiving the application for registration, and deliver the certificate for registration.

(2) When accepting the registration under paragraph (1), the relevant election commission shall publicly notify the relevant effects without delay.

Article 17 (Statutory Number of City/*Do* Parties)

Political parties shall have five or more City/*Do* parties.

Article 18 (Legal Numbers of Members of City/*Do* Parties)

(1) City/*Do* parties shall have at least 1,000 party members.

(2) The statutory number of party members under paragraph (1) shall have residential addresses within the districts under the jurisdiction of the relevant City/*Do* parties.

CHARTER III MERGER OF POLITICAL PARTIES

Article 19 (Merger of Political Parties)

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(1) When political parties are merged under a new party name (hereinafter referred to as a “party newly established by merger”), or a political party merges into another political party (hereinafter referred to as a “party absorbed by merger”), they may be merged under the resolution of a joint meeting of the representative agency of the political parties engaging in the merger of parties or their mandatory agency.

(2) The merger of political parties shall arise upon the registration with or report to the National Election Commission under Article 20 (1), (2) and (4): *Provided*, That when political parties merge as from the opening date of application for registration of candidates for an election under Article 2 of the Public Official Election Act to the election day, such merger shall take effect within 20 days after the election day.

(3) Where a merger of political parties has arisen under paragraphs (1) and (2), City/*Do* parties belonging thereto shall also be regarded as being merged: *Provided*, That in cases of a party newly established by merger, an application for modified registration shall be made within three months from the date of application for registration of party merger by going through a reorganization rally for City/*Do* parties.

(4) Where a party absorbed by merger has failed to make an application for modified registration within the period under the proviso of paragraph (3), the relevant City/*Do* parties shall be regarded as having ceased to exist on the day following the expiration date of the relevant period.

(5) The newly-established political parties or those remaining in existence due to the merger of parties shall succeed to the rights and obligations of the political party before the merger of political parties.

Article 20 (Application for Registration of Party Merger)

(1) In cases of a party newly established by merger, the representative of the political party shall make an application for registration under Article 12 to the National Election Commission by attaching copies of the relevant proceedings within 14 days from the date of resolution of the joint meeting under Article 19 (1).

(2) In cases of paragraph (1), the matters under Article 12 (1) 7 and 8 may be supplemented within 120 days from the date of application for registration.

(3) When no supplements are made within the relevant period in terms of paragraph (2), the National Election Commission shall order that supplements be made by extending such period for a substantial time twice, and when no supplements arise, the relevant registration may be cancelled under Article 44 (1).

(4) The representative of a political party absorbed by merger shall file a report with the National Election Commission on the reasons for that party's merger within 14 days from the date on which a resolution of the joint meeting exists under Article 19 (1) by attaching the copies of the relevant minutes.

Article 21 (Party Members involved in Party Merger)

In cases of a party merger under Article 19, the party members of the party absorbed shall become the party members of the merged political party. In such cases, the written application prior to the party merger shall be regarded as the written application for joining the merged political party.

CHAPTER IV JOINING AND RESIGNATION FROM POLITICAL PARTY

Article 22 (Qualifications of Promoters and Party Members)

(1) Persons having the election rights of Assembly members may become promoters and party members, notwithstanding the provisions of other Acts and subordinate statutes which prohibit their involvement in a political party or political activities by reason of their being public officials or their holding of other relevant social positions: *Provided*, That the same shall not apply to persons falling under any of the following subparagraphs:

1. Public officials provided for in Article 2 of the State Public Officials Act or Article 2 of the Local Public Officials Act: *Provided*, That the President, the Prime Minister, State Council members, Assembly members, members of local council, publicly elected heads of local governments, assistant officers of Assembly members, secretary officials, secretaries, policy research members of the Assembly, and presidents, deans, professors, assistant professors, deputy professors, assistant professors and teachers who are full-time lecturers shall be excluded;

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2. Teachers of a private school excluding its president, deans, professors, deputy professors, assistant professors and full-time lecturers; and
 3. Persons having the social positions of public officials under the provisions of Acts and subordinate statutes.
- (2) Persons who are not nationals of the Republic of Korea shall not become party members.

