

Promulgated on August 20, 2012, Effective on September 1, 2012

20 Crimes Related to Election

This guideline applies to adult offender (nineteen years of age or older) who committed any offenses of Corrupt Practices and Inducement by Interest (Public Official Election Act, Article 230 excluding paragraph 5), Corrupt Practices and Inducement by Interest for Economic Benefits (Public Official Election Act, Article 231), Corrupt Practices and Inducement by Interest Toward Candidates (Public Official Election Act, Article 232 excluding paragraph 3), Corrupt Practices and Inducement by Interest Toward Elected Officials (Public Official Election Act, Article 233), Corrupt Practices for Unlawful Use of Broadcasts or Newspapers (Public Official Election Act, Article 235), Publication of False Facts (Public Official Election Act, Article 250), Slanders Against Candidates (Public Official Election Act, Article 251), Violating Prohibition of False Criticism and Report (Public Official Election Act, Article 252, Violations of article 96 part in paragraph 1),

Violation During Election Campaign Period (Public Official Election Act, Article 254), Unlawful Election Campaign (Public Official Election Act, Article 255, excluding paragraph 4), Violation of Prohibition and Restriction on Contribution (Public Official Election Act, Article 257, excluding any person who receives any contribution under paragraph 2 and paragraph 3).

※ This guideline also applies to cases where the Public Official Election Act is applied by provisions under the Local Education Autonomy Act, Article 49, paragraph 1, and Article 57, paragraph 1.

■ Abbreviations

- Public Official Election Act: Act on Electing Public Officials



I. TYPES OF OFFENSE AND SENTENCING PERIODS

01¹ CORRUPT PRACTICES AND INDUCEMENT BY INTEREST

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Corrupt Practices Concerning Intra-Party Competition	- 8 months 5 Hundred Thousand Won - 3 Million Won	4 months - 1 yr	8 months - 2 yrs
2	General Corrupt Practices, Corrupt Practices Concerning Candidate Recommendation By Political Party	- 10 months 1 Million Won - 5 Million Won	6 months - 1 yr 4 months	10 months - 2 yrs 6 months
3	General Corrupt Practices By Candidate Etc.,	4 months - 1 yr 1 Million 5 Hundred Thousand Won - 7 Million Won	8 months - 2 yrs	1 yr - 3 yrs
4	Corrupt Practices For Economic Benefits, Corrupt Practices Toward Candidates	6 months - 1 yr 4 months 5 Million Won - 15 Million Won	10 months - 2 yrs 6 months	2 yr - 4 yrs
5	Corrupt Practices Toward Elected Persons	8 months - 1 yr 6 months	1 yr - 3 yrs	2 yr 6 months - 5 yrs

▷ For cases where the corrupt practices for unlawful use of broadcasts or newspapers by general citizens (Article 235, paragraph 1) falls within Type 2, offenses of corrupt practices for unlawful use of broadcasts or newspapers by candidates or persons related to the election falls within Type 3.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Very Insignificant ● Passive Yielding to the Recipient's Active Demand ● Providing or Receiving Insignificant Amount of Money, Valuables and the Like Only to Compensate Actual Expenses of the Election Campaign or To Provide Comfort ● Cases where the Offense Ended With an Expression of Intent or Promise Only 	<ul style="list-style-type: none"> ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Substantial ● Instruction, Solicitation, Demanding, or Commissioning ● Premeditated or Organized Crime ● Crime Against Unspecified Multiples Of Victims Or Prolonged And Repeated Commission Of The Crime
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Voluntary Surrender to Investigative Agencies, Cases of Whistle-Blowing of Corruption 	<ul style="list-style-type: none"> ● Criminal History of the Same Type of Offense (Including Fines)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation 	<ul style="list-style-type: none"> ● Offense Committed by Using Social Status or Influence ● Offense Committed Even After Receiving Warning from the Election Commission ● Violations of the Public Official Election Act, Article 230, paragraph 1, subparagraph 2 and 3, and Article 235
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Expresses Sincere Remorse ● No Prior Criminal History ● Voluntary Resignation or Declining to Run for Office 	<ul style="list-style-type: none"> ● Escaping, Concealing or Attempting to Conceal Evidence After Committing the Crime ● Repeated Offenses of Different Type under the Criminal Act



02¹ VIOLATIONS OF PROHIBITIONS AND RESTRICTIONS ON CONTRIBUTIONS

Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
Contributions	5 Hundred Thousand Won - 3 Million Won	- 10months 1 Million Won - 5 Million Won	8months - 2yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Customary or Formal Conducts Other Than Those Prescribed in the Public Official Election Act, Article 112, paragraph 2 ● Passive Participation Resulting From Outside Pressure ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Very Insignificant ● Passive Yielding to the Recipient's Active Demand ● Cases where the Offense Ended With an Expression of Intent or Promise Only 	<ul style="list-style-type: none"> ● Date the Offense Committed is Close to the Election Day ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Substantial ● Premeditated or Organized Crime ● Offense Committed by the Candidate, Candidate's Spouse, Lineal Ascendant, Lineal Descendant, or Persons Related to the Election ● Crime Against Unspecified Multiples Of Victims Or Prolonged And Repeated Commission Of The Crime ● Instigating the Subordinate Person to Commit the Crime
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Voluntary Surrender to Investigative Agencies, Cases of Whistle-Blowing of Corruption 	<ul style="list-style-type: none"> ● Criminal History of the Same Type of Offense (Including Fines)

