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IN OPPOSITION

TO

ELECTION LAW

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

7 January 1946

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION.

I. THE PROBLEM PRESENTED.

Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

II. FACTS BEARING UPON THE PROBLEM. WITH ANALYSIS THEREOF.

1. Restricted plural voting.

The election districts of Japan are coterminous with the prefectural boundaries except in Tokyo and the six largest prefectures each of which is divided into 2 election districts. The number of representatives to the Diet to be elected in such districts vary from 4 to 14, the median and average being 9.

In districts in which 4 to 10 members are to be elected each elector is permitted to vote only for candidates to fill two of the offices; if 11 to 14 members are to be elected he is permitted to vote for three. This results in from 2 to 11 representatives from the elector's district being elected as his representatives without giving the elector a chance to express his will in their selection.

The following table shows election districts, offices to be filled, votes allowed and percentage of loss of franchise through use of this device.

Number of election districts involved	Number of representa- tives to be elected	Number of votes al- lowed elector	Percentage of disenfran- chisement
1	4	2	50%
6	5	2	60%

Number of election districts involved	Number of representa- tives to be elected	Number of votes al- lowed elector	Percentage of disenfran- chisement
7	6	2	67%
6	7	2	71%
4	8	2	75%
8	9	2	78%
7	10	2	80%
4	11	3	73%
3	12	3	75%
4	13	3	77%
3	14	3	79%

It is stated by the Japanese Government that the purpose of this restriction is to prevent the better known candidates particularly those having strong party backing from all being elected. The example given is that a strong party nominates 10 well known and well liked candidates for election in a district which is entitled to 10 representatives. It will take the vote of 5 electors to give each candidate one vote thus permitting minority parties to concentrate on two candidates and assure their election.

In the situation assumed above if there were 1100 voters 600 of whom cast his 2 votes for the popular party's candidates each candidate would receive 120 votes. If 4 well-disciplined parties each placed two candidates in nomination and equally split the votes of the remaining 500 electors, each candidate would receive 125 votes. This would result in 500 people electing 8 members of the Diet and 600 people electing only 2 members. Officers who oppose the election law state that such a situation would not result in an election giving a free expression of the will of the people of Japan. In fact, the frankly stated purpose (as well as the likely effect) of this voting method is to frustrate the will of the majority.

Attached as Tab "C" are the ballots of the members of the panel discussing this law who opposed it. Of the 13 votes cast 12 are opposed to restricted plural voting.

2. Writing by hand the name of candidate.

The law requires that the names of the persons voted for by the elector be written on the ballot by his own hand. The law designates the mayors and headmen and their appointees as voting overseers and imposes the duty on them to determine the qualification of the elector to write. The elector is permitted to cast a provisional vote if he protests the decision. The validity of the provisional vote is determined by the counting overseer who is the mayor or headman or their appointee.

The normal elector is unused to performing duties having an official aspect and becomes excited and nervous in the presence of authorities of the law as represented by the voting overseer and the ten witnesses. He is usually a farmer or laborer unused to writing. In this excited state he is required to remember how to write the name of each candidate of his choice. If he makes such a mistake that the name of some other person is written or the name of his choice cannot be determined his vote is disqualified. This gives unusual discretionary power in determining validity of ballots cast to mayors and headmen. The Japanese Government while supporting this provision confess its unfairness when in supporting the restricted plural voting requirement they state that a normal voter would be unable to remember and to write the names of 10 candidates on his ballot.

Other weakness of this provision appear when read in conjunction with other provisions of the law one of which authorizes the mayor or headman to determine whether or not the elector is able to write plus the failure of the law specifically to guarantee secrecy of the ballot from the voting overseer and other officials. The provision of the proposed directive insuring secrecy of the ballot reduces the strength of these objections.

The discretionary power to declare ballots disqualified given to mayors and headmen who heretofore were responsible to the Home Ministry greatly facilitates the opportunity of the executive to control election results. The officers who contend this law does not assure a free expression of the people's will as such broad powers as this and those indicated in Tab "A" give the executive branch such authority

that they can manipulate future elections in the same manner as the election in 1942 was handled. These provisions of the law are nearly identical with those in force during that election.

3. Excessive discretion of executive branch.

Many minor deficiencies in the law which give the executive branch of the government great influence in elections appear in detail under Tab "A". The basic objection is the broad discretionary authority given the Home and Justice Ministries in setting up regulations respecting matters of substance. At the present time, due no doubt in large part to the Occupation, this discretionary authority has been exercised in a manner which is fair and impartial. Prohibiting changes in the present ordinances, regulations and instructions of these Ministries until amended by Act of the Diet will nearly eliminate opportunity exercising these extraordinary powers.

III. CONCLUSIONS.

A. Three simple solutions to Restricted Plural Voting exist.

These are as follows:

1. Reduce election districts so that one representative would be chosen from each district.

2. Increase voting privilege to permit each elector to vote for each office to be filled.

3. Combine in modified form 1 and 2 above reducing each election district to about 5 offices to be filled and expand voting privilege to permit each elector to vote for each office to be filled.

B. 1. The Japanese Government resists solution 1 above on the ground the old party machines would be able to reelect well known local incumbents. A great deal of the force of this argument is weakened by the directive of 4 January 1946 which disqualifies many old line politicians from office.

2. The Japanese Government resists alternative 2 above on the same ground as 1 and on the additional ground that

ignorant farmer and laborer electors could not remember the names or how to write the names of 8 to 14 candidates. This is a better argument in favor of a printed ballot than in opposition to a method that would give an elector the opportunity to vote for each Diet member purporting to represent him.

3. The 3rd method appears to overcome most objections. The only objection so far proposed is that it would require substantial changes in the law. The changes required would be

a. Redistricting. With the recent census available this should be a simple task.

b. Expanding the franchise. This would only require amending Art 27 and 52 of the present law. This was done in order to provide for restricted plural voting. Certain Home Ministry Ordinances on the form of ballots would have to be rewritten but these are the same as have been rewritten recently to put plural voting into effect. The main body of the law would remain intact. As no election is to be held before 15 March 1946 adequate time for these changes exists.

c. If this system were employed the elector would have to make a choice of 5 representatives for whom he would vote. Thus he would be encouraged to vote for 4 representatives outside his own small "gun" and would be likely to vote on the basis of the candidates' platform rather than on the basis of personalities. If the elector is capable of casting 3 intelligent votes as he is required to do under the present law the addition of 2 more should not completely baffle him. If printed ballots were required his task would be even more simple. If a literacy test at the polls need be given, it can be done before he is given the ballot.

d. Most fundamental to this proposal is that it gives to each elector the privilege of voting for a candidate to fill each seat in the Diet which represents his district. He is given full rights of franchise instead of a 20% to 50% franchise as now exists.

C. A ballot should be furnished each elector bearing the printed name of each qualified candidate in the district.

Electors should be required to mark their choice of candidates on the ballot.

D. The Japanese Government should be directed that no modifications of executive ordinances, regulations and instructions except those necessary to carry out this directive will be permitted.

IV. RECOMMENDATION.

That the Memorandum to the Imperial Japanese Government (Tab "B") be approved and dispatched.

CONCUR:

Frank Rizzo, Capt. CMP

Marjaret Stone

Alfred R. Hussey, Commander, VSNR

Frank E. Hoyt, Lt Col Cav.

Milton J. Esman, 1st LT, TC

George A. Nelson, Jr., 1st Lt, CMP

Chas. L. Kades, Col. Inf.

Milo E. Rowell
MILO E. ROWELL
Major, TC
Pub.Admin.Branch



TAB
A

TAB "A"

Deficiencies in the law giving broad powers to the executive branch are as follows:

a. Article 6 provides that persons "who have been declared bankrupt and have not yet liquidated their obligations" and "those who are poor and receive public or private aid or relief for their living" shall not enjoy the franchise or be eligible for election.

The regulations issued by the Home Ministry limit the operations of these provisions of law so that at present a very few persons are excluded from the franchise. The provisions of this Article could be broadened by Home Ministry Regulations or Imperial Ordinance so that all war sufferers who receive government support would be deprived of their franchise.

b. Chapter 12 provided criminal penalties for specified violations of the election law. Except in the cases involving violence of mobs or violence against election officials no minimum penalties are required on conviction.

During the 1942 elections the Home Ministry thru the Justice Ministry instructed the courts to impose light sentences on violators of the election law if they represented the IRAA, IRAPS, or the Great Japan Political Association.

The general criminal procedural law of Japan requires that all charges be filed by the procurator. There is no provision which permits a citizen, the defeated candidate or anybody comparable to the Grand Jury to file a complaint for election law violations. If the procurator refuses to file charges, no criminal action for election frauds can be brought.

Article 124 prohibits the assembling of crowds, conducting a parade, using fireworks, bonfires and torchlights, beating bells and drums, sounding bugles and conches, raising flags or other acts tending to disturb the peace after being warned by the police to desist.

The Home Ministry has advised the police not to interfere in the present election unless the crowd becomes disorderly. In any future election the Home Ministry could equally well advise the police to issue warnings to desist to any activity of any opposition party.

c. Article 98 prohibits house to house campaigning. Article 98(2) prohibits distribution of letters or pictures except meeting notices and letters of recommendation.

d. Article 100 authorizes the Home Minister to establish limits on campaign material distributed by mail. Article 100(2) authorizes the Home Minister to establish limitations on activity of candidates after election in thanking electorate. Article 140 authorizes distribution of one piece of campaign material by mail free of charge as may be authorized by Imperial Ordinance. Authorizes the use of public buildings under Imperial Ordinance regulations.

The government can manipulate Home Ministry regulations and Imperial Ordinances so that great assistance will be given to the election of candidates favored by it.

e. Article 82 authorizes a judicial decision invalidating an election only when the court finds that "such violation is judged likely to affect the returns". If 500 violations of law are proven but the winning candidate had a plurality of 5,000 to 10,000 votes the judge could decide that such violations were unlikely to affect the election and refuse to declare the election void.



TAB
E

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 000.1 (7 Jan 46) GS

7 January 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Law for the Election of Members of the House
of Representatives.

1. Pursuant to Memorandum for Imperial Japanese Government AG 014.35 (4 Jan 46)GS, subject Election, the following additional requirements are prescribed for holding the election authorized therein:

✓ a. Election districts will be redistricted so that no district will be represented by less than 4 (in accordance with the existing system), nor more than 5 members of the House of Representatives of the Diet.

✓ b. Each elector will be permitted to cast one vote for each member of the House of Representatives of the Diet to be elected from the election district in which the elector resides.

✓ c. Printed ballots will be furnished each qualified elector bearing the names of every candidate for office who has qualified in the district in which the elector is to vote. The elector shall be required only to place on the ballot a mark indicating his choice of the candidate.

d. No ordinance, regulation or instruction now in effect regarding the conduct of the election, the responsibility of public officials with respect thereto, or the mode or manner of administering the Election Law shall be changed or altered hereafter except as required by this or future directives of the Supreme Commander or except as provided by an Act of the Diet.

2. The foregoing requirements will be accomplished prior to the date on which the election campaign of candidates for the House of Representatives to the Diet will be started.

3. Six copies in English of all ordinances, regulations and instructions issued to accomplish this directive will be submitted to this Headquarters at the same time as they are issued.

FOR THE SUPREME COMMANDER:

AG 000.1 (7 Jan 46) GS

7 January 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Law for the Election of Members of the House of Representatives.

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c. Printed ballots will be furnished each qualified elector bearing the names of every candidate for office who has qualified in the district in which the elector is to vote. The elector shall be required only to place on the ballot a mark indicating his choice of the candidate.

d. No ordinance, regulation or instruction now in effect regarding the conduct of the election, the responsibility of public officials with respect thereto, or the mode or manner of administering the Election Law shall be changed or altered hereafter except as required by this or future directives of the Supreme Commander or except as provided by an Act of the Diet.

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FOR THE SUPREME COMMANDER:

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1



C O N F I D E N T I A L

P O L L

Pollster
1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES _____
NO X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (X) Requirement of writing names on ballot
- (X) Restricted plural voting
- (X) Inadequate provisions for secret ballot
- (X) Requirement of ¥ 2,000 deposit to become a candidate
- (X) Denial of voting rights to indigents and bankrupts
- (X) Denial of right of candidacy to indigents & bankrupts
- (X) Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () 14 Termination of office before election of successor
- () Giving of electoral rights to women
- (X) 16 Inadequacy of judicial relief *(quantitative factor)*
- (X) Candidacy should be subject to acceptance of nomination
- (X) 18 Question election of poll-watchers
- () _____

Margaret Stone (P-4)
Name & Rank
Govt Section
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES
NO X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (X) Requirement of writing names on ballot
- (X) Restricted plural voting (*VOTING FOR ALL VACANCIES SHOULD BE MADE*)
- (X) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- (X) Denial of voting rights to indigents ~~and bankrupts~~
- (X) Denial of right of candidacy to indigents ~~& bankrupts~~
- (X) Restrictions on campaign methods
- (X) Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () THE BROAD POWERS OF THE HOME MINISTRY
- () _____
- () _____

Douglas F. Scott
Name & Rank
CIS, OCCIO. (R+A)
Staff Section, GHQ, SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

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YES _____
NO X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- () Restricted plural voting
- (X) ✓ Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- (X) ✓ Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- (X) ✓ Restrictions on campaign methods
- (X) ✓ Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

M. B. Wilson COGSC
Name & Rank

G-2
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

~~YES~~
NO

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (☒) Requirement of writing names on ballot
- (☒) Restricted plural voting
- (☒) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- (☒) Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- () Restrictions on campaign methods
- (☒) Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- (✓) Complete inadequacy of control of administration
- (✓) Administration in hands of local public officials.
- () _____

Alfred R. Hussey, Comdr. USNR
Name & Rank
Government
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES _____
NO X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (✓) Requirement of writing names on ballot
- (✓) Restricted plural voting
- (✓) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- (✓) Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- (✓) Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- (*) The law depends to an unreasonable
() extent upon executive ordinances
() for an expression of its true meaning.