Article 23 (Joining Party)

- (1) Persons desiring to become a member of a party shall submit a written application for joining the party which has been signed or sealed to a City/*Do* party or its Preparatory Committee for Central Party Formation, and make the application for joining the party. In such cases, the application for joining the party may be made by way of a digital document carrying a digital signature officially authenticated under Article 2 of the Digital Signature Act.
- (2) When the City/*Do* party or its Preparatory Committee for Central Party Formation has received a written application for joining the party under paragraph (1), it shall determine whether or not to permit the applicant to join the party upon examination by the party member qualifications examination committee, and enter the applicant's name on the roster of party members. Then the representative of the City/*Do* party or its Preparatory Committee for Central Party Formation shall issue a certificate for the party member. In such cases, the applicant's accession to membership of the party shall arise at the time the applicant's name is entered on the roster of party member.
- (3) Where the City/*Do* party or its Preparatory Committee for Central Party Formation refuses to accept a written application for party membership, or delays an examination for joining the party without lawful justification or to permit an applicant to join the party, the applicant may submit the written application for membership to the Central Party or its Preparatory Committee for Central Party Formation, and when the Central Party or its Preparatory Committee for Central Party Formation acknowledged that it is reasonable to grant a permission to join the party after examining whether or not to permit membership in the party, it shall order the relevant City/*Do* party or its Preparatory Committee for Central Party Formation to enter the applicant's name on the roster of party members. In such cases, the effect of joining the party shall occur

when the written application for membership was received by the Central Party or its Preparatory Committee for Central Party Formation.

(4) A person whose name has not been entered on a roster of party members shall not be recognized as a member of that party.

Article 24 (Roster of Party Members)

(1) A City/*Do* party shall keep a roster of its party members.

(2) Except in case of request for judgment by the court and in case that the related election commission verifies matters on party members, the roster shall not be subject to compulsory scrutiny.

(3) An inspection of the roster of party members for criminal investigation shall require a warrant to be issued by a judge. In this case, the related public official participating in the investigation shall not divulge the facts on the roster of party members which have come to his knowledge.

Article 25 (Secession from Party)

(1) When a party member intends to resign from a party, he shall submit a written report as to his resignation from the party to a City/*Do* party to which he belongs, and when it is not impossible to submit to the City/*Do* party to which he belongs, he may submit it to the relevant Central Party. In this case, the written report of resignation from the party may be submitted by way of a digital document carrying a digital signature publicly authenticated under subparagraph 3 of Article 2 of the Digital Signature Act.

(2) The resignation from a party under paragraph (1) shall take effect when the report on resignation is received at the City/*Do* party to which he belongs or the Central Party.

(3) The relevant City/*Do* party in receipt of the written report of resignation from the party shall delete the entry on the roster of party members and deliver the certificate of resignation from the party.

(4) When the Central Party has accepted the written report of resignation from the party under paragraph (1), it shall promptly deliver the certificate of resignation from the party, notify the relevant City/*Do* party thereof and have it delete the entry on the roster of party members.

Article 26 (List of Those Who Have Resigned from Party)

A list of those who have resigned from a party shall be kept in a City/*Do* party. In this case, the list of those who have resigned from a party may

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be substituted by an entry of the date of resignation from the party on the roster of party members.

Article 27 (Handing over of Roster of Party Members, etc.)

A political party shall provide the person responsible for handing over the relevant documents as provided by the Regulations of the National Election Commission (hereinafter referred to as “relevant documents”), such as the roster of party members, seals, etc. relating to operations of the party at the time of a change of its representative, etc. or of a reorganization of systems following a merger of political parties, in the party constitution, and the relevant person responsible for handing over shall hand over the relevant documents, seals, etc. within 14 days from the date on which such circumstances arise.