Classification		Mitigating Factor	Aggravating Factor
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation ● Offenses Committed Through Coincidental Forming Acquaintance Relationship 	<ul style="list-style-type: none"> ● Offense Committed by Using Social Status or Influence (This Excludes the Case of Instigating the Subordinate Person to Commit the Crime) ● Offense Committed Even After Receiving Warning from the Election Commission
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Expresses Sincere Remorse ● No Prior Criminal History ● Voluntary Resignation or Declining to Run for Office 	<ul style="list-style-type: none"> ● Escaping, Concealing or Attempting to Conceal Evidence After Committing the Crime ● Repeated Offenses of Different Type under the Criminal Act



03 | PUBLICATION OF FALSE FACTS AND SLANDERS AGAINST CANDIDATES

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Slander Against Candidates	5 Hundred Thousand Won - 1 Million 5 Hundred Thousand Won	- 8 months 1 Million Won - 3 Million Won	6 months - 1 yr 2 Million 5 Hundred Thousand Won - 4 Million Won
2	Publication of False Facts for Success in the Election	7 Hundred Thousand Won - 3 Million Won	- 10 months 2 Million Won - 8 Million Won	8 months - 2 yrs 5 Million Won - 10 Million Won
3	Publication of False Facts for Defeat in the Election	- 8 months 3 Million Won - 6 Million Won	6 months - 2yrs 5 Million Won - 10 Million Won	1 yr - 3 yrs

- ▷ Offense of publication of false facts concerning intra-party election (Article 250, paragraph 3) falls within Type 2.
- ▷ Offense of violating the prohibition on reporting a false fact or criticizing a fact in a distorted way (Article 252, paragraph 1) falls within Type 1.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Extent of Publication of False Facts or Slander Against Candidates is Slight ● Offense Committed Toward Only a Few People or Low Possibility of Dissemination ● Possession of Propaganda Documents for Distribution ● Publication of False Facts to Win the Intra-Party Election 	<ul style="list-style-type: none"> ● False Facts or Slandorous Material is an Important Factor for the Voters to Assess the Candidate ● Date the Offense Committed is Close to the Election Day ● Offense Committed Toward Only a Large Crowd or High Possibility of Dissemination ● Malicious Method of the Crime ● Offense Committed by Using Social Status or Influence (This Excludes the Case of Instigating the Subordinate Person to Commit the Crime) ● Instigating the Subordinate Person to Commit the Crime
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies ● The Victim Opposes Punishment Before the Election (Including Genuine Efforts to Reverse Harm) 	<ul style="list-style-type: none"> ● Criminal History of the Same Type of Offense (Including Fines)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation 	<ul style="list-style-type: none"> ● Offense Committed Even After Receiving Warning from the Election Commission ● Offense Committed While Using Vulgar Expression Including Slangs and the Like
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Expresses Sincere Remorse ● No Prior Criminal History ● Voluntary Resignation or Declining to Run for Office ● Victim Opposes Punishment After the Election 	<ul style="list-style-type: none"> ● Offense Committed by the Candidate, Candidate's Spouse, Lineal Ascendant, Lineal Descendant, or Persons Related to the Election ● Escaping, Concealing or Attempting to Conceal Evidence After Committing the Crime ● Repeated Offenses of Different Type under the Criminal Act



04 | VIOLATIONS OF ELECTION CAMPAIGN PERIOD AND UNLAWFUL ELECTION CAMPAIGNS

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Violation of Election Campaign Period	3 Hundred Thousand Won - 9 Hundred Thousand Won	7 Hundred Thousand Won - 1 Million 5 Hundred Thousand Won	- 8 months 1 Million Won - 3 Million Won
2	Violation of Election Campaign Method	5 Hundred Thousand Won - 9 Hundred Thousand Won	7 Hundred Thousand Won - 2 Million Won	4 months - 1 yr 1 Million Won - 4 Million Won
3	Election Campaign Conducted By Using Public Official Position	- 10 months	8 months - 1 yr 6 months	1 yr - 3 yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Extent of Violation of Election Campaign Method is Slight ● Extent of Recognition of the Illegality is Very Slight 	<ul style="list-style-type: none"> ● Date the Offense Committed is Close to the Election Day ● Premeditated and Organized Crime ● Offense Committed by Using Social Status or Influence (This Excludes Type 3 Offenses) (This Excludes the Case of Instigating the Subordinate Person to Commit the Crime) ● Offense Committed Toward Unspecified Persons or Multiples of Victims or Prolonged and Repeated Commission of the Crime ● Instigating the Subordinate Person to Commit the Crime
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies 	<ul style="list-style-type: none"> ● Criminal History of the Same Type of Offense (Including Fines)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation 	<ul style="list-style-type: none"> ● Offense Committed Even After Receiving Warning from the Election Commission ● Offense Committed While Using Vulgar Expression Including Slangs and the Like
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Expresses Sincere Remorse ● No Prior Criminal History ● Voluntary Resignation or Declining to Run for Office 	<ul style="list-style-type: none"> ● Offense Committed by the Candidate, Candidate's Spouse, Lineal Ascendant, Lineal Descendant, or Persons Related to the Election ● Escaping, Concealing or Attempting to Conceal Evidence After Committing the Crime ● Repeated Offenses of Different Type under the Criminal Act



[DEFINITION OF OFFENSES]

01¹ CORRUPT PRACTICES AND INDUCEMENT BY INTEREST

1. TYPE 1 CORRUPT PRACTICES CONCERNING INTRA-PARTY ELECTION

- This means offenses with following elements of offenses as prescribed in the applicable law (applies to all offenses).

