CHAPTER 26

Crimes Related to Election

- Promulgated on August 20, 2012. Effective on September 1, 2012.
- Amended on January 6, 2020. Effective on February 1, 2020.
- Amended on December 6, 2021. Effective on March 1, 2022.
- Amended on April 24, 2023. Effective on July 1, 2023.
- Amended on March 30, 2026. Effective on July 1, 2026.

This guideline applies to adult offenders (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 Persons (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, paragraph 1 through 3), Defamations Against Candidates (Public Official Election Act, Article 251), Violating Prohibition of False Criticism and Report (Public Official Election Act, Article 252, paragraph 1, Article 96, paragraph 2), Publishing or Reporting Falsified Outcomes of a Public Opinion Poll (Public Official Election Act, Article 252, paragraph 2, Article 96, paragraph 1), Violation of Election Campaign Period (Public Official Election Act, Article 254), Unlawful Election Campaign (Public Official Election Act, Article 255, paragraph 1, paragraph 2, paragraph 3, excluding paragraph 4 and 5), and a Violation of Prohibition and Restriction on Contribution (Public Official Election Act, Article 257, excluding any person who received any contribution under paragraph 2 and paragraph 3).

※ This guideline also applies to cases where provisions of the Public Official Election Act apply under the Local Education Autonomy Act, Article 49, paragraph 1.

※ Note that the underlined provisions applied to certain crimes were deleted or amended following the statutory revisions made after the sentencing guidelines were established. The sentencing guidelines on those crimes will be revised later. For this reason, all or part of the current standards of sentencing would not be applied.

PART A

TYPES OF OFFENSES AND SENTENCING RANGE

1 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 mos. Fine 5 hundred thousand ~ 5 million	4 mos. ~ 1 yr.	8 mos. ~ 2 yrs.
2	General Corrupt Practices, Corrupt Practices Concerning Candidate Recommendation by Political Party	~ 10 mos. Fine 1 million ~ 15 million	6 mos. ~ 1 yr. 4 mos.	10 mos. ~ 2 yrs. 6 mos.
3	General Corrupt Practices by Candidate, etc.	4 mos. ~ 1 yr. Fine 1 million 5 hundred thousand ~ 20 million	8 mos. ~ 2 yrs.	1 yr. ~ 3 yrs.
4	Corrupt Practices for Economic Benefits, Corrupt Practices Toward Candidates	6 mos. ~ 1 yr. 4 mos. Fine 5 million ~ 25 million	10 mos. ~ 2 yrs. 6 mos.	2 yrs. ~ 4 yrs.
5	Corrupt Practices Toward Elected Persons	8 mos. ~ 1 yr. 6 mos.	1 yr. ~ 3 yrs.	2 yrs. 6 mos. ~ 5 yrs.

(unit: KRW)

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

▷ Among Type 2, for cases where the corrupt practices concerning candidate recommendation in a political party and inducement by interest, and the crime of instruction · solicitation · demand · commissioning of contributions (Article 230, subparagraph 6), impose a fine that is three times the minimum recommended sentencing range.

▷ Among Type 2, for corrupt practices of unlawful use of broadcasts, newspapers by general citizens, and the crime of receiving or giving · solicitation · demand · promising money from the operator and other's broadcast, newspaper, or others (Article 235, paragraph 1), impose a fine of 1/3 of the maximum recommended sentencing range.

▷ Among Type 3, for corrupt practices of unlawful use of broadcasts · newspapers by candidates and others(Article 235, paragraph 2), impose a fine of 1/2 of the maximum recommended sentencing range.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Factor	Conduct	• Minor participation resulting from *de facto* external pressure • Cases where the amount of money, valuables, or benefits provided or received is very insignificant • Passive yield to the recipient's active demand • Providing or receiving a negligible amount of money, valuables, or similar items solely to cover actual expenses of the election campaign or to offer comfort. • Cases where the offense was completed solely with an expression of intent or a promise	• Cases where the amount of money, valuables, or benefits provided or received is significant • Instruction, solicitation, demanding, or commissioning • Planned and/or organized crime • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period
	Offender /Etc.	• Hearing and/or speech disabilities • Voluntary surrender to investigative authorities or internal whistle-blowing,	• Prior convictions for the same-offenses (including fines)
General Sentencing Factor	Conduct	• Minor participation	• Offense committed by using social status or influence • Offense committed even after receiving a warning from the election commission • Violations of the Public Official Election Act, Article 230, paragraph 1, subparagraph 2 and 3, and Article 235
	Offender /Etc.	• Sincere remorse • No prior criminal convictions • Voluntary withdrawing from the race or declining to run for office	• Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence • Different-offense recidivism within the statutory recidivism period

2 VIOLATIONS OF PROHIBITIONS · RESTRICTIONS ON DONATIONS

CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
Donations	Fine 5 hundred thousand – 3 million	– 10 mos. Fine 1 million – 5 million	8 mos. – 2 yrs.