George A. Nelson, Jr. 1st LT
Name & Rank

GOV SEC
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES _____
NO ✓ _____

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (✓) Requirement of writing names on ballot
- (✓) Restricted plural voting
- () Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- () Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
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C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Frank E. Hays, Lt Col
Name & Rank

Govt
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P C L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES

NO ☒

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (☒) Requirement of writing names on ballot
- (☒) Restricted plural voting
- (☒) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
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C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Frank Rizzo Capt CMP
Name & Rank

Good Sect
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES _____
NO X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (X) Requirement of writing names on ballot
- (X) Restricted plural voting
- (X) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
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C O N F I D E N T I A L

C O N F I D E N T I A L

() Termination of office before election of successor

() Giving of electoral rights to women

() Inadequacy of judicial relief

()

()

()

CD Bramley Col
Name & Rank

o/c/s.
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES
NO ☒

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- (☒) Restricted plural voting
- () Inadequate provisions for secret ballot
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C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Milton J Esman
Name & Rank
Government
Staff Section, GHQ, SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P C L L

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YES _____
NO ✓

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- (✓) Restricted plural voting
- (✓) Inadequate provisions for secret ballot
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- () Denial of right of candidacy to indigents & bankrupts
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C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- (✓) Inadequacy of judicial relief
- () _____
- () _____
- () _____

Don Brown, Civ.

Name & Rank

C.I.E.

Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES

NO

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- (✓) Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- (✓) Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Benjamin Bork
Name & Rank
C I + E
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Benjamin Bork
Name & Rank
C I + E
Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES _____
NO ✓ _____

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- (✓) Restricted plural voting
- () Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- () Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

*one of two
representatives
present*

A. Pearey Civ

Name & Rank

USPOLAD

Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES

NO

X

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (✓) Requirement of writing names on ballot
- (✓) Restricted plural voting
- (✓) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- (✓) Restrictions on campaign methods
- (✓) Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- (✓) Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- (✓) Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Name & Rank

Staff Section, GHQ SCAP

C O N F I D E N T I A L

IN SUPPORT
OF
ELECTION LAW

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

5 January 1946

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION.

I. THE PROBLEM PRESENTED.

To determine whether the 1945 Law for the Election of Members of the House of Representatives (See Tab "A") provides a basis for a free and democratic election in Japan.

II. FACTS BEARING UPON THE PROBLEM.

1. Background. The Election Law of 1945 is a revision of that of 1934, which was based on the Election Law of 1925 (slightly amended in 1926) which introduced universal manhood suffrage into Japan. The revised Law introduces a new voting system, lowers the age requirements for voting and eligibility, gives women the same electoral rights as men, and enlarges the electoral districts. It contains restrictions designed to curb corruption and limit campaign costs. It prescribes a written ballot. It is therefore subject to criticism by those who feel that all restrictions are undemocratic and that voting should be by printed ballot or by a mechanical device. Others criticize its electoral districts and its voting system. A few believe that it permits wholesale corruption and favors the old political machines. It is to be noted that all these criticisms come from Americans; the Japanese have very few complaints, contradictory in nature and depending on the political views of the critics.

2. Political conditions. Our Directives of 4 January 1946 have radically changed the political conditions under which the election is to be held. The vast majority of the totalitarians and war-collaborators of the old Diet were in the Progressive Party which held 272 seats in the Lower House at the time of its dissolution. The leadership and many of the members of this Party are now disqualified. It is highly probable that the Party will disintegrate as such, although some of its members may form a new Party or run as Independents. The main danger for the next Diet is gone, however. The people will be forced to turn to new men, as relatively few of the old familiar names are now left in the political field. A variety of political views in the new Diet is

not only desirable but---in contrast with the situation a month ago---highly probable. Under these circumstances the Election Law must be judged in a somewhat different light. The question is not merely "will it give new men a chance?" but "will it tend to favor any one group or give all a chance to compete on equitable terms?"

3. Administration of the Law. It must never be forgotten that in Japan the law may be excellent, but its administration so lax or corrupt that the results become a travesty of the law. It is therefore not enough to make sure that the Law affords a basis for a free election. An equally vital task is to make sure that the Law is honestly and vigorously applied.

4. Essential considerations. It is necessary to keep in mind that this Election Law is a product of Japanese thought and experience and meant to operate in Japan under Japanese conditions, not in America under American conditions. It should be judged in that light only. If it contains minor imperfections which do not impair it as an instrument to elect a representative assembly for the Japanese people, it is better to have these corrected in the next Diet than to insist upon perfection now by issuing a Directive to change the Law. In the former case we assist the democratic development of the Japanese, while in the latter we weaken it by undermining their respect for the legislative process of which this Law is a product.

5. Limitations of discussion. The discussion which follows takes account of the major features of the Law only; a complete study would require volumes and is not considered essential for the solution of the problem. In the course of this study hundreds of questions have been asked and answered, so that information on almost any point in the Law can be presented orally if desired.

III. DISCUSSION.

See Tab "B".

IV. CONCLUSION.

The 1945 Law for the Election of Members of the House of Representatives does provide a basis for a free and democratic election. An additional safeguard can be established by ordering the Japanese Government to take steps to prevent nullification of the legal restrictions on campaign expenses by "third party" campaigning not formally acknowledged by the candidate.

Major changes are not warranted now. Proposals for such changes ignore the fact that the Law is the result of 56 years of Japanese election experience combined with pressure from decent-minded Japanese. An election law written by American lawyers would be very different, but its success in Japan would be more conjectural than that of the Japanese Law produced by an unbroken series of progressive steps in electoral legislation.

If the forthcoming election should reveal real flaws in the 1945 Law, we shall have a factual basis for our suggestions to improve it; then the new Diet can work out such changes as embody its own wishes together with ours.

V. ACTION RECOMMENDED.

1. That the attached Memorandum (Tab "C") to the Imperial Japanese Government be approved, signed and issued.
2. That approval be given to the principle of using occupation personnel for close supervision of the forthcoming election, for the purpose of insuring maximum compliance with the law and obtaining an impartial report on its actual operation.

CONCUR:

Justin Willidns, Capt^{A.C.}, P.A. Branch
Guy J. Swope, Comdr. USNR
Delmore Hanger, Lt (jg) USNR
Richard A. Poole, Ensign, USNR
C. B. Sifton, Major, C.M.P.

P. K. Roest

P. K. ROEST
Maj, TC
P.A. Branch



TAB
A

THE LAW FOR THE ELECTION OF MEMBERS
OF THE HOUSE OF REPRESENTATIVES; 1925

(as amended in 1926, 1934 and 1945)

Chapter I

The Election Districts

Article I. - The members of the House of Representatives shall be elected in each of the election districts. The election districts and the number of members to be elected in each district are set forth in the appendix to the present law.

Article II. - The voting districts shall be subject to the limits of cities, towns, and villages.

When the governor of a prefecture deems it necessary, there may be established several voting districts for one city, town or village.

In case voting districts are established according to the preceding clause, the governor of the prefecture must immediately announce the fact.

In case any provisions of the present law are not applicable to districts established according to the second clause of this article, special provisions may be enacted by imperial ordinance.

Article III. - The ballot-counting districts shall be subject to the limits of cities, towns and villages.

When the governor deems that there are special circumstances, there may be established several ballot counting districts for one city or one ballot-counting district for several towns or villages.

When the ballot-counting districts are established according to the preceding clause, the local governor must announce the fact immediately.

In case any provisions of the present law are not applicable to ballot-counting districts established according to the second clause of this article, special provisions may be enacted by imperial ordinance.

Article IV. - When an alteration takes place in an election district in consequence of a change in administrative boundaries, the members actually sitting for such district shall retain their seats.

Chapter II

Voting Right and Eligibility

Article V. - Any Japanese subject who is over twenty years of age shall have the right to vote.

Any Japanese subject who is over twenty-five years of age shall be eligible for election.

Article VI. - The following persons shall not enjoy the franchise or be eligible for election:

1. Those who have been declared incompetent or quasi-incompetent.
2. Those who have been declared bankrupt and have not yet liquidated their obligations.
3. Those who are poor and receive public or private aid or relief for their living.
4. Those who have no definite domiciles.
5. Those who have been condemned to confinement or penal servitude for more than six years.

6. Those who have been condemned to confinement or penal servitude for less than six years for offenses against the provisions of Chapter I, III, IX, XVI-XXI, XXV, or XXXVI-XXXIX of Part II of the criminal code until a period twice the length of the penal term has passed subsequent to completion of or release from the prescribed penal sentence. This period shall be five years for all when the penal term is less than five years.
7. Those who have been condemned to confinement or penal servitude for less than six years for offenses against provisions not mentioned in the preceding item and have not completed or been released from the execution of the penalty.

Article VII. - The heads of the noble families shall not possess the franchise or be eligible for election.

Article VIII. - The officers and officials engaged in the management of an election shall not be eligible for election within the limits of the jurisdiction of their respective offices.

Article IX. - Officials in the Imperial Household Ministry, judicial officials, judicial officials in the Governments of Chosen, Taiwan, Kwantung Province, and the South Sea Islands, the president and councilors of the Court of Administrative Litigation, auditors, revenue officials and police officials shall not be eligible for election.

Article X. - Officials and those treated as officials with the exceptions hereafter listed may not combine their offices with membership in the House of Representatives:

1. Cabinet ministers.
2. The Chief Secretary of the cabinet.
3. The President of the Bureau of Legislation.
4. Parliamentary undersecretaries of all ministries.
5. Parliamentary Councilors of all ministries.
6. Private secretaries of the premier.
7. Private secretaries of all ministries.

Article XI. - Members of the Tokyo Metropolitan, of the Hokkaido, or of a prefectural assembly may not hold concurrent membership in the House of Representatives.

Chapter III

Electoral Lists

Article XII. - The head of a city, town or village shall investigate annually, as of the fifteenth of September, all qualified persons who have been domiciled for more than six months without interruption in their respective localities and prepare a list thereof by the thirty first of October.

The age of an elector shall be counted as of the date when the electoral list is made final.

The persons disqualified under the residence requirement provided in the first and the preceding clauses of this article may not be registered in the electoral list.

In the electoral list shall be entered the name, residence, and date of birth of each elector.

The terms of residence provided in the first and third clauses of this article shall not be affected by alterations of the administrative boundaries.

Article XIII. - City, town, and village heads shall, at their respective offices or at places they designate, exhibit the electoral lists for public inspection for a period of fifteen days commencing on the fifth of November.

They shall announce the place of exhibition at least three days before inspection takes place.

Article XIV. - When an elector discovers an omission or wrong registration in the electoral list, he may demand that a correction be made by giving to the city, town or village head written corroborative evidence and the reason therefor.

Such a demand may not be made after expiration of the period of exhibition.

Article XV. - Upon the receipt of a notice set forth in the preceding article, the city, town or village head shall examine the reasons alleged and evidence adduced and shall give his decision within twenty days from the receipt of such notice. If he finds that the notice is correct he shall immediately correct the electoral list, notifying the person who has given the notice and other persons concerned and notify the public at the same time. When the notice is found to be incorrect a communication to that effect shall be made to the person who has given the notice.

Article XVI. - When either the person who has given the notice or other persons concerned are not satisfied with the decision of the mayor of the city, or town or village head made according to the foregoing article, they may, within seven days from the day on which they received the communication of the said decision, institute a suit against the mayor of the city, or town or village head in a district court.

No appeal is allowed to appellate courts against the judgment of the district court mentioned in the preceding clause but it is permissible to bring an appeal to the supreme court for revision.

Article XVII. - The electoral list shall be considered final on the 20th of December.

The list shall be kept until the 19th of December of the following year. When, however, any correction is to be made in the list in pursuance of the judgment of a court of law, the mayor of the city, or town or village head shall at once make the said correction and shall publish the fact.

A new electoral list shall be compiled whenever a natural calamity or any other unavoidable circumstance may require it.

The compilation of the electoral list according to the foregoing clause and the date thereof, and the date and duration of exhibition for public inspection and for final determination of the list shall be determined by Imperial Ordinance.

Chapter IV

Election, Votes and Polling Places

Article XVIII. - The date of a general election shall be the day following the expiration of a term of members of the House of Representatives. However, when there are peculiar circumstances an election may be held within five days after a term has expired.

When a term expires while the Diet is in session or within twenty-five days after the closing of the session, the general election shall take place not less than twenty-six nor more than thirty days after the close of the session.

