

**ELECTION
FRAUD
SOUTH KOREA
2020**

VOL.1

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Foreword by
Fred Fleitz



Free and fair elections are not a partisan issue. They matter to all citizens -- no matter their political persuasion. South Korea's national election held on April 15, 2020 and marred by allegations of electoral fraud was a timely reminder that honest elections -- and citizens' trust in them -- are the backbone of a genuinely democratic society.

The April election was an overwhelming victory for the incumbent party. Yet, it also produced an unprecedented number of lawsuits claiming irregularities in nearly all phases of the electoral process -- and including allegations of digital manipulation and foreign interference.

Most strikingly, uncovering the evidence was a spontaneous citizen-driven affair. A diverse group of South Koreans, including eminent professors, lawyers, journalists, YouTubers, politicians, statisticians, and a host of 'regular' citizens amassed an impressive body of evidence to support their claims. This was done without government support and in the face of government opposition -- not surprisingly because the alleged misconduct benefitted the incumbent party.

The Korea Conservative Political Action Conference has played a key role in supporting and tying together these efforts to uncover and present evidence of alleged electoral misconduct -- and the threat it poses to South Korea's hard-won democracy. I am proud to have been asked to work with them in this crucial project.

The attached reports and supplemental materials describe what happened in the April 15, 2020 election. They also lay out the details of the electoral irregularities, putting the evidence into the open where it can be further examined.

Besides identifying specific problems with the South Korean electoral system that need attention and correcting, this is also a timely reference and even warning for other countries -- including the United States.

The electoral process in all nations needs to be constantly 'tended' to keep it honest. Without free and fair elections there simply is no democracy.

I believe the South Korean citizens who are trying to protect the integrity of their electoral system have done free people everywhere a valuable service. They should have our support and admiration.

Fred Fleitz
President, Center for Security Policy
Washington, DC
February 4, 2021

Foreword by
Dan Schneider



The world is at a crossroads. The integrity of electoral systems is fragile, and authoritarian governments have weaponized social media and news outlets to silence conservative values. It is increasingly common for electoral outcomes to be the result of fraud, coercion, and intimidation. This is not isolated to just one country. Rather, conservatives everywhere are threatened by forces seeking to destroy individual liberties and erase the intrinsic value of each person until we are left with nothing more than uniform robots.

Clear evidence of ballot mishandling and other chain-of-custody malpractice has raised serious doubts about South Korea's elections and their outcomes. Reducing trust in government and creating animosities in the civil society sows seeds of destruction. As Ronald Reagan once reminded us, "freedom is never more than one generation away from extinction," and it is our duty as the torchbearers of conservatism to step up and fight before it is too late. If we cannot trust the voting systems, then we cannot trust those who are in power. And if we cannot trust our government, where does that leave us? The growing chasm between the elected and the electorate highlights the corruption that has led us to this point.

Each person's life has an inherent value that conservatism cherishes and protects above all else. The erosion of conservatism leaves us vulnerable to the deception of the wolf in sheep's clothing. Freedom will be lost if the undermining of our electoral systems is allowed to continue. The integrity of democracy is at stake, and it is crucial to preserve the trust before it is completely lost.

South Korea's future as a free society hangs in the balance, and the kind of fraud we have seen in the 2020 election cannot be tolerated. It is time to create and reinforce systems of accountability that show voters the tradition of freedom and democracy is still alive in South Korea, and it will never be extinguished by those forces that wish to see it end.

Dan Schneider
Executive Director
American Conservative Union
Washington, D.C.

Preface by
Annie Chan



2020 will be a year to be remembered. Never before has the world experienced such a tragic event in history—the rise and spread of the coronavirus—at a simultaneous pace in gripping fashion. The global pandemic interrupted lives and institutions in dramatic ways all across the world and it has also affected the governance of elections.

Two countries held decisive elections last year during a pandemic. South Korea held its legislative election on April 15th to choose 300 lawmakers into its National Assembly and the United States held its presidential election on November 3rd.

A country under emergency lockdown will change and adapt many rules on how people vote, which makes elections highly susceptible to fraudulent activity. Still yet, the manipulation of election results at a grand scale committed in developed democracies may be incredibly difficult to fathom—myself included. However, with many suspicious circumstances surrounding the election in South Korea, I have come to the conclusion that it is worth looking into the evidence presented by many brave reporters, everyday citizens, and world-class researchers and statisticians.

A free and fair election is the most noble method developed by mankind to uphold a true republic. There is no alternative system in history that best reflects the will of an entire nation than a citizen's right to make their voice heard by participating in an election. It is imperative elections maintain integrity because every illegal vote cast in is a legal vote cast out.

The United States is considered to be the most advanced nation that guarantees all basic human rights in a liberal democracy under the Constitution. The first president of the Republic of Korea, Syngman Rhee, had deep respect and admiration for American democratic values that he based the South Korean Constitution on those principles. South Korea is now considered to be the most successful democratic nation in the Asia-Pacific. To this day, I am extremely grateful and proud to have been born in South Korea and raised in America.

Both the United States and South Korea have moved on from basing their theories on superstitions to testing them out with science and reason. Yet, allegations of election fraud are being sorely dismissed as baseless claims and unfounded conspiracy theories by the media and investigative agencies. Yet, I am proud that we have been taking a serious scientific approach for months to expose the truth of election fraud.

This final report was only made possible by people not losing their confidence in democracy, science, and reason. Although we have faced many challenges and difficulties, including persecution by those who were interfering in the verification process, this international investigative team has continued on with their work. Many people have endured numerous difficulties in helping with publishing this report, and I would like to extend my deepest gratitude to every single person for their contribution.

Annie Chan
KCPAC Co-Chair
February 7, 2021

Executive Summary

Executive Summary

South Korea's April 15, 2020 election to select members of the National Assembly produced an overwhelming victory for the incumbent Democratic Party (DP). In fact, the DP's super-majority (180 of 300 seats in the National Assembly) allows it to pass legislation at will, and with a few more votes to potentially revise South Korea's constitution.

The election outcome surprised many people, and dismayed the opposition. But convincing, even lop-sided, election outcomes are commonplace worldwide. And South Korea had a 30-year record of democratic elections and orderly changes of government.

However, the election was accompanied by allegations of electoral misconduct and even fraud committed on behalf of the Democratic Party. The alleged irregularities involved nearly all phases of the South Korean electoral process; including National Election Commission malfeasance in overseeing the election, problems with ballot sorting machines, polling station irregularities and suspicious ballot papers, and ballot counting and ballot chain-of-custody discrepancies.

Statistical analysis of voting results and patterns revealed anomalies that raised suspicions of fraud; to include claims of digital manipulation of votes. Foreign interference in the electoral process was also alleged.

Not surprisingly, the election produced an unprecedented number of lawsuits challenging the election process. Yet, the South Korean judiciary has still not heard the vast majority of cases – nine months after the election – despite the statutory requirement to promptly resolve such cases.

Moreover, the South Korean media that should play a vital role in ensuring electoral fairness and 'good conduct' has been comparatively silent. The incumbent administration is accused of pressuring the media – even before the election – by means of libel suits, tax audits, and threats to revoke licenses.

The widespread allegations necessarily involve violations of South Korean domestic electoral law, and also breach international human rights law and treaties by which South Korean governments are bound.

Importantly, a 'grass-roots' citizen's movement has led the drive to uncover evidence of electoral wrongdoing. And it did so not only without government cooperation, but also in the face of apparent official interference.

Proving electoral fraud is, of course, always difficult. However, the volume and scope of the alleged irregularities and the supporting evidence obtained by these 'concerned citizens' are

substantial and compelling. They deserve to be taken seriously – both domestically and by the international community and organizations that promote electoral integrity worldwide.

This report is a compilation of key documents that provide background into the April 15, 2020 election and the allegations arising therefrom. In addition to reports written by South Korean observers, four of the assessments are written by foreign observers, including two international election experts who reviewed the election and available evidence. Both experts concluded irregularities did occur during the electoral process and that further review – including by international election watch organizations – is in order.