(unit: KRW)

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Factor	Conduct	• Customary or formal conducts other than those prescribed in the Public Official Election Act, Article 112, paragraph 2 • Minor participation resulting from *de facto* external pressure • Cases where the amount of money, valuables, or benefits provided or received is very insignificant • Passive yield to the recipient's active demand • Cases where the offense solely ended with an expression of intent · promise only	• Date the offense committed is close to the election day • Cases where the amount of money, valuables, or benefits provided or received is substantial • Planned and/or organized crime • Offense committed by the candidate, candidate's spouse · lineal ascendant · lineal descendant · persons related to the election • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period • Instigating the subordinate to commit the offense
	Offender /Etc.	• Hearing and/or speech disabilities • Voluntary surrender to investigative authorities or internal whistle-blowing,	• Prior convictions for the same-offenses (including fines)
General Sentencing Factor	Conduct	• Minor participation • Offenses arising from a coincidental opportunity or due to an acquaintance relationship	• Offense committed by using social status or influence (This excludes the case of instigating the subordinate to commit the offense) • Offense committed even after receiving a warning from the election commission
	Offender /Etc.	• Sincere remorse • No prior criminal convictions • Voluntary withdrawing from the race or declining to run for office	• Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence • Different-offense recidivism within the statutory recidivism period

3 PUBLICATION OF FALSE FACTS · DEFAMATIONS AGAINST CANDIDATES

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Defamation Against Candidates	Fine 5 hundred thousand – 1 million 5 hundred thousand	– 8 mos. Fine 1 million – 3 million	6 mos. – 1 yr. Fine 2 million 5 hundred thousand – 4 million
2	Publication of False Facts for Success in the Election	Fine 7 hundred thousand – 3 million	– 10 mos. Fine 2 million – 8 million	8 mos. – 2 yrs. Fine 5 million – 10 million
3	Publication of False Facts for Defeat in the Election	– 8 mos. Fine 3 million – 6 million won	6 mos. – 2 yrs. Fine 5 million – 10 million	1 yr. – 3 yrs.

(unit: KRW)

▷ The offense of publication of false facts concerning intra-party election (Article 250, paragraph 3) falls under Type 2, while the offense of prohibition of false criticism · report on broadcast · newspapers, and others (Article 252, paragraph 1), falls under Type 3.

▷ The offense of publishing or reporting falsified outcomes of a public opinion poll (Article 252, paragraph 2) falls under Type 2, but the fine shall be twice the minimum of the recommended sentencing range of mitigated sentencing range.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Factor	Conduct	• Minor participation resulting from *de facto* external pressure • Extent of publication of false facts or defamation against candidates is slight • Offense committed toward only a few individuals or with a low likelihood of dissemination • Possession of propaganda documents for distribution • Publication of false facts to win the intra-party election	• False facts or defamation against the candidate is a significant factor for voters in assessing the candidate • Date the offense committed is close to the election day • Offense committed toward only a large crowd or high possibility of dissemination • Highly egregious conducts or methods • Offense committed by using social status or influence (This excludes the case of instigating the subordinate to commit the crime) • Instigating the subordinate to commit the crime
	Offender /Etc.	• Hearing and/or speech disabilities • Diminished mental capacity(without fault)	• Prior convictions for the same offenses (including fines)

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
		• Voluntary surrender to investigative authorities • The victim expresses the intent of non-punishment before the election or substantial restitution was made to the victim	
General Sentencing Factor	Conduct	• Minor participation	• Offense committed even after receiving a warning from the election commission • Using vulgar language, including slang and similar expressions
	Offender /Etc.	• Sincere remorse • No prior criminal convictions • Voluntary withdrawing from the race or declining to run for office • Considerable restitution	• Offense committed by the candidate, candidate's spouse or lineal ascendant, lineal descendant, or persons related to the election • Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence • Different-offense recidivism within the statutory recidivism period • Causing harm in the course of attempted settlement (excluding cases where separate crimes such as coercion are established)

