

# REPUBLIC OF KOREA

## PUBLIC OFFICIAL ELECTION ACT (EXCERPTS)

---

Act No. 4739, Mar. 16, 1994  
Amended by Act No. 4796, Dec. 22, 1994  
Act No. 4947, Apr. 1, 1995  
Act No. 4949, May 10, 1995  
Act No. 4957, Aug. 4, 1995  
Act No. 5127, Dec. 30, 1995  
Act No. 5149, Feb. 6, 1996  
Act No. 5262, Jan. 13, 1997  
Act No. 5412, Nov. 14, 1997  
Act No. 5499, Jan. 13, 1998  
Act No. 5508, Feb. 6, 1998  
Act No. 5537, Apr. 30, 1998  
Act No. 6265, Feb. 16, 2000  
Act No. 6388, Jan. 26, 2001  
Act No. 6497, Jul. 24, 2001  
Act No. 6518, Oct. 8, 2001  
Act No. 6626, Jan. 26, 2002  
Act No. 6663, Mar. 7, 2002  
Act No. 6854, Feb. 4, 2003  
Act No. 6988, Oct. 30, 2003  
Act No. 7189, Mar. 12, 2004  
Act No. 7681, Aug. 4, 2005  
Act No. 7849, Feb. 21, 2006  
Act No. 7850, Mar. 2, 2006  
Act No. 8053, Oct. 4, 2006  
Act No. 8232, Jan. 3, 2007  
Act No. 8244, Jan. 19, 2007  
Act No. 8423, May 11, 2007  
Act No. 8496, Jun. 1, 2007  
Act No. 8730, Dec. 21, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 8867, Feb. 29, 2008  
Act No. 8871, Feb. 29, 2008  
Act No. 8879, Feb. 29, 2008  
Act No. 9402, Feb. 3, 2009  
Act No. 9466, Feb. 12, 2009  
Act No. 9785, Jul. 31, 2009  
Act No. 9968, Jan. 25, 2010  
Act No. 9974, Jan. 25, 2010  
Act No. 10067, Mar. 12, 2010  
Act No. 10303, Mar. 17, 2010  
Act No. 10981, Jul. 28, 2011  
Act No. 11070, Sep. 30, 2011  
Act No. 11071, Nov. 7, 2011  
Act No. 11116, Dec. 2, 2011  
Act No. 11207, Jan. 17, 2012  
Act No. 11212, Jan. 26, 2012  
Act No. 11373, Feb. 22, 2012  
Act No. 11374, Feb. 29, 2012  
Act No. 11485, Oct. 2, 2012

\*\*\*\*\*

#### **Article 8-7 (Election Debate Broadcasting Committee)**

- (1) The election commission of each level (excluding the Eup/Myeon/Dong election commission; hereafter in this Article, the same shall apply) shall respectively establish and operate the Election Debate Broadcasting Committee (hereafter in this Article, referred to as "Election Debate Broadcasting Committee of each level") in order to impartially hold and progress an interview or debate under the provisions of Article 82-2 and a policy debate under the provisions of Article 82-3 (hereafter in this Article, referred to as "interview or debate, etc."); Provided, That the Gu/Si/Gun Election Debate Broadcasting Committee to be established in the Gu/Si/Gun election commission (hereinafter referred to as "Gu/Si/Gun Election Debate Broadcasting Committee") may be established and operated by the unit of an election district of National Assembly members of local constituency or the unit of a broadcast zone of the composite cable TV business operator under the Broadcasting Act. *<Amended by Act No. 7681, Aug. 4, 2005>*
  
- (2) The Election Debate Broadcasting Committee of each level shall be comprised under the following subparagraphs, and the terms of office of members shall be three years, except for cases under the latter part of subparagraph 2. In such cases, the latter part of Article 8-2 (2) shall apply mutatis mutandis to the fixed number of members: *<Amended by Act No. 9974, Jan. 25, 2010>*
  1. The Central Election Debate Broadcasting Committee (hereinafter referred to as "Central Election Debate Broadcasting Committee") to be established in the National Election Commission and City/Do Election Debate Broadcasting Committee (hereinafter referred to as "City/Do Election Debate Broadcasting Committee") to be established in the election commission of the Special Metropolitan City, the Metropolitan City, Do or the Special Self-Governing Province (hereinafter referred to as "City/Do"): The Central Election Debate Broadcasting Committee shall consist of not more than 11 persons and City/Do Election Debate Broadcasting Committee shall consists of not more than nine persons, including a person recommended by each of political parties which form negotiation groups in the National Assembly and the public broadcasting company (referring to the Korea Broadcasting System and a broadcast business operator, the largest contributor of which is the Foundation for Broadcast Culture under the Foundation for Broadcast Culture Act; hereinafter the same shall apply) and persons commissioned by the National Election Commission or City/Do election commission, from among persons of learning and high moral repute, who are recommended by the Korea Communications Standards Commission, scholars community, legal circles and civil groups;
  