In case the Diet is dissolved, a general election shall take place within thirty days after dissolution.

The date of a general election shall be determined by imperial ordinance and shall be proclaimed at least twenty-five days beforehand.

Article XIX. - Election shall be by ballot.
Each elector shall cast one ballot only.

Article XX. - The mayor of a city or the head of a town or village shall take charge of the voting in the capacity of voting overseer.

Article XXI. - The polling-place shall be the city, town, or village office or places designated by the voting overseer.

Article XXII. - The voting overseer shall announce the polling-place at least five days previous to the date of election.

Article XXIII. - The polls shall be opened at 7 o'clock a.m. and be closed at 6 o'clock p.m.

Article XXIV. - Each candidate may appoint a person with his consent to act as a voting witness from among those registered in the electoral list of each voting district and report his choice to the voting overseer at least two days before the date of election.

When the number of the persons whose selection has been reported in accordance with the provisions of the preceding clause (excluding one whose selection has been reported by a candidate who subsequently thereto has died or withdrawn his candidacy, which proviso is hereinafter omitted) does not exceed ten, they shall ipso facto become voting witnesses. In case their number exceeds ten, they shall elect ten voting witnesses from among themselves.

The election mentioned in the preceding clause shall be effected by vote, and persons who have obtained the larger number of votes shall be voting witnesses. In case an equal number of votes are obtained the decision shall be made by lot by the voting overseer.

The election mentioned in the second clause of this article shall be held on the day preceding the date of election.

The place and date of the election mentioned in the second clause of this article shall be publicly announced by the voting overseer beforehand.

When the candidate has died or withdrawn his candidacy, the voting witness whose selection has been reported by him shall cease to function as such.

In case the voting witnesses appointed according to the second clause of this article are fewer than three in number or there are fewer than three witnesses present at the time of the opening of the polls, the voting overseer shall fill the vacancies from among the persons registered in the electoral list of the voting district, notifying the persons so appointed and cause them to be present at the polls.

A voting witness shall not vacate his office without valid reason.

Article XXV. - On the day of election electors shall come in person to the polling-place and vote, after identifying themselves as the persons whose names are on the electoral list.

In case the voting overseer cannot identify a person who is about to vote, he shall require him to declare on oath his proper identity. Unless this declaration is made, such a person shall not be permitted to vote.

Article XXVI. - The ballot shall be given to each elector at the polling-place on the day of voting.

Article XXVII. - Every elector shall at the polling-place himself inscribe upon the ballot the name or names of one candidate or candidates, subject to the under-mentioned classifications and shall put the ballot into the ballot-box.

1. One candidate in an election district where the Members of the House of Representatives to be elected number three or under.

2. Two candidates or less in an election district where the Members to be elected number between four and ten, both inclusive.

3. Three candidates or less in an electoral district where the Members to be elected number eleven or over.

An elector shall not write his own name on the ballot.

Article XXVIII. - Writing upon the ballots with braille as specified by imperial ordinance is permitted.

Article XXIX. - No person other than those entered on the electoral list shall be capable of voting. Should, however, any one come to the voting-place on the day of election bringing with him a writ of decision entitling him to have his name entered on the electoral list, the voting overseer shall allow him to vote.

Article XXX. - Whenever a person registered on the electoral list does not possess the qualifications for registration or the right to vote on the day of the election, such person may not vote.

The foregoing provision shall apply to those persons who cannot themselves write the names of the candidates they wish to vote for.

Article XXXI. - The voting overseer after consulting the voting witnesses decides whether or not to allow a vote to be cast.

In case an elector is dissatisfied with the decision mentioned in the preceding clause, the voting overseer shall allow him to vote provisionally.

An elector shall place his ballot in an envelope and seal it and deposit it in the ballot-box after writing his name on the envelope.

The provisions of the foregoing two clauses shall apply to an elector objected to by any of the election witnesses.

Article XXXII. - When the time for closing the polls arrives, the voting overseer shall declare the fact and close the entrance of the polling-places; he shall close the ballot-box as soon as electors present in the polling-place have finished voting.

After the closing of the ballot-box no voting shall be allowed.

Article XXXIII. - For electors who certify the impossibility of personal attendance at a polling-place on the day of election owing to circumstances recognized by imperial ordinance, special provisions may be enacted by imperial ordinance, notwithstanding the provisions of Articles XXV, XXVI, the first clause of Article XXVII, the proviso of Article XXIX and Article XXXI.

Article XXXIV. - The voting overseer shall keep minutes in which all matters relating to the voting shall be entered and which he and the witnesses shall sign.

Article XXXV. - The voting overseer, except when he is also a ballot-counting overseer, shall, in company with one or more witnesses, send on the day of election the ballot-box, the minutes of the voting, and the electoral lists to the counting overseer.

Article XXXVI. - In the case of an island or other place where means of transportation do not permit sending the ballot-box within the time mentioned in the preceding article, the local governor may fix a convenient date for voting and cause the ballot-box, minutes of the voting and the electoral lists to be sent by the time of counting the votes.

Article XXXVII. - When, owing to natural calamity or other unavoidable circumstances, it is found to be impossible to carry out the voting or it is necessary to take a fresh vote, the voting overseer shall give notice to that effect to the governor through the chairman of election. In such a case the governor shall cause the voting to be carried out by fixing a new date which shall be proclaimed at least five days beforehand.

Article XXXVIII. - In case elections are to be held according to Article LXXV or LXXIX simultaneously, one combined election shall take place.

Article XXXIX. - No elector is under obligation to state to any person the name of the candidate for whom he voted.

Article XL. - The voting overseer shall maintain order at the polling-place and may, in case of necessity, ask the assistance of the police.

Article XLI. - With the exception of electors, persons attending to the business of the polling-place, officials who are authorized to oversee the polling-place, and police officials, no person is allowed to enter the polling-place.

Article XLII. - When, at the polling-place, any person makes a speech, engages in discussion, causes an uproar, holds a conference or uses persuasion as to voting, or otherwise disturbs the order of the polling-place, the voting overseer shall caution him and if the caution is disregarded, shall cause him to leave the polling-place.

Article XLIII. - A person who has been compelled to leave a polling-place in accordance with the foregoing article, may be allowed to vote either at the end of the voting or earlier if it is deemed by the voting overseer that there is no danger of the polling-place being disturbed thereby.

Chapter V

Counting of Ballots and Counting-Office

Article XLIV. - The mayor, or the town or village head shall take charge of the counting of ballots as counting overseer.

Article XLV. - The counting-office shall be established in the city, town or village office or at the place appointed by the counting overseer.

Article XLVI. - The counting overseer shall announce the date of the counting beforehand.

Article XLVII. - The provisions of Article XXIV shall be applied to the counting witnesses of the counting-office.

Article XLVIII. - The counting of ballots shall be effected on the day of voting or on the day immediately following (in case more than one voting districts exist within one vote-counting district, on the day when all the ballot-boxes have been received or on the day immediately following).

Article XLIX. - The counting overseer shall, in the presence of the counting witnesses, examine the votes coming under sections 2 and 4 of Article XXXI and shall decide as to their acceptability after consulting the counting witnesses.

The counting overseer, with the counting witnesses, shall examine the ballots for each polling district.

As soon as the examination of the ballots has been finished, the counting overseer shall report the result immediately to the chairman of election.

Article L. - The electors are entitled to request permission to inspect the counting at the respective offices.

Article LI. - The validity of ballots shall be decided by the counting overseer after consulting the counting witnesses.

Article LII. - Such of the votes as mentioned hereunder, cast in an election district to which the provisions of Item 1 in the first clause of Article 27 apply, shall be invalid:

1. Those for which a regular ballot has not been used.
2. Those on which the name of a person other than a candidate is inscribed.
3. Those on which the names of two or more candidates are inscribed.
4. Those on which the name of a person disqualified for election is inscribed.
5. Those on which other matters in addition to the name of a candidate are inscribed. But this rule does not apply to those on which the official rank, profession, status, residence, or honorifics are entered.
6. Those on which the name of the candidate is not written by the voter himself.
7. Those by which it is impossible to ascertain which candidate is meant.
8. Those on which the name of a person who is a member of the House of Representatives is inscribed.

The preceding 8th item is applicable only to an election held in accordance with the provisions of Article LXXV or LXXIX of the present law.

Article LII-2. - Such of the votes as are mentioned hereunder, cast in an election district to which the provisions of Item 2 or 3 in the first clause of Article XXVII apply (hereinafter referred to as plural votes) shall be invalid:

1. Those for which a regular ballot has not been used.
2. Those on which the name or names of a person or persons other than a candidate is inscribed.
3. Those on which other matters in addition to the name of a candidate are inscribed. But this rule does not apply to those on which the official rank, profession, status, residence, or honorifics are entered.

The entry of such a name or names, as are mentioned hereunder, in plural votes shall be invalid:

1. The name or names inscribed towards or at the end in excess of the number of Members to be elected under the provisions of Item 2 or 3 of Article XXVII.
2. The name or names of a person or persons who is or are not eligible for election.
3. The name or names which is or are not inscribed by the voter himself.
4. The name or names by which it is impossible to ascertain which candidate or candidates is or are meant.
5. The name or names of a person or persons who is or are a member or members of the House of Representatives.

The preceding 5th item is applicable only to an election held in accordance with the provisions of Article LXXV or LXXIX of the present law.

Article LII-3. - When two or more names of one and the same candidate are given on the ballot, such entries shall be regarded as one entry.

Article LIII. - Ballots shall be sorted into lots that are valid and those that are void and shall be preserved by the counting overseers during the tenure of office of the members elected.

Article LIV. - The counting overseer shall keep minutes of the counting in which shall be recorded all matters relating thereto and he shall, after his signature and those of the counting witnesses are affixed, preserve them

together with the voting minutes during the tenure of office of the members elected.

Article LV. - In the counting of ballots of a new election held in case a part of an election is declared invalid, the validity of ballots shall be ascertained.

Article LVI. - The provisions of Article XXXVII shall, with the exception of the proviso, be applied *mutatis mutandis* in the counting.

Article LVII. - For the control of counting-offices the provisions of Articles XL to XLII shall be applied *mutatis mutandis*.

Chapter VI

Election Meeting

Article LVIII. - In case there is but one election district for the prefecture, or the city the governor of the prefecture or mayor of the city respectively and in the case of other election districts the officials designated by the prefectural governor, shall be the chairmen of election and take charge of matters pertaining to the election meeting.

Article LIX. - The election meeting shall be held at the metropolitan or prefectural office to which the chairman of the election belongs, or at a city office or a place designated by the chairman of election.

Article LX. - The chairman of election shall announce the place and date of the election meeting beforehand.

Article LXI. - The provisions of Article XXIV shall be applied correspondingly to the election witnesses.

Article LXII. - The chairman of election shall hold the election meeting in the presence of the election witnesses on the day when or the next day after the reports provided for in the third section of Article XLIX are received from all counting overseers and shall examine the reports.

In case a part of an election was invalid and a new election has been held, the chairman of election, on receipt of the report under the third section of Article XLIX, shall hold an election meeting and examine it together with other reports.

Article LXIII. - The electors are entitled to request admission to the election meeting of their respective districts.

Article LXIV. - The chairman of election shall keep minutes of the election in which shall be recorded all matters relating to the election meeting and shall, after his signature and those of the election witnesses have been affixed, preserve them together with the documents relating to the reports made under the third section of Article XLIX during the tenure of office of the members elected, however, in case the chairman of election has been appointed by the governor from among the officials the governor shall preserve the minutes of the election and the reports made under the third section of Article XLIX.

Article LXV. - The provisions of Article XXXVII shall, with the exception of the proviso, be applied correspondingly to the election meeting.

Article LXVI. - For the control of the election meeting the provisions of Articles XL to XLII shall be applied correspondingly.

Chapter VII

Candidates and Persons Elected

Article LXVII. - A person who desires to be a candidate shall so notify the chairman of election between the date when the date of election is published and the seventh day before the date of election.

When a person whose name is registered in the electoral list desires to name a candidate other than himself, he may make the recommendation during the period set forth in the preceding clause.

In case the number of candidates named during the period stated in the two preceding clauses exceeds the number of members to be elected, when candidates die after the period stated or withdraw candidacy, notice or recommendation of candidates may be made according to the two preceding clauses by the second day previous to the date of election.

A candidate may not withdraw his candidacy without notification to the chairman of election.

On receipt of notice under the fourth section of this article or on the death of a candidate the chairman of election must immediately publish the facts.

Article LXVIII. - The person who desires to enter for candidacy or who desires to recommend a candidate shall deposit 2,000 yen in cash or national bonds of the same face value for each candidate.

The deposit made in accordance with the preceding clause shall belong to the government in case the total votes for the candidate are less than one-tenth of the number of the total votes obtained by respective candidates divided by the number of members to be elected in that election district.

The provisions of the preceding clause shall be applied to candidates who withdraw within ten days of the date of election, unless such withdrawal is due to loss of eligibility.

Article LXIX. - The candidate who has obtained a relative majority of the total number of votes shall be declared elected. However, the number of votes obtained shall not be less than one-fourth of the total number of the votes, obtained by respective candidates, divided by the number of members to be elected from the district.