4 VIOLATIONS OF ELECTION CAMPAIGN PERIOD · UNLAWFUL ELECTION CAMPAIGNS

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Violation of Election Campaign Period	Fine 3 hundred thousand ~ 9 hundred thousand	Fine 7 hundred thousand ~ 1 million 5 hundred thousand	~ 8 mos. Fine 1 million ~ 3 million
2	Violation of Election Campaign Method	Fine 5 hundred thousand ~ 9 hundred thousand	Fine 7 hundred thousand ~ 2 million	4 mos. ~ 1 yr. Fine 1 million ~ 4 million
3	Election Campaign Conducted by Using Public Official Position	~ 10 mos.	8 mos. ~ 1 yr. 6 mos.	1 yr. ~ 3 yrs.

(unit: KRW)

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Factor	Conduct	• Minor participation resulting from *de facto* external pressure • Extent of violation of election campaign method is slight • Extent of recognition of the illegality is very slight	• Date the offense committed is close to the election day • Planned and/or organized crime • Offense committed by using social status or influence (This excludes Type 3 offenses and cases of instigating the subordinate to commit the crime) • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period • Instigating the subordinate to commit the crime
	Offender /Etc.	• Hearing and/or speech disabilities • Diminished mental capacity (without fault) • Voluntary surrender to investigative authorities	• Prior convictions for the same-offenses (including fines)
General Sentencing Factor	Conduct	• Minor participation	• Offense committed even after receiving a warning from the election commission • Using vulgar language, including slang and similar expressions
	Offender /Etc.	• Sincere remorse • No prior criminal convictions • Voluntary withdrawing from the race or declining to run for office	• Offense committed by the candidate, candidate's spouse or lineal ascendant, lineal descendant, or persons related to the election • Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence • Different-offense recidivism within the statutory recidivism period

DEFINITION OF OFFENSES

1 CORRUPT PRACTICES AND INDUCEMENT BY INTEREST

1. TYPE 1– CORRUPT PRACTICES CONCERNING INTRA-PARTY ELECTION

- This refers to an act that constitutes the offense with the following elements as prescribed in the applicable law (hereinafter the same).

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
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 10 million
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 30 million

(unit: KRW)

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

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
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 30 million
Instruction · Solicitation · Demand · 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 50 million
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 30 million
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 30 million Won and Minimum Fine of 5 million
Corrupt Practices for Unlawful Use of Broadcast · Newspaper by General Citizen and Receiving · Soliciting · Demanding · 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

(unit: KRW)

3. TYPE 3– GENERAL CORRUPT PRACTICES BY CANDIDATES, ETC

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Corrupt Practices and Inducement by Interest by a Candidate, and Instructing · Soliciting · Demanding · Co mmissioning of Such Conducts	Public Official Election Act, Article 230, paragraph 2, paragraph 3	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 50 million
Corrupt Practices for Unlawful Use of Broadcasting Media · Newspaper by a Candidate	Public Official Election Act, Article 235, paragraph 2	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 20 million

(unit: KRW)

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

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
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 50 million and Minimum fine of 3 million
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 70 million and Minimum Fine of 5 million
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 50 million and Minimum Fine of 5 million
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 70 million And Minimum Fine Of 5 million

(unit: KRW)

5. TYPE 5– CORRUPT PRACTICES TOWARD ELECTED PERSONS

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Corrupt Practices and Inducement by Interest Toward Elected Persons	Public Official Election Act, Article 233, paragraph 1	More than 1 year and less than 10 years of Imprisonment
Corrupt Practices and Inducement By Interest Toward Elected Persons and Instructing · Soliciting · Demanding · Commissioning Of Such Conducts	Public Official Election Act, Article 233, paragraph 2	More than 1 year and less than 10 years of Imprisonment

2 VIOLATIONS OF PROHIBITIONS · RESTRICTIONS ON DONATIONS

- This refers to an act that constitutes the offense with the following elements as prescribed in the applicable law.

