

DIREITO ELEITORAL NO JAPÃO

O Sistema Eleitoral Japonês (*)

O funcionamento da democracia parlamentar no Japão, mais particularmente suas leis eleitorais, oferecem campo de estudo do mais alto interesse. De um império baseado em um regime militar autocrático, o Japão se transformou, após a Segunda Guerra Mundial, em uma democracia parlamentar onde a monarquia constitucional é um símbolo de unidade nacional. Suas leis eleitorais foram elaboradas com mais cuidado que em qualquer outra democracia do mundo, a fim de se colocarem obstáculos a qualquer possível fraude.

O Japão antes de 1945

Sem a pretensão de expor em detalhe a estrutura política do Japão antes da derrota de 1945, devemos considerar certos aspectos da situação política que existia antes desta data, pois, do contrário, nos arriscaríamos a apreciar inexatamente a amplitude do movimento que transformou um império em uma democracia, bem como o espírito das novas leis eleitorais.

Durante mais de 56 anos, exatamente desde 29 de novembro de 1890 a 3 de maio de 1947, a Constituição Meiji regeu a vida japonesa. Esta Constituição, que fôra promulgada pelo Imperador Meiji em decorrência das revoltas eclodidas por poderosos clãs políticos, introduziu pela primeira vez, na história do Japão, alguns elementos de governo representativo. Inspirava-se ela nas Constituições da Prússia e de outros Estados alemães. Institua uma Dieta (Assembléia) composta de duas Câmaras, a Câmara dos Pares e a Câmara dos Representantes. Ao entrar em vigor a Constituição de Meiji, a opinião pública pediu com crescente insistência a extensão do direito de voto, até que este direito foi estendido, em 1925, à totalidade da população masculina. Entretanto, o direito de voto não foi permitido às mulheres.

Apesar desta reforma, nenhuma influência liberal, ou quase nenhuma, se fez sentir na vida política até a Primeira Guerra Mundial, e isto por diversas razões. A política era monopólio de algumas famílias da aristocracia, e o governo desencorajava ativamente as idéias que pudessem incitar o povo a escolher outras ideologias que aquela imposta pela ortodoxia oficial. Se os meios militaristas e industriais estavam sempre prontos a se inspirar no Ocidente em tudo o que lhes parecesse útil a seus fins, não estavam menos determinados a impedir a introdução de idéias subversivas ou a eclosão de um pensamento liberal. Um dos métodos utilizados para conseguir este objetivo foi o de transformar o sistema de educação em um instrumento do Estado. Era impossível, entretanto, fechar completamente o país às influências exteriores, e uma orientação um pouco mais liberal se esboçou desde o fim da Primeira Guerra Mundial. Todavia, a tendência ao liberalismo foi de novo sufocada pelos militares que, pouco depois de 1930, ocupando o poder, conseguiram uma posição dominante entre os grupos poderosos do Japão. A opinião pública se afastou cada vez mais dos políticos e dos partidos e manifestou, mesmo, seu desinteresse relativamente à Dieta. A conquista do poder pelos militares suscitou no público um respeito exagerado pelas virtudes da disciplina, do sentido do dever, da bravura e do respeito pelo imperador. A liberdade individual foi subordinada à grandeza e à glória do Estado. O objetivo militar da preponderância japonesa na comunidade mundial inflamou a imaginação do público. O exército não cessou mais, então, de dominar a política do Japão, até sua derrota, no fim da Segunda Guerra Mundial.

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O direito de voto foi concedido em 1890. Até entrar em vigor a Constituição de 1947, a regulamentação das campanhas eleitorais conservou um extremo rigor. A legislação anterior à guerra impunha restrições aos desfiles e às manifestações públicas, interditiavam a propaganda de porta em porta, regulavam, mesmo, o número e a dimensão dos cartazes eleitorais e interditavam o transporte de eleitores aos locais de votação. Não se compreende como um país que, apesar da existência de instituições representativas, era governado por uma oligarquia, e no qual o culto do imperador ocupava um lugar tão importante, tenha tomado tal cuidado para assegurar um desenrolar equitativo às operações eleitorais. Talvez tenha sido causa a desconfiança absoluta reinante entre os clãs políticos. Qualquer que seja, esta regulamentação foi adaptada de maneira a poder se inserir na nova estrutura democrática instituída pela Constituição de 1947.

As Leis Eleitorais e a Constituição de 1947

Após a derrota do Japão em 1945, a direção da Autoridade Aliada de Ocupação foi confiada ao General Douglas MacArthur, comandante-em-chefe das forças aliadas (designada em seguida pela sigla SCAP). Os objetivos da ocupação eram eliminar o militarismo e o nacionalismo militante, julgar os criminosos de guerra, afastar de todos os postos de comando os responsáveis pela política de agressão, dismantelar as indústrias de guerra e, enfim, empreender reformas políticas, econômicas, pedagógicas e sociais, próprias a possibilitar uma evolução democrática.

Em sua última sessão, a antiga Dieta do tempo de guerra adotou com seriedade os textos legislativos necessários para pôr em prática as diretivas do SCAP concernentes às eleições, à vida sindical e outras questões. Uma lei transferiu ao Estado o patrimônio privado da casa imperial, que se encontrou, assim, subordinada à Dieta. A fim de preparar o caminho a uma nova evolução ideológica, o shintoísmo foi abolido como religião do Estado, permanecendo apenas a autorização para sua prática religiosa individual. Pelo decreto imperial de 1.º de janeiro de 1946, o imperador renunciou oficialmente à doutrina de suas origens divinas, destruindo, assim, a estrutura ideológica que tinha sido erigida pelos militaristas para favorecer o nacionalismo agressivo.

Uma nova Constituição, que, teoricamente, era obra dos japoneses mas que, de fato, foi imposta ao povo japonês pelo SCAP, foi elaborada criando um quadro institucional no qual o Japão pudesse evoluir de acôr-

do com princípios democráticos. Esta Constituição foi apresentada pelo imperador, aprovada pelo SCAP e ratificada pela Dieta em fevereiro e março de 1946. A inovação mais importante deste novo texto residia no fato de que a soberania pertencia ao povo e não ao imperador. Este não era senão um símbolo do Estado e da unidade do povo japonês, e se encontrava no trono não por direito divino mas pela vontade do povo.