In determining the person elected, the elder shall be preferred in case the number of ballots obtained by the candidates is the same; and when their ages are also the same, the choice is determined by lot, the chairman of election holding a drawing at the election meeting.

In case the person elected may be determined without holding a new election in consequence of a suit instituted under Articles LXXXI or LXXXIII, the person elected shall be determined at an election meeting.

When a person elected either declines the election or dies or when his election has been invalidated according to the provisions of Article LXX, the person elected shall be determined immediately at an election meeting from among those persons who have obtained the quota mentioned in the proviso of the first section of this article but have not been elected.

When an election has been invalidated in consequence of a suit instituted in accordance with Article LXXXIV or in accordance with Article CXXXVI, an election meeting shall be held and persons to be elected shall be determined as provided in the preceding section in case it is within one year from the date of election and, if it is after such period, from among the persons voted for who come under the second section of this article but were not elected.

In applying the foregoing three sections, a person voted for who comes under the first clause and was not elected shall not be declared elected in case he has been disqualified for election after the date of the election.

Article LXX. - An election shall be invalidated when the person elected is disqualified for election after the date thereof.

Article LXXI. - In case the number of candidates notified according to the provisions of sections one to three of Article LXVII does not exceed the number of members to be elected from a district, no election shall be held.

When it is unnecessary to hold an election according to the provisions of the preceding clause the chairman of election shall so notify the voting overseer, the governor and the electors.

On receipt of such notice the voting overseer shall publish the fact immediately.

In the circumstances indicated in the first clause of this article, the chairman of election shall hold an election meeting within five days previous to the date of election and determine the candidates as elected.

In such cases the chairman of election shall determine the validity of the qualifications of the candidates after consulting the election witnesses.

Article LXXII. - When a candidate's election has been determined, the chairman of election shall at once inform the person elected and at the same time shall publish the names of the persons elected and also shall report the minutes of the election, such as the names of and the number of votes obtained by the persons elected, the total number of votes for each person, etc. to the governor.

The chairman of election shall immediately publish and give notice of the fact to the governor when there is no person elected or the number of persons elected is less than the number to be elected.

Article LXXIII. - Upon receipt of notice of election, every person elected shall notify the chairman of election whether or not he accepts.

One and the same person may not accept election in several election districts.

On receipt of notification under the first section of this article the chairman of election shall immediately report it to the governor.

Article LXXIV. - Those persons elected who have failed to give notice of acceptance within ten days from the day on which they received notice of election shall be considered to have declined election.

Article LXXV. - In any of the following circumstances the governor shall fix a date and hold a new election, announcing the date thereof at least fourteen days before the date of election except when the persons elected can be determined without carrying out a new election. This provision is not applicable when the date of election is announced owing to circumstances other than the following or in accordance with the provisions of the eighth section of Article LXXIX concerning one and the same person:

1. In case there is no person elected or the number of persons elected is less than the number to be elected.
2. When the person elected declines the election or is dead.
3. When the person elected loses the election according to the provisions of Article LXX.
4. When there is no person elected or the number of persons elected does not come up to the required number in consequence of a suit instituted according to the provisions of Articles LXXXI or LXXXIII.

5. When an election is invalidated as the result of a suit instituted according to Article LXXXIV.
6. When an election is invalidated according to the provisions of Article CXXXVI.

An election mentioned in the preceding clause may not be held during the period allowed for filing a suit under the provisions of Article LXXXII or LXXXIII, or until the settlement of judgment in a case in which a suit has been filed.

The date of election to be held in accordance with the first section of this article shall be within twenty days after the final day of the period allowed for filing a suit under the provisions of Article LXXXII or LXXXIII; in case a suit has been brought, it shall be within twenty days after the day on which the governor received the communication from the president of the supreme court to the effect that the suit is terminated or the communication made in conformity with the second clause of Article LXXXVI or Article CXLIII.

When any one of the circumstances mentioned in the first section of this article has arisen within six months prior to the end of the term of a representative, no election is held under the first section of this article.

Article LXXVI. - When a person elected has accepted election the governor shall at once give him a certificate of election and publish his name, at the same time reporting thereon to the Minister of Home Affairs.

Article LXXVII. - When an election has been invalidated owing to a suit instituted under Chapter IX or to the application of Article CXXXVI, the governor shall publish the fact immediately.

Chapter VIII

Term of Membership and Substitutional Election

Article LXXVIII. - The term of membership shall be four years from the date of a general election. When a term expires during a sitting of the Imperial Diet, the members shall remain on duty until the close of the session.

Article LXXIX. - A substitutional election shall not be held even when a vacancy occurs among members until the number of vacancies comes up to one-fourth (two in case the one-fourth is less than two, which proviso is herein-after omitted) of the quota of members to be elected in the election district concerned.

In case a vacancy occurs among members the Minister of Home Affairs shall notify the governor concerned within five days from the date of his receipt of notification under Article LXXXIV of the Law of Houses from the chairman of the House of Representatives.

On receipt of such notification the governor shall communicate it immediately to the chairman of election when a candidate who obtained the quota required under the proviso of the first paragraph of Article LXIX but was not elected is available, in the case of a vacancy which occurs within one year after the date of election; or when there is a candidate to whom the second paragraph of Article LXIX has been applied but was not elected, in the case of a vacancy which takes place more than one year after the date of election.

The chairman of election shall determine the person elected, applying the provisions of sections four to six of Article LXIX, within twenty days from the date of notification under the preceding section.

On receipt of notification under section two of this article, the governor, unless the third section three of this article is applied or the date of the election has been published according to the provisions of Article LXIV concerning one and the same person, shall wait until the number of vacancies

reaches one-fourth of the number of members to be elected in the election district concerned; he shall hold a substitutional election within twenty days of receipt of the final notification under section two of this article.

In case the number of vacancies is less than one-fourth of the number of members to be elected in an election district, but an election is to be held under Article LXXV, a substitutional election shall, in spite of the provisions of the first and fifth clauses of this article, be held in parallel with the said election, unless the prefectural governor has received the notification under the second clause of this article after the date of election was announced in accordance with the provisions of Article LXXV.

The date of the substitutional election mentioned in the preceding clause shall be fixed in accordance with the rules of the date of election under Article LXXV.

The date of a substitutional election shall be announced at least fourteen days before the election by the governor.

The provisions of sections two to four of Article LXXV shall be applied to a substitutional election.

Article LXXX. - A member elected by substitutional election shall serve out the term of his predecessor.

Article LXXXIV-2.

When a public prosecutor deems an election to be invalid under the provisions of Article CXXXVI on the ground of the person accused for the offences under Article CXII or CXIII having been the election manager or the person who was not the election manager but actually managed election campaigns, he shall, in parallel with the public action, bring a lawsuit against the person elected.

Chapter IX

Law-Suits Arising Out of Elections

Article LXXXI. - An elector or a candidate who entertains an objection to the validity of an election may institute a suit against a chairman of election in the Supreme Court within thirty days after the date of election.

Article LXXXII. - When the legal provisions governing elections are violated, the court shall declare the election void either in whole or in part if such violation is judged likely to affect the returns.

In a suit instituted under Article LXXXIII, when the election is adjudged to fall under the preceding section, the court shall declare the election void either in whole or in part.

Article LXXXIII. - When a candidate who has failed of election questions the validity of the election of a person elected in the same election district, he may institute a suit in the Supreme Court against the person elected within thirty days from the date of publication of the name of the person elected under sections one and two of Article LXXII. But a suit shall be instituted against a chairman of election on the ground that the requirement imposed in the proviso of section one of Article LXIX has been obtained or on the ground that the election does not abide by section six of Article LXIX or by Article LXX, or on the ground that the decision made under section five of Article LXXI is illegal.

When a suit is instituted according to the preceding section and the person elected dies before the decision is made, such suit shall be reinstituted against the prosecutor.

Article LXXXIV. - An elector or a candidate who claims that an election is invalid under Article CX may institute a suit against the person elected in the Supreme Court within thirty days after notification under section one of Article LXXII.

Article LXXXV. - In the trial of election cases instituted under the provisions of Article LXXXI, LXXXIII or the first section of the preceding article the court shall require the public prosecutor to attend the proceedings.

Article LXXXVI. - When a suit is instituted under the provisions of Article LXXXI or LXXXIII, the president of the Supreme Court shall inform the Minister of Home Affairs and the governor concerned as well as when the suit is terminated.

When a judgment is given to the suit instituted under the first clause of Article LXXXIV or when a judgment passed comes into force of the suit instituted under the second clause of the same article, the president of the law court shall notify the fact to the Minister of Home Affairs and the prefectural governor concerned.

When a judgment is given to the suit instituted under Article LXXXI or LXXXIII or the first section of Article LXXXIV or when a judgment passed comes into effect of the suit instituted under the second clause of Article LXXXIV, the president of the law court shall send a certified copy of the judgment to the Minister of Home Affairs. In case the Imperial Diet is in session, another copy shall be sent to the chairman of the House of Representatives.

Article LXXXVII. - The plaintiff who instituted a suit under the provisions of Article LXXXI or LXXXIII or the first section of Article LXXXIV shall deposit as security in the court 300 yen in cash or national bonds of equal face value.

In case the judgment is given against the plaintiff and should he fail to pay the whole amount of the legal costs, within seven days from the day on which the judgment was settled, the security money shall be appropriated for the purpose and should there still remain any deficiency the required amount shall be charged to the plaintiff.

Chapter X
The Election Campaign

Article LXXXVIII. - Deleted.

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

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

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

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

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

Article XCIII. - Deleted.

Article XCIII-2. - Deleted.

Article XCIV. - When election offices are found to be established contrary to the provisions of section one of Article LXXXIX, the governor (Superintendent-General of the Metropolitan Police in Tokyo Metropolis) shall immediately order such offices to close; this regulation is applicable similarly when election offices are found to be established in excess of the number authorized under Article XC.

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

Article XCVI. - Deleted.

Article XCVII. - Deleted.

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

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

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

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

Article C-2. The Minister of Home Affairs may establish limitations by ordinance upon such acts to be made with the object of greeting electors, after the day of election, in connection of candidate's success or failure in election.

Chapter XI

Election Expenses

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

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

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

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

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

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

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

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

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

Article CII. - The expenses of the election campaign for each candidate shall not exceed the amounts specified in the following items;

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

2. In case a part of an election is declared invalid and a new election is held, the amount obtained when the number of the electors registered on the final electoral list of the district concerned, divided by the number of members to be elected in the election district concerned, is multiplied by thirty sen.
3. In case an election is held under Article XXXVII, the amount shall be calculated in accordance with the preceding item; however, this amount may be reduced by the governor (Superintendent-General of the Metropolitan Police in Tokyo Metropolis) when he deems it necessary.

The governor (Superintendent-General of the Metropolitan Police in Tokyo Metropolis) shall publish the amount determined upon under the preceding section as soon as the date of election is published or notified.

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

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

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

Article CV. - The responsible disburser, according to imperial ordinance, shall provide an account-book and shall keep a record of the expenses of the election campaign.

Article CVI. - The responsible disburser, according to imperial ordinance, shall prepare an account of the expenses of the election campaign and shall report it within fourteen days from the date of election to the governor (Superintendent-General of the Metropolitan Police in Tokyo Metropolis) through the police station to which the notice was given under section five of Article CI.

The governor (Superintendent-General of the Metropolitan Police in Tokyo Metropolis) shall publish the expenses of the election reported to him under the preceding section.

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

The nature of the books and documents to be kept under the preceding section shall be fixed by imperial ordinance.

Article CVIII. - Deleted.

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

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

Chapter XII

Punitive Rules

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

Article CXII. - Any person who has committed an act falling under any of the following heads shall be liable to confinement or penal servitude for not more than three years or to pay a fine of not more than 2,000 yen.

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

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

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

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

Chapter XIII

Punitive Rules

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

Article CXII. - Any person who has committed an act falling under any of the following heads shall be liable to confinement or penal servitude for not more than three years or to pay a fine of not more than 2,000 yen.

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

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

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

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

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

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

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

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

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

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

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

company, guild, or civic corporation in which such persons are interested, and threaten an elector, candidate, would-be candidate, canvasser, or elected person.

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

A government official or employee who requests an elector to reveal the name of the candidate for whom he intends to vote or has voted shall be sentenced to minor confinement for not more than six months or to pay a fine of not more than 300 yen.

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

Article CXVIII. - When, without any justifiable cause, any person has either at a polling-place or a counting-place, interfered with the voting of an elector or has put into practice any device to discover the name of a person voted for, he shall be liable to minor confinement for not more than one year, or to pay a fine of not more than 500 yen.

Any person who, contrary to law and regulations, has opened a ballot-box or has removed ballots therefrom shall be liable to minor confinement or penal servitude for not more than three years or to pay a fine of not more than 2,000 yen.

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

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

1. The principal leaders shall be liable to confinement or penal servitude for not less than one year and not more than seven years.
2. The leaders shall be liable to confinement or penal servitude for not less than six months and not more than five years.
3. Whoever has knowingly joined such a crowd to add to its influence shall be liable to pay a fine of not more than 100 yen.