CHAPTER V OPERATION OF POLITICAL PARTY

Article 28 (Opening of Platform, etc. and Entry of Matters in Party Constitution)

(1) A political party shall manifest its platform (or basic policies) and party constitution.

(2) The matters falling under each of the following subparagraphs shall be provided for in the party constitution under paragraph (1):

1. The title of the political party;
2. Matters on general organization, composition and competence of the political party;
3. Matters on methods of appointment, term, rights and obligations of the representative and executive members;
4. Matters on joining and resignation from the party, expulsion of party members and the rights and obligations;
5. Matters on establishment and convocation procedures of the representative organs;
6. Matters on composition, competence and convocation procedures of the executive council;
7. Matters on the finances of the political party;
8. Matters on the election of candidates for elected public offices;
9. Matters on the establishment and amendment of the party consti-

tution and party regulations;

10. Matters on the dissolution and merger of the political party; and

11. Matters on disposal of residual assets at the time of revocation of registration or voluntary dissolution.

Article 29 (Organizations of Political Party)

(1) A political party shall have a representative organ capable of reflecting the consensus of party members in order to maintain its democratic internal order and an executive organization, and a plenary session of National Assembly members where any of National Assembly members belonging thereto are present.

(2) The Central Party shall have a budget and closing accounts committee in order to verify and examine matters concerning the finances of the political party, such as its budget, closing accounts and auditing, etc. of the details of the political party.

(3) Composition, competence and other matters of the organizations referred to in paragraphs (1) and (2) shall be provided for by the party constitution.

Article 30 (Restriction on Number of Salaried Clerical Staff of Political Parties)

(1) The number of salaried clerical staff members to be employed by a political party shall not exceed 100 in cases of the Central Party, and shall be determined by the Central Party in cases of City/Do parties within 100 for each City/Do party. *<Amended by Act No. 9973, Jan. 25, 2010>*

(2) Where a political party has employed salaried clerical staff in excess of the number provided for in paragraph (1), the National Election Commission shall reduce the amount obtained by multiplying the average annual personnel expenses of salaried clerical staff of the relevant party by the number of excess salaried clerical staff, from the subsidies to be paid in the next fiscal year under Article 25 (4) of the Political Fund Act. *<Amended by Act No. 8881, Feb. 29, 2008>*

(3) The term “salaried clerical staff” under paragraph (1) means persons who provide services, under employment of the political parties, for 15 days or more per month notwithstanding permanent services or part-time services, and receive compensation therefor in whatever from, whether as wages, salary, allowances, activity expenses or any others. In such cases, if two or more persons have provided services and are paid considerations (excluding day laborers, employees of service companies and others who have temporarily provided casual labor, such as cleaning, moving, etc.) for less than 15 days per month, one person shall be added

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to the number of salaried clerical staff whenever the sum of working days of the aforementioned persons amounts to 30 days as it exceeds 15 days or more per month. *<Amended by Act No. 9973, Jan. 25, 2010>*

(4) Notwithstanding paragraph (3), any person falling under any of the following subparagraphs shall not be included in the number of salaried clerical staff under paragraph (1): *<Amended by Act No. 9973, Jan. 25, 2010>*

1. Researchers at Policy Research Institutes under Article 38; and
2. Executive members of a political party who are only reimbursed activity expenses incurred in carrying out their duties with no payment of considerations for labor.

Article 31 (Party Fees)

(1) A political party shall establish and operate systems for paying party expenses for the purpose of attaining elite party members and achieving self-sufficiency in political party finances.

(2) No members of a political party shall bear the party fees of others in the same party. Anyone who has borne the party fees of another and anyone who compels another to bear his own party fees, shall have their qualifications as party members of the relevant political party suspended for one year from the date on which it is verified that such party fees had so been paid.

