

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON RESIDENTS' VOTING

Enactment No. 4216, Jul. 20, 2004
Partial Amendment No. 4787, May. 28, 2009
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6264, Jul. 14, 2016
Amendment of Other Laws No. 6386, Jan. 05, 2017
Partial Amendment No. 8235, Dec. 30, 2021
Partial Amendment No. 8698, May. 22, 2023

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters authorized under the Residents' Voting Act and matters necessary for the enforcement thereof in order to facilitate residents' participation and reflect residents' opinions positively in the metropolitan administration.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 2 (Mayor's Responsibilities)

(2) Upon receiving a demand from the Seoul Metropolitan Government Election Commission to cooperate in administrative affairs of residents' voting as required, the Mayor shall comply with such a demand as a matter of priority.

(3) The Mayor shall provide residents with various information and materials about residents' voting so that residents can make a correct and objective judgment and a reasonable decision in connection with residents' voting.

(4) The Mayor shall provide foreigners, to whom voting rights are given pursuant to Article 5 (1) of the Residents' Voting Act (hereinafter referred to as the "Act"), with relevant information in both foreign languages and Korean language and take necessary measures so that they can participate in residents' voting. <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 3 (Foreigners' Voting Rights as Residents)

Any foreigner who, as of the base date on which a pollbook is prepared, has an address in the Seoul Metropolitan City (hereinafter referred to as the "City") and is qualified for permanent residence in the Republic of Korea pursuant to statutes or regulations related to immigration control shall have a resident's right to vote. <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 4 Deleted <May 22, 2023>

Article 5 (Number of Petitioning Residents for Voting)

The number of residents whose signatures are required to file a petition for resident's voting pursuant to Article 9 (2) of the Act shall be 1/20 or more of the total number of persons who have a right to petition for residents' voting.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 6 (Manner of Requesting Signatures)

(2) Pursuant to Article 10 (3) of the Act, petitioners' representative may delegate the right to request a person who has a right to petition for residents' voting to sign and shall, when he/she delegates the right, file a report on the delegation of the right to request signing with the Mayor, stating the delegatee's name, the period of delegation, etc. thereon. In such cases, the Mayor shall issue a certificate of reporting on the delegation of the right to request signing immediately after verifying whether the delegatee is a person who has a right to petition for residents' voting.

(3) When the delegatee under paragraph (2) requests residents to affix their signatures pursuant to Article 10 (3) of the Act, he/she shall attach a written petition for residents' voting or a copy of the petition, a certificate of the representative of petitioners or a copy of the certificate, and a certificate of reporting on the delegation of the right to request signing or a copy of the certificate to the petition book.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 7 (Period for Requesting Signing)

The period for requesting signing under Article 10 (3) of the Act shall not exceed 180 days from the date on which the issuance of the certificate of the representative of petitioners is publicly announced pursuant to Article 10 (2) of the Act.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 8 (Signing and Preparation of Petition Book)

(1) Any resident who intends to sign a petition book shall specify the following in the petition book and sign or seal thereon:

Provided, That where a resident signs electronically, it shall be deemed that the following is stated in the petition book generated in an electronic way (hereinafter referred to as the "digital petition book").

1. Name
2. Date of birth
3. Address or place of sojourn; and
4. Date of signature.

(2) The petition books shall be prepared for the dongs of each autonomous Gu: Provided, That where the residents' voting is conducted in a unit of Tong or Ban under Article 16 (1) of the Act, the petition books shall be prepared accordingly. <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 9 (Submission of Petition Book)

A petition for residents' voting under Article 12 (1) of the Act shall state the name, the address, abode or place of staying, and the date of birth of the representative of petitioners, and the subject matter and purposes of the petition, the causes of the petition, etc., and may be accompanied by relevant materials, if necessary. <Amended by Ordinance No. 6264, Jul. 14, 2016>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 10 (Inspection of Petition Book)

(1) The Mayor shall enable the residents of each autonomous Gu to be able to inspect a written petition for residents' voting or its copy and a petition book (in case of a digital petition book, referring to its printed version) or its copy, as determining the period, time and place of inspection under Article 12 (3) of the Act. <Amended on May 22, 2023>

(2) The Mayor shall have a copy where the date of birth is not disclosed be inspected: Provided, That where any resident intends to verify matters which he/she signs, only relevant matters may be inspected. <Amended on Jul. 14, 2016; May 22, 2023>

(3) The inspection under paragraph (1) shall be conducted in the presence of the public official in charge.

(4) When the Mayor publishes the residents voting under Article 12 (3) of the Act, he/she shall publicly announce the period, time and place of inspection of the petition book or its copy under paragraph (1). <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 11 (Period for Correction of Signatures)

The period for the correction of signatures under Article 12 (7) of the Act shall not exceed 15 days.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 12 (Council for Deliberation on Petitions for Residents' Voting)

(1) The Mayor shall establish the deliberative council on petition for residents' voting (hereinafter referred to as the "Deliberative Council") to deliberate on and resolve the following under Article 12-2 (1) of the Act: <Amended on Dec. 30, 2021; May 22, 2023>

1. Examination on objections against signatures on a petition book;
2. Verification of valid signatures affixed on a petition book;
3. Examination on requirements for petitions for residents' voting;
4. Implementation of digital voting and digital ballot counting; or
5. Any other matter referred to the Deliberative Council, as the chairperson of the council deems necessary.