The materials are intended to serve as a reference for understanding – and further examining – the South Korean election and attendant allegations of electoral misconduct.

The ultimate objective in publishing this report is to highlight the alleged electoral irregularities and to serve as an impetus for improving the South Korean electoral process that underpins the nation’s hard-won democracy. At the same time, other countries may find useful lessons to be applied to their own electoral systems.

The following documents are included and introduce South Korea’s April 15, 2020 election and the allegations arising from the election:

South Korea – April 2020: Election Fraud / The Preliminary Battleground? by Doe Tae Woo

Doe Tae Woo is a South Korean attorney who is active in the legal efforts seeking redress for alleged irregularities in the April 2020 national assembly election. He provides a detailed introduction to the widespread allegations and offers a useful outline of the claims and the basis of the charges. The unprecedented scale of the allegations erode confidence in what was heretofore an electoral system that enjoyed general public support and trust in South Korea.

The South Korea April 15, 2020 Election / International Human Rights Law Considerations by Grant Newsham

This study examines the April 15th election from the perspective of international law governing the conduct of elections and identifies 15 potential violations of international legal standards and requirements by which South Korea is bound. The possible violations touch on nearly every phase of the electoral process. The assessment matches the law with the evidence and determines that individually and collectively the apparent violations raise suspicions about the ‘genuineness’ of the election and cast doubts on the election as representing the will of the electorate.

This assessment concludes that the South Korean electoral process – in practice during the April 15, 2020 election – was flawed to the point that further inquiry and international attention and observation is warranted, particularly for future South Korean elections.

Consolidated Election Report – Republic of Korea, 21st National Assembly Elections, 2020 by Justin Nettmann

International election expert, Justin Nettmann reviewed the April 15, 2020 South Korean election and available reports and information. In addition to providing a useful outline of the entire South Korean electoral system that non-specialists in South Korean affairs will find of interest, he identifies inconsistencies and irregularities in the April 2020 elections. And he concludes the international election watch community should observe future elections.

Mr. Nettmann’s assessment particularly examines allegations of irregularities involving the introduction and use of electoral hardware – including electronic ballot sorting and counting machines – as well as the attendant systems, software, and processes. He also considers the structural and data composition of the QR codes printed on early voting ballots, as well as the statistical electorate data that was reviewed by other experts. Mr. Nettmann’s review notes potential violations of South Korean electoral law in relation to counting machine capabilities and the use of QR codes. Moreover, the broader lack of National Election Commission transparency and responsiveness to requests to observe and examine various equipment and materials is also cited.

Mr. Nettmann concludes that “Indications are that certain inconsistencies were noted which have laid the foundation for further investigations to take place in South Korea.” Towards this end, future dispatch of election specialists and observers to examine electoral processes in South Korea – with special attention to the introduction and use of technology – is recommended.

Republic of Korea National Assembly Election 2020 by Said Sanadiki

Mr. Sanadiki, an experienced international election expert, examined the April 2020 South Korean election and the evidence uncovered, and a noted a number of irregularities that call into question the genuineness and credibility of the election.

As several examples, he cites the electoral reform bill hurriedly passed within too close a time to election day (i.e. 110 days before). He states that this violated international principles that changes to the electoral system and process should be done with adequate time for all parties to debate and adjust to the new system.

Additionally, Mr. Sanadiki notes that holding the election during the Covid-19 pandemic – while highly praised for the fact the election was held – worked to the advantage of the incumbent

party; and distorted the international standard that all parties are able to compete on an equal basis.

The Covid-19 pandemic also distracted attention of the international community and observers – that otherwise would have been focused on potential irregularities in the electoral process – such as the effective disenfranchisement of overseas voters, and the drastic expansion of ‘early voting’ – that is considered more vulnerable to manipulation.

Mr. Sanadiki also cites the use of QR codes on early voting ballots as another irregularity threatening the security of ballots and the voting process, and taking on particular importance given the expansion of early voting in the 2020 election – and the potential for affecting the election outcome.

Lack of transparency and care in the implementation and use of electronic electoral hardware is also cited, along with the evidence of numerous other irregularities in the entire electoral process. Mr. Sanadiki concludes that the international community should show interest in South Korea’s elections – not just April 15, 2020 election, but upcoming elections as well.

An Urgent Appeal for Justice by Doe Tae Woo

A South Korean attorney involved in the legal effort to challenge electoral irregularities lays out the main areas of contention – to include particular vulnerability to fraud and manipulation posed by ROK’s early voting system that provides two days of ‘early voting’ starting five days before ‘election day.’ Attorney Doe argues that both digital (electronic) manipulation and other irregularities occurred that shaped the election outcome in favor of the incumbent administration. Doe ends with a call for neutral, international examination of the South Korean electoral process, even if there is domestic opposition to such a step.

Fraud in South Korea’s April 2020 Elections by Grant Newsham

This report offers an overview of the April 15, 2020 elections. Besides synthesizing the allegations and evidence – and the South Korean government’s response – the report provides the domestic political context, as well as the regional and international contexts in which the election took place. Also included is a discussion of the allegations of foreign (i.e. Chinese) interference in the electoral process.

The author started off skeptical about the electoral misconduct allegations. However, he concludes that the diverse and credible group of ‘concerned’ South Korean citizens has made a compelling case in support of their claims, and that further examination, particularly by international organizations and the media is warranted.

Mail-in Vote Manipulation and Other Fraud and Outside Interference in South Korea’s April 15, 2020 Election by Park Ju-Hyun

Another respected South Korean attorney made a detailed assessment of South Korean Post Office ‘postal tracking records’ for over 2 million ‘mail-in’ ballots cast during the ‘early voting’ period and concluded that upwards of 1 million votes cast were of questionable provenance and potentially fraudulent. Attorney Park’s report also depicts alleged efforts by the Moon Jae-in administration to interfere with the electoral process – by clamping down on dissent and muzzling freedom of speech and using the COVID-19 pandemic as cover for such efforts.

Other allegations with supporting evidence include charges of foreign involvement in manipulating the election to include via Chinese-made technology in the electoral system that was allegedly introduced without proper oversight or transparency. Park also describes the curious discovery of 18,000 counterfeit South Korean passports that were found along with improperly disposed of electoral materials in a local junkyard – and that added to suspicions over the electoral process. The Moon administration’s apparent attempts to obstruct citizens to seeking redress for electoral misconduct are also covered, and the international community’s help to address the alleged irregularities is specifically sought.

Digital Gerrymandering Hypothesis of South Korea’s 21st General Election Results by Roy Kim

The South Korean election allegedly was manipulated electronically. Mr. Roy Kim lays out his case alleging that ‘digital manipulation’ – so called- ‘digital gerrymandering’ occurred and illegally moved votes from one candidate to another. The report outlines the alleged methodologies used and provides detailed background information to support the author’s analyses. Mr. Kim’s arguments are based on a hypothesis. However, he ‘shows his work’ and places his assessment in the public domain where it can be examined – and challenged.

Very Strange Statistics: April 15th Pre-Vote Results that are Statistically Difficult to Understand by Park Sung Hyun

Several statistics experts examined the April 15th election results and concluded that manipulation likely occurred. One of them, Professor Park Sung Hyun, Honorary Statistics Professor, Seoul National University, and former Dean of the Korea Academy of Science and Technology, presents his assessment of ‘pre-vote’ (early voting) patterns – based on government provided information – and finds irregularities and statistical anomalies. Professor Park concludes that the election outcome is ‘hard to understand’ from a statistical analysis standpoint. Professor Park has also referred to the election results as ‘artistic’ – and are likely the result of manipulation.

Anomalies and Frauds in the Korea 2020 Parliamentary Election, SMD and PR Voting with Comparison to 2016 SMD by Walter R. Mebane, Jr.