A Constituição garantia os direitos fundamentais do povo, da mesma maneira que a Constituição dos Estados Unidos, e estas garantias estavam consagradas por uma Declaração de Direitos.

A Câmara dos Pares foi abolida e substituída por uma Câmara de Conselheiros ou Câmara Alta. Os membros das duas Câmaras deviam ser eleitos, os conselheiros por um período de quatro anos e os representantes por um período de seis anos.

A lei sobre as eleições para a Câmara de Representantes foi reformada pela Dieta, em dezembro de 1945. A nova lei eleitoral definiu condições a cumprir para ser eleitor, assim como o processo de votação. A idade mínima exigida para ser eleitor era de 20 em vez de 25 anos, e, pela primeira vez no Japão, o direito de voto foi estendido às mulheres. O país foi dividido em 53 circunscrições eleitorais, e, em cada uma, era eleito um representante para 150.000 habitantes.

As primeiras eleições organizadas conforme a nova lei, tiveram lugar em abril de 1946. Os partidos políticos que solicitavam os sufrágios eram os Partidos Liberal, Progressista, Social-Democrático, Cooperador e Comunista. Obtiveram, respectivamente, 139, 93, 92, 14 e 5 cadeiras. Um gabinete progressista liberal obteve o poder em maio de 1946.

A nova Constituição entrou em vigor em maio de 1947. Novas eleições gerais tiveram lugar em abril, conforme a nova lei que estabelecia sistema de escrutínio uninominal no quadro de circunscrições territoriais reduzidas. Após as eleições de abril de 1947, importantes inovações foram introduzidas neste sistema. Em dezembro de 1947 foi criada uma Comissão administrativa nacional de eleições, com um poder geral de controle sobre todas as eleições que se sucederiam no Japão. Em 1948, com o objetivo de prevenir qualquer fraude eleitoral, a Dieta adotou uma regulamentação que submetia à direção dos poderes públicos certos aspectos das campanhas eleitorais, e impunha o financiamento parcial destas campanhas pelo Tesouro. Esta regulamentação introduzia, também, uma fiscalização estrita

sobre as cotas e as despesas dos partidos políticos. Em 1950, a Dieta, a fim de codificar as leis múltiplas e os regulamentos existentes em matéria eleitoral, adotou um texto geral que dispunha sobre eleições nacionais e eleições locais. Levando em conta algumas modificações posteriores, é esta lei de 1950 que regula, ainda hoje, o sistema eleitoral japonês.

No que concerne à eleição da Câmara de Representantes, o regime oscilou entre três soluções. A primeira lei, de 1889, criava circunscrições de fraca extensão e cada uma enviava à Câmara um só representante. A de 1900 criava circunscrições mais vastas, elegendo, cada uma delas, de dois a doze representantes, salvo certas zonas urbanas que elegiam somente um. Em 1919, voltou-se ao sistema uninominal. Em 1925, criaram-se circunscrições de importância média, elegendo vários deputados. Em 1945, o país foi dividido em circunscrições de dimensão média, elegendo, cada uma, de um a cinco representantes, e este sistema está, ainda, em vigor.

Nenhuma destas divisões encontrou aprovação unânime. Os partidários do sistema atual sustentam que o escrutínio uninominal favorece à corrupção e aos candidatos que dispõem de mais tempo junto a seus eleitores, enquanto que os mais qualificados não podem agir assim. Mas a procura constante de métodos, assegurando escrutínios mais integros e realmente mais democráticos, provocou numerosas e violentas críticas, relativamente ao sistema eleitoral atual. Seus adversários alegam que circunscrições menores, elegendo um só representante, concorrerão contra a multiplicidade dos partidos atuais. Além disso, os gastos das campanhas eleitorais serão menos pesados, o que encorajará candidaturas de pessoas competentes.

A Câmara Alta, chamada Câmara dos Conselheiros, constitui com a Câmara dos Representantes a Dieta ou Assembléa nacional. Ela se compõe de 250 membros. Cem conselheiros são eleitos pela nação inteira, considerada como um único e só distrito eleitoral. Este sistema tem por objetivo favorecer a eleição de personalidades eminentes, representando os diferentes campos da atividade nacional. Os 150 restantes são eleitos pelas 46 prefeituras, das quais cada uma constitui um distrito eleitoral, e designa de 2 a 8 conselheiros. Ninguém pode ser eleito para a Câmara dos Conselheiros se não tiver 30 anos completos. A Comissão Administrativa das Eleições considera que o papel da Câmara dos Conselheiros é "de moderar a Câmara Baixa, quando esta se torna teatro de lutas políticas ou quando um partido ma-

joritário aí faz sentir sua pressão". Mas o Poder Legislativo pertence, em última instância, à Câmara Baixa, que pode, se assim o desejar, adotar uma lei em segunda discussão e assim prosseguir contra a Câmara Alta.

Desde as primeiras eleições gerais de abril de 1946, os sufrágios se dividiram, segundo proporções mais estáveis, a maioria dos votos pertencendo aos partidos conservadores, uma minoria importante aos partidos socialistas e um pequeno número ao partido comunista. A exceção de 1946, os partidos minoritários e os independentes não desempenharam nenhum papel de importância. O Partido Liberal-Democrático foi criado em 1955 pela fusão dos partidos Liberal e Democrático, detendo o poder desde então.

A regulamentação rigorosa que regia as eleições antes da guerra foi consideravelmente abrandada durante os primeiros anos de ocupação.

Mas, em seguida, a Dieta resolveu recolocar em vigor, reforçando-o, o regime de antes da guerra. Estas medidas foram aplicadas desde a campanha eleitoral de 1949. Diversas restrições foram colocadas aos discursos políticos que podia pronunciar um candidato e ao material de propaganda que lhe era facultado distribuir. As autoridades concluíram, até mesmo, que a lei eleitoral proibia aos jornais apoiar ou atacar candidato ou partido. Ainda que estes regulamentos tenham sido ligeiramente abrandados em 1950, as modificações trazidas posteriormente pela Dieta, em quase todas as seções, continuaram a restringir, ainda, o campo de ação de certas manobras eleitorais consideradas como perfeitamente lícitas na maioria dos países.