Elements of Offense	Applicable Law	Sentence
Corrupt Practices and Inducement by Interest Concerning Intra-Party Election	Public Official Election Act, Article 230, paragraph 7	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 6 Million Won
Instructing, Soliciting, Demanding, Commissioning of Corrupt Practices and Inducement by Interest Concerning Intra-Party Election	Public Official Election Act, Article 230, paragraph 8	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won

2. TYPE 2 GENERAL CORRUPT PRACTICES, CORRUPT PRACTICES CONCERNING CANDIDATE RECOMMENDATION IN A POLITICAL PARTY

Elements of Offense	Applicable Law	Sentence
Corrupt Practices and Inducement by Interest by General Citizen	Public Official Election Act, Article 230, paragraph 1	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won
Instruction, Solicitation, Demand or Commissioning of Corrupt Practices and Inducement by Interest Concerning Intra-Party Election	Public Official Election Act, Article 230, paragraph 3	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 15 Million Won
Carrying of Money for Distribution During the Election Campaign Period	Public Official Election Act, Article 230, paragraph 4	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won
Corrupt Practices and Inducement by Interest Concerning Candidate Recommendation in a Political Party, Instructing, Soliciting, Demanding, Commissioning of Such Conduct	Public Official Election Act, Article 230, paragraph 6	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won
Corrupt Practices for Unlawful Use of Broadcast or Newspaper by General Citizen and Receiving, Soliciting, Demanding or Promises Money by a Person Who Operates a Broadcasting Media or Newspaper	Public Official Election Act, Article 235, paragraph 1	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won

3. TYPE 3 GENERAL CORRUPT PRACTICES BY CANDIDATES

Elements of Offense	Applicable Law	Sentence
Corrupt Practices and Inducement by Interest by a Candidate, and Instructing, Soliciting, Demanding, Commissioning of Such Conducts	Public Official Election Act, Article 230, paragraph 2, paragraph 3	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 15 Million Won
Corrupt Practices for Unlawful Use of Broadcasting Media or Newspaper by a Candidate	Public Official Election Act, Article 235, paragraph 2	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 20 Million Won

4. TYPE 4 CORRUPT PRACTICES FOR ECONOMIC BENEFITS, CORRUPT PRACTICES TOWARD CANDIDATES

Elements of Offense	Applicable Law	Sentence
Corrupt Practices and Inducement by Interest for Economic Benefits	Public Official Election Act, Article 231, paragraph 1	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 20 Million Won and Minimum Fine of 3 Million Won
Corrupt Practices and Inducement by Interest for Economic Benefits and Instructing, Soliciting, Demanding, Commissioning of Such Conducts	Public Official Election Act, Article 231, paragraph 2	Imprisonment Not Exceeding 10 Years or Fine Not Exceeding 30 Million Won and Minimum Fine of 5 Million Won
Corrupt Practices and Inducement by Interest Toward Candidates	Public Official Election Act, Article 232, paragraph 1	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 30 Million Won and Minimum Fine of 5 Million Won
Corrupt Practices and Inducement by Interest Toward Candidates and Instructing, Soliciting, Demanding, Commissioning of Such Conducts	Public Official Election Act, Article 232, paragraph 2	Imprisonment Not Exceeding 10 Years or Fine Not Exceeding 30 Million Won and Minimum Fine of 5 Million Won



5. TYPE 5 CORRUPT PRACTICES TOWARD ELECTED CANDIDATES

Elements of Offense	Applicable Law	Sentence
Corrupt Practices and Inducement by Interest Toward Elected Candidates	Public Official Election Act, Article 233, paragraph 1	Imprisonment Not Exceeding 10 Years and Minimum of 1 Year
Corrupt Practices for Unlawful Use of Broadcasting Media or Newspaper by a Candidate	Public Official Election Act, Article 233, paragraph 2	Imprisonment Not Exceeding 10 Years and Minimum of 1 Year

02¹ VIOLATION OF PROHIBITION AND RESTRICTION ON CONTRIBUTION

- This means offenses with following elements of offenses and as prescribed in the applicable law (applies to all offenses).

Elements of Offense	Applicable Law	Sentence
Contribution Violating Prohibition and Restriction on Contribution	Public Official Election Act, Article 257, paragraph 1	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won
Instruction, Solicitation, Demand or Commissioning of Contributions	Public Official Election Act, Article 257, paragraph 2	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 5 Million Won

03¹ PUBLICATION OF FALSE FACTS AND SLANDERS AGAINST CANDIDATES

1. TYPE 1 SLANDERS AGAINST CANDIDATES

- This means offenses with following elements of offenses as prescribed in the applicable law (applies to all offenses).