Also studying the election statistics, University of Michigan Professor, Walter Mebane conducted a statistical examination and comparison of the results of the 2020 ROK election and the earlier 2016 South Korean election. He concludes the 2020 election had an unusually high number of ‘fraud’ votes, particularly centered on the ‘early voting’ phase.

Professor Mebane notes that ‘fraud’ does not necessarily mean ‘illegal’ and such statistical anomalies may result from ‘strategic behavior’ – such as one party successfully drawing its supporters out for ‘early voting’ in large numbers. Notably, professor Park Sung Hyun’s analysis of National Election Commission statistics indicates that ‘conservative leaning’ voters were as likely to ‘vote early’ as were ‘left leaning’ voters. Thus, undercutting government claims that its supporters just happened to vote early and en masse.

Professor Mebane’s report raises issues and anomalies deserving further investigation, and examination of the broader electoral process as well.

Of note, Professor Mebane is not a ‘Korea expert’ nor a partisan analyst. Rather, he applies statistical analysis objectively – as he has done with hundreds of elections worldwide in reaching his conclusions.

Report on Hardware Manipulation by Benjamin Wilkerson

The electoral hardware – particularly the electronic ballot counting machines – used in the election is a source of controversy. Notably, South Korean electoral and government officials have not opened the electoral hardware to forensic examination by candidates, parties, and appropriate parties. However, one technical expert, Benjamin Wilkerson, was able to examine a ballot counting machine in enough detail to raise concerns over the capabilities of the machines. Mr. Wilkerson makes the case that the machines have excessive capabilities – far beyond simple ‘ballot sorting’ machines, and that in fact they violate South Korean electoral law and that the machines themselves are vulnerable to manipulation, thus raising concerns about electoral integrity.

At a minimum, evidence suggests the machines were introduced and operated without proper ‘transparency’ required by both domestic and international law and practice.

Problems with Ballot Counting Device by Cho Chung Yeol

Another South Korean technical expert provided a detailed explanation of the issues of concern with the ballot sorting/counting devices used in the April 15th election – as well the attached control computer and printer. He concludes that irregularities and vulnerabilities exist owing the specific chipsets and the potential for external communication. Mr. Cho also claims that one of the NEC’s rare post-election attempts to explain the machine and its functions to the media was a ‘staged event’ – rather than an effort at real transparency.

Indeed, a common thread throughout these reports is the rather terse nature of NEC responses to specific allegations, instead of detailed refutations.

QR Code Used in Early Voting by Cho Chung Yeol

A number of challenges raised during the April 15th election involved the use of QR codes on ballots – that pose a potential risk to voter secrecy among other concerns. Curiously, QR codes were only used on ‘early vote’ ballots – and not on ‘election day’ ballots. Mr. Cho discusses the issues surrounding the use of QR codes and argues the use of QR codes is illegal under South Korean electoral law as well as potentially allowing for improper manipulation of votes.

Problems Surrounding Early Voting by Cho Chung Yeol

The South Korean electoral system allows early voting as described earlier. Mr. Cho discusses the potential risks and vulnerabilities posed by the early voting system – to include potential manipulation of the votes. He also presents apparent government efforts to destroy evidence of electoral improprieties and the attendant loss of public confidence in the electoral process.

The Illegality of the April 15 General Elections and the Progress of Invalidation Lawsuits by Seok Dong Hyun, Esq

The April 15, 2020 election saw an unprecedented number of lawsuits filed alleging irregularities and seeking relief. Attorney Seok describes the status of the litigation and allegations made of misconduct centering on the early voting process, as well as allegations claiming a sophisticated effort to manipulate ballot-counting equipment. Attorney Seok raises particular concerns over the ROK judiciary’s delay in addressing the vast majority of the cases, and he questions whether political considerations to prevent exposure of illegal activities are the reasons for the delays.

Complaint Filing / May 2020

Preliminary Pleading for Case No. 2020-30

Document for Preliminary Briefing (Yeonsu-gu, Incheon) Case No. 2020-30

In order to provide the reader with a close-up look at a range of specific allegations, evidence, and legal arguments being made to challenge the electoral process, the report includes translations of three separate legal filings (listed above) prepared by plaintiffs’ lawyers following the April 15, 2020 election. The allegations implicate nearly every phase of the electoral process – before, during, and after the election.

A detailed listing of the nature and status of 126 lawsuits as of September 2020 – five months after the election is also included in this report’s supporting materials under the heading: ***List of Lawsuits Filed***. The vast majority of lawsuits have not had an initial hearing – despite challenges following previous elections typically being resolved in a matter of weeks.

Legal aspects of the transfer of the National Election Commission’s server during the election litigation in Korea by Jinki Yoon

Mr. Yoon addresses specific allegations claiming that the improper removal and modifying of election system servers despite ongoing litigation constituted improper destruction of evidence. Mr. Yoon reviews this issue and other key legal aspects involving the election litigation and allegation electoral violations by the National Election Commission. International assistance to examine ROK election computing equipment and records is specifically requested.

In summation:

This consolidated report reflects a grassroots, citizens’-based effort to defend South Korea’s democracy and the electoral process that is its lynchpin. The fundamental issues that are raised in the various reports should be of interest well beyond South Korea’s borders. Indeed, all democratic-minded people concerned with preserving (or even restoring or establishing) their own democracies and consensually governed societies can learn from the Republic of Korea and the April 15, 2020 election.

**ELECTION
FRAUD**

REPORTS

SOUTH KOREA – APRIL 2020:
ELECTION FRAUD
THE PRELIMINARY
BATTLEGROUND?

Doe, Tae-woo

South Korea – April 2020: Election Fraud The Preliminary Battleground?

[Conclusion from the Investigation Team]

We have learnt that the Magna Carta was the foundation of today's democracy. The significance of the Magna Carta is that it will do "full justice" even against a king. King Sejong the Great of the Chosŏn dynasty, who is known for inventing Hankŭl (the Korean alphabet), is one of the most respected kings among Koreans. King Sejong, however, once said, "that people can charge a public official, but the official will not be punished for that charge," around 200 years after the Magna Carta was drafted. He set a principle that goes directly against the spirit of the Magna Carta.

Chosŏn followed the principle of "despite the people's charges, the official will not be punished" and eventually lost its democracy as well as its country. England, on the other hand, which allowed full justice even against their king, became a foundation for the world's democracy.

Nowadays in the Republic of Korea, the position that "the results cannot be changed even though election fraud was committed," which is similar to the idea that King Sejong had during the Chosŏn dynasty, is dominating the country. It has been seven months since the April 15 general election, but progress has not been made to the lawsuits related to the election. It is concerning that the verdict from the court will mimic King Sejong's idea and the root of democracy will be trampled upon, even if progress is made to the legal process. A complete trial for the election fraud charge is necessary, as it was for the Magna Carta, which guaranteed full justice even against the king. When a country faces the death of democracy due to election fraud, it will most likely happen because a complete trial is not held for the issue.

The rigged election that happened in South Korea seven months ago is very similar to the fraudulent activities patterned in the U.S. presidential election held on November 3, which surprised those who looked at the two cases very closely.

First of all, an atmosphere was created long before the election that the election results was already decided. This was done through a long period of brainwashing public sentiment by using public opinion polls. There were cases of voter fraud in which there were many irregular ballot papers that looked like crisp, new dollar bills, a large number of mail-in ballots with impossible shipping histories, and a lack of integrity in transferring ballots across the country. During the counting process, the issues of manipulation of electronic counting machines using certain software and manipulation of the program and network from the outside rose in both countries. Lastly, there were similarities in that evidence was destroyed, as was seen in the United States

where certain observers from the Republican Party did not gain access to sites and it has become impossible to verify the integrity of the ballots because they were mixed with legitimate and illegitimate ones.