Em 1952, a Comissão Administrativa Nacional de Eleições foi dissolvida e substituída pela instituição de autonomia local, cujo serviço de eleições exerce, de hoje em diante, uma supervisão sobre o conjunto do sistema eleitoral. O Comitê Administrativo Central de Eleições, composto de 5 membros, supervisiona a eleição dos conselheiros no quadro da circunscrição nacional. O diretor da instituição de autonomia local tem mão forte sobre todas as outras operações eleitorais, por intermédio de comitês administrativos eleitos, nas diferentes localidades.

O Japão pôs em prática um dispositivo administrativo muito eficaz de supervisão para todas as eleições, assim à Dieta como aos órgãos locais. Esta supervisão não se limita apenas às apurações de escrutínio, mas visa a evitar as fraudes eleitorais e a submeter as questões litigiosas ao julgamento da Corte Suprema.

As restrições impostas a tôdas as formas de propaganda eleitoral por meio da imprensa, por cartazes e discursos, levaram os políticos japoneses a conceber novos métodos que não os visados pela lei: difusão de discursos gravados, lançamento aéreo de material de propaganda, presença nas festas de aniversário dos eleitores, distribuição de fósforos em caixas contendo propaganda e, nas regiões rurais, distribuição de saquê durante reuniões da comunidade (Ohimachi).

Novas modificações foram ainda introduzidas aos textos para fazer frente a estas formas. As proibições que figuram hoje nas leis eleitorais são tão diversas e tão múltiplas que as autoridades eleitorais encontram as maiores dificuldades em fazê-las respeitar, e é, muitas vezes, difícil saber se tal ou qual prática constitui ou não uma infração à lei.

O interesse que a Dieta tem pelo aperfeiçoamento do regime eleitoral e o que a imprensa tem, por seu lado, por esta questão, evidenciam que a democracia parlamentar funciona normalmente e que começa a ser uma das estruturas permanentes da vida do povo japonês. É uma realidade sobre a qual deverão refletir seriamente os críticos asiáticos e africanos da democracia parlamentar, assim como os políticos que reclamam formas modernizadas de democracia, pretendendo que convém melhor a seu povo.

As Eleições Gerais de 1963

As últimas eleições gerais, que tiveram lugar no Japão, são as de 22 de novembro de 1963. Foram marcadas pelo retorno ao poder dos Liberais-Democratas que, com 12 aliados independentes, conseguiram 295 lugares em 1967, na Câmara dos Representantes. O cargo de Primeiro-Ministro foi confiado pela segunda vez a M. Hayato Ikeda. É interessante notar alguns editoriais e artigos publicados nos jornais japoneses antes das eleições submetidas à lei eleitoral, porque eles mostram com que solidez os princípios da democracia estão agora enraizados no Japão, e com que vigilância o povo japonês cuida de proteger estes princípios contra qualquer dano, por insignificante que seja.

Em um artigo do *Japan Times*, em data de 17 de agosto de 1963, intitulado **Plano de Reforma Eleitoral**, Kazuo Kuroda examinava as fraquezas do sistema eleitoral japonês, pondo em relêvo principalmente os inconvenientes que pode apresentar a eleição de vários deputados por circunscrição: quando um partido apresenta dois candidatos na mesma circunscrição, geralmente o mais conhecido dos dois reúne a

maior parte dos votos dados a este partido; acontece então que o segundo candidato não é eleito, se bem que o número de votos totalizado pelo partido tenha sido normalmente suficiente para fazer eleger os dois candidatos. Seja, por exemplo, uma circunscrição que deva eleger dois deputados; A e B se apresentam pelo partido X e C pelo partido Y; o candidato A obtém 25.000 votos, o candidato B 10.000 votos e o candidato C 12.000 votos; A e C serão eleitos, quando A e B tinham obtido em conjunto 35.000 votos, contra 12.000 somente para o partido Y. O mesmo autor considerava que, para sanar o defeito do sistema de uma só cadeira por circunscrição, conviria, como o propôs o subcomitê do regime eleitoral do Partido Liberal-Democrata, adotar o plano chamado Hagenbach-Bischoff, do professor suíço do mesmo nome, que previu uma representação proporcional com recuperação de sufrágios excedentes.

O autor de um editorial do *Mainichi Daily News*, de 13 de setembro de 1963, intitulado **Dinheiro e Política**, levantou a questão das relações indecorosas que existem entre a política e o dinheiro, condenando severamente "os dons de valor desprezível recebidos pelas diversas facções do Partido Conservador." Ele escreve, notadamente:

"Pode-se dizer que todos os vícios políticos — irregularidades eleitorais, escândalos políticos, corrupções — têm por origem a gestão desonesta, sob uma forma ou outra, dos fundos políticos. Eleições irrepreensíveis tornam-se uma quimera enquanto uma série de medidas não forem postas em prática para impedir a utilização legal dos fundos à disposição dos partidos políticos.

Para remediar esta situação lamentável, temos freqüentemente sublinhado a necessidade de recolher os fundos, endereçando-os aos membros dos partidos. Como na Inglaterra, as cotas de seus membros deveriam ser o principal recurso financeiro dos partidos."

Um editorial publicado em *The Japan Times*, onze dias somente antes das eleições gerais, sob o título **Por Eleições Honestas**, exortava o povo japonês a encorajar e ajudar da melhor maneira os candidatos a se resguardarem de todo o compromisso.

"A campanha para eleições honestas está organizada às expensas da Nação, e milhares de iens são gastos cada ano para assegurar seu sucesso. A Federação, para a probidade nas operações eleitorais, é o centro diretor, enquanto que os comitês de ação funcionam em escalões locais. O bureau

eleitoral do Ministro do Interior está aí interessado e o Tesouro verte somas consideráveis para financiar a campanha.

Se esta campanha não produz resultados satisfatórios, apesar do dinheiro e dos esforços que aí são empregados, é necessário achar a razão principal no fato que as irregularidades cometidas são tão próximas das atividades normais e permitidas, que a maior parte daqueles que infringem a lei não estão plenamente conscientes do caráter ilícito e repreensível de seus atos.

As autoridades estão vigilantes e, entretanto, constata-se irregularidades estreitamente ligadas às atividades normais. Isto não quer dizer que a Nação japonesa seja mais desonesta que a maior parte das outras, mas ela é às vezes avessa a certas formas de controle administrativo."