(3) Matters necessary for restrictions on the exercise of rights, expulsion and suspension of qualifications as party members under paragraph (2) with regard to the party members failing to perform their obligations for paying party fees, shall be provided for by the party constitution.

Article 32 (Prohibition of Documentary Resolution)

(1) Resolutions of a representative organ and resolutions on the expulsion of National Assembly members belonging thereto shall not be made in writing or by proxy.

(2) Resolutions of the representative organ may be made by way of a digital signature authenticated under the provisions of subparagraph 3 of Article 2 of the Digital Signature Act, and the detailed methods, shall be provided for by the party constitution.

Article 33 (Expulsion of National Assembly Members Belonging to Political Party)

In expulsion of any of National Assembly members belonging to a political party, the political party shall obtain the consent of one half of all National Assembly members or more belonging thereto in addition to going through the procedures as provided for by the party constitution.

Article 34 (Finance of Political Party)

Financial matters such as the property, revenue and payments of a political party shall be separately provided for by the statutes.

Article 35 (Regular Reports)

(1) A Central Party and City/*Do* party shall report on its party members and on a summary of its activities as of December 31 each year to the competent election commission by no later than February 15 (January 31 in case of a City/*Do* party) of the next fiscal year. In this case, the Central Party shall report the details of the promotion of its policies for the relevant fiscal year, the results of the said promotion and the plans for promoting major policies for the next fiscal year to the National Election Commission.

(2) When any defects have occurred in the requirements of Articles 17 and 18, the Central Party and City/*Do* party shall report them to the competent election commission within 14 days from the date of such defects occurring.

(3) The policy research institutes referred to under Article 38 shall report on the annual activities records as of December 31 each year by no later than February 15 of the next fiscal year to the National Election Commission, and disclose them to the public by means such as publication on the Internet home page of the relevant political parties.

(4) The National Election Commission shall disclose the annual activities records which have been reported under the provisions of paragraph (3) by utilizing the relevant Internet home pages.

Article 36 (Demand for Submission of Reports or Data, etc.)

The election commission of each level (excluding the *Eup/Myeon/Dong* election commission) may demand the political parties to submit the reports or books and documents and other data when deemed necessary for supervision: *Provided*, That the same shall not apply to the roster of party members.

CHAPTER VI GUARANTEEING ACTIVITIES OF POLITICAL PARTIES

Article 37 (Freedom of Activities)

(1) Political parties shall have freedom in the activities provided for under the Constitution and Acts.

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(2) The activities of political parties making their own policies and current political issues public without supporting and recommending the specific political parties or the candidates for election to public offices (including persons intending to become the candidates) or opposing them by utilizing printed materials, facilities, advertisements, etc., and activities for recruiting party members (excluding door-to-door visits) shall be guaranteed as normal activities of political parties.

(3) Political parties may hold party members councils by the local area districts of National Assembly members and an autonomous *Gu* and a *Si/Gun* and a *Eup/Myeon/Dong*. *Provided*, That no one shall hold the offices of party members councils for the operation of subordinate organizations of City/*Do* party.

Article 38 (Establishment and Operation of Policy Research Institutes)

(1) A political party entitled to allotment of subsidy under the provisions of Article 27 of the Political Fund Act (hereinafter referred to as the “political party entitled to allotment of subsidy”) shall establish and operate in the Central Party a policy research institute as a separate legal entity (hereinafter referred to as a “policy research institute”) in order to promote the development and research activities of policies.

(2) The State may support the activities of a policy research institute.

Article 39 (Policy Discussion Meeting)

(1) The Central Electoral Broadcasting Discussion Forum under the provisions of Article 8-7 of the Election of Public Officials Act shall hold a policy discussion meeting (hereinafter referred to as a “policy discussion meeting”) by inviting the persons designated by the representative of the Central Party or the president of policy research institutes at least twice per year during the period excluding from 90 days (during an election, or re-election due to a vacancy of the office of President, the fixed day of circumstances giving rise to holding the said election) before the election day of a general election (including an election, or re-election due to a vacancy of the office of President) to the election day.