  2. The Gu/Si/Gun Election Debate Broadcasting Committee: The Committee shall consist of not more than nine members, including three members including the chairperson of the relevant Gu/Si/Gun election commission and members recommended by political parties (in cases where members recommended by political parties are not less than three persons, referring to the number including such members) and persons commissioned by the relevant Gu/Si/Gun election commission, from among persons belonging to scholars community,

legal circles, civil groups or journalists. In such cases, the terms of office of members who concurrently hold the positions of members of Gu/Si/Gun election commission shall be the period during which they hold their official positions under Article 8 of the Election Commission Act.

- (3) The Election Debate Broadcasting Committee of each level shall have one chairperson, and he/she shall be elected from among its members: Provided, That the chairperson of the relevant Gu/Si/Gun election commission shall concurrently hold the office of the chairperson of the Gu/Si/Gun Election Debate Broadcasting Committee. *<Amended by Act No. 9974, Jan. 25, 2010>*
- (4) The Central Election Debate Broadcasting Committee shall have one standing member, and he/she shall be nominated by the National Election Commission, from among the members of the Central Election Debate Broadcasting Committee.
- (5) No members of political parties shall become the members of the Election Debate Broadcasting Committee.
- (6) The Central Election Debate Broadcasting Committee shall determine matters necessary for holding and progress of an interview or debate, etc. and other matters necessary for guaranteeing the impartiality, and make a public announcement thereof.
- (7) The Election Debate Broadcasting Committee of each level may, when it is necessary for performing the duties of interviews or debates, etc., demand the public broadcast company or the related agencies or organizations, etc. to render cooperations, and the public broadcast company in receipt of the said demand for cooperations shall preferentially comply with it.
- (8) The Central Election Debate Broadcasting Committee or the City/Do Election Debate Broadcasting Committee shall have the Secretariat consisting of the public officials belonging to the relevant election commission in order to deal with its affairs. *<Amended by Act No. 7681, Aug. 4, 2005; Act No. 9974, Jan. 25, 2010>*
- (9) When the Election Debate Broadcasting Committee deems it necessary for performing its duties, it may hold a consultation with the heads of related administrative agencies or of the related institutions, organizations, etc., and have the public officials or officers and employees belonging thereto dispatched, or have the public officials belonging to the related administrative agencies concurrently assume the posts of public officials belonging to the Secretariat under the provisions of paragraph (8).
- (10) The composition and operation of the Election Debate Broadcasting Committee of each level, treatment of its members and standing members, organization and scope of duties of the Secretariat, and other necessary matters shall be stipulated by the National Election Commission Regulations.

*[This Article Newly Inserted by Act No. 7189, Mar. 12, 2004]*

\*\*\*\*\*

**Article 81 (Interviews or Debates by Organizations Inviting Candidates, etc.)**

- (1) An organization which does not fall under Article 87 (1) 1 through 6 may invite one or several candidates, interviewers or debaters (limited to the presidential election and the election for the Mayor/Do Governor, and referring to one person nominated by a political party or candidate for each election campaign office or election campaign liaison office, from among those who are eligible to engage in an election campaign; hereafter the same shall apply in this Article), and hold an interview or debate indoors, as prescribed by this Act, to inquire the platform and policy of the political party to which he/she or they belong or the candidate's political views, or other matters: Provided, That the same shall not apply to the trade unions and organizations under Article 10 (1) 6. *<Amended by Act No. 4947, Apr. 1, 1995; Act No. 5412, Nov. 14, 1997; Act No. 6265, Feb. 16, 2000; Act No. 6663, Mar. 7, 2002; Act No. 7189, Mar. 12, 2004; Act No. 7681, Aug. 4, 2005>*
- (2) For the purpose of paragraph (1), the term "interview" means that a candidate or an interviewee answers questions made by the organizer or questioner about the platform and policy of the political party to which he/she belongs or candidate's political views and other matters, and the term "debate" means that not less than two candidates or debaters question and answer through the organizer on the subject concerning the platform and policy of the political party to which they belong or candidate's political views and other matters under the direction of the organizer. *<Amended by Act No. 5412, Nov. 14, 1997>*
- (3) An organization which intends to hold an interview or debate under paragraph (1) shall report, in writing, the matters concerning the organization such as the name of the host organization, name of its representative, seat of its office, number of its members, and ground for its establishment, and the name of the candidate, interviewer or debater, subject of the interview or debate, name of the moderator, method of proceedings, and the date, time and place, the number of anticipated participants, etc. to the competent constituency election commission or the Gu/Si/Gun election commission having jurisdiction over the meeting place, no later than two days before the beginning of the meeting, as prescribed by the National Election Commission Regulations. In such cases, a written acceptance of the candidate, interviewer or debater to be invited shall be appended to the report.
- (4) When an interview or debate under paragraph (1) is held, a sign indicating the interview or debate under paragraph (1) shall be placed or posted under the National Election Commission Regulations.
- (5) An opportunity for an interview or debate under paragraph (1) shall be impartially offered for all candidates unless a candidate refuses to accept the invitation, and the organization holding the interview or debate shall see to it that the interview or debate proceeds fairly.
- (6) No political party, candidate, interviewer, debater, election campaign manager, chief of a election campaign liaison office, election campaign worker, accountant in charge, or company, etc. having relations with a candidate or his/her family under Article 114 (2) shall offer, manifest an