Elements of Offense	Applicable Law	Sentence
Slanders Against Candidates	Public Official Election Act, Article 251	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 5 Million Won
Violating the Prohibition on Reporting False Facts or Criticizing Facts in a Distorted Way Using Opinion Poll Results	Public Official Election Act, Article 252, paragraph 1 (This is Limited to Violations of Article 96)	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 6 Million Won

2. TYPE 2 PUBLICATION OF FALSE FACTS TO WIN THE ELECTION

Elements of Offense	Applicable Law	Sentence
Publication of False Facts to Win the Election	Public Official Election Act, Article 250, paragraph 1	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 30 Million Won
Publication of False Facts to Win the Intra-Party Election	Public Official Election Act, Article 250, paragraph 3	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 6 Million Won
Publication of False Facts to Defeat in the Intra-Party Election	Public Official Election Act, Article 250, paragraph 3	Imprisonment Not Exceeding 5 Years or Fine Not Exceeding 10 Million Won

3. TYPE 3 PUBLICATION OF FALSE FACTS TO DEFEAT THE ELECTION

Elements of Offense	Applicable Law	Sentence
Publication of False Facts to Defeat the Election	Public Official Election Act, Article 250, paragraph 2	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 30 Million Won and Minimum Fine of 5 Million Won

04¹ VIOLATION OF ELECTION CAMPAIGN PERIOD AND UNLAWFUL ELECTION CAMPAIGN

1. TYPE 1 VIOLATION OF ELECTION CAMPAIGN PERIOD

- This means offenses with following elements of offenses as prescribed in the applicable law (applies to all offenses).

Elements of Offense	Applicable Law	Sentence
Election Campaign Conducted on Election Day	Public Official Election Act, Article 254, paragraph 1	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 6 Million Won
Election Campaign Conducted Prior to Commencing of the Election Campaign Period	Public Official Election Act, Article 254, paragraph 2	Imprisonment Not Exceeding 2 Years or Fine Not Exceeding 4 Million Won



2. TYPE 2 VIOLATION OF ELECTION CAMPAIGN METHOD

Elements of Offense	Applicable Law	Sentence
Violation of Public Official Election Act, Article 255, paragraph 1	Public Official Election Act, Article 255, paragraph 1	Imprisonment Not Exceeding 3 Years or Fine Not Exceeding 6 Million Won
Violation of Public Official Election Act, Article 255, paragraph 2	Public Official Election Act, Article 255, paragraph 2	Imprisonment Not Exceeding 2 Years or Fine Not Exceeding 4 Million Won

3. TYPE 3 ELECTION CAMPAIGN CONDUCTED BY USING PUBLIC OFFICIAL POSITION

Elements of Offense	Applicable Law	Sentence
Violation of Prohibition on Election Campaign (Including Intra-Party Election) by Using Public Official Position	Public Official Election Act, Article 255, paragraph 3	Imprisonment Not Exceeding 5 Years

[DEFINITION OF SENTENCING FACTORS]

01 | GENERAL TAX EVASION/TAX EVASION UNDER AGGRAVATED PUNISHMENT ACT

1. PASSIVE PARTICIPATION RESULTING FROM OUTSIDE PRESSURE

- Cases where the offense is committed from employment relationship, where the offender could not refuse the superior's instructions.
- Other cases with comparable factors.

2. CASES WHERE AMOUNT OF MONEY, VALUABLES, OR BENEFITS PROVIDED OR RECEIVED IS VERY INSIGNIFICANT

- The amount of money, valuables or benefits provided or received is very insignificant that it did not have any particular influence on the outcome of the election.
- The offender provided or received amount of money, valuables or food in relation with the election campaign that was of diminutive value.
- Other cases with comparable factors.

3. PASSIVE YIELDING TO THE RECIPIENT'S ACTIVE DEMAND

- The offender provided the money, valuables or benefit to meet the recipient's active demand, which means cases where one or more following factors apply:
 - The offender passively yielded not to mere requests but to an active demand of money, valuables and the like by the elector, volunteer, or election campaigner, and as a result, offered money, valuables and the like;
 - The offender provided money, valuables and the like to the person who looked as if that person would disclose facts which could significantly influence the outcome of the election; or
 - Other cases with comparable factors.

4. PROVIDING OR RECEIVING INSIGNIFICANT AMOUNT OF MONEY, VALUABLES AND THE LIKE ONLY TO COMPENSATE ACTUAL EXPENSES OF THE ELECTION CAMPAIGN OR TO PROVIDE COMFORT



- Cases where the offender offered or received the usual compensation and small amount of money to reward actual expenses spent in relation with the campaign. (This does not take into account whether the person is reported as the campaign manager to election commission or not.)
- However, this does not apply to cases where election campaigners received money or valuables from a candidate for the purpose to commit corrupt practices or contributions toward electors, candidates and the like.
- ※ This factor does not apply to cases where Amount of Money, Valuables, or Benefits Provided or Received is Very Insignificant.

5. AMOUNT OF MONEY, VALUABLES OR BENEFIT PROVIDED OR RECEIVED IS SUBSTANTIAL

- The amount of money or benefit provided is substantial according to social norms, or it directly influenced the election or was provided with the intent to influence the election.
- Other cases with comparable factors.

6. PREMEDITATED OR ORGANIZED CRIME

- Means and methods for the commission of the offense were meticulously done in-advance.
- Multiple persons involved in an organized manner for the purpose of committing the offense.
- Other cases with comparable factors.

7. CRIMINAL HISTORY OF THE SAME TYPE OF OFFENSE (INCLUDING FINES)

- This means criminal history of imprisonment or fine by violating Public Official Election Act or Political Funds Act, Article 45 and 49.

8. PASSIVE PARTICIPATION

- This means cases where the nature of participation in the commission of the offense was passive or the offender had limited role.

- However, this is not applicable in cases where the offender had an active role in the commission of the offense by causing another person to commit offense.

9. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender as prominent figure in the local community who has influence in forming public opinions or is a public official who is required to be politically neutral in an election uses social status or influence to commit the offense.
- The offender committed the offense by using social status to extend practical influence to the candidate recommendation in the political party.
- Other cases with comparable factors.

10. OFFENSE COMMITTED EVEN AFTER RECEIVING WARNING FROM THE ELECTION COMMISSION

- The offender committed the offense even after recognizing the violation by receiving documented warning or notice from the election commission
- Other cases with comparable factors.

02¹ VIOLATION OF PROHIBITION AND RESTRICTION ON CONTRIBUTION

1. CUSTOMARY OR FORMAL CONDUCTS OTHER THAN THOSE PRESCRIBED IN THE PUBLIC OFFICIAL ELECTION ACT, ARTICLE 112, PARAGRAPH 2

- The offender committed the offense by carelessly performing routine duties conducted by former person-in-charge or other public officials.
- The offender committed the offense by sponsorship or scholarship donations or the like that was routinely paid.
- Other cases with comparable factors.

2. PASSIVE PARTICIPATION RESULTING FROM OUTSIDE PRESSURE

- Cases where the offense is committed from employment relationship, where the offender could not refuse the superior's instructions.
- Other cases with comparable factors.



3. CASES WHERE AMOUNT OF MONEY, VALUABLES, OR BENEFITS PROVIDED OR RECEIVED IS VERY INSIGNIFICANT

- The amount of money, valuables or benefits provided or received is very insignificant that it did not have any particular influence on the outcome of the election.
- The offender provided or received amount of money, valuables or food in relation with the election campaign that was of diminutive value.
- Other cases with comparable factors.

4. PASSIVE YIELDING TO THE RECIPIENT'S ACTIVE DEMAND

- The offender provided the money, valuables or benefit to meet the recipient's active demand, which means cases where one or more following factors apply:
 - The offender passively yielded not to mere requests but to an active demand of money, valuables and the like by the elector, volunteer, or election campaigner, and as a result, offered money, valuables and the like;
 - The offender provided money, valuables and the like to the person who looked as if that person would disclose facts which could significantly influence the outcome of the election; or
 - Other cases with comparable factors.

5. AMOUNT OF MONEY, VALUABLES OR BENEFIT PROVIDED OR RECEIVED IS SUBSTANTIAL

- The amount of money or benefit provided is substantial according to social norms, or it directly influenced the election or was provided with the intent to influence the election.
- Other cases with comparable factors.

6. OFFENSE COMMITTED BY THE CANDIDATE, CANDIDATE'S SPOUSE, LINEAL ASCENDANT, LINEAL DESCENDANT, OR PERSONS RELATED TO THE ELECTION

- Means and methods for the commission of the offense were meticulously done in-advance.
- Offense committed by the candidate (including a person who will be a candidate) and his family, campaign manager, head of an election campaign liaison office, campaign member, accounting officer in charge, and speech persons.

- Other cases with comparable factors.

7. CRIMINAL HISTORY OF THE SAME TYPE OF OFFENSE (INCLUDING FINES)

- This means criminal history of imprisonment or fine by violating Public Official Election Act or Political Funds Act, Article 45 and 49.

8. PASSIVE PARTICIPATION

- This means cases where the nature of participation in the commission of the offense was passive or the offender had limited role.
- However, this is not applicable in cases where the offender had an active role in the commission of the offense by causing another person to commit offense.

9. OFFENSES COMMITTED THROUGH COINCIDENTAL FORMING ACQUAINTANCE RELATIONSHIP

- The offender committed the offense by using social status to extend practical influence to the candidate recommendation in the political party. The offender came to commit the crime of contribution for the personal relationship after attending a meeting lead by the third party by chance
- Other cases with comparable factors.

10. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender as prominent figure in the local community who has influence in forming public opinions or is a public official who is required to be politically neutral in an election uses social status or influence to commit the offense.
- The offender committed the offense by using social status to extend practical influence to the candidate recommendation in the political party.
- Other cases with comparable factors.

11. OFFENSE COMMITTED EVEN AFTER RECEIVING WARNING FROM THE ELECTION COMMISSION

- The offender committed the offense even after recognizing the violation by receiving documented warning or notice from the election commission
- Other cases with comparable factors.



03 | PUBLICATION OF FALSE FACTS AND SANDERS AGAINST CANDIDATES

1. EXTENT OF PUBLICATION OF FALSE FACTS OR SLANDER AGAINST CANDIDATES IS SLIGHT

- Facts publicized are partially false, but are only of secondary or minor issues which are not of significance.
- Violations under the Public Official Election Act, Article 64, paragraph concerning writing educational background.
- Most of the facts publicized correspond to the truth (This Excludes Type 1).
- Opponent explained his stance considerably in occasions such as debates.
- Offender merely quoted simple comments, news, or articles written by others.
- Other cases with comparable factors.

2. OFFENSE COMMITTED TOWARD ONLY A FEW PEOPLE OR LOW POSSIBILITY OF DISSEMINATION

- Cases where the offense is committed toward a small number of electors at a time that is not close to Election Day.
- Duration of publication was extremely short or the number of hits is very low.
- Other cases with comparable factors.

3. FALSE FACTS OR SLANDEROUS MATERIAL IS AN IMPORTANT FACTOR FOR THE VOTERS TO ASSESS THE CANDIDATE

- Offense related to concrete facts about the candidate's misdeed such as infidelity, prostitution, speculation in real estate or bribery.
- Facts related to significant election offenses concerning the candidate such as distributing money during election campaign.
- Other cases with comparable factors.