Election fraud digs into the weakness of free society, based on fairness and trust in elections. The results can change by winning just one more vote, so there's no reason to pay attention to a large number of votes to manipulate an election during this digital age. One can set the goal to achieve manipulation by analyzing big data and calculating the correct value (manipulating value) that is needed to achieve one's goal. One comes up with measures to win by a slim margin while focusing on key swing districts. It does not depend on a single method of manipulation, such as mail-in votes, but also focuses on various measures, such as preparation of fraudulent voter list, exaggerating turnout, manipulation both offline and online, manipulation in advance and real time, and fixing the results after the election. If some of the fraudulent activities are caught, it misleads public opinion by arguing that this is simply due to mismanagement or mistakes, and that they are not legally meaningful since they do not amount to the situation where they can change the results. It argues that someone lost because they had reasons to lose.

It is not just Covid-19, but election fraud is also spreading rapidly around the world. If we can say that Korea was a preliminary battleground where the two issues merged, the peak of the real battleground was/is in the United States, the center of the free and democratic system. This trend makes people feel personally threatened by those who strengthen their control over society by exaggerating the danger of Covid-19 and win what they want by destroying the free and democratic leadership of sovereign states through the destruction of a fair election system. South Korea, unfortunately, is geopolitically too close to communist China, which is behind these forces.

On the other hand, fortunately for South Korea, they are a strong ally that shares the same values as the United States, and the U.S. is a fortress powerful enough to fight against these dangerous forces around the world. Many South Korean people, who did not disregard this fact, are fighting resolutely against the Moon Jae-in administration, which is breaking down the country's founding ideology and is leaning toward China.

This report focuses on South Korea's election fraud conducted on April 15, which was a foretaste and even a rehearsal for future electoral fraud and manipulation in elections well beyond South Korea's borders. As such, the lessons from the South Korean election are both instructive and a timely warning.

[Investigation Results]

Background and Context

Established in 1948, the Republic of Korea, as a nation on a peninsula near China, had its independence and freedom continuously threatened for almost 2,000 years. Particularly, for three years since 1950, the allied forces of free society fought bloody battles against communist China on the Korean peninsula. The demilitarized zone was set as a result of the war, and it is still drawn as a border that divides the brightness of the world's free and civilized society and the darkness of the enslaved, totalitarian system.

South Korea established a constitutional system similar to the U.S. presidential system under the leadership of its first President Syngman Rhee, who received his doctorate degree at Princeton University in 1910 with the help of Christian missionaries in Korea.

The separation of power between the legislative branch, the administrative branch and the judicial branch was systemized. However, the current President Moon Jae-in and the ruling party took control of not only the administrative branch, but also the legislative and judicial branches. Checks and balances on power are barely functioning in this country.

A general election to elect lawmakers who represent the legislative branch was held on April 15, 2020. The National Assembly is formed every four years and plays a role in legislation, reviews the governmental budget, holds confirmation hearings, and conducts the inspection of the government. It is the gatekeeper that checks the government's administration and amends the Constitution.

There are a total of 300 seats in the unicameral National Assembly. Among the 300 seats, 253 seats are decided by elections for each constituency and another 47 seats are decided by the proportional representative election. For the 253 seats set by the constituencies, a candidate who won by just one vote than their opponent can win the seat.

During the April 15 election, the ruling Democratic Party won a total of 14,345,425 votes, while the main opposition party won 11,915,277 votes—the difference being some 2.43 million votes. The percentage of votes received by the ruling party was 49.9 percent and for the opposition party was 41.5 percent, resulting in some 8.4 percent difference. However, the number of candidates elected doubled the opposition's number for the ruling party. It was 163 for the ruling party and 84 for the opposition party. In some 40 battleground districts, the candidates from the ruling party turned their results around during the early morning hours after election day, when counting began for the early voting votes. They received some 20 to 30 percent more votes than the candidates from the opposition party and reversed the results of the election day voting.

Network of Unconstitutional Political Activist Groups

The main force behind the ruling Democratic Party is formed through a network of political activist groups who have unconstitutional beliefs. They portrayed themselves as political activists during the democratization movement in the 1980s, but their origin is a political activist group formed by college students who deny the legitimacy of the establishment of the Republic of Korea and pursue pro-North Korean socialism revolution.

After the collapse of socialism in the 1990s, they began portraying themselves as liberals and spread into society. They are still against the free and democratic system, which is the founding ideology behind the Republic of Korea. They maintain the mindset that are pro-North Korea, pro-communist China, pro-socialism, and pro-leftist authoritarianism. They were successful in building themselves up as the biggest political force for over 20 years in Korea. Their recent motto is “People First,” which is the same as Venezuela’s Hugo Chavez.

They established a large stronghold by expanding their network into political parties, labor unions (public servants, media, teachers, big corporations, state-run corporations, financial institutions), civic groups, educational institutions, religious groups, military, intelligence community, police, legal circle (judicial branch, prosecutor, lawyer), entrepreneurs, etc. Using that stronghold, they achieved the unprecedented event of impeaching the president in 2016.

Impeachment and the Endless Witch Hunt

Large media conglomerates (mainstream media) took the lead in impeaching former President Park Geun-hye. Their pressure was immense, and not only was the impeachment process unlawful and depended on fake news and manipulated evidence, we have overwhelming concerns that they’ve destroyed the constitutional spirit of the legal process and the tradition of legalism.

President Park Geun-hye was eventually impeached just three months after a hasty review by the constitutional court, which was similar to a show trial. Then-candidate Moon Jae-in, who introduced the “Candlelight Revolution” slogan, was elected president.

Since then, President Moon has imprisoned two former presidents and still has them behind bars. He also imprisoned four former heads of the intelligence agency, a defense minister, and dozens of intelligence officials and senior officials, and the heads of Samsung Group and Lotte Group. He portrayed this operation of exterminating his political opponents as “cleaning up the deep-rooted irregularities from the past.”

“Cleaning up deep-rooted irregularities from the past,” which President Moon and the ruling Democratic Party are claiming as reform, has continued tirelessly over the past four years. Now, as their corruption issues are beginning to come out, they’ve suspended the Prosecutor General from his duties by changing their next reform target to the prosecution. This kind of action is a first in the 70-year history of this country’s constitutional government.

Strong Base of Support and Politics of Identity

The reason why the ruling Democratic Party have been behaving so arrogantly is because of its strong base of support and a political arena that is divided by partisanship, which has had a big impact. About 20 percent of voters and constituencies are considered to be the strong base of support who repeatedly vote for the ruling Democratic Party. The politics of identity where they portrayed themselves as victims of history and others as assailants has strengthened and united their base of support even further.

However, the proportion of the base of support of the main opposition party has decreased. The ruling party have misled or gave people the stereotype that the main opposition party is simply incompetent, arrogant, and a corrupt establishment. Nevertheless, some 20 percent of voters are still considered strong supporters of the main opposition party.

The number of battleground districts for the election has continued to rise and there were about 40 constituencies in which the results could have changed by a small margin of difference, or some thousand votes.

Another Political Activist Faction Inside the Conservative Party

The leadership of the main opposition party, which has long represented the conservative party, is filled with people who compromise to pressures from the ruling party and mainstream media, and they are the ones controlling the party’s budget and rights to select personnel and candidates. These key figures are those who separated themselves due to factional differences from the aforementioned network of activists. They cannot be considered as full-blown supporters of liberal democracy, and there is a possibility that they will join the movement to amend the Constitution to change the current free and democratic political system.

They were not in the mainstream before, but the situation has become advantageous for them to take over hegemony of the party and the conservative faction in general. They actively

participated in the process of impeaching President Park Geun-hye, are framing people as far-rightists who argue that the April 15 election is rigged and trying to expel them from the party.

The network of leftist political activist groups that are in favor of the Chinese Communist Party took control of all aspects of the country's establishment. To make this situation worse, the leadership of the main opposition party, which should be the key force fighting against the network, is now filled with people who act in concert with them. This created an environment where systematic election fraud can occur and be overlooked at the national level.