Se bem que os partidos políticos do Japão estejam organizados democraticamente, as facções que aí se criam tendem a enfraquecê-los. Assim, Takeo Miki, presidente do Conselho das Pesquisas do Partido Liberal-Democrata, advertiu o Primeiro-Ministro Ikeda que as facções desgastam a unidade e a moral deste partido. As facções, assim como as irregularidades em período de eleições, não são todavia, mais que defeitos menores, em um sistema que, no seu conjunto, é resolutamente democrático. Mesmo com leis eleitorais rigorosas, a eliminação total de toda irregularidade é virtualmente impossível. As eleições locais, para prefeito, e nacionais de novembro de 1963 se desenrolaram sem incidentes graves. Desde então, a campanha para o melhoramento das normas de conduta em matéria eleitoral prossegue. Em um recente relatório do mencionado Conselho, dirigido ao Primeiro-Ministro, lemos o seguinte:

"Temos pesadas responsabilidades, devemos nos restringir a uma disciplina mais estrita e saber adaptar-nos a uma reforma. A maior parte de nós deve agora fazer a prova de princípios morais elevados e de perfeita integridade, o que é a própria essência do nosso partido. Não temos o direito de estar satisfeitos conosco simplesmente porque somos um partido majoritário."

Uma declaração deste teor, vinda de um órgão de partido no poder, mostra bem que as raízes da democracia estão agora firmemente implantadas na nação japonesa.

LEGISLAÇÃO ELEITORAL JAPONESA

1) Dispositivos Constitucionais

THE CONSTITUTION OF JAPAN

(November 3, 1946)

Enforced as from May 3, 1947

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

2. All public officials are servants of the whole community and not of any group thereof.

3. Universal adult suffrage is guaranteed with regard to the election of public officials.

4. In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

PUBLIC OFFICERS ELECTION LAW

(Law N. 100, Apr. 15, 1950)

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- 8) Law No. 306, Aug. 15, 1952
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CHAPTER XVI — PENAL PROVISIONS

(Offence of bribery and inducement with benefits)

Article 221. Any person who committed any of the acts mentioned under the following items shall be punished with imprisonment with or without hard labor for a

Na impossibilidade de transcrever, na íntegra, a Lei n.º 100/1950, em virtude de sua extensão (273 artigos), registramos, dado o seu maior interesse, o capítulo referente às disposições penais.

term not exceeding three years or a fine not exceeding fifty thousand yen:

- 1) when one has furnished, or offered or promised to furnish moneys, goods, and other benefits of proprietary nature, or public or private service to electors or persons engaged in election campaign, or entertained, or offered or promised to entertain them, for the purpose of acquiring, or causing to acquire or not to acquire a successful candidacy;
- 2) When one has induced electors or persons engaged in election campaign, for the purpose of acquiring, or causing to acquire or not to acquire a successful candidacy, through taking advantage of water utilization, farm tenancy, obligations, donations, and other special direct relationship of interest in favor of said persons or of shrines and temples, companies, partnerships or associations, a city, town, or village, etc., with which said persons have relationship;
- 3) When one has done any of the acts mentioned under item (1) to electors or persons engaged in election campaign, for the purpose of making it compensation for casting or not casting votes, engaging or discontinuing to engage in election campaign, or using influence or canvassing or soliciting therefor;
- 4) When one has taken or demanded the acts of furnishing or entertainments mentioned under item (1) or the preceding item, or has consented to the offers mentioned under item (1) or the preceding item, or has responded to or invited the inducements mentioned under item (2);
- 5) When one has delivered, or offered or promised to deliver moneys or goods to persons engaged in election campaign, for the purpose of causing such persons to do any of the acts mentioned under items (1) to (3) inclusive, or when persons engaged in election campaign have taken or demanded such delivery, or have consented to offers thereof;
- 6) When one has used his influence or canvassed or solicited for any of the acts mentioned in any of the preceding items.

2. In case where a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs of the Central

Election Management Council, a member or officer of the Election Management Committee, a voting overseer, a ballot-counting officer a chief election officer or regional election officer, or a government employee of the State or of a local public body who is connected with business of election has committed any of the offences mentioned in the preceding paragraph in connection with the election concerned, such person shall be punished with imprisonment with or without hard labor for a term not exceeding four years or a fine not exceeding seventy-five thousand yen. The same shall also apply in cases where a member of the public Safety Committee or a police officer has committed any of the offences mentioned in the preceding paragraph in connection with an election held in the area with which such member of officer is related.

3. In cases where a candidate for public office, a person who presided over the conduct of election campaign, or the person in charge of accounting has committed the offence mentioned in paragraph 1, such person shall be punished with imprisonment with or without hard labor for a term not exceeding four years or a fine not exceeding seventy-five thousand yen.

(Offence of bribery and inducement with benefits committed to a number of persons)

Article 222. Any person who committed any of the acts mentioned under the following items shall be punished with imprisonment with or without hard labor for a term not exceeding five years:

- 1) When one has done or caused to be done to a number of electors or persons engaged in election campaign, on behalf of a candidate for public office, any of the acts mentioned under items (1) to (3) inclusive, item (5) or item (6) of paragraph 1 of the preceding Article, for the purpose of giving benefits of proprietary nature;
- 2) When one has undertaken to do or caused someone else to undertake to do, or made an offer therefor, to a number of electors or persons engaged in election campaign, on behalf of a candidate for public office, any of the acts mentioned under items (1) to (3) inclusive, item (5) or item (6) of paragraph 1 of the preceding Article, for the purpose of giving benefits of proprietary nature.

2. The same as provided for in the preceding paragraph shall also apply in cases

where the person who committed the offences mentioned under items (1) to (3) inclusive, item (5) or item (6) of paragraph 1 of the preceding Articles is a recidivist.

3. In cases where a candidate for public office, or a person who presided over the conduct of election campaign, or the person in charge of accounting has committed any of the offences mentioned in paragraph 1, such person shall be punished with imprisonment with or without hard labor for a term not exceeding six years.