4. OFFENSE COMMITTED TOWARD ONLY A LARGE CROWD OR HIGH POSSIBILITY OF DISSEMINATION

- Offense committed through medias with high possibility of dissemination such as the internet [including SNS(Social Network Service) like Face book, Twitter, etc.], TV,

radio and the like.

- However, for dissemination through the internet, cases where the number of hits was very low, duration of publication was extremely short, or when the publisher used non-public message boards so that the range of dissemination was limited, are excluded.
- Other cases with comparable factors.

5. MALICIOUS METHOD OF CRIME

- This means cases where one or more following factors apply:
 - Means and methods for the commission of the offense were meticulously done in-advance;
 - Multiple persons involved in an organized manner for the purpose of committing the offense;
 - Using unlawful means such as falsified or forged document;
 - Malicious intent such as statements to personal attack with no ground, or prolonged and repeated commission of the crime; or
 - Other cases with comparable factors.

6. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender as prominent figure in the local community who has influence in forming public opinions or is a public official who is required to be politically neutral in an election uses social status or influence to commit the offense.
- The offender used status as a journalist.
- Other cases with comparable factors.

7. VICTIM OPPOSES PUNISHMENT BEFORE THE ELECTION (INCLUDING GENUINE EFFORTS TO REVERSE HARM)

- This means cases where the offender expresses signs of remorse and the victim of the publication acknowledges this and objects punishing the offender.
- This includes cases where the offender voluntarily took corrective measures such as withdrawing statements, deleting postings, or correcting news.
- However, this excludes cases where the recovery of damage is difficult because the



objection of punishment or corrective measures appeared immediately before the Election Day or after the election.

8. CRIMINAL HISTORY OF THE SAME TYPE OF OFFENSE (INCLUDING FINES)

- This means criminal history of imprisonment or fine by violating Public Official Election Act or Political Funds Act, Article 45 and 49.

9. PASSIVE PARTICIPATION

- This means cases where the nature of participation in the commission of the offense was passive or the offender had limited role.
- However, this is not applicable in cases where the offender had an active role in the commission of the offense by causing another person to commit offense.

04 | VIOLATION OF ELECTION CAMPAIGN PERIOD AND UNLAWFUL ELECTION CAMPAIGNS

1. EXTENT OF VIOLATION OF ELECTION CAMPAIGN METHOD IS SLIGHT

- Number of visited households is very small.
- The established-similar institutions' size is very small.
- The quantity of illegally distributed document is very small.
- Offense committed toward party members of the offender.
- Other cases with comparable factors.

2. EXTENT OF RECOGNITION OF THE ILLEGALITY IS VERY SLIGHT

- Offense committed even after determining the illegality of certain acts through the election commission.
- Offense committed after incorrect interpretation of law.
- Other cases with comparable factors.

3. DATE THE OFFENSE COMMITTED IS CLOSE TO THE ELECTION DAY

- Offender violated each paragraph of the Public Official Election Act, Article 255 at a

time very close to the Election Day.

- Election campaign on Election Day was conducted in manner which is also forbidden during the election campaign period.

4. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- Cases where the offender worked on the election campaign toward the members of the educational·relational·professional organization by using the status within the organization, or toward the affiliates or subcontracting company or the members of those the companies by using the offender's special authority in business relations.
- Cases where the offender worked on the election campaign by using the status within the educational·relational·professional organization toward its members, or using the offender's special authority in business like the affiliates or subcontract toward business organization or its members.
- Election campaigns by the head of local community, member of residents' association, apartment residents' committee executives, or national movement community executives, staff, or heads.
- Offense committed through the use of the status of a journalist.
- Other cases with comparable factors.

5. CRIMINAL HISTORY OF THE SAME TYPE OF OFFENSE (INCLUDING FINES)

- This means criminal history of imprisonment or fine by violating Public Official Election Act or Political Funds Act, Article 45 and 49.

6. PASSIVE PARTICIPATION

- This means cases where the nature of participation in the commission of the offense was passive or the offender had limited role.
- However, this is not applicable in cases where the offender had an active role in the commission of the offense by causing another person to commit offense.



[ASSESSING PRINCIPLES APPLICABLE TO THE SENTENCING FACTORS]

01 | DETERMINING APPROPRIATE SENTENCING RANGE

- In determining the appropriate sentencing range, the judge must only consider the special sentencing determinants.
- However, in cases involving more than two special sentencing determinant, the applicable sentencing range is adjusted after assessing the factors as set forth below:
 - ① The same number of conduct factor shall be considered with greater significance than the actor/etc. factor. However, this shall be assessed equally to the victim or the family member of the deceased victim's objection to the punishment.
 - ② Each factor within the relevant categories of conduct or actor/etc. factors should be treated as equal.
 - ③ If the applicable sentencing range is unable to be determined by the aforementioned principles ①, ②, the judge is to decide the applicable sentencing range through a comprehensive comparison and assessment based on the principles set forth in ①, ②.
- It is recommended that when the assessment reveals greater aggravating factors to select the aggravated zone, the mitigating factors is greater to select the mitigating zone, and the same number of aggravating factors and mitigating factors to select the standard zone as a sentencing range.

02 | DETERMINING THE APPLICABLE SENTENCE

- The judge should select the proper point within the sentencing range as assessed in accordance with the above principles, along with the special sentencing determinant and general sentencing determinant taken together.