(2) Publicly-operated broadcasting companies (referring to the Korean Broadcasting System and broadcasting business operators whose largest contributor is the Broadcasting Culture Promotion Association under the Broadcasting Culture Promotion Association Act; hereafter in this Act,

the same shall apply) shall make a relay broadcasting of the policy discussion meeting through the relevant TV broadcasting. The expenses therefor shall be borne by the publicly-operated broadcasting companies.

(3) The provisions of Article 82-2 (7) through (9), (12) and (13) of the Election of Public Officials Act shall be applied *mutatis mutandis* to the policy discussion meeting. In this case, the term “conversation and discussion meeting” shall be regarded as “policy discussion meeting” and the phrase “election broadcasting discussion meeting of each level” shall be regarded as “Central Electoral Broadcasting Discussion Forum”.

(4) The opening, progress and notification of policy discussion meetings and other necessary matters shall be provided for by the Regulations of National Election Commission.

Article 40 (Prohibition of Substitute Political Parties)

When a political party has been dissolved by a ruling of the Constitutional Court, no political party shall be established upon the same or similar platform (or basic policies) as the dissolved political party.

Article 41 (Prohibition of Use of Similar Denomination, etc.)

(1) Unless it is a political party that is registered under this Act, no letters indicating that it is a political party shall be used in its title.

(2) Any title which is the same as that of a political party dissolved by a ruling of the Constitutional Court, shall not be used again as the title of a political party.

(3) The title (including its abbreviation) of the Preparatory Committee for Political Party Formation and the political party shall be clearly distinct from the title used by an already-reported preparatory committee for political party formation and the registered political party.

(4) Any title identical with that of a political party whose registration has been cancelled under Article 44 (1), shall not be used as the title of a political party from the date of such cancellation of registration until the date of election of National Assembly members first held due to the expiration of their term.

Article 42 (Prohibition of Forced Resignation, etc.)

(1) No one shall be forced to enter into, or resign from, a political party without the consent of his own free will: *Provided*, That the same shall not apply to a disposition for expulsion of a party member.

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(2) No one shall become a party member of two or more political parties.

Article 43 (Obligation to Keep Secrets)

Members and staff at each level of election commission shall keep strictly any secret in respect of their duties not only during their terms of office but also after retirement.

CHAPTER VII EXTINGUISHMENT OF POLITICAL PARTY

Article 44 (Revocation of Registration)

(1) When a political party falls under any of the following subparagraphs, the relevant election commission shall revoke its registration:

1. When it becomes incapable of satisfying the requirements under Articles 17 and 18: *Provided*, That such revocation shall be postponed until after the election day when a failure to satisfy such requirements has occurred three months before the general election day, and in other cases until three months from the failure to satisfy such requirements;
2. When failing to participate during the past four years in an election of National Assembly members due to an expiration of term of office or the election of the head of local governments due to the expiration of term of office or that of the members of City/*Do* council; and
3. When failing to obtain a seat in the National Assembly after participating in an election of National Assembly members, and failing to obtain more than 2/100 of total number of effective votes.

(2) When the registration has been revoked under paragraph (1), the relevant election commission shall publicly give notice to that effect without delay.

Article 45 (Voluntary Dissolution)

(1) Any political party may be dissolved by a resolution of its representative organ.

(2) When a political party is dissolved under paragraph (1), its representative shall give notice to that effect without delay to the competent election commission.

Article 46 (Revocation of Approval on Formation of City/*Do* Party)

The Central Party or its Preparatory Committee for Central Party For-

mation shall provide for the grounds and procedures for revocation of approval for formation of a City/*Do* party in the party constitution or the regulations of its Preparatory Committee for Central Party Formation, and when an approval for formation of a party has been revoked on other grounds than those provided for in the constitution or the regulations, it shall be decided by the votes of the Central Party or the representative organ of its Preparatory Committee for Central Party Formation.