(Offence of bribery an inducement with benefits committed to candidate for public office or successful candidate)

Article 223. Any person who committed any of the acts mentioned under the following items shall be punished with imprisonment with or without hard labor for a term not exceeding four years or a fine not exceeding seventy-five thousand yen:

- 1) When one has committed any of the acts mentioned under item (1) or item (2) of paragraph 1 of Article 221 (Offence of bribery and inducement with benefits), to a candidate for public office, or a person intending to become a candidate for public office, for the purpose of causing such person to discontinue to be a candidate or to give up candidacy, or to a successful candidate, for the purpose of causing him or her to resign successful candidacy;
- 2) When one has committed any of the acts mentioned under item (1) of paragraph 1 of Article 221 to a person who was a candidate for public office, a person who had intention of becoming a candidate for public office, or a person who was a successful candidate, for the purpose of making it compensation for having discontinued to be a candidate or having given up candidacy for public office, for having resigned successful candidacy, or for having used influence or having canvassed or solicited therefor;
- 3) When one has taken or demanded the acts of furnishing or entertainments mentioned under the preceding two items, or has consented to the offers mentioned under the preceding two items, or has responded to or invited the inducements mentioned under item (1);
- 4) When one has used his influence or canvassed or solicited for any of the acts mentioned in any of the preceding items.

2. In case where a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs of the Central Election Management Council, a member or officer of the Central Election Management Council, a member or officer of the Election Management Committee, a voting overseer, a ballot-counting officer, a chief election officer or regional election officer, or a government employee of the State or of a local public body who is connected with business of election has committed any of the offences mentioned in the preceding paragraph in connection with the election concerned, such person shall be punished with imprisonment with or without hard labor for a term not exceeding five years or a fine not exceeding one hundred thousand yen. The same shall also apply in cases where a member of the Public Safety Committee or a police officer has committed any of the offences mentioned in the preceding paragraph in connection with an election held in the area with which such member or officer is related.

3. In cases where a candidate for public office, a person who presided over the conduct of election campaign, or the person in charge of accounting has committed any of the offences mentioned in paragraph 1, such person shall be punished with imprisonment with or without hard labor for a term not exceeding five years or a fine not exceeding one hundred thousand yen.

(Offence of improper use of newspapers and magazines)

Article 223-2. Any person who violated the provisions of paragraph 1 or paragraph 2 of Article 148-2 (Restriction on improper use, etc. of newspapers and magazines) shall be punished with imprisonment with or without hard labor for a term not exceeding five years.

2. In cases where a candidate for public office, a person who presided over the conduct of election campaign, or the person in charge of accounting has committed any of the offences mentioned in the preceding paragraph, such person shall be punished with imprisonment with or without hard labor for a term not exceeding six years.

(Confiscation in case of offence of bribery and inducement with benefits).

Article 224. Benefits received or taken delivery of in any of the cases provided for in the preceding four Articles shall be confiscated. In cases where it is impossible

to confiscate the whole or a part thereof, the value thereof shall be collected.

(Offence of alluring with decoy)

Article 224-2. Any person who, for the purpose of causing a successful candidacy of a candidate for public office to be forfeited by virtue of its coming under the provisions of the main body of paragraph 1 or the former part of paragraph 2 of Article 251-2 (Successful candidacy invalid because of election offence committed by general campaign manager or by person in charge of accounting), in collusion with a candidate for public office other than the candidate for public office concerned or with persons engaging in the election campaign of such candidate, induced or incited the person who presided over the conduct of election campaign, or the person in charge of accounting, of the candidate for public office concerned, and has caused such person to commit any of the offences mentioned in Article 221 (Offence of bribery and inducement with benefits), Article 222 (Offence of bribery and inducement with benefits committed to a number of persons), Article 223 (Offence of bribery and inducement with benefits committed to candidate for public office or successful candidate), Article 223-2 (Offence of improper use of newspapers and magazines), or Article 247 (Violation of statutory amount of election expenses) shall be punished with imprisonment with or without hard labor for a term of one year or more but not exceeding five years.

2. In cases where a person who presided over the conduct of election campaign or the person in charge of accounting committed any of the offences mentioned in Article 221, Article 222, Article 223, Article 223-2, or Article 247, in collusion with a candidate for public office other than the candidate for public office concerned or with persons engaged in the election campaign of such candidate, for purpose of causing the candidate for public office concerned to forfeit his or her successful candidacy by virtue of its coming under the provisions of the main body of paragraph 1 or the former part of paragraph 2 of Article 251-2, such person shall be punished with imprisonment with or without hard labor for a term of one year or more but not exceeding six years.

(Offence of interfering with freedom of election)

Article 225. Any person who committed any of the acts mentioned under the following items in connection with an election shall be punished with imprisonment with

or without hard labor for a term not exceeding four years or a fine not exceeding seventy-five thousand yen:

- 1) When one has used force to, made his power felt by, or abducted electors, candidates for public office, persons intending to become a candidate for public office, persons engaging in election campaign, or successful candidates;
- 2) When one has obstructed traffic or holding of a meeting, or interrupted or disturbed speeches, or otherwise interfered with the freedom of election through unjust methods such as deceptive stratagem or artifice;
- 3) When one has intimidated electors, candidates for public office, persons intending to become a candidate for public office, persons engaging in election campaign, or successful candidates, through taking advantage of water utilization, farm tenancy, obligations, donations, and other special direct relationship of interest in favor of electors, candidates for public office, persons intending to become a candidate for public office, persons engaging in election campaign or successful candidates, or of those shrines and temples, schools, companies, partnerships or associations, a city, town, or village, etc., with which said persons have relationship.

(Offence of interfering with freedom of election through abuse of official power).

Article 226. In cases where a government employee of the State or of a local public body, a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs of the Central Election Management Council, a member or officer of the Election Management Committee, a voting overseer, ballot-counting officer, or a chief election officer or a regional election officer has, in connection with an election, interfered with the freedom of election through abuse of their official power, such as intentionally neglecting official duties, following without just reason a candidate for public office or persons engaging in election campaign, or entering such persons' residence or stepping into the election campaign office, etc., such person shall be punished with imprisonment without hard labor for a term not exceeding four years.

2. In cases where a government employee of the State or of a local public body, a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs

of the Central Election Management Council, a member of the Election Management Committee, voting overseer, ballot-counting officer, or chief election officer or regional election officer has demanded of an elector the disclosure of the full name of persons to be elected for whom the elector intended to cast his or her vote or actually voted, such person shall be punished with imprisonment without hard labor for a term not exceeding six months or a fine not exceeding seven thousand five hundred yen.