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Donations Violating Prohibition · Restriction on Contribution	Public Official Election Act, Article 257, paragraph 1	Imprisonment Not Exceeding 5 years or Fine Not Exceeding 10 million
Instruction · Solicitation · Demand · Commissioning of Contributions	Public Official Election Act, Article 257, paragraph 2	Imprisonment Not Exceeding 3 years or Fine Not Exceeding 5 million

(unit: KRW)

3 PUBLICATION OF FALSE FACTS · DEFAMATIONS AGAINST CANDIDATES

1. TYPE 1 – DEFAMATIONS AGAINST CANDIDATES

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

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Defamations Against Candidates	Public Official Election Act, Article 251	Imprisonment Not Exceeding 3 years or Fine Not Exceeding 5 million

(unit: KRW)

2. TYPE 2 – PUBLICATION OF FALSE FACTS FOR ELECTION

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Publication of False Facts for the Election	Public Official Election Act, Article 250, paragraph 1	Imprisonment Not Exceeding 5 years or Fine Not Exceeding 30 million
Publication of False Facts for the Intra-Party Election	Public Official Election Act, Article 250, paragraph 3	Imprisonment Not Exceeding 3 years or Fine Not Exceeding 6 million
Publication of False Facts With Intent to Cause 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
Publishing or reporting falsified outcomes of a public opinion poll	Public Official Election Act, Article 252, paragraph 2	Imprisonment Not Exceeding 5 years or Fine Not Exceeding 20 million and Minimum Fine of 3 million

(unit: KRW)

3. TYPE 3 – PUBLICATION OF FALSE FACTS WITH INTENT TO CAUSE DEFEAT IN THE ELECTION

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Publication of False Facts With Intent to Cause Defeat the Election	Public Official Election Act, Article 250, paragraph 2	Imprisonment Not Exceeding 7 Years or Fine Not Exceeding 30 million and Minimum Fine of 5 million
Prohibition of false criticism · report on broadcast · newspapers, and others	Public Official Election Act, Article 252, paragraph 1	Imprisonment Not Exceeding 7 years or Fine Not Exceeding 30 million and Minimum Fine of 5 million

(unit: KRW)

4 VIOLATION OF ELECTION CAMPAIGN PERIOD · UNLAWFUL ELECTION CAMPAIGN

1. TYPE 1 – VIOLATION OF ELECTION CAMPAIGN PERIOD

- This refers to an act that constitutes the offense with the following elements as prescribed in the applicable law (hereinafter the same).

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
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
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

2. TYPE 2 – VIOLATION OF ELECTION CAMPAIGN METHOD

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
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
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

(unit: KRW)

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

ELEMENTS OF OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Violation of Prohibition on Election Campaign (including Intra-Party Election) by Using Public Official Position	Public Official Election Act, Article 255, paragraph 3	Less than 5 years of Imprisonment

DEFINITION OF SENTENCING FACTORS

1 CORRUPT PRACTICES AND INDUCEMENT BY INTEREST[1)]

1. MINOR PARTICIPATION RESULTING FROM *DE FACTO* EXTERNAL PRESSURE

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

2. CASES WHERE THE 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 in that it did not have any particular influence on the outcome of the election
- The offender provided or received the amount of money, valuables, or food concerning the election campaign that was of diminutive value
- Other cases with comparable factors

3. PASSIVE YIELD 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 of the following factors apply:
  - The offender passively yielded not to mere requests but an active demand of money, valuables, and the like by the elector, volunteer, or election campaigner. 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 that could significantly influence the election's outcome
  - Other cases with comparable factors

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1) Unless otherwise defined in herein, the sentencing factors of the same designation, as applied to offenses such as Violations of Prohibition and Restriction on Contribution, Publishing False Information, defamations Against Candidates, Violation of Election Campaign Period, and Unlawful Election Campaign, shall also apply.

4. PROVIDING OR RECEIVING AN 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 a small amount of money to reward actual expenses spent on the campaign. (This does not take into account whether the person is reported as the campaign manager to the election commission or not).
- However, this does not apply to cases where election campaigners received money or valuables from a candidate to commit corrupt practices or contributions toward electors, candidates, and the like.

※ This factor does not apply to cases where the 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. PLANNED AND/OR ORGANIZED CRIME

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

7. PRIOR CONVICTIONS FOR THE SAME-OFFENSES (INCLUDING FINES)

- This means the prior conviction of imprisonment or fine (including suspended execution of sentence) by violating Public Official Election Act or Political Funds Act, Article 45 and 49.

