
MAJOR LEGISLATION

Jan. – Dec., 1983

1. Constitutional and Administrative Law

a. Constitutional Law

Public Offices Election (Amendment) Act 1983.

Promulgated on November 29, 1983.

[Outline of the Amendment]

The bill prepared by the Electoral System Research Committee of the ruling Liberal-Democratic Party was submitted by LDP members of the Diet and passed by the majority of LDP and the New Liberal Club, the LDP's coalition partner. It is said that the bill purported to adjust the electoral system to modern election conditions, and to reduce expenses for candidates. Major changes in the law are as follows:

(1) Shortening of campaign periods. In light of the development of media resources, the permitted time for electoral communication in each campaign period shall be shortened by 2 to 5 days in order to reduce the expenses of candidates.

(2) Shortening of candidacy filing periods. The former reporting periods of 2 days shall be shortened to 1 day on the

grounds that in actual practice most candidates report on the first day, that administration of elections should be proper and timely, and that prevention of so-called "also-ran" candidacies is needed.

(3) Extension of restrictions on repetitive broadcast or amplification of candidates' names and speeches. The former restriction that repetitive playing of candidates, names and speeches at public places shall be authorized from 7:00 AM to 8:00 PM shall be extended one hour on the grounds that morning quiet is desired.

(4) Increase of TV broadcasting of a candidate's personal history. TV broadcasting of a candidate's personal history shall be allowed in addition to TV broadcasting of the candidate's speeches.

(5) Abolition of joint campaign-speech meeting. Joint campaign-speech meeting recognized so far in the Public Offices Election Law shall be abolished on the grounds that the meeting deprives a candidate of much of his time for campaign, that a candidate can not fully state his political views there because of extremely limited time for speech, and that, while the proportion of the attendance at the meeting to the electorate has deteriorated, TV broadcasting of a candidate's political views is extended, and so forth.

[Comment]

Japan's Public Offices Election Law imposes unusually severe restrictions on the length, nature, and manner of conducting election campaigns. The present revision strengthened the former restrictions.

First, the justification for the revision and the reasonableness of the rules adopted are questionable. Second, the revision was designed from the viewpoint of incumbent candidates and Election Administration Committees. As a result, it lacks consideration for the voters' constitutional rights. It is feared that this revision of the law degrades the position of the people by keeping them farther away from candidates and making them mere observers of the election.

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b. Administrative Law

1. Inauguration of the Ad Hoc Advisory Council on the Administrative Reform Act.

Promulgated on May 23, 1983.

[Background of the Legislation]

On March 14, with the submission of a concluding proposal to the Prime Minister, the Ad Hoc Commission on Administrative Reform completed two years of work. The wind-up report submitted by the Commission restated two goals. The first was to develop a society with a higher level of social welfare while retaining productive vigour. The second was to develop an ability to contribute actively to the well-being of the world community. The Commission urged that Japan's public administration should be reexamined from an internationalist viewpoint.

The underlying ideology for the Commission's reform proposals was in evidence in basic policies advocated for the reform of the central and local governments and special public corporations. The Commission supported "a rational sharing of roles" between the central and local governments as well as between the public and private sectors.

But the basic direction of change envisioned by reform planners focused on divesting the central government of some powers and transferring them to local units, plus similarly transferring functions from the public to the private sector.

As for the crisis in public finance, the Commission reaffirmed the basic policy of "fiscal reconstruction without a tax increase." It thus defied the government's known interest in the eventual introduction of a major new tax to boost revenues.