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

Article CXXI. - When, in connection with an election, whoever uses a firearm, sword, dagger, bludgeon, or other weapon capable of causing death or injury, he shall be liable to minor confinement for not more than two years or to pay a fine of not more than 1,000 yen.

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

Article CXXII. - Whoever enters a place of election meeting, counting-place carrying any of the weapons mentioned in the preceding article shall be liable to minor confinement for not more than three years or to a fine of not more than 2,000 yen.

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

Article CXXIV. - Whoever, in connection with an election, makes a display, such as assembling a crowd, conducting a procession or parade, making use of fireworks, bonfires or torch-lights, beating bells or drums or sounding conches or bugles or raising flags, etc., and disregards the warning of police officials to stop, shall be liable to minor confinement for not more than six months or to a fine of not more than 300 yen.

Article CXXV. - Whoever, with the object of inducing other persons to commit any of the acts mentioned in Articles CXII, CXIII, CXV, CXVIII-CXXII, or the preceding article, incites them by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than one year or to a fine of not more than 500 yen. Provided that in case a newspaper or magazine is found guilty of such acts, the person registered as the editor or who has taken the place of an editor shall be liable to the foresaid punishment.

Article CXXVI. - Whoever commits an offense under any of the following items by means of speeches, newspapers, magazines, circulars, placards, etc., shall be liable to minor confinement for not more than two years or to a fine of not more than 1,000 yen. In cases involving newspapers or magazines the proviso of the preceding article shall apply:

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

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

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

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

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

Article CXXVIII. - Should a witness fail to discharge any of the duties provided in the present law without any justifiable reason, he shall be liable to a fine of not more than 100 yen.

Article CXXIX. - Any person who has offended against the provisions of Article XCV, XCVIII or XCVIII-2 or has disobeyed the orders made in accordance with the provisions of Article XCIV is liable to minor confinement for not more than one year or to a fine of not more than 500 yen.

Article CXXX. - Any person who has established election offices in excess of the number authorized in Article XC, or who has offended against the provisions of Article XCI or has established resting-places or places of like character, as described in Article XCII, shall be liable to a fine of not more than 300 yen.

Article CXXXI. - A person who has offended against the provisions of the first clause of Article LXXXIX, Article XCIX, or Article CIX shall be liable to minor confinement for not more than six months or to a fine of not more than 300 yen.

Article CXXXII. - A person who has neglected to make reports or to give notices in accordance with the second section of Article LXXXIX or the fifth or sixth clause of Article CI shall be liable to a fine of not more than 100 yen.

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

Article CXXXIII. - Deleted.

Article CXXXIV. - A person who has paid out expenses of election contrary to Item three of Article CI shall be liable to minor confinement for not more than one year or to a fine of not more than 500 yen.

Article CXXXV. - Any person who commits an offense under any of the following heads shall be liable to minor confinement for not more than six months or to a fine of not more than 300 yen:

1. One who has neglected to prepare or keep the books provided for in Article CV or has entered a false statement or false accounts in the books.
2. One who has neglected to make a report, or made a false report under the first section of Article CVI.
3. One who, contrary to the first section of Article CVII, has failed to preserve books or documents.
4. One who has entered a false statement in the books or documents to be preserved under the first clause of Article CVII.

Article CXXXVI. - An election shall be invalid when, in connection therewith, a candidate has offended against the provisions of this chapter and been punished, or the person who controlled and managed election campaigns has been punished for offending against the provisions of Articles CXII or CXIII except when the person elected has taken proper care in the selection and supervision of the

person who controlled and managed the election campaigns, did not know the person as such, or the person in question, in spite of refusal by the elected, did control and manage the election campaign.

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

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

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

The provisions of the three preceding sections shall not be applied to a person whose offense falls under the provisions of the fifth item of Article VI.

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

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

Chapter XIII

Supplementary Rules

Article CXXXIX. - Election expenditures shall be fixed by Imperial Ordinance.

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

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

The caretaker of the buildings mentioned in the preceding section shall provide equipments necessary for meetings of speeches in

accordance with Imperial Ordinance.

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

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

The mayor, or town or village head shall post up a notice of the names of the candidates in accordance with Imperial ordinance.

Article CXLI. - In lawsuits under the provisions of Article XVI, LXXXI or LXXXIII, or the first section of Article LXXXIV, the example of civil cases shall be followed with the exceptions provided in this present law.

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

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

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

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

Article CXLIII. - When, in connection with an election, an elected person has been punished for offenses enumerated in Chapter XII or the person who controlled and managed election campaigns has been punished for offending against the provisions of Article CXII or CXIII, the president of the court of law shall notify the Minister of Home Affairs and the prefectural governor concerned.

Article CXLIV. - In the application of the present law, a corporation of towns or villages which takes charge of the entire office of towns or villages or conducts affairs of the town or village offices jointly shall be considered as one town or village, the manager of the corporation as town or village head and the corporation office as the town or village office.

Article CXLIV-2. - The jurisdiction of counties referred to in the present law shall be understood as the areas under their former jurisdictions.

In case a city has been established in the former jurisdiction of a county, or the limits of towns or cities have been altered upon the limits of a county, the latter shall be considered as correspondingly altered.

In case a new town or village has been established upon the limits of the former jurisdiction of a county or an island, the district to which the town or village shall belong in connection with the application of the present law shall be determined by the Minister of Home Affairs.

Article CXLIV-3. - Even when there has been an alteration of the areas in the jurisdiction of the chief of a branch office of the Hokkaido government, election districts shall remain unaltered except when the jurisdiction of the chief of the branch office has been affected as a result of an alteration made in the limits of a town or village.

When, in connection with an election held according to the preceding section, it is impossible to apply the provisions of the present law, special arrangement may be made by imperial ordinance.

Article CXLV. - For the areas of wards of the Tokyo Metropolis and the cities enumerated in Article 6 and the third clause of Article 82 of the Law on Municipalities, the provisions concerning the cities, mayors and city offices in the present law are applied to wards, heads of wards and ward offices respectively. However, in applying the provisions of Article XII, the "persons who have been domiciled for more than six months without interruption in their respective localities" shall be understood as the persons who have been domiciled for more than six months without interruption in the area where the wards of the Tokyo Metropolis exist, or in the cities of the Metropolis, and who are domiciled in the wards on that day.

In a place where there is no town or village system, the provisions of the present Law relating to towns or villages, town or village heads, and town or village offices are applicable to the corresponding organizations, persons, and offices respectively.

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

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

Article CXLVIII. - In the application of the present law a person who has undergone severe punishment under criminal law No. 36 of 1880 shall be regarded as a person who has suffered more severe punishment confinement or penal servitude for six years and a person who has undergone minor confinement shall be regarded as having suffered confinement or penal servitude for less than six years.

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

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

Supplementary Provisions:

The present Law shall come into force from the next general election.

The right to vote and the right to be elected, of army and navy servicemen in active service or under enlistment shall be governed by the provisions hitherto in force.

When compliance with the provisions of Article XVIII of the Law for the Election of Member of the House of Representatives in holding the election of Members for the first time under the present Law, is found to be difficult, the date of the General Election may be separately fixed by an Imperial Order.

With respect to the electoral list necessary for the general election under the provisions of the preceding paragraph, special provisions may be made by Imperial Ordinance, and the said electoral list shall be valid until the next electoral list shall have been determined.

The right to vote and the right to be elected of those persons to whom the Census Registration Law does not apply shall be suspended for the time being.

The persons mentioned in the preceding clause cannot be registered on the electoral list.

With respect to an election which is held during the period from December 20th, 1945 to December 19th, 1946, although the name of a person, disqualified for being registered on the electoral list, is erroneously entered into the List and he has cast a vote a lawsuit may not be instituted, for that reason alone, under Articles LXXXI and LXXXIII of the Law for the Election of Members of the House of Representatives.

The provisions of the first clause of Article CXL of the Law for the Election of Members of the House of Representatives shall not apply in so far as the next general election is concerned.

No election shall, until otherwise provided for by an Imperial Ordinance, be held in Okinawa Prefecture, in certain areas under the jurisdiction of the Nemuro Branch of the Hokkaido Administrative Office i. e., Kunajiri Gun, Shana Gun, Etorofu Gun, Shibetoro Gun, and Shikotan Gun, and also Suisho Island, Yuri Island Shibotsu Island, Tara Island, and Akiyuri Island which constitute Habomai Village in Hanasaki Gun and in other areas are dislocated where to marine communications or where other special circumstances exist and which are designated by Imperial Ordinance.

Such matters as are necessary for the election to be held for the first time in the localities mentioned in the preceding clause shall be provided for by an Imperial Ordinance.

Annex

List of Electoral Districts with Quotas of Members

Electoral Districts

Quotas of Members

Tokyo To

District 1

Kojimachi Ku
 Kanda Ku
 Nihonbashi Ku
 Kyobashi Ku
 Shiba Ku
 Azabu Ku
 Yotuya Ku
 Ushigome Ku
 Koishikawa Ku
 Hongou Ku
 Shitaya Ku
 Asakusa Ku
 Honjo Ku
 Hukagawa Ku
 Toshima Ku
 Takinogawa Ku
 Arakawa Ku
 Oji Ku
 Itabashi Ku
 Adachi Ku
 Mukojima Ku
 Jotou Ku
 Katsushika Ku
 Edogawa Ku

12

District

Shinagawa Ku
 Meguro Ku
 Ebara Ku
 Omori Ku
 Kabata Ku
 Satagaya Ku
 Shibuya Ku
 Yodobashi Ku
 Nakano Ku
 Suginami Ku
 Hachioji Shi
 Tachikawa Shi
 Nishitama Gun
 Minamitama Gun
 Kitatama Gun
 Oshima Branch Office
 Miyake Branch Office
 Hachijo Branch Office

10

Kyoto Fu

Osaka Fu

7

District 1
 Osaka Shi

11

District 2
 Sakai Shi
 Kishiwada Shi
 Toyonaka Shi
 Huse Shi
 Ikeda Shi
 Fukita Shi
 Izumioutu Shi
 Takatuki Shi
 Zaizuka Shi
 Kaizuka Shi
 Mishima Gun

Kojimachi Ku
 Kanda Ku
 Nihonbashi Ku
 Kyobashi Ku
 Shiba Ku
 Azabu Ku
 Yotuya Ku
 Ushigome Ku
 Koishikawa Ku
 Hongo Ku
 Shitaya Ku
 Asakusa Ku
 Honjo Ku
 Hukagawa Ku
 Toshima Ku
 Takinogawa Ku
 Arakawa Ku
 Oji Ku
 Itabashi Ku
 Adachi Ku
 Mukojima Ku
 Jotou Ku
 Katsushika Ku
 Edogawa Ku

12

District

Shinagawa Ku
 Meguro Ku
 Ebara Ku
 Omori Ku
 Kabata Ku
 Satagaya Ku
 Shibuya Ku
 Yodobashi Ku
 Nakano Ku
 Suginami Ku
 Hachioji Shi
 Tachikawa Shi
 Mishitama Gun
 Minamitama Gun
 Kitatama Gun
 Oshima Branch Office
 Miyake Branch Office
 Hachijo Branch Office

10

Kyoto Fu

Osaka Fu

7

District 1
 Osaka Shi

11

District 2
 Sakai Shi
 Kishiwada Shi
 Toyonaka Shi
 Huse Shi
 Ikeda Shi
 Fukita Shi
 Izumioutu Shi
 Takatuki Shi
 Zaizuka Shi
 Kaizuka Shi
 Mishima Gun

Toyono Gun
 Senpoku Gun
 Sennan Gun
 Minamikawachi Gun
 Nakakawachi Gun
 Kitakawachi Gun

Kanagawa Ken

12

Hyogo Ken

District 1

11

Kobe Shi
 Akachi Shi
 Nishimiya Shi
 Amazaki Shi
 Sumoto Shi
 Ashiya Shi
 Itami Shi
 Takego Gun
 Kawabe Gun
 Arima Gun
 Akashi Gun
 Minou Gun
 Katou Gun
 Taka Gun
 Kanishi Gun
 Kako Gun
 Innan Gun
 Tuna Gun
 Mibara Gun

District 2

7

Himeji Shi
 Kazama Shi
 Kirio Shi
 Kazama Gun
 Kanzaki Gun
 Sattupo Gun
 Akao Gun
 Sayou Gun
 Shishiguri Gun
 Shirosaki Gun
 Ideishi Gun
 Youbu Gun
 Asakura Gun
 Mikata Gun
 Minamikami Gun
 Taki Gun

Nagasaki Ken

8

Niigata Ken

District 1

7

Niigata Shi
 Kitakanbara Gun
 Nakakanbara Gun
 Higashikanbara Gun
 Iwahune Gun
 Sado Gun
 Nishikanbara Gun

District 2

8

Nagoka Shi

Takada Shi
 Sanjou Shi
 Kashiwasaki Shi
 Minamikanbara Gun
 Mishima Gun
 Zoshi Gun
 Kitauonuma Gun
 Minamiuonuma Gun
 Nakauonuma Gun
 Kariu Gun
 Higashikeijo Gun
 Nakakeijo Gun
 Nishikeijo Gun