(2) The Vice Mayor 1 for Administrative Affairs shall serve as a chairperson of the Deliberative Council and a vice chairperson shall

be elected from among members. <Newly Inserted on May 22, 2023>

(3) The Mayor shall appoint or commission any member of the Deliberative Council from among the following persons, and no one gender shall account for over 6/10 of the total number of commissioned members: <Newly Inserted on May 22, 2023>

1. The City's public officials of the Class III or above;
2. Member of the Seoul Metropolitan Council; or
3. Any person, such as lawyer and professor, with sufficient expertise and experience in residents' voting.

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 13 (Term of Office of Commissioned Members of the Deliberative Council)

The term of office of commissioned members of the Deliberative Council shall be 2 years and such members may serve consecutive terms only once.

[This Article Wholly Amended on May 22, 2023]

Article 14 (Operation of Council)

(2) Where a chairperson cannot perform his/her duties due to unavoidable reasons, the vice-chairperson shall serve as the acting chairperson. <Newly Inserted on May 22, 2023>

(3) The chairperson shall convene a meeting of the Deliberative Council, when he/she deems this necessary or as requested by no less than 1/3 of members on the register. <Newly Inserted on May 22, 2023>

(4) The Deliberative Council shall resolve by vote of a majority of the members present. <Amended on May 22, 2023>

(5) When deemed necessary in connection with a formal objection, the Deliberative Council may request an interested person to state his/her opinions or give testimony. <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

Article 15 (Secretary of the Deliberative Council)

(1) The head of department in charge of residents' voting shall serve as the secretary of the Deliberative Council.

(2) The secretary shall manage the affairs of the Deliberative Council at the request of chairperson.

[This Article Newly Inserted on May 22, 2023]

[Previous Article 15 moved to Article 17 <May 22, 2023>]

Article 16 (Detailed Regulations of the Deliberative Council)

In addition to what is prescribed by this Ordinance, any matters necessary for the operation of the Deliberative Council shall be

determined by a chairperson with a resolution of the Deliberative Council.

[This Article Newly Inserted on May 22, 2023]

[Previous Article 16 moved to Article 18 <May 22, 2023>]

Article 17 (Processing Period)

(2) The Mayor shall determine whether a request for residents' voting from the representative of petitioners shall be accepted no later than 14 days from the date when an inspection period expires under Article 12 (3) and (5) of the Act or the result of examination of formal objection is notified: Provided, That where any correction is made under Article 12 (7), such determination shall be rendered no later than 14 days from the date when a correction period expires. <Amended on Jan. 5, 2017; May 22, 2023>

(3) Where it is difficult, due to unavoidable reasons, for the Mayor to determine whether to issue the relevant certificate or accept the relevant request within the period specified by paragraphs (1) and (2), he/she may extend such period only once within a period during which the issuance of certificate and acceptance of request shall be determined and processed. <Amended on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

[Moved from Article 15; previous Article 17 deleted <Mar. 22, 2023>]

Article 18 (Restriction on Voting Campaigns)

2. No outdoor rally related to residents' voting campaign (referring to the speech, conversation, and debate in a public place) may be conducted from 11:00 p.m. to 7:00 a.m. on the following day under Article 22 (2) of the Act: Provided, That where a public address system attached to vehicle or a portable public address system is used in an outdoor rally, the outdoor rally may be conducted from 7:00 a.m. to 9:00 p.m. <Newly Inserted on May 22, 2023>

[This Article Wholly Amended by Ordinance No. 4787, May 28, 2009]

[This Article Wholly Amended on May 28, 2023]

[Moved from Article 16; previous Article 18 deleted <Mar. 22, 2023>]

Article 19 (Forms, such as Written Petition for Residents' Voting)

(2) A certificate of the representative of petitioners shall be filed using Attached Form 2 under Article 10 (2) of the Act.

(3) A declaration of delegation of the right to solicit signatures and a statement of delegation of the right to solicit signatures shall be filed using Attached Forms 3 and 4 under Article 6 (2) of the Act.

(4) A petition book shall be filed using Attached Form 5 under Article 8 (2) of the Act.

(5) A written petition for residents' voting shall be filed using Attached Form 6 under Article 12 (1) of the Act.

(6) A formal objection shall be filed using Attached Form 7 under Article 12 (4) of the Act.

[This Article Newly Inserted on May 22, 2023]

Article 20 (Public Announcement, etc.)

[This Article Newly Inserted on May 22, 2023]

Addendum <No. 8698, May 22, 2023>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 4216, Jul. 20, 2004>

This Ordinance shall enter into force on July 30, 2004.

ADDENDUM <Ordinance No. 4787, May 28, 2009>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6016, Oct. 8, 2015>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6264, Jul. 14, 2016>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6386, Jan. 5, 2017>

This Ordinance shall enter into force on the date of its promulgation.