8. MINOR PARTICIPATION

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

9. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender, a prominent figure in the local community who influences public opinions or 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 by using social status to extend substantial influence on the candidate's recommendation in the political party.
- Other cases with comparable factors

10. OFFENSE COMMITTED EVEN AFTER RECEIVING A 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

11. SINCERE REMORSE

- This indicates cases in which, after examining and assessing the specific circumstances surrounding the offender's admission of the offense and any voluntary efforts made toward victim restitution and/or the prevention of re-offending, the offender is deemed to show genuine remorse for the offense.

12. NO PRIOR CRIMINAL CONVICTIONS

- It means that the offender has no previous criminal conviction. However, this does not apply to cases in which the offense was committed repeatedly over an extended period.

2 VIOLATIONS OF PROHIBITIONS · RESTRICTIONS ON CONTRIBUTIONS

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 a 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. CASES WHERE THE AMOUNT OF MONEY, VALUABLES, OR BENEFITS PROVIDED OR RECEIVED IS INSIGNIFICANT

- The amount of money, valuables, or benefits provided or received is negligible in that it did not have any particular influence on the outcome of the election,
- Other cases with comparable factors.

3. CASES WHERE THE AMOUNT OF MONEY, VALUABLES, OR BENEFITS PROVIDED OR RECEIVED IS SIGNIFICANT

- The amount of money or benefit provided is significant 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.

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

- An offense committed by the candidate (including a person who wishes to be a candidate), his family, campaign manager, head of an election campaign liaison office, campaign member, accounting officer in charge, and speakers.

5. OFFENSES ARISING FROM A COINCIDENTAL OPPORTUNITY OR DUE TO AN ACQUAINTANCE RELATIONSHIP

- The offender came to commit the crime of contribution for the personal relationship after attending a meeting led by the third party by chance.
- Other cases with comparable factors.

6. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender, a prominent figure in the local community who influences public opinions or a public official who is required to be politically neutral in an election, uses social status or influence to commit the offense.
- Other comparable cases.

3 PUBLICATION OF FALSE FACTS · DEFAMATIONS AGAINST CANDIDATES

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

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

2. OFFENSE COMMITTED TOWARD ONLY A FEW INDIVIDUALS OR A LOW LIKELIHOOD OF DISSEMINATION

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

3. FALSE FACTS OR DEFAMATION AGAINST THE CANDIDATE IS SIGNIFICANT FACTORS FOR VOTERS IN ASSESSING THE CANDIDATE

- An offense related to concrete facts about the candidate's misdeed such as infidelity, prostitution, speculation in real estate, or bribery.
- Facts that are related to a significant election offense concerning the candidate, such as distributing money during election campaigns.
- Other cases with comparable factors

4. OFFENSE COMMITTED TOWARD MULTIPLE NUMBER OF PEOPLE OR HIGH LIKELIHOOD OF DISSEMINATION

- An offense was committed through the media using the internet including SNS (Social Network Service) like Facebook, Twitter, etc., TV, radio, and the like.
- However, for dissemination through the internet, cases where the number of hits was very low, the publication duration 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. HIGHLY EGREGIOUS CONDUCTS OR METHODS

○ This applies where one or more of the following are present:

- The means and methods for the commission of the offense were meticulously done in advance
- Multiple persons were involved in an organized manner to commit the offense
- An unlawful means such as falsified or forged documents were used
- A malicious intent such as statements to a personal attack with no ground or repeated commission of the crime over an extended period
- Other comparable factors.

6. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- The offender, a prominent figure in the local community who influences public opinions or 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 their status as a journalist.
- Other cases with comparable factors

7. VICTIM EXPRESSES THE INTENT OF NON-PUNISHMENT BEFORE ELECTION

- This indicates cases in which the offender shows sincere remorse with genuine efforts to reach a settlement with the victim; the victim or the family of victim (in the case of a deceased victim) fully understands the legal and social implications of opposing punishment and clearly expresses an intention not to seek punishing the offender. However, this should not apply in the following cases:
  - (1) in cases in which the victim or the family of the deceased opposes punishment as a result of *de facto* coercion or deceit by the offender against the victim's will, or
  - (2) where there is no reasonable or convincing basis for the victim or their legal representative to express no desire for punishment.
- This applies only to cases in which, upon careful and thorough examination and assessment of the victim's or legal representative's age, intelligence, and ability to fully understand the meaning, content, and legal implications of expressing an intent not to seek punishment, it is determined that such expression is both informed and genuine.