intention to offer, or promise to offer money, entertainment, or other interests to the organization sponsoring the interview or debate or the moderator.

- (7) An organization holding an interview or debate under paragraph (1) shall not have the candidate bear its expenses.
- (8) The provisions of Article 71 (12) shall apply mutatis mutandis to interviews or debates to which candidates, etc. are invited. <Newly Inserted by Act No. 5537, Apr. 30, 1998>
- (9) The forms of the report on holding an interview or debate and the sign and other necessary matters shall be prescribed by the National Election Commission Regulations. <Amended by Act No. 5412, Nov. 14, 1997>

#### **Article 82 (Interviews or Debates by Press Inviting Candidates, etc.)**

- (1) The press, such as a television or radio broadcasting facility (referring to the broadcasting facilities under Article 70 (1) ; hereafter the same shall apply in this Article), newspaper business operators under subparagraph 3 of Article 2 of the Act on the Promotion of Newspapers, etc. and periodical business operators under subparagraph 2 of Article 2 of the Act on Promotion of Periodicals, Including Magazines (excluding those who publish information publications, electronic publications and other publications), news agencies provided for in subparagraph 3 of Article 2 of the Act on Promotion of News Communications or Internet press agencies (hereafter referred to as the "press" in this Article) may hold and report on an interview or debate to inquire about the platform and policy of a political party to which the candidate concerned belongs, or the candidate's political views or other matters by inviting the candidate or one or more interviewers or debaters (referring to those designated by the candidate, from among those who are eligible to engage in an election campaign) with the consent of the candidate during the election campaign period: Provided, That an interview or debate inviting any person who intends to be a candidate, may be held and reported from one year before the election day in the presidential election, and from 60 days before the election day in the election of National Assembly members or the election of the heads of local governments to one day before the commencement date of the election period, notwithstanding the provisions of Article 59. In such cases, if the broadcasting facilities intend to hold an interview or debate and to broadcast it, they shall air it in unedited forum, and notify the competent constituency election commission of the date and time, proceeding methods, etc. of the interview or debate pursuant to the National Election Commission Regulations. <Amended by Act No. 5412, Nov. 14, 1997; Act No. 5537, Apr. 30, 1998; Act No. 6265, Feb. 16, 2000; Act No. 7681, Aug. 4, 2005; Act No. 8232, Jan. 3, 2007; Act No. 8879, Feb. 29, 2008; Act No. 9785, Jul. 31, 2009; Act No. 9974, Jan. 25, 2010>
- (2) An interview or debate under paragraph (1) shall be held autonomously by the press, in consideration of the broadcasting hour, space of newspaper, etc.
- (3) An interview or debate under paragraph (1) shall proceed impartially, and matters necessary therefor shall be prescribed by the National Election Commission Regulations.