<u>Saitama Ken</u>	13
, <u>Gunma Ken</u>	10
<u>Tiba Ken</u>	13
<u>Ibaragi Ken</u>	13
<u>Nara Ken</u>	5
<u>Tochigi Ken</u>	10
<u>Mie Ken</u>	9
<u>Aichi Ken</u>	
District 1	11
Nagoya Shi	
Ichinomiya Shi	
Seto Shi	
Handa Shi	
Kasugai Shi	
Aichi Gun	
Higashikasugai Gun	
Nishikasugai Gun	
Niwa Gun	
Haguri Gun	
Nakajima Gun	
Umibe Gun	
Ohita Gun	
District 2	7
Toyohashi Shi	
Okazaki Shi	
Toyokawa Shi	
Hekiumi Gun	
Hatamame Gun	
Gakuta Gun	
Nishikamo Gun	
Higashikamo Gun	
Kitasetura Gun	
Minamisetura Gun	
Takarai Gun	
Atumi Gun	
Yana Gun	
<u>Shizuoka Ken</u>	14
<u>Yamanashi Ken</u>	5
<u>Shiga Ken</u>	6

<u>Gihu Ken</u>	10
<u>Nagano Ken</u>	14
<u>Miyagi Ken</u>	9
<u>Hukushima Ken</u>	13
<u>Iwate Ken</u>	8
<u>Aomori Ken</u>	7
<u>Yamagata Ken</u>	9
<u>Akita Ken</u>	8
<u>Hukui Ken</u>	5
<u>Ishikawa Ken</u>	6
<u>Toyama Ken</u>	6
<u>Tottori Ken</u>	4
<u>Shimane Ken</u>	6
<u>Okayama Ken</u>	10
<u>Hiroshima Ken</u>	12
<u>Yamaguchi Ken</u>	9
<u>Wakayama Ken</u>	6
<u>Tokushima Ken</u>	5
<u>Kagawa Ken</u>	6
<u>Ehime Ken</u>	9
<u>Kouchi Ken</u>	5
<u>Hukuoka Ken</u>	
District 1	9
Hukuoka Shi	
Kurume Shi	
Omuda Shi	
Kasuya Gun	
Munezo Gun	
Asakura Gun	
Tukushi Gun	
Hayars Gun	
Itoshima Gun	
Ukihu Gun	
Mitui Gun	
Mituino Gun	
Yame Gun	
Sanmon Gun	
Miike Gun	
District 2	9
Kokura Shi	
Moji Shi	

Wakamatsu Shi
 Yahata Shi
 Tobata Shi
 Haokata Shi
 Iizuka Shi
 Tagawa Shi
 Touga Shi
 Kurate Gun
 Kaho Gun
 Kikiyu Gun
 Tagawa Gun
 Kyoto Gun
 Tukigami Gun

<u>Oita Ken</u>	7
<u>Saga Ken</u>	5
<u>Kumamoto Ken</u>	10
<u>Miyazaki Ken</u>	6
<u>Kagoshima Ken</u>	11
<u>Okinawa Ken</u>	2
<u>Hokkaido</u>	

District 1	14
Sattuporo Shi	
Hakodate Shi	
Otaru Shi	
Muroran Shi	
Yubari Shi	
Iwamizawa Shi	
Ishikari Branch Office	
Karechi Branch Office	
Goshi Branch Office	
Hiyama Branch Office	
Watarishima Branch Office	
Tanburi Branch Office	
Hidaka Branch Office	

District 2	9
Asahikawa Shi	
Kushiro Shi	
Obishiro Shi	
Kitami Shi	
Kamikawa Branch Office	
Tokach Branch Office	
Kushiro Branch Office	
Nemuro Branch Office	
Abashiri Branch Office	
Muneya Branch Office	
Rumoe Branch Office.	

REPORT ON ORDINANCES

ORDINANCES PROMULGATED ON 17 DECEMBER

1. Imperial Ordinance No. 708
2. Home Ministry Ordinance No. 32

We hereby give Our sanction with the advice of the Privy Council to the Ordinance for the Exceptions to the List of Electors of the Members of the House of Representatives and cause the same to be promulgated.

This seventeenth day of the twelfth month of the twentieth year of Showa.

Signed: Hirohito

Seal of the Emperor

Countersigned: Baron Kijuro Shidehara

Prime Minister

Zenjiro Horikiri

Minister for Home
Affairs

Imperial Ordinance No. 708

Ordinance for the Exceptions to List of Electors
of Members of the House of Representatives.

Article 1. In case the election of Members of House of Representatives is to be held for the first time in accordance with Law No. 42, 1945, it shall be carried out on the basis of those lists of electors, provided for by the former Law for the Election of Members of the House of Representatives, provided for by Article 2 of the present Ordinance and by Article 1 of Law No. 84, 1938.

Article 2. The Head of city, ward, town, village or other person responsible for the preparation of list of electors shall prepare the list of electors who have newly been granted the right to vote by the revised provisions of Article 5 of the Law for the Election of Members of the House of Representatives.

The date or terms in connection with the preparation and exhibition for public inspection and the decision and settlement on objection to the list of electors mentioned in the preceding paragraph shall be fixed by the Minister for Home Affairs.

Article 3. When the persons responsible for the preparation of list of electors in accordance with Paragraph 1 of the preceding Article have prepared the list according to the same Paragraph, they shall immediately submit one copy thereof to the respective Prefectural Governors.

In cases where the persons responsible for the preparation of list of electors mentioned in the preceding Paragraph have amended the list in accordance with the provisions of Article 15 of the Law for the Election of Members of the House of Representatives or proviso of Article 17 of the same Law, they shall immediately report thereof to the respective Prefectural Governors.

Supplementary Provisions:

The present Ordinance shall come into force with the next general election.

Home Ministry Ordinance No. 32

The following amendment is made of the Home Ministry Ordinance No. 36, 1934 concerning the control of the Election Campaign of the Members of the House of Representatives.

December 17, 1945,

Home Minister
Zenjiro Horikiri

Article 1.

The election districts where the candidate may establish his election offices up to five, and the number of the election offices permissible in each election district are determined by the table attached.

Article 2.

Those who distribute, affix, or put up, papers and pictures as a means of election campaign, shall put down on the surface of these papers and pictures, their names and addresses, except where they are affixed to letters, name cards, or to their election offices.

Article 3.

The distribution, affixing, and putting up of papers and pictures as a means of election campaign shall be done in accordance with the following restrictions.

1. The distribution of such papers and pictures is prohibited by any means, except by post. The circulars notifying the date of the speech meetings together with newspapers, and the newspaper advertisement of such speech meetings, however, do not come under the restriction.

2. No parties are authorized to post, put up, or use in any way, bills, notice-boards and signboards, except where they are used at the place of the speech-meeting in order to show the place, or where they are used for the announcement of the speech meeting, or put up in the meeting hall in connection with the meeting.

3. On the voting day, no parties are authorized to distribute, post, or put up, or make use of in any way, such posters, noticeboards, or signboards as intended for indication of the place of the speech meeting unless the place is located beyond 327 meters of the place of the voting station. The circulars and other papers to be sent by post, or to be delivered to voters together with the newspapers as provided for in the provision of No. 1, as well as the newspapers bearing the advertisement of the speech meeting do not come under the restriction.

4. No parties are authorized to post or put up posters and other papers or make use of other matters as stated above on the grounds or buildings of other persons without the permission of their owners.

Article 4. No persons are authorized to mention in the papers for the announcement of the speech meeting other matters than the date and place of the meeting, names of the speakers, the titles of the speeches, the name of the candidate (including his social status, profession, and his picture), and the name of the political party which is recommending him.

The posters for the announcement of the speech meeting must not be large than 82 centimeters in length and 55 centimeters in width.

Article 5. In the posters, notice-boards, or sign-boards showing the location of the election office or announcing the speech meeting to be held, nothing may be mentioned other than the location of the election office or of the speech meeting, name of the candidate (including his social status and profession) and the name of the political party which is recommending him.

Article 6. No party is authorized, after the date of election, to do one of the following acts with a view to paying compliments to the electors relating to his success or failure in the election:

1. Personal visits to the electors.
2. Distribution of papers of pictures, except the letters in his own handwriting, or letters in reply to letters of congratulations or of condolence for his success or failure in the election.
3. Posting or putting up of papers and pictures beyond the limit of 200 pieces for each candidate.
4. Utilization of periodicals and dailies.
5. Giving of congratulation parties and other meetings.
6. Gathering of many people, or parading along the streets by many cars, or marching along the streets in ranks, or any other act for demonstration.

The posters specified in No. 3 of the preceding paragraph must not be larger than 82 centimeters in length and 55 centimeters in width.

Article 7. The payment book and the book containing the names of the persons who have given their assent to the disbursement of election expenses shall be made in accordance with the annexed form No. 1.

Article 8. The notice of the exact calculation of the election expenses shall be made in accordance with the annexed form No. 2.

Article 9. The notice of the exact calculation of the election expenses, computing from the day when it was delivered, shall be kept for one year by the local governor concerned (or by the Superintendent General of the Metropolitan Police in the case of Tokyo).

An elector or a candidate for the Diet member, within the time-limit for the action as specified in Article 84, paragraph 1, of the Law for the Election of the Members, of the House of Representatives is authorized to have a perusal of the notice of the exact calculation of expenses as specified in the preceding paragraph. Any party who, in accordance with

the provision of Article 84, paragraph 1, of the Law for the Election of the Members, of the House of Representatives has brought a law suit is also given the same right during the in-herency of the action.

Article 10. Any party who has acted contrary to the provision of Article 6 is liable to a fine up to one hundred yen.

Supplementary rule:

The present Ordinance shall come into force with the forthcoming general election.

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TAB
B

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III. DISCUSSION

A. General

1. Sources of Information

Information on the Election Law was obtained from the following sources:

- a. (1) Army Service Forces Manual M354-2.
- (2) Harold S. Quigley's "Japanese Government and Politics."
- (3) State Department study R&A No. 3405, the Japanese National Election System; 18 October 1945.
- b. (1) Four long interviews with Mr. Shuriche Suzuki, Chief of the Admin. Section, Local Administration Bureau of the Home Ministry, on 20 and 22 November, and on 23 and 28 December.
- (2) Repeated interviews on matters of detail with Mr. Y. Kobayashi of Mr. Suzuki's office, beginning 13 December 1945.
- (3) Interviews with political leaders.

2. The Law before the 1945 amendments.

The 1925 Election Law, which established universal manhood suffrage from age 25, was slightly amended in 1926 and considerably so in 1934. A discussion of its principal provisions is found in the study mentioned under para 1. a (3) above. The 1934 law is recognized as a vast improvement over the earlier laws of 1889, 1900 and 1919, which excluded large classes of the population from participating in general elections, and it replaces the previous arbitrary controls enforced by the Home Ministry by a set of clearly defined legal controls designed to affect all parties alike. The breakdown of the democratic processes provided for in the law was not due to major defects in the law of 1934, but to lax and biased enforcement of its punitive measures, combined with the new device of "officially sponsored" candidacy which, in 1942, caused 381 of the 466 Lower House Diet members to be "elected" merely on government recommendation via the IRAA which had replaced all political parties and received the support of the whole governmental machine.

3. Change demanded.

The 1942 controlled election disgusted large numbers of Japanese as was evidenced by the election of 85 candidates without government recommendation. Japan's surrender precipitated a demand for a revised Election Law which would enable the people to elect a truly representative Lower House. For this the first requirements were a larger and more youthful electorate and abstention from government interference. It was also desired to break the hold of established party-machines over the election campaigns. To meet these demands the Government presented to the extraordinary session of the Diet on 1 December 1945 a "Bill for the Amendment of the Law for the Election of members of the House of Representatives". Both Houses of the Diet discussed the Bill and passed it, with a few minor changes on 14 December 1945. After review by the Privy Council it received Imperial sanction and was promulgated as law on 17 December 1945. An uncorrected translation of the revised law was presented to this headquarters at 1100, 23 December 1945.

B. The 1945 Election Law.

1. The Voters.

a. Under the new law, women are given the same electoral rights as men, and the age requirements are reduced from age 25 to 20 for voters, and from age 30 to 25 for candidates for election. This provides an enormous expansion of the electorate with which the people and the new political parties seem well satisfied, although the Communists and the Social-Democrats advocated franchise at the age of 18. Considering the political immaturity of Japanese young people especially those who are still of school age, full of more than a decade of anti-democratic indoctrination, the franchise at 20 should be considered as a good choice.

b. Woman Suffrage.

The most varied opinions are expressed by officials and political leaders on the effect of the new law in enfranchising women. The rightists generally trust that women will vote conservative or follow their husband's or father's wishes. The Communists frankly admit they expect strong opposition from the women on account of their party's demand for abolition of the Emperor System. But the Socialists are optimistic about the women's support, and a leader of the new Cooperative Party believes that the women are on the whole more strongly opposed to the old Diet members (who did nothing to keep Japan out of war, or to stop it) than the men are. Press notices, on the other

hand, almost universally stress that women are too preoccupied with livelihood problems to bother about politics, so that few will take the trouble to vote.

c. Excluded groups.