Article 47 (Public Notification of Dissolution)

When a report under Article 45 exists, a notification of ruling of the Constitutional Court for dissolution, or a notification of the Central Party or its Preparatory Committee for Central Party Formation of a City/*Do* party concerning cancellation of approval, the competent election commission shall delete the registration of the relevant political party, and give public notice to that effect without delay.

Article 48 (Disposal of Residual Assets in Case of Dissolution, etc.)

- (1) When the registration of a political party is revoked under Article 44, or a political party is dissolved voluntarily under Article 45, its residual assets shall be disposed of under the conditions as provided for by its constitution.
- (2) The residual assets of a political party which have not been disposed of under paragraph (1), and those of a political party dissolved by a ruling for dissolution by the Constitutional Court, shall revert to the National Treasury.
- (3) Matters necessary for paragraph (2) shall be provided for by regulations of the National Election Commission.

CHAPTER VII-2 SUPPLEMENTARY PROVISIONS

Article 48-2 (Entrusting Business for Intraparty Election of Party Representative)

- (1) The central party of a political party eligible for subsidies under Article 27 of the Political Fund Act may entrust the management of business relating to voting and vote counting among election affairs to elect its representative (hereafter in this Article referred to as an “intraparty competitive election for a party representative”) to the National Election Commission.

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(2) In cases where the National Election Commission takes charge of the management of business relating to voting and vote counting for an intraparty competitive election for a party representative under paragraph (1), the expenses thereof shall be borne by the relevant political party.

(3) Detailed procedures and necessary matters in cases where the central party of a political party entrusts business for an intraparty competitive election for a party representative under paragraph (1) shall be prescribed by the Regulations of the National Election Commission.

[This Article Newly Inserted by Act No. 8881, Feb. 29, 2008]

CHAPTER VIII PENAL PROVISIONS

Article 49 (Crimes of Impeding Freedom of Intraparty Competitive Election of Party Representative)

(1) Anyone who falls under any of the following subparagraphs in connection with an election for selecting the representative of a political party, the party executives to be selected by vote (including the electoral college for selecting party executives; hereinafter the same shall apply) (hereinafter referred to as an “Intraparty Competitive Election of Party Representative”) shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won:

1. Anyone who has perpetrated on outrage, threat, temptation, arrest or confinement against a candidate, anyone intending to become a candidate, or any elected person;
2. Anyone who has impeded an election campaign or traffic, or impeded the freedom of an intraparty competitive election, etc. of a party representative by deception, malevolent or other illegal means; or
3. Anyone who has instigated anyone who is subject to his protection, command or supervision due to duties, employment or other relations, to support, recommend or oppose a specific candidate.

(2) When any gathering of people has thrown any dangerous goods or assaulted a candidate at a facility or place, etc. for election campaigns in connection with a intraparty competitive election, etc. for a party representative, they shall be punished under the relevant classifications falling under the following subparagraphs:

1. Ringleader: Imprisonment for a definite term of three or more years;
2. Persons who have led others, or acted at the head of others: Imprisonment for not more than seven years; and
3. Persons who have acted in concert with others' opinions: Imprisonment for not more than two years.

Article 50 (Crimes of Buying-off and Interest-Inducement of Intraparty Competitive Election of Party Representative, etc.)

(1) Anyone who falls under any of the following subparagraphs in connection with an intraparty competitive election for selecting the representative of a political party, etc. shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won:

1. Anyone who has provided a candidate (including anyone intending to become a candidate), persons related to election campaigns, voters or witnesses with money and valuables, entertainment, and other property benefits, or public or private positions, who has indicated an intention of making provision of such, or promised to provide the same for the purpose of being selected as the representative of a political party or a party executive, or for coming to be selected or not selected, or of inducing the voters (referring to persons registered on the electoral register for intraparty competitive election, etc.; hereafter in this Article, the same shall apply) to vote or not to vote; or
2. Anyone who has received the benefits or provision of positions referred to in subparagraph 1, or consented to the indication of intent to make the said provision.