(Offence of breaking secrecy of votes)

Article 227. In cases where a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs of the Central Election Management Council, a member or officer of the Election Management Committee, a voting overseer, a ballot-counting officer, a chief election officer or regional election officer, or a government employee of the State or of a local public body connected with businesses of election, voting witness (inclusive of person who assist voting under the provisions of paragraph 2 of Article 48 (Voting by proxy); hereinafter the same), or a voting watcher has disclosed the full name of a person elected on whom an elector cast his or her vote, such person shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen. The same shall also apply in cases where the facts disclosed are false.

(Offence of interfering with voting)

Article 228. Any person who has, without just reason, interfered with electors' act of casting votes at the polling place or at the ballot-counting place, or has taken measures to recognize the full name of a person to be elected shall be punished with imprisonment without hard labor for a term not exceeding one year or a fine not exceeding fifteen thousand yen.

2. Any person who opened the ballot box or took ballots out of the ballot box, not in accordance with what is provided for in laws and regulations, shall be punished with imprisonment with or without hard labor for a term not exceeding three years or a fine not exceeding fifty thousand yen.

(Offence of violence, riot etc., committed towards persons connected with election businesses, or fittings, etc.)

Article 229. Any person who used force or threatened voting overseers, ballot-counting officers, the chief election officer, the

regional election officer, voting witnesses, election watchers, or who committed riotous acts in the polling place, ballot-counting place, or the place of election meeting or of regional election meeting, or who retained, destroyed or robbed ballots, the ballot box, and other relative documents, shall be punished with imprisonment with or without hard labor for a term not exceeding four years.

(Offence of interfering with election committed by number of persons)

Article 230. Persons who, assembling in crowds, committed the offence mentioned under item (1) of Article 225 (Offence of interfering with freedom of election) or in the preceding Article shall be punished according to the distinctions indicated under the following items:

- 1) The ringleader shall be punished with imprisonment with or without hard labor for a term of one year or more but not exceeding seven years;
- 2) A person who directed others or took the lead in stirring up others shall be punished with imprisonment with or without hard labor for a term of six months or more but not exceeding five years;
- 3) A person who merely followed the lead of another shall be punished with a fine or administrative fine not exceeding two thousand five hundred yen.

2. In cases where a crowd assembles for committing the offence mentioned under item (1) of Article 225 or in the preceding Article and fails to disperse even after the order for dispersion have been given three times or more by the government officer concerned, the ringleader shall be punished with imprisonment without hard labor for a term not exceeding two years, and other persons with a fine or administrative fine not exceeding two thousand five hundred yen.

(Offence of carrying arms)

Article 231. Any person who, in connection with election, carried with himself a gun, sword, club and other things sufficient for injuring or killing other persons shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen.

2. When deemed necessary, the police officer concerned may detain the things mentioned in the preceding paragraph.

(Offence of carrying arms in polling place, ballot-counting place, place of election meeting, etc.)

Article 232. Any person who entered the polling place, the ballot-counting place, the place of election meeting or of regional election meeting, carrying the things mentioned in the preceding Article shall be punished with imprisonment without hard labor for a term not exceeding three years or a fine not exceeding fifty thousand yen.

(Confiscation of arms carried)

Article 233. In cases where any of the offences mentioned in the preceding two Articles has been committed, the thing carried shall be confiscated.

(Offence of instigating election offences)

Article 234. Any person who instigated other persons for the purpose of causing them to commit any of the offence mentioned in Article 221 (Offence of bribery and inducement with benefits), Article 222 (Offence of bribery and inducement with benefits committed to a number of person), Article 223 (Offence of bribery and inducement with benefits committed to candidate for public office or successful candidate), Article 225 (Offence of interfering with freedom of election), Article 228 (Offence of interfering with voting), Article 229 (Offence of violence, riot, etc., committed towards persons connected with election businesses, or fittings, etc.), Article 230 (Offence of interfering with election committed by number of persons), Article 231 (Offence of carrying arms), or Article 232 (Offence of carry arms in polling place, ballot-counting place, place of election meeting, etc.), regardless of resort being had to whatever means, by speech or newspapers, magazines, handbills, posters, etc., shall be punished with imprisonment without hard labor for a term not exceeding one year or a fine not exceeding fifteen thousand yen; provided however, that in the case of a newspaper or magazine, its editor and persons who where actually in charge of its editing shall also be punished.

(Offence of publishing false matters)

Article 235. Any person who committed any of the acts mentioned under the items set forth below, regardless of resort being had to whatever means, by speech or newspapers, magazines, handbills, posters, etc., shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen. In the case of a news-

paper or magazine, the same as provided for in the proviso to the preceding Article shall govern:

- 1) When one published any false matter with respect to the status, occupation or back-grounds of a candidate for public office, for the purpose of acquiring or causing to acquire successful candidacy;
- 2) When one punished any false matter concerning a candidate for public office, for the purpose of causing him or her not to acquire successful candidacy.

(Offence of newspaper or magazine impairing fair and just election)

Article 235-2. Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen:

- 1) In case where a newspaper or magazine impaired the fairness and justice of an election in violation of the provisions of the proviso to paragraph 1 of Article 148 (Assurance of fairness and justice of information as to election), the person who was actually in charge of editing the newspaper or magazine, or the person who was in charge of operation of the newspaper or magazine;
- 2) In cases where a newspaper or magazine other than the newspaper or magazine mentioned in paragraph 3 of Article 148 (Definition of newspaper and magazine) and the organ newspaper or the organ magazine mentioned in Article 201-13 (Organs of political parties and other political associations) carried a news or article on the election concerned, during the period of election campaign and on the election day, the person who was actually in charge of editing of such newspaper or magazine, or the person who was in charge of operation of the newspaper or magazine;
- 3) Any person who carried or caused to carry a news or article on election in violation of the provisions of paragraph 3 of Article 148-2 (Restriction on taking advantage of positions with regard to newspaper or magazine).

(Violation of restriction on election campaign broadcast, etc.)

Article 235-3. Any person falling under any of the following items shall be punished

with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen:

- 1) When the fairness and justice of election has been impaired in violation of the provisions of Article 151-3 (Assurance of fairness and justice of election campaign broadcast), the person who effected the broadcast, or the person who edited it;
- 2) The person who effected or caused to effect broadcasting in violation of the provisions of Article 151-4 (Restriction on election campaign broadcasting).