- (1) Under Article 6 certain groups are denied electoral rights. Amongst these only two require discussion from the point of view of democratic justice, viz (a) bankrupts (Clause 2) and (b) "Those who are poor and receive public or private aid or relief for their living." (Clause 3)

(a) Bankrupts, according to Japanese Civil Law, are considered as "incompetents", persons unable to handle their own affairs and therefore not to be trusted with a voice in national affairs. Although this view is alien to us, the Electoral Law on this point is merely legally dependent on the remaining body of Japanese law. This provision therefore is subject to change only if the Civil Code is changed.

(b) The Home Ministry states that only a few utterly dependent permanent indigents are covered by this exclusion clause. The millions who have become public or private relief cases due to the War will not be disfranchised under this article. No objection has been received from any Japanese except from the Communists, whose electoral rights, due to the fact that most of them were only recently released from jail, are still denied under Clause 5 or 6. Corrective action was taken at request of this Section by C.I.S., in the form of a Directive issued 19 December ordering the Japanese Government to take the necessary legal or administrative steps to restore electoral rights to released political prisoners.

- (2) The heads of noble families may neither vote nor run for election (Art. 7). Since they can sit in the House of Peers this exclusion is not unfair.

d. Registration.

Voluntary registration would be a failure in Japan--the masses, especially peasants and women, are not sufficiently interested. Instead there is automatic registration on the basis

of the Census lists which catches all eligibles. The house-to-house distribution of the campaign bulletin is a strong inducement to vote; there was only 16.8% abstention in the last election.

2. The Candidates.

a. Eligibility.

- (1) Any Japanese aged 25 or more who is not barred under Articles 6 through 9 may become a candidate by the mere act of registering with an electoral district authority and paying a deposit of ¥2,000. This deposit is objected to only by a few miniscule parties which have mushroomed in Tokyo in recent months. The theory behind it is sound: if a candidate cannot muster enough supporters to collect and risk ¥2,000, he has no business running for a national position of great responsibility.
- (2) In order to be elected, a candidate must not only obtain a relative majority of the votes cast, but at least one-fourth of the quotient: number of all valid votes cast divided by number of members to be elected.

It is felt that these precautions are reasonable enough. In a medium-sized district, like Gumma Prefecture, where a total of say 600,000 votes are cast to elect 10 members of the House, a candidate would require at least 15,000 votes to qualify for election, and at least 6,000 to get his deposit refunded. For a person who must deliberate on the fate of 72 million people that minimum support is not too severe a requirement. It will prevent many crackpots from entering the race and overloading the election machinery.

b. Non-eligibles.

Apart from the groups mentioned in Article 6 and 7 (See par. c (1) and (2), above) who may neither vote nor become candidates for election, the following are non-eligible although permitted to vote:

- (1) Officers and officials engaged in managing an election may not run for election within the limits of the jurisdiction of their respective offices. (Art. 8) There is no prohibition on

their candidacy in another district, but in practice they cannot very well combine election duties in one place with campaigning in another.

- (2) Officials in the Imperial Household Ministry, judicial officials, auditors, revenue officials and police officials are not eligible for election according to Art. 9, which also excludes the judicial officials "in the Governments of Chosen, Taiwan, Kwantung Province, and the South Sea Islands." The Home Office was questioned on this matter since Japanese Government in these areas does no longer exist. The reply was that they have to keep this clause in the Law until the question of Japanese sovereignty in those regions has been legally settled---presumably in a formal treaty of peace.
- (3) All government officials and those treated as officials (with the exception of certain ministerial positions listed in Art. 10), and the members of prefectural or metropolitan assemblies (Art. 11) are forbidden to become members of the House of Representatives while holding office. They may run for election, but if elected must give up their previous positions.

c. Evaluation.

The restrictions mentioned above go a little further than those in the United States, where members of the classified Civil Service may not run for Federal Office. But reasons for exclusion of the groups mentioned are fairly clear. As to the "auditors", in Japan these are members of the Board of Audit whose powerful position is considered to be beyond political considerations.

3. The Election Districts.

a. The enlarged districts.

The amended Law sets forth the election districts and the number of members to be elected, in an Appendix based on a Cabinet decision of 23 October 1945 and on the population figures obtained in the November 1945 Census. The previous districts were subdivisions of prefectures; the new ones comprise whole prefectures except in the Tokyo Metropolitan area and in the six biggest prefectures, which are divided into two districts each. Such division is made wherever the number of members to be elected is more than 14, counting one seat for every 155,560 of population.

b. Political leaders' criticism.

- (1) This enlargement of election districts is a subject of controversy among political leaders. The conservative "Progressives" did not like the idea because most of their members were well entrenched in the smaller districts where their names had become household bywords. They expected to solve the problem of getting their candidates supported outside their old districts by instructing them to ask their constituents to vote for other Progressive Party candidates as second and third choices on the "restricted plural ballot" (See below).
- (2) The leader of the Liberal Party, Mr. Hatoyama, stated that the large district is a step in the right direction, giving new men a chance. He objected to the division into two districts of the larger prefectures and Tokyo-To, since that would cause a large number of "dead" votes for several of his candidates who might be elected if these districts were combined, since many supporters of well-known men live outside the limited district to which they must now confine their candidacy.
- (3) The Socialists, represented by Mr. Mizutani, were pleased with the larger district but also objected to the splitting of big districts.
- (4) The Communist leader Shiga recognized the larger electoral district as a step in the right direction, his ideal being the nationwide single district.
- (5) The representative of the Cooperative Party, Mr. Wikawa agrees with the Socialists and considers the present scheme very desirable for breaking up the entrenched political machinery of the old small districts.
- (6) The Home Ministry defends its proposal as a scheme that gives a chance for "new blood" to enter the Diet, by disorganizing the crystallized political cliques of the old electoral districts and permitting new candidates a larger area from which to draw support. The reason for splitting districts for which more than 14 members are to be elected was given as follows: Too many candidates make for confusion in the voters' minds, and increase election expenses unduly; every candidate having to address his literature to twice as many voters.

c. Evaluation.

The Government appears to have thought this subject through fairly well. The larger districts are acceptable to all parties except the reactionary old Diet members who merely submitted to the change because it was politically unwise to oppose a progressive measure and they believed they could counteract its effect by judicious campaigning. The only criticism of it concerns the splitting up of very large districts. This is validly answered by the Government's reason for making the division: Too many candidates, making for confusion and added expense which especially the smaller parties can ill afford. (A further discussion of the merits of large districts is found in para. 4 d (2) in connection with restricted plural voting.)

4. The Voting System.

a. Its operation. The scheme adopted in the 1945 Election Law has been called "Restricted Consecutively Enumerated Voting System", or briefly: "Restricted Plural Voting". It enables a voter to vote for two persons if the number of members to be elected is more than 3 and less than 11; for three if it is from 11 to 14. The voter may vote for one candidate only if he so desires, or for two in case he does not want to give his vote to a third candidate, who may belong to a party he does not like. The effect of that is merely a withholding of votes from candidates other than those of his choice. But each voter can give his preferred candidate(s) only one vote (each); writing one name twice or three times still counts as only one vote. If more names are written on the ballot than the number allowed for the district in question, the ones beyond the allowed number, in the order written, are simply not considered.

b. Political Criticisms.

- (1) The conservatives, wedded to the single non-transferable vote system in small districts, were opposed to the new scheme; but when a rumor was started in the Diet lobby that GHQ was in favor of it (although no ground for such a rumor had been given) they decided to swallow the measure. They expected to diminish its effect in supporting new candidates by putting an extra large number of candidates in the field, and recommending to their constituents to vote a "straight ticket".
- (2) The left wing parties all preferred proportional representation, but are not opposed to try out the Government scheme as they believe it is the first break-away from the old system and a step in the right direction.

c. Discussion.

Restricted Plural Voting gives new candidates and new parties a chance; even a voter loyal to some well-known candidate may experiment or show his independence and his "progressiveness" (now that Japan is to be renewed!) by voting for one or two others of the newer parties as well. This "split-ticket" voting is what the old-timers fear most, and what the newcomers hope for.

The Government argues that neither the people nor the local election officials can switch suddenly to the complexities of proportional representation with its intricate vote-counting system and its favoring of parties over individuals. That can be introduced at the next Diet session; the people can then be educated to it by a series of local elections and occasional by-elections.

Meanwhile restricted plural voting will not only force the voter to consider more than his customary one choice, but make it automatically harder for the old guard to return in full strength. If e.g. in a medium district 10 seats are to be filled, it will require at least 5 "instructed" voters to give each of the 10 candidates of the biggest party one vote. If the number an elector can vote for is equal to the number of members to be elected (10 in this case) only one voter is required to provide each of the 10 big party candidates with a vote. Obviously the big party will have to work much harder to obtain more than just a few seats out of the 10, than it would under an unrestricted plural vote system.

The present restriction will also tend to check throwing away votes on too obscure or unqualified candidates: if a voter can select only 2 or 3 members, he is likely to take his choices more seriously than if he can write in 10 to 14 names.

The final argument comes from the country: the average peasant or worker, who has very little interest in politics, may with some effort keep in mind 2 or 3 names on the list of candidates whom he has seen or heard, or whom a friend has recommended to him. But to ask him to remember 10 or more is expecting too much; in that case his voting would be a mere copying of names without thought behind it. This is equally true for a printed ballot: too many names make voting unselective.

d. Evaluation.

- (1) It appears that restricted plural voting whether combined with a written ballot or not, is a step in the right direction, to which the new parties agreed because it is a sensible compromise at the present stage of the people's political education, and which the old guard accepted because it was deemed politically unwise to oppose a progressive measure.

- (2) The system meets opposition from some Americans because it allows a voter only 2 or 3 choices for a district with up to 10 or 14 seats respectively. These critics forget that if each voter selects the 2 or 3 candidates he deems best for his locality, he does exactly what he would have been asked to do had his district been a small one, entitled to only 2 or 3 seats. The Law, by enlarging the election district, gives him an opportunity to pick his 2 or 3 best men from a larger variety of parties and candidates. It would be impossible for the small parties to place their relatively few candidates in effective competition with those of large parties if small districts had been retained, since large parties can place candidates everywhere. Now however, parties with few candidates can make themselves felt. The coupling of the restricted plural voting system to the large election district makes for variety in Diet membership, decried by some as "fragmentation". This is just what is needed for Japan at this stage. Many of the problems which the next Diet will have to face are not such as should be resolved by adherence to party doctrine. Strong party leadership is therefore not essential to action on these problems. It is well to recall that our own Republic's early political life was devoid of clearly defined party activity, and that the latter developed only after years of experience in self-government. The restricted plural voting system combined with the enlarged election district, may be called an excellent election scheme for present-day Japan.

5. The Mechanics of Voting..

a. The written ballot.

Voting in Japan is a literacy test: The voter must write the name(s) of his preferred candidate(s) on the ballot himself. Although the law itself does not state so, special regulations insure that the voting is secret. On entering the voting place, the voter's name, age and address are checked against the voter's list, and he is given a ballot. With this he enters an individual voting booth and writes the name(s) of his choice on the ballot. He folds it as he previously received it, leaves the booth, and drops the ballot into a slot of the ballot box. If he likes to take the list of candidates' names with him into the booth, he may copy the names he wants in the privacy of the booth, but he may not trace a name by means of carbon paper. This prohibition was put in because in the past the used carbons served as evidence to the vote-brokers of "goods delivered", against which the voter collected his pay.

Absentee voting is provided for in a special Ordinance (Art. 33).

b. The Ballot Box.

The form and size of the box are prescribed in detail by special Ordinance. Its double lid is locked at 6 P.M. in the presence of the voting witnesses, and requires two keys, one of which is kept by the voting-overseer, the other by a chosen witness. The box is taken to the local counting office, and when the boxes from all polling places for that locality have come in the votes are counted in the presence of counting witnesses.

c. Witnesses.

Candidates insure fair play by having a voting witness at each polling place, and a counting witness at each counting office. Where there are many candidates this would lead to overcrowding, so the new Law stipulates that if there are more than ten witnesses, they elect (one day ahead of the election or the counting) ten from among themselves to do the job. (Articles 24 and 47).

d. Evaluation.

The provisions for the voting process may be considered as eminently fair. Much American criticism is directed against the written ballot, although it was used until recently in some American primary elections; but the Japanese argue that anyone who cannot even copy a candidate's name is not competent to participate in national politics. Any writing will do -- Kanji, Kana, Romaji, even Braille -- so long as it is legible enough to decipher which candidate is meant, and this regardless of spelling mistakes (Art. 52). At no time is an elector asked whether he can write; his ballot is sufficient evidence.

Under any system, crooks can devise schemes of corruption. No completely foolproof voting system has yet been devised, and gadget-loving Americans know that mechanical contraptions can give trouble, or be tampered with, or rendered ineffective for fair voting by other means such as the introduction of "confusion candidates". The Japanese decided on a very simple form, which does not confuse the voter and with which the people are satisfied. No political party has registered with GHQ any discontent with the mechanics of voting as provided for in this Election Law. It would be presumptuous to impose on Japan a different scheme because we of the West prefer it in our elections. One leader stated that the printed ballot lends itself far more easily to corruption (e.g. stuffing the ballot-box) than does the Japanese system. And for eliminating undesirable voters this easy literacy test is far more ethical than our Southern poll tax.

6. The Campaign.

a. Restrictions on Campaigning.