A candidate who received over 15 percent of the vote can be reimbursed for election funds in accordance with the election system. In this regard, these non-true democracy supporters, who would have otherwise inherited the founding ideology, have allowed election fraud and exchanged secretive deals with one another by collaborating with both the ruling and opposing parties.

Systematic Preparation for Election Fraud: Early Voting, QR Code, Electronic Counting Machine

If you are a registered citizen of the Republic of Korea, you are able to cast early votes at any of the 3,500 early voting stations across the country. Early voting ballot papers are issued with QR codes printed on them after communicating with the National Election Commission's central server upon receiving the voter's identification card. However, ballot papers used for election day voting are completely different as they do not have QR codes on them and have a line for detaching the serial number section.

Section 6, Article 151 of the Public Official Election Act states that, "the Gu/Si/Gun election commission shall instruct the official in charge of advance polling management to produce ballot papers to be distributed at advance polling stations with a ballot paper printer at advance polling stations. In such cases, the serial numbers printed on the ballot papers shall be marked in the form of bar code (referring to a code marked in the shape of a bar for recognition by computer), and such bar code may contain the name of election, the name of constituency, and the name of the regional election commission."

The NEC introduced QR codes in the 2014 regional election and said that their purpose is to prevent forgery and has kept the same stance in 2018, as well.¹ (*Editor's Note: The footnotes refer to exhibits in a separate legal brief. The brief is not included in this report.*) However, it

¹ Refer to Exhibit No. 83 of the submitted Complaint No. 2020-30 to the Supreme Court; page 1 of the National Election Commission May 2, 2014 brief on reasons why they adopted to use the QR code (Exhibit No. 80); The Asia Business Daily June 2, 2014 news article ["Suspicions and explanations' pouring out due to early voting"]

would be fair to say that it is more difficult to find duplicate ballot papers when they use QR codes, which have confusing symbols with a grid and no serial number printed on it, when compared to ones that use bar codes with numbers printed on them. This is because information contained on a QR code cannot be read by the naked eye.

The QR code using Version 1 (21x21) can restore up to a 34-digit number when the restoring level is set to M, the second level out of four. This is plenty to store the 31-digit number that the NEC argues was contained in the QR code, and the restoration rate is also higher than the rate set by the one that the NEC used. Version 2 (25x25), which was used by the NEC, has its restoring level set to L, the lowest, which can contain the largest number inside, a 77-digit number.²

Furthermore, the 46-digit number could also be saved in a secret space in the QR code and such information can only be read by a specially designed scanner. Hiding and interpreting secret data using a QR code is called steganography and its technology is a key method that was pointed out as a concern regarding the use of QR codes in elections since 2014. However, the NEC has refused various requests for explanations on the possibility of using steganography technology, as well as the court's request for an explanation.³

The server and election information system contains the integrated voter list, which controls the QR code and collects and manages a vast amount of the people's personal information. According to the <Request for Proposal on the Integrated Operation of the 2020 Election Information System Project>, one can find out that the systems operating directly with the early voting ballot paper such as the election management system and integrated voter list, collect a large amount of personal information (refer to the table below). The average citizen has no way to find out what kind of information is contained on the QR code without a technical verification process and the NEC did not agree to submit related documents for verification even once.

Details of system processing personal information files

Election management system

- Type of collected information: Name, resident registration number, address, phone number, email address, record of divorce, criminal record, military service history, educational background, tax record, educational training record, assets
- Estimated number of personal information collected:
Approximately 5 million people

² Exhibit No. 86, outline of Densowave's QR code

³ Exhibit No. 81, Sky Daily September 3, 2019 news article [NEC 'judiciary also passed' ...refuses fact-checking request on QR code]

- Processed over a million pieces of personal information
- Processed over 500,000 unique pieces of identification information

Integrated voter list

- Type of collected information: Name, date of birth, gender, last three digits of the resident registration number, finger stamp or signature, address
- Estimated number of personal information collected: Approximately 4.2 million (nationwide)
- Processed over a million pieces of personal information
- Processed over 50,000 unique pieces of identification information

South Korea has expedited the digitization of election-related devices since 2002. However, the country has not conducted an auditing process after the election. The participation rate for early voting, which is easier to manipulate, has increased slowly and the monitoring process for “Outside Jurisdiction” early voting has been as poor as it can be. The ruling party collected a vast amount of big data and dispatched Yang Jung-chul, who is a key figure in political circles and led the election campaign [for Moon], to an organization operated by the Chinese Communist Party, which is well-known for its digital manipulation and hacking capabilities. In 2019, a year before the election in Korea, Yang even visited Venezuela, where Dominion Voting Systems was established. This leads to the conclusion that the environment to prepare for a large-scale digital manipulation of the election was established when considering various facts of systematic weaknesses and operation processes.

The NEC’s Suspicious Behavior: Circumvention of certification in advance, incapacitation of verification afterward, and a possibility of external communication and hacking through the electronic counting machine

South Korea’s National Election Commission did not disclose the source code related to the early voting ballot paper printing system, and it did not receive public certification by the Telecommunications Technology Association for its software. Many raised suspicions that the NEC deliberately did this, but the agency is not giving a convincing explanation that people can understand.

Prior to the May 2018 regional election, the NEC emphasized securing the integrity and security of various election-related devices and systems through press releases. However, it does not contain information that even their own security advisory committee publicly verified the ballot paper printing system and its source code.⁴

Suspicious that electronic counting machines were connected to the external communication network have continued to arise. In particular, there is a suspicion that wireless LAN cards, which allows for external communication, were installed in the electronic counting machine. Hantle System provided the electronic counting machine for this election and in a document submitted to the Supreme Court in September 2020, in order to allay suspicions, argued that the machine did not have an external communication feature because the laptop (Model No. LG 13Z980) installed within the machine had its wireless LAN card physically removed in advance.⁵

However, prior to this, during the NEC's demonstration of the system on May 28, 2020, an NEC official testified that he detached the LAN card himself from the machine's laptop. This can only be interpreted as the NEC detaching the LAN card right before the demonstration.⁶

The laptop model in question is featured with an integrated LAN card and power line. When the LAN card is detached, power does not turn on for this model, creating significant problems. The model that the NEC demonstrated with had its parts related to the power connector removed. Therefore, during the demonstration, they did not operate the electronic counting machine with the laptop that they argued had its wireless LAN card detached, instead operated the counting machine with a different laptop.

Laptops manufactured by LG Electronics are well-known for using Chinese Huawei parts that have alleged "backdoor" access. Multiple videos that were taken show that unidentified USBs were connected to the USB port of electronic counting machines at various counting stations and there is a high possibility that such USBs were used to hack the system through a wireless communication network.

The printer attached to the electronic counting machine, along with the laptop, is produced from the Japanese company Epson. The NEC stated that they were told by Epson that the printer cannot perform its function if the wireless LAN card is detached and argues that that is the reason why it received the machine as is and having to delete the wireless LAN feature through firmware. However, there was no opportunity given to objectively verify this argument, even though it has been more than seven months since the election. A suspicion that the laptop can easily use the printer's wireless LAN card, as they are attached to each other as an integrated counting machine, has not been rebutted as well.

⁴ Exhibit No. 12, Sky Daily October 8, 2019 news article [Only the NEC knows the key information regarding the controversial early voting]

⁵ From page 3 of the letter of reply submitted by Hantle System to the Supreme Court in September 2020

⁶ Exhibit No. 89, video testimony of the NEC demonstration of the removal of the LAN card on May 28, 2020

Unlike previous elections, the NEC used stickers that do not leave residue for sealing the ballot box. The problem with the sticker mentioned above is that the stain from removing the tape only appears on the tape and there is no residue from the sticker on the ballot box itself. This means that no one can be sure whether the ballot box was opened or not if someone were to replace the seal sticker with a new one.⁷ It is better to use a sticker that leaves residue in situations where it is important to verify whether the contents of the box was disturbed, and it is better to use a sticker that does not leave residue when it is not possible to use the same sticker with the same serial number on it. It was reported that the NEC did not keep record a proper management registry [for the stickers] and that there was no special limit to the supply of the seal stickers.