(2) A person who has directed, persuaded, demanded or mediated for the conduct referred to in paragraph (1) 1 and 2 shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 51 (Confiscation of Benefits from Crimes of Buying-off and Interests-Inducement of Intraparty Competitive Election, etc. Party Representative)

Any benefits received by persons who have committed any crime under Article 50 shall be confiscated: *Provided*, That when the whole or part of any such benefits is not forfeitable, its value shall be collected additionally.

Article 52 (Crimes of Public Announcement of Falsehoods about Intraparty Competitive Election for Party Representative, etc.)

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(1) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced publicly the falsehoods about the affiliation, identity, occupation, assets, career, academic career, academic degree, or reward or punishment of a candidate, his spouse, or lineal ascendants or descendants or brothers and sisters, and those who have distributed propaganda stating such falsehoods (including anyone who has possessed such for the purpose of distribution) for the purpose of being elected or of causing to be elected, by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents and other means so as to be advantageous to the candidate, shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won.

(2) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced publicly, so as to prevent anyone from being elected, falsehoods about the candidate, his spouse, or lineal ascendants or descendants or brothers and sisters by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents and other means so as to be disadvantageous to the candidate, and persons who have distributed the propaganda documents stating such falsehoods (including anyone who has possessed such for the purpose of distribution) shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 53 (Crime of Becoming Promoter or Party Member Unlawfully)

Anyone who has become a promoter or a party member in violation of the proviso of Article 22 (1), shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

Article 54 (Crimes of Compelling to Join Party, etc.)

Anyone who has compelled another person to join, resign from a political party in violation of Article 42 (1) shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won.

Article 55 (Crimes of Joining Political Party Unlawfully)

Anyone who has become a party member of more than two political parties in violation of Article 42 (2) shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

Article 56 (Crimes of Forced Perusal of Party Members Roster)

Anyone who has compelled the inspection of a party members roster shall be punished by imprisonment for not more than five years.

Article 57 (Crime of Failing to Report, etc.)

Anyone who has failed to comply with a request of the competent election commission for a report or submission of data under Article 36 without justifiable cause, or has submitted a false report or made a false statement in such reports, or neglect to report under Article 35 (1) through (3) or made a false statement in such report, shall be punished by imprisonment for a period not exceeding two years or by a fine of less than two million won.

Article 58 (Crime of Divulging Facts Found During Public Service, etc.)

Anyone who falls under any of the following subparagraphs shall be punished by imprisonment or confinement for a period not exceeding three years or by confinement:

1. Anyone who has divulged facts known to him in violation of the provisions of the latter portion of Article 24 (3); or
2. Anyone who has failed to strictly maintain the secrets on duties in violation of the provisions of Article 43.

Article 59 (Crime of False Application for Registration, etc.)

(1) Anyone who falls under any of the following subparagraphs shall be punished by imprisonment for a period not exceeding two years or by a fine of less than two million won:

1. Anyone who falsely applies for registration under Article 12 or 13;
2. Anyone who falsely applies for a modified registration under Article 14; or
3. Anyone who establishes an office of the party members council, etc. for operation of subordinate organizations of a City/*Do* party in violation of the proviso of Article 37 (3).

(2) Anyone who has violated the provisions of Article 41 (1) or (2), shall be punished by imprisonment for a period of less than one year or by a fine of less than one million won.

Article 60 (Crime of Neglecting Various Obligations)

(1) Anyone who has failed to maintain a party members roster or those who has resigned roster in violation of the provisions of Articles 24 (1) or 26 shall be punished by imprisonment for less than one year, or by a fine of more than 500 thousand won, but less than three million won.

(2) Anyone who has violated the provisions of Article 25 (3) shall be pun-

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ished by a fine of less than one million won.