(Offence of fraudulent registration, false declaration, etc.)

Article 236. Any person who was registered in the list of electors through fraudulent method, or a person who made false declaration in the case provided for in paragraph 1 of Article 50 (Declaration for confirmation of elector) shall be punished with a fine not exceeding two thousand five hundred yen.

2. The same as provided for in the preceding paragraph shall also apply to a person who neglected to submit the list of mariners in violation of the provisions of Article 21 (Preparation of basic list of electors as respects mariners).

(Offence of casting vote fraudulently, counterfeiting or tempering with ballot).

Article 237. In cases where a person who is not an elector cast a vote, such person shall be punished with imprisonment without hard labor for a term of one year or less or a fine not exceeding fifteen thousand yen.

2. Any person who cast or attempted to cast a vote by using a false name or other fraudulent method shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen.

3. Any person who counterfeited ballots, or increased or decreased the number thereof shall be punished with imprisonment with or without hard labor for a term not exceeding three years or a fine not exceeding fifty thousand yen.

4. In case where a member of the Central Election Management Council or an officer of the Board of Local Autonomy in charge of general affairs of the Central Election Management Council, a member or officer of the Election Management Committee, a voting overseer, a ballot-counting

officer, the chief election officer or regional election officer, a government employee of the State or of a local public body connected with businesses of election, a voting witness or an election watcher committed any of the offences mentioned in the preceding paragraph, such person shall be punished with imprisonment with or without hard labor for a term not exceeding five years or a fine not exceeding fifty thousand yen.

(Violation of duty to make entries in voting by proxy).

Article 237-2. In cases where a person who has been elected to write the full name of a candidate under the provisions of paragraph 2 of Article 48 (Voting by proxy) failed to write the full name of the candidate designated by the elector, such person shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen.

(Offence of witness's neglect of duty)

Article 238. In cases where a voting witness fails, without just reason, to perform the duties provided for in this Law, he shall be punished with a fine not exceeding two thousand five hundred yen.

(Violation of restrictions on advance election campaign, persons in teaching positions taking advantage of positions, door-to-door visits, etc.)

Article 239. Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term of one year or less or a fine not exceeding fifteen thousand yen:

- 1) Any person who engaged in election campaign in violation of the provisions of Article 129 (Period of election campaign), Article 137 (Prohibition of election campaign by teachers taking advantage of their positions), Article 137-2 (Prohibition of election campaign by minor), Article 137-3 (Prohibition of election campaign by persons not possessing right to elect or to be elected);
- 2) Any persons who disobeys the order mentioned in Article 134 (Order for closing election campaign office);
- 3) Any person who paid visits from door to door in violation of the provisions of Article 138 (Door-to-door visits);
- 4) Any person who engaged in the campaign of soliciting signatures in violation of the provisions of Article 138-2

(Prohibition of signature collection campaign).

(Violation of restriction on advance election campaign effected through taking advantage of positions of government employees, etc.)

Article 239-2. Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding thirty thousand yen:

- 1) A government employee of the State or of a local public body who engaged in election campaign, taking advantage of official position, in violation of the provisions of Article 129 (Period of election campaign);
- 2) An officer or employee of the Japan Monopoly Corporation or of Atomic Power Corporation, or a member of the operation committee, an officer or employee of the Japan National Railway or of the Japan Telegraph and Telephone Corporation who engaged in election campaign, taking advantage of official position, in violation of the provisions of Article 129.

(Violation on restrictions on election campaign office, resting shelter, etc.)

Article 240. Any person falling under any of the following items shall be punished with a fine not exceeding seven thousand five hundred yen:

- 1) Any person who set up election campaign offices in numbers beyond the regular number prescribed in paragraph 1 to 3 inclusive of Article 131 (Number of election campaign offices);
- 2) Any person who set up election campaign offices, in violation of the provisions of Article 132 (Restriction on election campaign offices on election day);
- 3) Any person who set up resting shelters and other similar places for accommodation, in violation of the provisions of Article 133 (Prohibition of resting shelter, etc.)

(Violation of setting up of election campaign office; Violation of prohibition of election campaign by specified government employees, etc.)

Article 241. Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term not exceeding six months or a fine

not exceeding seven thousand five hundred yen:

- 1) Any person who set up election campaign office in violation of the provisions of Article 130 paragraph 1 (Person setting up election campaign offices);
- 2) Any person who engaged in election campaign in violation of the provisions of Article 135 (Prohibitions of election campaign by persons connected with election businesses) of Article 136 (Prohibition of election campaign by specified public officers).

(Violation with respect to report of setting up and indication of election campaign office)

Article 242. Any person who neglected to file report as provided for in Article 130 paragraph 2 (Setting up of and report on election campaign office), or who failed to put up the sign tablet in violation of the provisions of Article 131 paragraph 4 (Indication of election campaign office) shall be punished with a fine not exceeding two thousand five hundred yen.

((Violation of prohibition of publication as to popularity-testing poll)

Article 242-2. Any person who published the progress or results of a poll for testing popularity in violation of the provisions of Article 138-3 (Prohibition of publication as to popularity-testing poll) shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine not exceeding twenty-five thousand yen; provided, however, that in the case of a newspaper or magazine, the person who was actually in charge of its editing or the person who was in charge of operation of the newspaper or magazine shall be punished and in the case of broadcasting, the person who edited it or who caused the broadcast to be carried out shall be punished.