A Japanese election campaign is severely restricted by the Law, both as to propaganda activity of various kinds, and to election expenses.

- (1) The Government Bill abolished the time restriction which forbade campaigning before announcement of the Election date, but the Diet voted to retain that restriction. Political leaders explained that the richer parties used to campaign long ahead of that date -- six months or more -- and the poorer could not compete. Now even the bigger parties must economize and as their men are already known they can manage with less campaign time than the new parties; so both sides agreed to retain the restriction.
- (2) The Government wanted to permit campaigning by a third party (other than the candidate and his own sponsor or party) free from any restrictions. The Diet retained the restriction that a third party may not establish an election office for campaign purposes (Art. 89:1), but agreed on allowing other campaign activities by third parties. This works both ways: Communists may support Socialist candidates where they have none of their own, and Conservatives may be aided by the campaigning of wealthy friends.
- (3) The only restrictions the Government wished to retain on the method of campaigning were a prohibition against house-to-house canvassing (Art. 98:1), and a prohibition against government officials engaged in the conduct of an election to carry on campaign activities in the areas where they hold office (Art. 99). The latter is obvious; as to the former, it is stated that house-to-house visits before 1925, were the chief means of bribing or cajoling voters, and that for the sake of above-board campaigning as well as to keep the campaign on a higher level of dignity this prohibition was adopted. No Japanese protests have been received about this matter, although American voices have been raised in alarm against this "undemocratic" rule. The Diet agreed to retain both these restrictions, as well as the provisions of Art. 100, which the Government had deleted, giving the Home Minister authority to place limitations by ordinance upon campaign literature and upon post-election celebrations (Art. 100). These restrictions appeared in Home Ministry Ordinance No. 36, 1934, to which Home Ministry Ordinance No. 32 of 17 December 1945 is an amendment. In order to avoid misunderstandings due to translating involved legal language, the Home Ministry was asked to state exactly what is permitted now in the way of campaigning. The following answer was received:

The Election Campaign.

I. Campaigns permitted to candidates.

1. To post up placards notifying of meetings for speeches.
2. To distribute leaflets with newspapers.
3. To advertise in newspapers.
4. To hold meetings for speeches or debates.
5. Man-to-man canvassing.
6. Canvassing by telephone.
7. To send by mail:
 - a. Letters asking for services as election-canvassers or speakers at speech-meetings.
 - b. Letters asking for permission to use public halls or other buildings for meetings of speeches.
 - c. Letters notifying of meetings for speeches.
 - d. Letters concerning election affairs other than those mentioned above and within the number (around 100) which will not be construed as violating the provisions of Article 98-2 of the Election Law.

II. Campaigns permitted to political parties or third parties.

1. To send letters of recommendation by mail.
2. To post up placards or send letters by mail, notifying of meetings for speeches.
3. To distribute leaflets with newspapers.
4. To advertise in newspapers.
5. To hold meetings for speeches or debates.
6. To organize associations for supporting candidates.
7. Man-to-man canvassing.
8. Canvassing by telephone.
9. To send letters asking for permission to use public halls or other buildings for meetings of speeches.

10. To send letters asking for services as speakers at speech meetings.

b. Campaign Expenses.

A whole chapter of the Election Law (Ch. XI) is devoted to regulation of campaign expenses. Every candidate must have a "responsible disburser" who is to see that the legal limit on campaign expenses is not exceeded. The limit for each candidate is the amount obtained by dividing the number of voters by that of the members to be elected, and multiplying the resulting figure by 30 sen. The average is said to be about ¥25,000. Material benefits or obligations in kind are included "at their market values" (Art. 103). Money spent by a third party on an understanding with the candidate or his disburser is likewise included (Art. 101:3).

c. Evaluation.

- (1) That restrictions are necessary, none but those totally ignorant of election practices in Japan will deny. The 1934 reforms were made in response to repeated "purity" campaigns which sought to remedy a state of corruption which had become intolerable. The buying of votes had become an organized business with regular "vote brokers" delivering blocks of votes to the highest bidders. New parties and poor candidates could offer little competition to the established politicians, whose machines were powered by Zaibatsu riches. Such enormous sums of money were spent on general elections, that it was not only politically desirable to accede to restrictions, but good business as well: elections had become too expensive even for the rich. Thus limits on all forms of campaign materials as well as on the overall cost per candidate were incorporated in the law. The Japanese are in no mind at present to want all campaign restrictions lifted; on the contrary: some, like Mr. Nishio of the Social Democratic Party, asked for GHQ action prohibiting campaigning by third parties and circulating small advertising bills, as well as limiting the number of posters. The conservatives are holding their peace on this subject, but privately admit that with Zaibatsu affairs as they are now, they are thankful that expenses are held down.
- (2) The weakness of the law on this point lies not in its spirit and letter, but in the possibility of evading both by having secret agreements with

"third party" campaigners which are ostensibly disavowed. The Progressives, by Diet amendment, saw to it that the restrictions on campaign expenses would not apply to such unavowed "third party" campaigning. (Articles 101:3, and 136). This loophole greatly favors candidates with wealthy backers. The remedy is simply to demand that there shall be no spending on "third party" campaigns without the candidate's written consent. (See Tab "C").

7. Disputes and Offenses.

a. Invalidation of Election.

- (1) The results of an election are ascertained at an election meeting called by the prefectural governor or (in split prefectures) by his appointee as election chairman for the district. Again the candidates are represented by their witnesses (Art. 61), and the voters may attend (Art. 63). When an elected candidate has meanwhile become disqualified, his election is invalidated. It can also be invalidated as a result of a suit filed under Articles 81, 83, 84, 110 or 136 or by Court action under Art. 82. Any voter or candidate who entertains an objection to validity of an election may bring a suit in the Supreme Court against the election chairman. One of the grounds for invalidating an election is that of exceeding the campaign-expense limit. (Art. 110).
- (2) When the legal provisions (Election Law and relevant Ordinances) are violated, the Court shall declare the election wholly or partially invalid, if the violation is judged likely to affect the returns (Art. 82). If for instance a dozen cases of bribery are found, but there is a difference of many thousands of votes between the elected candidate(s) and the next runner-up, the election need not be declared invalid, although the offenders are punished.

b. Punitive Measures.

Twenty-eight articles (111-138) define in detail offenses in connection with an election and state the penalties for each. Voters, candidates, election officials, public officials, and police are left in no doubt as to what constitute offenses which interfere with the free and honest expression of the people's choice in an election. But in most cases only maximum

penalties are mentioned; which enables judges to make the penalty a farce in any case where they desire to do so. This is a weakness which was revealed with a vengeance in 1942, when I.R.A.A. appointees could do almost anything they pleased because the Minister of Justice had requested the Courts "to refrain from excessively severe punishment of small offenses."

Evaluation.

The Election Law leaves little to be desired in regard to measures designed to insure honest voting and fair election decisions, except for the lack of minimum penalties. This however, is a characteristic of the Japanese law generally; too much (from our point of view) is left to the discretion of the judges. The Election Law cannot be condemned for following the Japanese pattern in this respect; by our standards all more serious offenses should have minimum penalties attached to them by law. There are three remedies, short of changing all Japanese laws in this respect:

- (1) Ordering the Election Law changed by inserting minimum penalties.
- (2) Ordering issuance of a special Ordinance declaring minimum penalties for offenses described in the Election Law.
- (3) Ordering the Japanese Government to exercise extra care in seeing that Courts prosecute election offenders to the full extent of the law.

The latter course seems preferable for the impending election for the following reasons:

- (1) It does not require our tampering with the legislative processes of this nation.
- (2) It alerts the Government and the people to an issue to which they can take pay effective attention in the next Diet session.

A memorandum to implement this policy has been submitted by the Government Section for use in connection with the authorization to hold the election.

C. Summary.

1. The basic provisions of the revised Law, when understood in the light of Japanese conditions, contain nothing which can justifiably be called undemocratic. Universal suffrage at age 20 and eligibility at age 25; larger election districts which break up a set political pattern and weaken its entrenched machines; a restricted plural voting system which gives new candidates and new parties a chance to be elected---all these are highly commendable measures tending to aid Japan's democratic development.

2. The written ballot required in Japan and severely criticized by Americans as a literacy test is upheld by Japanese opinion on two grounds: (a) its simplicity and the obstacles it presents to ballot stuffing, and (b) its setting up of a minimum educational requirement for people participating in national politics. It seems unjustified to force the Japanese to our own views on this matter.

3. Supervision of voting and counting votes lie with the local mayor or headman. On the other hand, these men are elected themselves, and the candidates each have their "watchdogs", the voting and counting witnesses, present to see that no unfair decisions are made.

4. Disputes and offenses are adequately dealt with by the law, except that few minimum penalties are set, which is customary in Japanese laws. Insistence on firm enforcement is desirable.

5. Rather severe restrictions on campaigning---distasteful to Americans---prove to be a universally acclaimed protection against malpractices by which the old and wealthy parties in the past used to run away with the elections. If anything, the new and smaller parties would like even more restrictions in order to lessen competition from richer candidates. The big parties want to retain a ceiling to keep their expenses within reasonable bounds. It appears desirable to include all "third party" campaign expenditures among the restrictions.

6. No Election Law, anywhere, satisfies everybody or completely prevents corruption. Among the remainder of Japanese laws however, this Law, combined with the pertinent Ordinances now in effect, stands out as a remarkably fair instrument for its purpose: a free and untrammelled expression of the will of the Japanese people.

TAB
C

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 000.1 (5 Jan 46)GS

5 January 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Election.

1. The general election authorized by Memorandum of January 1946 is to be held under the provisions of the 1945 Law for the Election of Members of the House of Representatives.

2. You will prohibit the spending of funds for campaigning by any individual or group in behalf of a candidate who has not given written permission for such expenditure.

FOR THE SUPREME COMMANDER:

C O N F I D E N T I A L

P C L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES ✓
NO

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- () Restricted plural voting
- () Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- () Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

P. K. Raest.
Name & Rank

Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES Yes

NO

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

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- () Age of eligibility to become a candidate
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C O N F I D E N T I A L

C O N F I D E N T I A L

() Termination of office before election of successor

() Giving of electoral rights to women

() Inadequacy of judicial relief

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()

H. Creswell Col. GSC

Name & Rank

ATIS

Staff Section, GHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES ✓
NO

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- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
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- () Age of eligibility to become a candidate
- () Enlargement of election districts
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C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief

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()

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Richard A. Pote, Ens.

Name & Rank

Gen'l Sec.

Staff Section, GEQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P C L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES X
NO

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

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- () Restricted plural voting
- () Inadequate provisions for secret ballot
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- () Denial of voting rights to indigents and bankrupts
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- () Inadequacy of penal provisions
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- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Manu Bishop

Name & Rank

USPOLAD Office

Staff Section, GHQ, SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES X
NO

*But I hold strong reservations
relating to points noted below.*

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- (☒) Requirement of writing names on ballot
- (☒) Restricted plural voting
- (☒) Inadequate provisions for secret ballot
- (☐) Requirement of ¥ 2,000 deposit to become a candidate
- (☐) Denial of voting rights to indigents and bankrupts
- (☐) Denial of right of candidacy to indigents & bankrupts
- (☒) Restrictions on campaign methods *Power of Home Ministry? Too great discretion.*
- (☒) Inadequacy of penal provisions
- (☐) Inadequate campaign expenditure provisions
- (☐) Age of eligibility to vote
- (☐) Age of eligibility to become a candidate
- (☐) Enlargement of election districts
- (☐) Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Lt(jg) Osborne Hauge, USNR
Name & Rank

Asst Sec.
Staff Section, GCHQ SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES
NO

☒
☐

BUT OBJECT TO (X) BELOW.

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- () Restricted plural voting
- () Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- (X) Restrictions on campaign methods
- () Inadequacy of penal provisions
- () Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Cecil G. Tillon

Name & Rank

Major

Staff Section, GEC SCAP

C O N F I D E N T I A L

C O N F I D E N T I A L

P O L L

1. Do the provisions of the Election Law relating to the election of members of the House of Representatives afford to the people of Japan an opportunity for a free and untrammelled expression of the popular will in the forthcoming election?

YES X
NO _____

*With attention to items
indicated below. G. J. S.*

2. If your answer is "NO", indicate by appropriate check mark below what provisions should be changed to make the law satisfactory from your viewpoint:

- () Requirement of writing names on ballot
- () Restricted plural voting
- (X) Inadequate provisions for secret ballot
- () Requirement of ¥ 2,000 deposit to become a candidate
- () Denial of voting rights to indigents and bankrupts
- () Denial of right of candidacy to indigents & bankrupts
- (X) Restrictions on campaign methods
- () Inadequacy of penal provisions
- (X) Inadequate campaign expenditure provisions
- () Age of eligibility to vote
- () Age of eligibility to become a candidate
- () Enlargement of election districts
- () Minimum vote requirement

C O N F I D E N T I A L

C O N F I D E N T I A L

- () Termination of office before election of successor
- () Giving of electoral rights to women
- () Inadequacy of judicial relief
- () _____
- () _____
- () _____

Beny J. Swape, Comdr. U.S.N.R.
Name & Rank
Government Section.
Staff Section, GHQ, SCAP

C O N F I D E N T I A L