8. SUBSTANTIAL RESTITUTION TO THE VICTIM

- This refers to cases in which the offender, through genuine and sustained efforts, has restored the damage to a degree comparable to a formal settlement, or in which restitution of such degree is reasonably assured.
- This also includes cases in which the offender, on a voluntary basis, has taken corrective measures such as retracting statements, deleting postings, or issuing corrections to reports, except where such measures are taken immediately before the election date so that effective restitution is practically impossible.
- In the case of a court deposit, it constitutes substantial recovery of damages only when such a determination is made after carefully examining and assessing the opinions of the victim of the underlying offense or their legal representative (including the spouse, lineal relatives, and siblings if the victim is deceased) regarding the deposit, whether the offender is legally permitted to retrieve, or intends to retrieve the deposited funds, the nature of the infringed legal interests, and the scale and extent of the damage.

9. CAUSING HARM IN THE COURSE OF ATTEMPTED SETTLEMENT (EXCLUDING CASES WHERE SEPARATE CRIMES SUCH AS COERCION ARE ESTABLISHED)

○ This indicates cases in which the offender persistently harassed the victim or exerted undue pressure by implying tangible or intangible disadvantages in the course of attempting to reach a settlement, or otherwise caused harm through comparable means in response to the victim's refusal to settle.

4 VIOLATION OF ELECTION CAMPAIGN PERIOD · UNLAWFUL ELECTION CAMPAIGN

1. THE EXTENT OF VIOLATION OF ELECTION CAMPAIGN METHOD IS SLIGHT

- The number of visited households is very small.
- The similar organization established is extremely small in scale.
- The quantity of illegally distributed documents is minimal.
- An offense committed toward party members of the offender.
- Other cases with comparable factors.

2. THE EXTENT OF RECOGNITION OF THE ILLEGALITY IS VERY SLIGHT

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

3. THE OFFENSE WAS COMMITTED CLOSE TO THE ELECTION DAY

- The offender violated each paragraph of the Public Official Election Act, Article 255, at a time very close to Election Day.
- The election campaign on Election Day was conducted in a manner, which is also forbidden during the election campaign period.

4. OFFENSE COMMITTED BY USING SOCIAL STATUS OR INFLUENCE

- Cases where the offender worked in the educational, relational, or professional organization and campaigned toward its members, or used the offender's special authority against such businesses or subcontractors and its members to conduct election campaigns.
- Election campaigns are held by the head of the local community, members of the residents' association, apartment residents' committee executives, or national movement community executives, staff, or heads.
- An offense is committed through the use of the status of a journalist.
- Other cases with comparable factors

PRINCIPLES APPLICABLE TO SENTENCING FACTORS

1 DETERMINING THE SENTENCING RANGE

- When determining the appropriate sentencing range, judges must consider only the Special Sentencing Factors.
- However, where multiple Special Sentencing Factors are present, the applicable sentencing range shall be determined after assessing the factors in accordance with the following principles:
  - ❶ Greater weight is accorded to Conduct Factors than to Offender/Etc. Factors of equal number. However, where a victim has intent of non-punishment, such wishes may be treated on a par with a Conduct Factor.
  - ❷ Conduct Factors inter se, and Offender/Etc. Factors inter se, shall be treated as equivalent.
  - ❸ If the sentencing range applicable cannot be determined by the aforementioned principles in ❶ and ❷, judges are to decide the sentencing range by a comprehensive comparison and assessment of Special Sentencing Factors based on the principles set forth in ❶ and ❷.
- After the assessment of sentencing factors, where aggravating factors outweigh mitigating factors, the aggravating sentencing range is recommended; where mitigating factors outweigh aggravating factors, the mitigating sentencing range is recommended; and in all other cases, the standard sentencing range is recommended.

2 DETERMINING THE SENTENCE TO BE IMPOSED

- The sentence to be imposed shall be determined within the sentencing range established under paragraph 1 above, by comprehensively taking into account both General Sentencing Factors and Special Sentencing Factors.

GENERAL APPLICATION PRINCIPLES

1 SPECIAL ADJUSTMENTS TO THE RECOMMENDED SENTENCING RANGE

❶ After the assessment of Special Sentencing Factors, if a case falls within the Aggravating Sentencing Range and either i) two or more Special Aggravating Factors exist alone, or ii) Special Aggravating Factors outnumber Special Mitigating Factors by two or more, the upper limit of the recommended sentencing range may be increased by up to 1/2.