[GENERAL APPLICATION PRINCIPLES]

01 | SPECIAL ADJUSTMENTS TO THE SENTENCING RANGE

- ① In cases where the aggravating factor is selected and the assessment of the special sentencing determinant reveals only two or more special aggravating factors or the special sentencing determinant outnumbers the special mitigating determinant by two or more, then the sentencing range should be increased up to 1/2 from the maximum level. If this results in a maximum level that exceeds twenty-five years, then the judge may impose a life imprisonment.
- ② For cases where the mitigating factor is selected as a result of assessment of the special sentencing determinant, and there are two or more special mitigating determinant or the special mitigating determinant outnumbers the special aggravating determinant by two or more, the sentencing range should be decreased up to 1/2 from the minimum level.

02 | RELATION BETWEEN THE RECOMMENDED SENTENCING RANGE GUIDELINES AND APPLICABLE SENTENCING RANGE BY LAW

When the sentencing range under this guideline conflicts with the range drawn in accordance with the aggravation and mitigation of applicable law, the sentencing range prescribed by applicable law governs.

03 | APPLICATION OF STATUTORY MITIGATING FACTORS AS DISCRETIONARY

When the judge declines to apply the optional mitigation factor under the applicable law as listed in the sentencing table of this guideline, this shall be considered as the discretion for mitigation.



[GUIDELINE ON MULTI-COUNT CONVICTIONS]

01 | APPLICABLE SCOPE

- This part on multi-count convictions applies to concurrent crimes prescribed in the first part of Article 37 of the Criminal Act as set forth in this sentencing guideline. However, in cases of this article's concurrent crimes where offenses that fall within and outside of the sentencing guidelines are involved, the minimum level should be the minimum of the sentencing range of the offense that is set forth in this sentencing guideline.
- This does not apply when the sentence of the certain offense under the Public Official Election Act is rendered separately among the offenses constituting the concurrent crimes according to the Public Official Election Act, Article 18, paragraph 3.

02 | DETERMINING BASE OFFENSE

- The “base offense” means the most severe offense that result after the selection of penalty and statutory aggravation and mitigation. However, in cases where the maximum sentencing range is lower than that of the maximum sentencing range of the other counts as provided in this guideline, then such other count becomes the base offense.

03 | CALCULATING SENTENCING RANGE

- For purposes of calculating sentencing range for multi-count conviction cases with the different offense, the judge shall apply the following principles unless the offenses are deemed as a single offense under the sentencing guideline:
 - ① In setting sentencing range for an offender convicted of two counts, the sentencing range should be the total sum of the maximum sentencing range of the base offense and the 1/2 of the maximum sentencing range of the second count.
 - ② In setting sentencing range for an offender convicted of three or more counts, the sentencing range should be the total sum of the following: (1) maximum

sentencing range of the base offense, (2) 1/2 of the maximum sentencing range of the count with the highest sentencing range, and (3) 1/3 of the maximum sentencing range of the remaining count with the second highest sentencing range.

- ③ For cases where the minimum sentencing range of the other count is higher than that of the base offense, the minimum sentencing range resulting from the multi-count offense should be the minimum sentencing range of the other count.



II. GUIDELINE ON SUSPENSION OF SENTENCE

01¹ CORRUPT PRACTICES AND INDUCEMENT BY INTEREST

Classification	Adverse	Affirmative
<p style="text-align: center;">Primary Consideration Factor</p>	<ul style="list-style-type: none"> ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Substantial ● Instruction, Solicitation, Demanding, or Commissioning ● Premeditated and Organized Crime ● Crime Against Unspecified Multiples Of Victims Or Prolonged And Repeated Commission Of The Crime 	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Very Insignificant ● Passive Yielding to the Recipient's Active Demand ● Providing or Receiving Insignificant Amount of Money, Valuables and the Like Only to Compensate Actual Expenses of the Election Campaign or To Provide Comfort ● Cases where the Offense Ended With an Expression of Intent or Promise Only ● Voluntary Surrender to Investigative Agencies, Cases of Whistle-Blowing of Corruption
<p style="text-align: center;">General Consideration Factor</p>	<ul style="list-style-type: none"> ● Two or More Criminal History on Suspension of Sentence or for a Greater Offense ● Offense Committed by Using Social Status or Influence ● Violations of the Public Official Election Act, Article 230, paragraph 1, subparagraph 2 and 3, and Article 235 ● Obstructing Tax Investigation or Destroying Evidence or Attempting to Destroy Evidence 	<ul style="list-style-type: none"> ● Passive Participation As an Accomplice ● Strongly-Established Social Ties ● Expresses Sincere Remorse ● Cases of Old-Aged Offenders ● Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member ● No Prior Criminal History