(Violation of various prohibitions on election campaign — Part 1)

Article 243. Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term not exceeding two years or a fine of three thousand yen or more but not exceeding fifty thousand yen:

- 1) Any person who furnished foods and drinks in violation of the provisions of Article 139 (Prohibition of entertainments);
- (1-2) Any person who engaged in the act of uttering loud cries in succession in

- violation of the provisions of Article 140-2 (Prohibition of repeated yelling);
- 2) Any person who used automobiles, loud-speakers, or ships in violation of the provisions of Article 141 paragraph 1 (Use of automobiles, loud-speakers, and ships);
 - (2-2) Any person who rode vehicles or ships in violation of the provisions of Article 141-2 paragraph 2 (Restriction on persons riding automobiles, etc.);
 - (2-3) Any person who engaged in election campaign in violation of the provisions of Article 141-3 (Prohibition of election campaign acts on vehicles);
 - 3) Any person who distributed writings and pictures in violation of the provisions of Article 142 (Distribution of writings and pictures);
 - 4) Any person who put up writings and pictures in violation of the provisions of Article 143 (Putting up of writings and pictures) or Article 144 (Number of posters);
 - 5) Any person who distributed or put up writings and pictures in violation of the provisions of Article 146 (Restriction on acts evasive of prohibitions regarding distribution or putting up of writings and pictures);
 - 6) Any person who distributed or put up newspapers or magazines in violation of the provisions of paragraph 2 of Article 148 (Freedom of news, articles, etc. in newspapers and magazines) or Article 149 paragraph 2 (Advertisements in newspapers);
 - 7) Any person who advertised in a newspaper in violation of the provisions of Article 149 paragraph 1 (Advertisements in newspapers);
 - 8) Any person who made speeches in violation of the provisions of Article 154 paragraph 1 (Speakers at meeting for joint speeches) (inclusive of cases where the provisions apply *mutatis mutandis* under Article 160-2 paragraph 2 (Non-compulsory government-held meetings for joint speeches), or any person who used recording plates in violation of the provisions of Article 154 paragraph 2 (Prohibition of use of recording plates at meetings for joint speeches) (inclusive of cases where the provisions apply *mutatis mutandis* under Article 160-2 paragraph 2);
 - (8-2) Any person who put up writings and pictures in violation of the provisions of Article 164-2 paragraph 7 (Putting up at meetings for individual speeches);
 - (8-3) Any person who held a meeting for speeches in violation of the provisions of Article 164-3 (Prohibition of other meetings for speeches);
 - (8-4) Any person who made speeches on the street in violation of the provisions of paragraph 1 of Article 164-5 (On the street speeches) or Article 164-7 (Special provisions as to on the street speeches in election of members of House of Councillors elected from national constituency);
 - (8-5) Deleted;
 - (8-6) Any person who engaged in election campaign in violation of the provisions of paragraph 2 of Article 164-8 (Restriction on election campaign workers, etc. in case of on the street speeches);
 - (9) Any person who held a meeting for speeches or made speeches in violation of the provisions of Article 165 (Restriction on other meetings for speeches, etc. on the day of meeting for joint speeches) or Article 165-2 (Restriction on meetings for speeches, etc. in case of elections held with proximity in time);
 - 10) Any person who made speeches in violation of the provisions of Article 166 (Prohibition of speeches in some specific buildings an establishments).
- (Violation of various prohibitions on election campaign — Part 2)
- Article 244.** Any person falling under any of the following items shall be punished with imprisonment without hard labor for a term of one year or less or a fine of one thousand yen or more but not exceeding thirty thousand yen:
- 1) Any person who violated the provisions of Article 140 (Prohibitions of acts of demonstration);
 - 2) Any person who failed to affix indication in violation of the provisions of paragraph 2 of Article 141 (Use of automobiles, loud-speakers, and ships);
 - 3) Any person who put up writings and pictures in violation of the provisions of Article 145 (Place where posters put up);

- 4) Any person who failed to comply with the official action for removal as provided for in Article 147 paragraph 1 (Removal of writings and pictures);
- 5) Any person who fails to comply with the official action for withdrawal as provided for in Article 159 (Maintenance of order in place where meeting for joint speeches is held) (inclusive of cases where the provisions apply *mutatis mutandis* under Article 160-2 paragraph 2 (Non-compulsory government-held meetings for joint speeches);
- (5-2) Any person who failed to obtain confirmation in violation of the provisions of Article 164-2 paragraph 5 (Confirmation of meeting for individual speeches);
- (5-3) Any person who refused to produce the banner in violation of the provisions of paragraph 4 of Article 164-5 (On the street speeches);
- (6) Any person who violated the provisions of Article 164-6 (Prohibition of on the street speeches at night);
- 7) Any person who, without just reason, failed to return as provided for in Article 176 paragraph 2 (Return of special tickets, etc.) or Article 177 paragraph 2 (Return of fuel and paper);
- 8) Any person who effected transfer in violation of the provisions of Article 177 paragraph 3 (Prohibition of transfer of post cards, tickets, fuel, paper etc.)

(Violation of restriction on acts of courtesies after election day)

Article 245. Any person who violated the provisions of Article 178 (Restriction on acts of courtesies after election day) shall be punished with a fine not exceeding ten thousand yen.

(Violation of control of income and expenditure relative to election campaign)

Article 246. Any person who committed any of the acts mentioned under the items set forth below shall be punished with imprisonment without hard labor for a term not exceeding three years or a fine of one thousand yen or more but not exceeding fifty thousand yen; provided, however, that the fine imposed upon a person who made the false entries mentioned under items (2), (3), (5), (5-2) or (8) or a person who filed the false report or submitted the false

materials mentioned under item (9) shall be five thousand yen or more but not exceeding fifty thousand yen:

- 1) When one received donations or defrayed expenditures in violation of the provision of Article 184 (Prohibition of receipt of donations and expenditures before filing of report);
- 2) When one failed to keep books of account or to make entries in books of account, or made false entries therein in violation of the provisions of Article 185 (Keeping of books of account and entries therein);
- 3) When one neglected to submit detailed statements or made false entries therein in violation of the provisions of Article 186 (Submission of detailed statements);
- 4) When one defrayed expenditures in violation of the provisions of Article 187 paragraph 1 (Power to expend of person in charge of accounting);
- 5) When one failed to take receipts and other documents evidencing expenditures or to forward them, or made false entries therein in violation of the provisions of Article 188 (Taking of receipts and forwarding thereof);
- (5-2) When one neglected to submit reports or made false entries therein in violation of the provisions of Article 189 paragraph 1 (Submission of report on income and expenditures for election campaign);
- 6) When one failed to make transfers as provided for in Article 190 (Transfer of business to new person in charge of accounting);
- 7) When one failed to preserve books of account, detailed statements, or receipts and other documents evidencing expenditures in violation of the provisions of Article 191 (Preservation of books and documents);
- 8) When one made false entries in books of account, detailed statements, or receipts and other documents evidencing expenditures which are to be preserved in accordance with the provisions of Article 191;
- 9) When one refused to submit reports or materials as provided for in Article 193 (Demand for submission of materials for investigation or reports), or submitted false reports or materials.

(Violation of prescribed amount of expenses for election campaign)