❷ After the assessment of Special Sentencing Factors, if a case falls within the Mitigating Sentencing Range and either i) two or more Special Mitigating Factors exist alone, or ii) Special Mitigating Factors outnumber Special Aggravating Factors by two or more, the lower limit of the recommended sentencing range may be reduced by up to 1/2.

2 RELATION BETWEEN THE RECOMMENDED SENTENCING RANGE UNDER THE SENTENCING GUIDELINES AND THE APPLICABLE SENTENCING RANGE BY LAW

- Where the sentencing range recommended under this guideline conflicts with the statutory applicable aggravated/mitigated sentencing range, the upper or lower limit of the applicable sentencing range by law shall govern.

3 APPLICATION OF DISCRETIONARY MITIGATING FACTORS BY LAW

- Where a judge declines to apply discretionary statutory mitigating factors listed in the Sentencing Factor Table of this guideline, such factors shall be considered as extenuating circumstances among mitigating factors.

GUIDELINES ON SENTENCING MULTIPLE OFFENSES

1 APPLICABLE RANGE

- This section applies to concurrent crimes prescribed in the first part of Article 37 of the Criminal Act. However, when concurrent crimes under the first part of Article 37 of the Criminal Act include both an offense set forth in the sentencing guidelines and an offense not covered by the sentencing guidelines, then the minimum level should be the minimum of the sentencing range of the offense that is set forth in this sentencing guideline.
- This section does not apply to crimes of being sentenced in accordance with Public Official Election Act, Article 18, paragraph 3 and concurrent crimes being sentenced separately from other crimes

2 DETERMINING THE BASE OFFENSE

- The "base offense" refers to the offense subject to the most severe punishment after selecting the type of punishment and applying any statutory aggravation and/or mitigation thereto. However, where the upper end of the sentencing range under the sentencing guidelines for an offense covered by this chapter is lower than the upper end of the sentencing range under the sentencing guidelines for the other concurrent offense, the other concurrent offense shall become the base offense.

3 DETERMINING THE SENTENCING RANGE FOR THE CONCURRENT MULTIPLE OFFENSES

- Except for concurrent offenses that are treated as a single offense under the sentencing guidelines, the following method of aggravation for multiple offenses shall apply:

❶ For multiple offenses involving two offenses, the upper end of the sentencing range shall be determined by adding 1/2 of the upper end of the sentencing range of the other offense to the upper end of the sentencing range of the base offense.

❷ For multiple offenses involving three or more offenses, the upper end of the sentencing range shall be determined by adding the following three figures: (1) the upper end of the sentencing range of the base offense, (2) 1/2 of the upper end of the sentencing range of the offense with the highest sentencing range among the other offenses, and (3) 1/3 of the upper end of the sentencing range of the offense with the second highest sentencing range among the other offenses.

❸ For multiple offenses where the lower end of the sentencing range of the other offense is higher than the lower end of the sentencing range of the base offense, the lower end of the sentencing range after applying the method of aggravation for multiple offenses shall be the lower end of the sentencing range of the other offense.

PART B

GUIDELINE ON SUSPENDING A SENTENCE

1 CORRUPT PRACTICES AND INDUCEMENT BY INTEREST

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Circumstance	• Cases where the amount of money, valuables, or benefits provided or received is significant • Instruction, solicitation, demand or commissioning • Planned and/or organized crime • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period	• Minor participation resulting from *de facto* external pressure • Cases where the amount of money, valuables, or benefits provided or received is very insignificant • Passive yield to the recipient's active demand • Providing or receiving an 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 by a promise only • Voluntary surrender to investigative authorities, or internal whistle-blowing of corruption
General Circumstance	• Two or more prior convictions resulting in a suspended sentence of imprisonment without labor or heavier punishment • 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 • Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence	• Offender's minor participation as a co-offender • Stable family/social ties • Sincere remorse • Offender's severely compromised health condition • Cases where detaining the offender would impose excessive hardship on dependent family members • No prior criminal convictions