- (4) The provisions of Articles 71 (12), 72 (2) and 81 (2), (6) and (7) shall apply mutatis mutandis to an interview or debate by the press inviting candidates, etc. <Amended by Act No. 6265, Feb. 16, 2000>

**Article 82-2 (Interviews or Debates Supervised by Election Debate Broadcasting Committee)**

- (1) The Central Election Debate Broadcasting Committee shall hold interviews or debates in the presidential election and the election for proportional representative National Assembly members under the conditions as prescribed in each of the following subparagraphs during an election campaign period: <Amended by Act No. 9974, Jan. 25, 2010>
1. Presidential election: Three or more times by inviting one or more persons, from among the candidates; and
  2. Election of proportional representative National Assembly members: Two or more times by inviting one or several persons designated by the representative of relevant political party, from among the candidates for proportional representative National Assembly members or persons who are able to conduct an election campaign (excluding candidates for National Assembly members of local constituency).
- (2) The City/Do Election Debate Broadcasting Committee shall hold interviews or debates under conditions prescribed in each of the following subparagraphs for the election of the Mayor/Do Governor and the election of the proportional representative City/Do council members during an election campaign period: <Amended by Act No. 7681, Aug. 4, 2005; Act No. 9974, Jan. 25, 2010>
1. The election of the Mayor/Do Governor: One or more times by inviting several persons, from among the candidates; and
  2. The election of the proportional representative City/Do council members: One or more times by inviting one or several persons who are designated by the representatives of the relevant political parties, from among candidates for the proportional representative City/Do council members or persons who are able to conduct an election campaign (excluding candidates for City/Do council members in a local constituency).
- (3) The Gu/Si/Gun Election Debate Broadcasting Committee shall hold interviews, debates or joint broadcast campaign speech meeting one or more times by inviting the candidates for the election of National Assembly members of local constituency and the election of the head of autonomous Gu/Si/Gun during an election campaign period. In such cases, the hour of joint broadcast campaign speech meeting shall be evenly allotted to each candidate within the limit of ten minutes. <Amended by Act No. 7681, Aug. 4, 2005>
- (4) When the Election Debate Broadcasting Committee of each level holds interviews or debates referred to in paragraphs (1) through (3), it shall hold them by inviting the candidates falling under any one of the following subparagraphs. In such cases, candidates who are invited by the Election Debate Broadcasting Committee of each level to the interviews and debates shall participate therein unless justifiable grounds exist that

make it impossible for them to do so: <Amended by Act No. 7681, Aug. 4, 2005; Act No. 9974, Jan. 25, 2010>

1. The presidential election:

- (a) Candidates recommended by the political parties having five or more National Assembly members belonging thereto;
- (b) Candidates recommended by the political parties that have obtained 3/100 or more votes of the total number of nationwide valid ballots in the immediately preceding the presidential election, the election of the proportional representative National Assembly members, the election of the proportional representative City/Do council members or the election of the proportional representative autonomous Gu/Si/Gun council members; and
- (c) Candidates who occupy 5/100 or more support ratios averaging the results of public opinion poll conducted and publicized by the press under the conditions as set by the National Election Commission Regulations during the period from 30 days prior to the beginning date of election period to the day immediately preceding the beginning date of election period;

2. The election of the proportional representative National Assembly members and election of the proportional representative City/Do council members:

- (a) Candidates designated by the representative of political party falling under subparagraph 1 (a) or (b); and
- (b) Candidates designated by the representative of political party that has obtained 5/100 or more supports averaging the results of public opinion poll pursuant to subparagraph 1 (c); and

3. The election of National Assembly members of local constituency and the election of the heads of local governments:

- (a) Candidates recommended by the political parties falling under subparagraph 1 (a) or (b);
- (b) Candidates who have obtained 10/100 or more votes of the total number of valid ballots by running for a presidential election, the election for National Assembly members of local constituency or the election for the heads of local governments (including the special elections, etc.) in the relevant constituency in the recent four years (including cases where the district of constituency was altered and the altered district overlaps with the district of immediately preceding election); and

- (c) Candidates whose support ratio averaging the results of public opinion poll referred to in subparagraph 1 (c) is 5/100 or more.

- (5) The Election Debate Broadcasting Committee of each level may hold the interviews or debates for candidates who are not subject to the invitation referred to in paragraph (4). In such cases, the time and frequency of the interviews and debates may be determined by the National Election

Commission Regulations differently from the interviews and debates held for the candidates subject to the invitation referred to in paragraph (4).  
<Newly Inserted by Act No. 7681, Aug. 4, 2005>