Manipulating Public Opinion through Public Survey

Mainstream media and major portal websites have continued to manipulate public opinion during the four years of the Moon Jae-in administration. The ruling party elaborately manipulated by illegally obtaining large amounts of data through communication service providers and local governments.

The ruling party, with the help of Yang Jung-chul and Go Han-seok, continuously examined the gap between the percentage of votes received in order to meet the goal needed to acquire a certain number of seats in the National Assembly. They overcame the gap through releasing manipulated public opinion polls so that the people would believe they are the actual results and manipulated public opinion through public surveys for a long period of time.

They targeted certain regions for their manipulation to achieve this goal. They selected strategic battlegrounds and calculated the number of votes that needed to be manipulated so that they can win in those regions. They created a fake voter list, exaggerated the turnout rate, inserted fake ballots, switched mail-in ballots, replaced ballot boxes, manipulated real-time counting results, and manipulated the overall results after the election. It appears that these series of fraudulent activities were committed through key agents from the ruling Democratic Party and the network of Chinese (or Chosŏnjok, ethnic Koreans from China).

We can provide Facebook posts from Lee Geun-hyung, who led the Democratic Party's election strategy and planning, and mail-in ballot papers that were stiff like new dollar bills as evidence. Prior to the election, Lee posted a table with election results that he called an estimate using the "correction value of early voting". The estimated results on the table showed that the Democratic Party would win 163 seats (constituency election) and win every battleground, and that was the result from the actual election. It really was about the correction value, since the election results

⁷ Refer to Exhibit No. 100

in every battleground turned after counting began for the early voting ballots. Just as the Democratic Party and Lee planned, the party won 180 seats, including 163 seats from the constituency elections.

Used the Covid-19 Pandemic as an Excuse to Replace Election Day Voting with Early Voting

One of the key characteristics of this election is that Covid-19 had a tremendous impact on the election process that it might as well be called the “Coronavirus election”. Reports from the mainstream media emphasizing the dangers of Covid-19 infection swept through the nation for over two months, which allowed the number of early voting and mail-in voting, which are key to election fraud, to soar.

The Democratic Party and the NEC argued that the unprecedented early voting turnout rate, which was about 10 percent higher than the general election conducted four years ago, was due to concerns over health because of the spread of the coronavirus. However, the turnout rate for election day voting did not decrease as much as it had increased for early voting, and the overall turnout rate also recorded an all-time high. The overall turnout rate, especially the early voting turnout rate, must go up in order to create some room for manipulation. As the turnout rate for early voting rises, it is easier to achieve the goal of the number of election wins using digital gerrymandering, as well as inserting illegal physical ballot papers.

The Democratic Party and the NEC strongly recommended participating in early voting, that is held for two days, by emphasizing concerns over health and guaranteeing voting rights. Early voting was conducted four and five days ahead of the actual election and lasted 12 hours per day, from 6 a.m. to 6 p.m. The President himself participated in early voting and emphasized the danger of the coronavirus spreading in the country. The number of early votes increased significantly, accounting for 40 percent of the total number of votes.

The Reality of Early Voting

Early voters in South Korea are divided into two big categories. One is “Inside Jurisdiction” early voters, who vote early in their registered district, and the other is “Outside Jurisdiction” early voters, who vote in a different district for convenience than their originally registered district. The ballot papers for “Outside Jurisdiction” are sent to the voter’s registered district office by mail. However, they were sent through the post office or even through a private delivery company without being monitored by the NEC.

“Outside Jurisdiction” early voting ballots that were transferred through mail became the blind spot of electoral observation, since there are no specific regulations related to managing them. This voting method became the biggest temptation for manipulation, and, in fact, showed the clearest signs of irregularities. Significant changes were found in the early voting process this year when compared to the 20th general election conducted four years ago.

In the 20th general election, looking at the gap between the election results of early voting and the election day voting at the 424 polling stations in Seoul, there were districts that the Democratic Party received a higher percentage of votes in “Inside Jurisdiction” early voting than it did for the election day voting. There were cases in which the Democratic Party received a lower percentage of votes in “Inside Jurisdiction” early voting than the election day voting as well. This was the same for the current opposition party. The gap between the percentage of votes received in “Inside Jurisdiction” early voting and election day voting was within a 5-percent range for the Democratic Party and received an average of 1.12 percent more votes in “Inside Jurisdiction” early voting. However, in this year’s 21st general election, the percentage of votes received through “Inside Jurisdiction” early voting was 12.62 percent higher on average than it received through election day voting. Furthermore, in all 424 polling stations, candidates from the Democratic Party received more votes by “Inside Jurisdiction” early voting than they did on the day-of voting. Candidates from the United Future Party (opposition), on the other hand, received 12 percent fewer votes on average from “Inside Jurisdiction” early voting than they did from election day voting.

This trend occurred not only in Seoul, but also across the country, except for regions (North Jeolla, South Jeolla, Gwangju) where the main opposition party (United Future Party) barely had nominated candidate. For the 20th general election, the gap between the percentage of votes received in early voting and election day voting had a normal distribution within the 5-percent range, resulting in a bell-shaped graph. However, the gap in the 21st election seemed like it was created artificially so that candidates from the ruling party received 10 percent more in the early voting than they did from election day voting, while the candidates from the opposition received 10 percent fewer votes from early voting.

Just looking at the election day voting results, the opposing United Future Party won 124 seats and the ruling Democratic Party won 123 seats, which means that the UFP won the actual election. However, when looking at just the early voting results, the Democratic Party won 203 seats and the UFP won 45 seats, which are significantly different from the election day voting results. The final results were that the Democratic Party won 163 seats and the UFP on 84 seats, which is about half of what their opponents won. This means that the UFP lost 40 seats, while the Democratic Party gained 40 seats, after the early voting ballots were counted. This is why significant suspicions of manipulating and fraud during the early voting process arose.

The photo of a stack of ballot papers of “Outside Jurisdiction” early voting that were stiff like new dollar bills strongly suggests that they are not actual ballots issued from different locations and then sorted after being delivered by mail. There was also a video that captured a counting worker trying to detach two early voting ballot papers that were stuck to each other. These

papers are issued one at a time, like paper receipts, so they cannot be attached to each other. This suggests that fake early voting ballots that were manufactured illegally were inserted during the voting process before the counting process.

Furthermore, they covered CCTVs that were installed in early voting polling stations across the country, citing personal privacy issues. Destroying evidence that would verify the actual number of early voters shows such detailed planning was put into this. One cannot be confident that the reason for covering them up is not because of personal privacy issues when the fact that they did not cover up the CCTVs at election day polling stations is taken into account.

In this general election, there were districts that had more votes than the number of voters, including those designated as Civilian Control Area, such as Geunbuk-myeon. The election results and demographic information for Geunbuk-myeon are as follows.

Geunbuk-myeon, Cheorwon-gun, Gangwon	Voters or votes	Note
Population in March 2020	111 voters	Female (59), Male (52)
Population in April 2020	112 voters	Female (60), Male (52)
April 15, 2020	209 votes	142 “Inside Jurisdiction” early votes, 67 election day votes

Geunbuk-myeon is located inside the purple line (Civilian Control Area) and directly adjacent to the DMZ. People can only enter this heavily guarded district by notifying the authorities in advance and handing over their identification card and even those who are registered as farmers in the region can only enter for a limited amount of time. Additionally, there are so many landmines in Geunbuk-myeon that its community center that was used as the early voting station has a section that talks about the mines in the area. Furthermore, the farmers operating in Geunbuk normally live in Dongpa-ri and since there are very few people in the area, it is easily noted when a person from outside comes to the district.⁸ The election was not conducted during farming season, so it’s quite hard to believe that 142 people, a number greater than the population, with 2 identification cards participated in “Inside Jurisdiction” early voting there.