(3) Anyone who has failed to hand over the relevant documents and seal, etc. in violation of Article 27 shall be punished by imprisonment for a period of less than two years or by a fine of less than two million won.

Article 61 (Crime of Interference, etc. with Formation of Political Party)

(1) Anyone who interferes, by a deceptive plan or by coercion, with activities for the formation of a political party, and causes the function of Preparatory Committee for Central Party Formation lost or temporarily suspended, shall be punished by imprisonment for less than seven years, or by a fine not exceeding 30 million won.

(2) Anyone who interferes, by a deceptive plan or by coercion, with activities of a political party, and causes the function of Preparatory Committee for Central Party Formation lost or temporarily suspended shall also be punished by the punishment referred to in paragraph (1).

Article 62 (Imposition and Collection, etc. of Fine for Negligence)

(1) Anyone who has committed an act falling under any of the following subparagraphs shall be punished by a fine for negligence of less than one million won:

1. Anyone who has neglected to apply for modified registration under Article 14;
2. Anyone who has neglected to apply for registration under Article 20 (1), or to file a report under paragraph (4) of the same Article; and
3. Anyone who has neglected to file a report under paragraphs (1) through (3) of Article 35.

(2) A fine for negligence under the provisions of paragraph (1) shall be imposed under the conditions set by the Regulations of the National Election Commission on the offenders by the competent election commission (excluding *Eup/Myeon/Dong* election commissions). In the event such a fine has not been paid by the payment time limit, it shall be entrusted to the head of the competent tax office, and the head of the competent tax office shall collect it by reference to the practices of dispositions for default of national taxes.

(3) Anyone who is dissatisfied with a disposition of a fine for negligence under paragraph (2) may raise an objection to the competent election commission within 20 days from the date of receiving a notice of such disposition.

(4) When anyone subject to a disposition of a fine for negligence under paragraph (2) has raised an objection under paragraph (3), the competent election commission shall promptly notify the competent court of such fact, and the court in receipt of the said notice shall bring the case to trial for the fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(5) Any objection raised or the progress of a trial under paragraph (3) or (4) shall not affect the validity of a disposition of a fine for negligence or its enforcement or a continuation of procedures.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Opening of Meeting for Formation of Political Party) The previous provisions shall govern the public notification of meeting for formation of a political party under the amended provisions of Article 10 before the Act on Freedom and Guarantee of Functions of Newspapers, etc. enters into force.

(3) (Applicability to Policies Discussion Forum) The policy discussion forum may be convened once per year in the fiscal year in which this Act enters into force first time notwithstanding the amended provisions of Article 39 (1).

(4) (Transitional Measures concerning Penal Provisions) In the application of penal provisions to the acts committed before this Act enters into force, the previous provisions shall govern.

(5) (Relations to other Acts and Subordinate Statutes) In case where the previous provisions are quoted in other Acts and subordinate statutes at the time this Act enters into force, if there exist any corresponding provisions in this Act, the corresponding provisions in this Act shall be deemed to be quoted in lieu of the previous provisions.

ADDENDUM <Act No. 8881, Feb. 29, 2008>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 9785, Jul. 31, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

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ADDENDA <Act No. 9973, Jan. 25, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Registration of Modification for Executive Members of Central Party and City/*Do* Parties) The registration of modification for executive members of the Central Party and City/*Do* parties under the amended provisions from Articles 12 through 14 shall be made within 30 days after this Act enters into force.
- (3) (Relation to other Acts and Subordinate Statutes) Where the previous provisions are cited in other Acts and subordinate statutes as at the time this Act enters into force, the corresponding provisions shall be deemed cited in place of the previous provisions if provisions equivalent thereto exist in this Act.

ADDENDA <Act No. 10396, Jul. 23, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Preparatory Committee for Central Party Formation) The Preparatory Committee for Central Party Formation established and reported as at the time this Act enters into force shall be deemed the Preparatory Committee for Central Party Formation established and reported in accordance with this Act.