- (6) The Election Debate Broadcasting Committee of each level shall, when any invited candidate fails to participate in the interviews or debates without any justifiable grounds, in violation of the latter part of paragraph (4), air the political party to which the relevant candidate belongs (any independent candidate is referred to as "independent"), the mark and name of the relevant candidate and the fact of his/her failure to participate therein when it begins the relay broadcasting provided for in paragraph (10) or (11) in order for electors to know the fact. <Newly Inserted by Act No. 7681, Aug. 4, 2005>
- (7) When the Election Debate Broadcasting Committee of each level holds interviews or debates referred to in paragraphs (1) through (3) and (5) (including the joint broadcast campaign speech meeting; hereafter in this Article referred to as "interviews or debates"), it shall hold it impartially. <Amended by Act No. 7681, Aug. 4, 2005>
- (8) When any candidate announces the material violating this Act or takes the floor in excess of the allotted time in the interviews or debates, the chairman of an Election Debate Broadcasting Committee of each level or a member nominated in advance by him/her may take necessary measures, such as restraining him/her or making a superimposed explanation.
- (9) When there exists any person who obstructs progress or upsets an order at the interviews or debates, the chairman of an Election Debate Broadcasting Committee of each level or a member nominated in advance by him/her may order a suspension of such an act, and when he/she disobeys such order, may order him/her out of the interviews or debates.
- (10) The publicly-operated broadcasting company shall make a relay broadcast of the interviews or debates through a TV broadcasting at its own expense, and shall make a relay broadcast of the interviews and debates managed by the National Election Commission between 8 pm and 11 pm of the same day as for the presidential election: Provided, That the same shall not apply to cases where a justifiable reason exists, such as operating a nationwide broadcasting zone, etc. in the election of the National Assembly members of local constituency and the election of the head of autonomous Gu/Si/Gun. <Amended by Act No. 7681, Aug. 4, 2005; Act No. 8879, Feb. 29, 2008>
- (11) When a publicly-operated broadcasting company is unable to make a relay broadcast under the proviso to paragraph (10) for the election of the National Assembly members of local constituency and the election of the head of autonomous Gu/Si/Gun, the Gu/Si/Gun Election Debate Broadcasting Committee may order to make a relay broadcast of the interviews or debates through the TV broadcasting by utilizing the broadcasting facilities of other ground wave broadcasting business operator or the composite cable TV business operator. In such cases, any fees for using the relevant broadcasting facilities shall be borne by the State and the relevant local government. <Amended by Act No. 7681, Aug. 4, 2005>
- (12) When the Election Debate Broadcasting Committee of each level holds the interviews or debates, it may conduct a superimposed broadcasting or



a sign language interpretation for the hearing impaired electors. *<Amended by Act No. 7681, Aug. 4, 2005>*

- (13) The broadcasting business operator, CATV relay broadcasting business operator or Internet press agency referred to in Article 2 of the Broadcasting Act may make a relay broadcast of the interviews or debates at his/her own expense. In such cases, he/she shall make a relay broadcast without any editing. *<Amended by Act No. 7681, Aug. 4, 2005; Act No. 8879, Feb. 29, 2008>*
- (14) The procedures for progress of the interviews or debates, publicity for their holdings, computation and payment of the fees for using broadcasting facilities, and other necessary matters shall be stipulated by the National Election Commission Regulations.

*[This Article Wholly Amended by Act No. 7189, Mar. 12, 2004]*

**Article 82-3 (Policy Debates Supervised by Election Debate Broadcasting Committee)**

- (1) The Central Election Debate Broadcasting Committee shall hold a policy debate (hereafter in this Article, referred to as "policy debates") not less than once each month in order to make it possible for a political party to manifest its platform and policy through the broadcasting, by inviting the representative of the political party falling under each of the following subparagraphs (excluding the political party that has publicly announced that it shall not participate in an election) or the person nominated by him, from 90 days prior to the election day (in the election or reelection due to presidential vacancy, the month next to the day on which the reasons for holding the said election have become definite) of the election due to expiration of term of office (including the election or reelection due to the presidential vacancy) to the day immediately preceding the commencement date of candidates' registrations:
1. Political party to which five or more National Assembly members belong; and
  2. Political party that has obtained 3/100 or more votes of total number of nationwide valid ballots in the immediately preceding presidential election, election for proportional representative National Assembly members or election for proportional representative City/Do Council members.
- (2) The provisions of Article 82-2 (7) through (9), the main sentence of (10), (12) and (13) shall apply mutatis mutandis to the policy debates. In such cases, the term "interviews or debates" shall be deemed "policy debates", and "Election Debate Broadcasting Committee of each level" "Central Election Debate Broadcasting Committee". *<Amended by Act No. 7681, Aug. 4, 2005>*
- (3) The operation of, and procedures for progress of, the policy debates, and a publicity for their holdings, and other necessary matters shall be stipulated by the National Election Commission Regulations.

*[This Article Newly Inserted by Act No. 7189, Mar. 12, 2004]*