There are many suspicious trends related to the number of “Outside Jurisdiction” early voters across the country. The number of people in their 20s, who tends to be the largest share of early voters, who had to leave their registered address due to education, military service, or work, decreased. However, the total number of “Outside Jurisdiction” early voters rose significantly. The gap between the actual number of people living outside the jurisdiction and the “Outside Jurisdiction” voters who participated in this election was nearly 1.1 million. As it so happens,

⁸ Refer to 1:00:00 mark, 1:07:40 mark, 1:01:44 mark from https://youtu.be/Q_Ia0zvi78I

this is the same number as the number of irregularities found in postal tracking records for the mail-in ballots.

Massive Mail-in Voting Fraud

Attorney Park Ju-hyun, who is proceeding with lawsuits challenging the election, tracked the history of 2,724,653 mail-in votes using tracking numbers. On an Excel spreadsheet, he analyzed and saved all related shipping information, such as mail stopover, delivery time, recipient and delivery date, delivery status, deliveryman, actual recipient, etc.

Among the 2,725,843 votes, 1,190 pieces of mail did not have records, so out of the 2,724,653 votes, 40.4 percent, or 1,110,672 cases were confirmed as irregular votes, or fraudulent ballots. The figure amounts to how the case can no longer be dismissed as simple error, mismanagement and mistake. There are also more than 31 types of irregular activities that were found.

A vast number of fraudulent ballots systematically existed, when considering the number of 2,214,186 votes. Such irregular mail-in votes were found to be focused on the metropolitan areas of Seoul, Incheon, and Gyeonggi and the mail-ballots delivered to the Sejong election commission.

Specifically, there were 19,437 cases where the names of the recipients for the NEC were something like “Sae, X, Reul,” “Gae, X,” “Hee, X,” “Geul, X,” “Ggae, X.” None of them were found on any employees’ list and they cannot be the names of Korean citizens. In 68,539 cases, the name for the deliveryman was abnormal as well. They did not use actual names but terms like “Person in Charge of Delivery,” “Duty Officer,” “Communication Unit,” “Special Unit,” or “Special Team.”

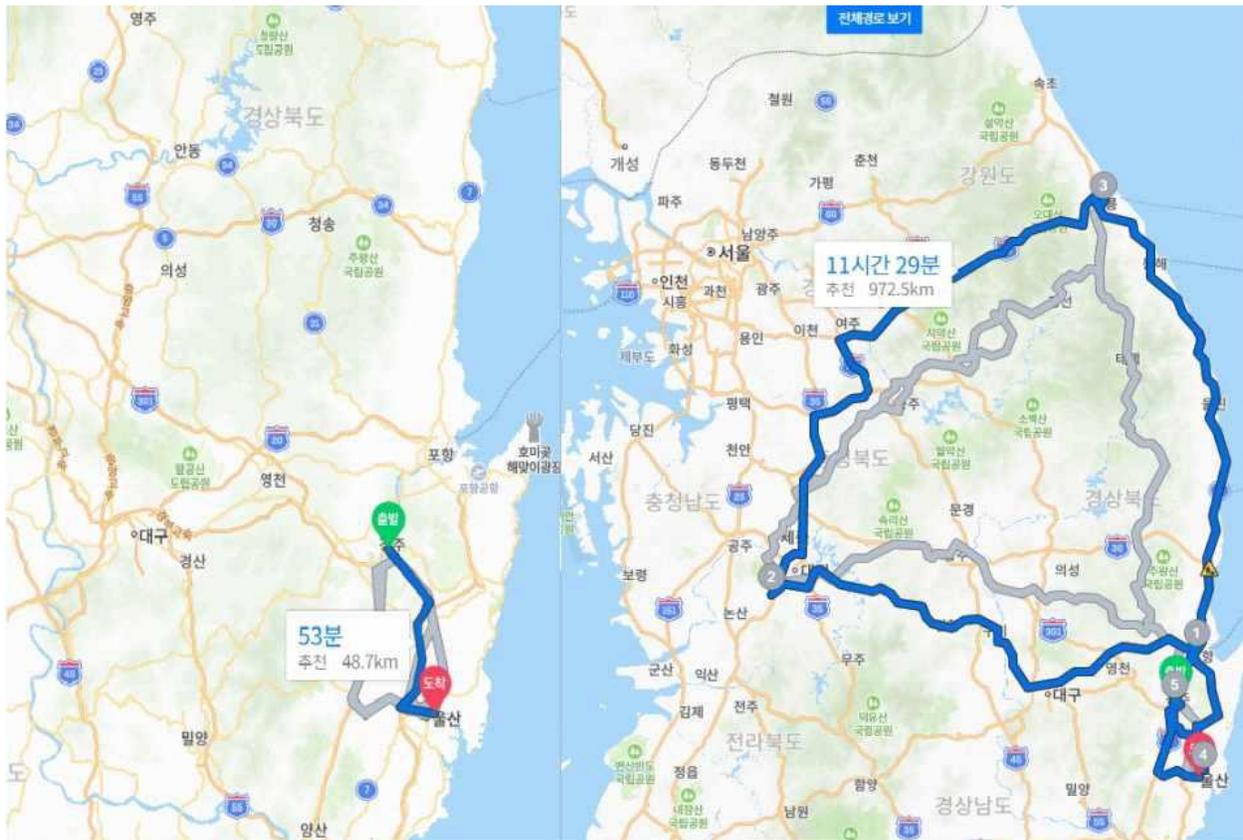
The NEC, a governmental organization, allowed 5,097 cases in which the spouse of the actual recipient received the mail and another 800 cases where it was received by siblings or roommates. There were 4,511 cases where the deliveryman’s name was missing. There 6 cases in which the mail was never delivered. The usage of names like this suggests that there is a high possibility of Chinese involvement, as they do not know Korean names or the systems. This is a significant error that would not happen if one understood the meaning of each category accurately.

The mail sent to the Incheon postal office took the route of Gyeongju-Pohang-Daejeon-Bucheon-Gyeongju-Bucheon-Pohang-Incheon. The mail sent from Gyeongju to the South Ulsan postal office stopped at Daejeon and Gangneung, which are totally unnecessary stops. Some mail traveled 27.8 kilometers within a minute, which normally takes around 30 to 40 minutes, according to the navigational system. There were some 328,723 cases of forged and manipulated

mail-in voting like those above. Those who have a small knowledge of Korea’s geography would see that these routes and speeds are impossible.

We cannot erase the suspicion that they tried to manipulate the result from the central server without taking the irregular delivery routes into account. It appears that the Chinese did not take into account the geological characteristics of the Korean peninsula, as if they were mocking its small size, and tried to manipulate the tracking records through the central server.

In 138,860 cases, the date for the delivery was missing, and there were 138,853 cases that the final status of the delivery was not “Delivery Completed”. In 140,515 cases, mail was dispatched after their status showed that it was completed. There were also 99,772 cases of mail-in voting that should have been marked “Arrived-Dispatched-Arrived-Dispatched,” but was marked as “Dispatched-Dispatched, Arrived-Arrived.” In 5,356 cases, mail was delivered before people registered to vote, and in 30,063 cases, mail was registered then re-registered. There were 17,683 cases in which different post offices that did not register the mail processed. Things like mail registration being canceled then being registered again, showing duplicate records like “Dispatched-Dispatched” or “Arrived-Arrived” at different times cannot exist in a normal mail delivery process. It is believed that they made errors when manipulating a large amount of tracking records through the server.



Election Day

The early voting was the worst problem, but this does not mean that there were no problems during election day. There are reports that voters learned that they were already processed as having voted when they visited polling stations on election day. There also are multiple reports of voters receiving ballot papers with QR codes on them, which should have only been on early voting ballot papers.⁹

Counting Process

It was discovered in Buyeo that the electronic counting machine (ballot sorter) is not operated with just one program. According to the attached article, the troublesome counting machine in Buyeo first sorted around 180 votes to candidate A, about 80 to candidate B, and about 100 unsorted. After resetting the machine, the figure changed notably to 159 votes for candidate A, 170 for candidate B, and 59 unsorted.