02¹ VIOLATIONS OF PROHIBITIONS AND RESTRICTIONS ON CONTRIBUTIONS

Classification	Adverse	Affirmative
<p style="text-align: center;">Primary Consideration Factor</p>	<ul style="list-style-type: none"> ● Date the Offense Committed is Close to the Election Day ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Substantial ● Premeditated and Organized Crime ● Crime Against Unspecified Multiples Of Victims Or Prolonged And Repeated Commission Of The Crime 	<ul style="list-style-type: none"> ● Customary or Formal Conducts Other Than Those Prescribed in the Public Official Election Act, Article 112, paragraph 2 ● Passive Participation Resulting From Outside Pressure ● Cases Where Amount of Money, Valuables, or Benefits Provided or Received is Very Insignificant ● Passive Yielding to the Recipient's Active Demand ● Cases where the Offense Ended With an Expression of Intent or Promise Only ● Voluntary Surrender to Investigative Agencies, Cases of Whistle-Blowing of Corruption
<p style="text-align: center;">General Consideration Factor</p>	<ul style="list-style-type: none"> ● Two or More Criminal History on Suspension of Sentence or for a Greater Offense ● Offense Committed by Using Social Status or Influence ● Offense Committed Even After Receiving Warning from the Election Commission ● Obstructing Tax Investigation or Destroying Evidence or Attempting to Destroy Evidence 	<ul style="list-style-type: none"> ● Passive Participation As an Accomplice ● Offenses Committed Through Coincidental Forming Acquaintance Relationship ● Strongly-Established Social Ties ● Expresses Sincere Remorse ● Cases of Old-Aged Offenders ● Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member ● No Prior Criminal History

03 | PUBLICATION OF FALSE FACTS AND SLANDERS AGAINST CANDIDATES

Classification	Adverse	Affirmative
<p style="text-align: center;">Primary Consideration Factor</p>	<ul style="list-style-type: none"> ● False Facts or Slanderous Material is an Important Factor for the Voters to Assess the Candidate ● Date the Offense Committed is Close to the Election Day ● Offense Committed Toward Only a Large Crowd or High Possibility of Dissemination ● Malicious Method of the Crime ● Premeditated and Organized Crime ● Offense Committed by Using Social Status or Influence 	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Extent of Publication of False Facts or Slander Against Candidates is Slight ● Offense Committed Toward Only a Few People or Low Possibility of Dissemination ● Possession of Propaganda Documents for Distribution ● Voluntary Surrender to Investigative Agencies ● The Victim Opposes Punishment Before the Election (Including Genuine Efforts to Reverse Harm)
<p style="text-align: center;">General Consideration Factor</p>	<ul style="list-style-type: none"> ● Two or More Criminal History on Suspension of Sentence or for a Greater Offense ● Offense Committed by Using Social Status or Influence ● Offense Committed Even After Receiving Warning from the Election Commission ● Obstructing Tax Investigation or Destroying Evidence or Attempting to Destroy Evidence 	<ul style="list-style-type: none"> ● Passive Participation As an Accomplice ● Strongly-Established Social Ties ● Expresses Sincere Remorse ● Cases of Old-Aged Offenders ● Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member ● No Prior Criminal History ● The Victim Opposes Punishment After the Election

04¹ VIOLATIONS OF ELECTION CAMPAIGN PERIOD AND UNLAWFUL ELECTION CAMPAIGNS

Classification	Adverse	Affirmative
<p>Primary Consideration Factor</p>	<ul style="list-style-type: none"> ● Date the Offense Committed is Close to the Election Day ● Premeditated and Organized Crime ● Offense Committed by Using Social Status or Influence ● Crime Against Unspecified Multiples Of Victims Or Prolonged And Repeated Commission Of The Crime 	<ul style="list-style-type: none"> ● Passive Participation Resulting From Outside Pressure ● Extent of Violation of Election Campaign Method is Slight ● Extent of Recognition of the Illegality is Very Slight ● Voluntary Surrender to Investigative Agencies
<p>General Consideration Factor</p>	<ul style="list-style-type: none"> ● Two or More Criminal History on Suspension of Sentence or for a Greater Offense ● Offense Committed Even After Receiving Warning from the Election Commission ● Offense Committed While Using Vulgar Expression Including Slangs and the Like ● Obstructing Tax Investigation or Destroying Evidence or Attempting to Destroy Evidence 	<ul style="list-style-type: none"> ● Passive Participation As an Accomplice ● Strongly-Established Social Ties ● Expresses Sincere Remorse ● Cases of Old-Aged Offenders ● Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member ● No Prior Criminal History ● The Victim Opposes Punishment After the Election



[DEFINITIONS OF CONSIDERATION FACTORS FOR SUSPENSION OF SENTENCE]

- In cases where the consideration factors for suspension of sentence of sentencing and the sentencing factors are identical, refer to the definitions set forth in the *Definition of Sentencing Factors*.

- Determining Criminal History
 - Prior criminal history is calculated as follows: In cases involving suspension of sentence, calculate from the date the defendant’s suspension of sentence was affirmed up to the date of the commission of the offense. In cases imposing imprisonment, calculate from the final date of the completion of the sentence up to the date of the commission of the offense.

[ASSESSING PRINCIPLES APPLICABLE TO THE SENTENCING FACTORS]

- For cases where the imposing penalty is imprisonment, in deciding whether the suspension of sentence is appropriate, the primary consideration factor should be taken into account with greater importance than the general consideration factors. This is further specified as follows:
 - ① In cases where only two or more primary affirmative factors exist or when primary affirmative factors outnumber the major adverse factor by two or more, suspension of sentence is recommended.
 - ② In cases where two or more primary adverse factors exist or when primary adverse factors outnumber the primary affirmative factor by two or more, imprisonment is recommended.
 - ③ In cases other than ①, ②, or even if cases of ①, ②, if the difference between the number of general adverse(affirmative) factors and general affirmative (adverse) factors is greater than that of adverse and affirmative factors of the primary consideration, then the judge shall decide whether to suspend the sentencing after assessing and comprehensively taking into account the factors listed under the suspension of sentence section.