2 VIOLATIONS OF PROHIBITIONS · RESTRICTIONS ON CONTRIBUTIONS

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Circumstance	• The offense was committed close to the election day • Cases where the amount of money, valuables, or benefits provided or received is substantial • Planned and/or organized crime • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period	• Customary or formal conducts other than those prescribed in the Public Official Election Act, Article 112, paragraph 2 • Minor participation resulting from *de facto* external pressure • Cases where the amount of money, valuables, or benefits provided or received is very insignificant • Passive yield to the recipient's active demand • Cases where the offense ended with an expression of intent or by a promise only • Voluntary surrender to investigative authorities, cases of internal whistle-blowing
General Circumstance	• Two or more prior convictions resulting in a suspended sentence of imprisonment without labor or a heavier punishment • Offense committed by using social status or influence • Offense committed even after receiving a warning from the election commission • Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence	• Offender's minor participation as a co-offender • Stable family/social ties • Sincere remorse • Offender's severely compromised health condition • Cases where detaining the offender would impose excessive hardship on dependent family members • No prior criminal convictions

3 PUBLICATION OF FALSE FACTS · DEFAMATIONS AGAINST CANDIDATES

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Circumstance	• False facts or defamation against the candidate is a significant factor for voters in assessing the candidate • The offense was committed close to the election day • Offense committed toward only a large crowd or high possibility of dissemination • Highly egregious conducts or methods of the crime • Offense committed by using social status or influence	• Minor participation resulting from *de facto* external pressure • Extent of publication of false facts or defamation against candidates is slight • Offense committed toward only a few individuals or with a low likelihood of dissemination • Possession of propaganda documents for distribution • Voluntary surrender to investigative authorities • Victim expresses the intent of non-punishment before the election, or substantial restitution was made to the victim
General Circumstance	• Two or more prior convictions resulting in a suspended sentence of imprisonment without labor or a heavier punishment • Offense committed by using social status or influence • Offense committed even after receiving a warning from the election commission • Escaping after committing the offense, or evidence tampering or attempts to conceal or destroy evidence post-offense • Causing harm in the course of attempted settlement (excluding cases where separate crimes such as coercion are established)	• Offender's minor participation as a co-offender • Stable family/social ties • Sincere remorse • Offender's severely compromised health condition • Cases where detaining the offender would impose excessive hardship on dependent family members • No prior criminal convictions • Considerable recovery of damage

4 VIOLATION OF ELECTION CAMPAIGN PERIOD · UNLAWFUL ELECTION CAMPAIGN

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Circumstance	• Date the offense committed is close to the election day • Planned and/or organized crime • Offense committed by using social status or influence • Where the offense was committed against an unspecified number of persons or multiple victims, or was repeatedly committed over a considerable period	• Minor participation resulting from *de facto* external pressure • Extent of violation of the election campaign method is slight • Extent of recognition of the illegality is very slight • Voluntary surrender to investigative authorities
General Circumstance	• Two or more prior convictions resulting in a suspended sentence of imprisonment without labor or a heavier punishment • Offense committed even after receiving a warning from the election commission • Using vulgar language, including slang and similar expressions • Post-offense flight, evidence tampering, or attempts to conceal or destroy evidence	• Offender's minor participation as a co-offender • Stable family/social ties • Sincere remorse • Offender's severely compromised health condition • Cases where detaining the offender would impose excessive hardship on dependent family members • No prior criminal convictions

DEFINITIONS OF CIRCUMSTANCES TO CONSIDER WHEN SUSPENDING A SENTENCE

- For identical factors in both Sentencing Factors and the Circumstances for Suspending a Sentence, refer to the definitions set forth in the Definition of Sentencing Factors.

PRINCIPLES APPLICABLE TO CIRCUMSTANCES WHEN SUSPENDING A SENTENCE

- When the recommended sentence is imprisonment with labor and judges decide to suspend execution of the sentence, they must give greater weight to the Primary Circumstances than to the General Circumstances, and the following principles should be considered:
  - ❶ When two or more Primary Affirmative Circumstances exist alone, or when Primary Affirmative Circumstances outnumber Primary Adverse Circumstances by two or more, it is recommended to suspend the sentence.
  - ❷ When two or more Primary Adverse Circumstances exist alone, or when Primary Adverse Circumstances outnumber Primary Affirmative Circumstances by two or more, imprisonment is recommended.
  - ❸ In cases in which ❶ or ❷ apply, but the difference between the number of General Adverse (Affirmative) Circumstances and General Affirmative (Adverse) Circumstances is greater than the difference between the number of Primary Affirmative (Adverse) Circumstances and Primary Adverse (Affirmative) Circumstances, or in cases other than ❶ or ❷, the judges shall decide whether to suspend the sentence after comparing and assessing all the Circumstances comprehensively.