This is difficult to interpret as a simple error, and it should be seen as two different programs were being used before and after the machine had been reset. If it's been proved that two separate programs were installed into one machine, it would be no surprise if dozens of programs were installed, considering the high-end ARM and Xylinx chips installed in the machine.

Despite the NEC's claims, the wireless LAN card cannot be detached from the laptop that control the electronic counting machine, the printer included in the machine also has a wireless communication feature. Furthermore, the electronic counting machine was under the influence of the NEC server, which would begin operating only after downloading data from the server and registering the information into the laptop.¹⁰

Programming professionals argue that they could have downloaded unofficial programs when they were downloading the basic code from the NEC's central server, which can allow them to manipulate the sorting process as much as they wanted to. Also, the experts suggested that the sorting machine can be manipulated when it's in offline mode if an unofficial program had been downloaded.

Counting observers had to keep a 1-meter distance from counting officials, which makes it impossible to find errors. Furthermore, if counting observers and officials cannot concentrate for

⁹ Exhibit No. 104, New Daily April 22, 2020 news article [[Exclusive] 'Who used my name to vote already' ...'Election fraud' massive petition to Blue House]

¹⁰ Exhibit No. 117, video of NEC server communicating with the electronic counting machine 1 second, 21 second mark

a long period of time, this means that the process for checking invalid votes and mixed ballots cannot be called a manual count.¹¹

In the case of Gangbuk-gu's second district, counting officials were not focused and did not catch two invalid votes mixed with valid ones, which a counting observer captured on video.¹²

What is worse is that no one could find out if an invalid vote occurred due to a sorting issue of the machine. Ballots are sorted very fast, so it is physically impossible to catch these invalid votes with the naked eye. According to many counting observers, there were many cases of counting officials dismissing the issue by saying "such things can happen," when questioned about the irregularity.¹³

The videos taken show that at the districts below, the electronic counting machine made an error in marking invalid votes and mixed votes.

- Yangcheon-gu 2nd district¹⁴
- Goyang-si 3rd district¹⁵
- Yeonsu-gu 2nd district¹⁶
- Gwangjin-gu 2nd district¹⁷
- Euichang-gu, Changwon-si, South Gyeongsang¹⁸

In Jeonju Wansan-gu Samcheon 3-dong, the number of voters and ballot papers issued was 4,674, but the number of votes cast were 4,684, 10 more than the number of voters. The Wansan-gu election commission acknowledged the difference but proceeded with the count and finalized the count without being able to find the cause of the 10-vote gap.¹⁹

In Seoul Yangcheon-gu, a counting official raised the number of final votes received for candidate 1 to 133. A counting observer at the site took a video and captured the official

¹¹ Exhibit No. 116, video of someone asking, "I'm curious, do you check for invalid votes or all the votes?" and was given the answer by an NEC official, "Can't check them all. They're (review and confirmation team) also taking so long; it would be impossible."

¹² Exhibit No. 50-8, Exhibit No. 50-9, Exhibit No. 50-10

¹³ Exhibit No. 51-1, Exhibit No. 51-2, Exhibit No. 51-3

¹⁴ Exhibit No. 54-3, section 5

¹⁵ Exhibit No. 54-6, 7

¹⁶ Exhibit No. 54-8, 9

¹⁷ Exhibit No. 54-10

¹⁸ Exhibit No. 54-11

¹⁹ Exhibit No. 65

correcting the figure after taking his time doing meaningless things, even though correcting it is just simple addition and subtraction.²⁰

Even though there were four more votes cast than the number of ballot papers recorded on the counting status table, a counting official in Gangbuk-gu argued that the table was already made and that the results were electronically submitted.²¹

At the counting station for Incheon Yeonsu-gu 2nd district, officials warned against taking videos of the electronic counting machine through the public announcement system, even though observers have a right to take videos of the counting station, according to Section 9, Article 181 of the Public Official Election Act.²²

There was a case of a candidate receiving “-1” vote, according to the initial results announced by the NEC. There were 37 districts in which there were more “Inside Jurisdiction” ballots than the number of voters, 10 from the district elections and 27 from the proportional representative elections. The NEC refuses to give an explanation on this issue, but in the world of programmers, they interpret it as a “bug,” and it would be fair to say that it is a circumstantial evidence that a manipulated program was used.

Destruction of Major Prerequisite that Guarantees Safe and Complete Preservation of Paper Ballots

Election lawsuits and investigations by the prosecutor’s office are major methods for revealing the truth about election fraud. The prosecutor’s office is having difficulty investigating the election fraud case properly as they are being openly attacked by the Moon Jae-in regime. The Supreme Court covers the single-trial system of an election lawsuit, and as of now, 25 candidates, 1 minor political party (Christian Liberty Unification Party) and constituents from 120 districts filed lawsuits to invalidate the election. However, it is difficult to expect the Supreme Court to actively look over the case, since the judiciary is dominated by the Moon regime.

The major prerequisite for guaranteeing the integrity of the election is preserving the paper ballots safely and completely until they are verified. However, the prerequisite collapsed ruthlessly in the 21st general election. This fact has been widely known through photos of the evidence preservation scene take by the attorneys in charge of the lawsuits.

²⁰ Exhibit No. 66

²¹ Exhibit No. 67

²² Exhibit No. 51-4

It was discovered that some ballot boxes were stored in a storage located in an open yard with just one lock and no CCTVs installed. It is rare to find cases where ballots were stored safely and completely and monitored by CCTVs during the period beginning from leaving the counting station up until the preservation of evidence.

There were countless instances of the ballot boxes themselves not conforming to the official standard. Some boxes made of plastic were found with evidence of the seal tape, that do not leave any marks, being detached and re-attached.

During the process of evidence preservation, some traces of re-attached seal tapes were found. In some cases, seals were damaged evidenced by missing half of a signature.

What is worse is that there were some cases where ballot boxes had holes for handles, meaning that illegal ballots could easily be inserted into the box afterward. The NEC, however, argues that these ballots are still valid, since there is a seal attached onto the top of the box.

Preservation of blank ballots and extra ballots was very poor. There was even an appalling case where a person was investigated for burglary after he reported empty ballots were entering a counting station.

There were many traces of seal tape that was detached and re-attached multiple times. There also were many cases of illegitimate signatures (not the signature of the commissioner, but the signature of a voting official or the signature of the election commission's Secretary General)²³, or no signature at all, irregular boxes being used, and damage to the storage boxes, which are evidence of damage to ballot boxes.

The integrity of the ballot papers was not guaranteed since they were not preserved safely and completely.

Obstruction of Evidence and Delay in Legal Procedures

The National Election Commission is not submitting the integrated voter list, which has information on the early voters. It is necessary for them to submit the list stored in the main

²³ The Dongdaemun-gu election commissioner was Kim, Haeng-soon. The ballot box that was supposed to be sealed with Kim's signature was actually sealed with another person's signature. It's been confirmed that the signature is from Kim, Dae-jung after flipping the signed image 180 degrees and Kim, Dae-jung is the Secretary General of the Dongdaemun-gu Election Commission.

server to subjectively verify whether the number of early voters were exaggerated or if ghost ballot papers were inserted. This list must be created and preserved according to the law, when considering how the early voting ballot papers are being issued.

The NEC is also not releasing the image files that are saved after scanning each ballot paper when it is inserted into the electronic counting machine (sorter) at the counting station. According to the user manual of the ballot sorter (electronic counting machine) and the NEC's official report, it is emphasized that such image files can be used to verify illegally forged votes. However, the NEC refuses to release the data when asked for the verification that they had emphasized before.

The NEC refuses to allow forensics on digital election devices and servers, operating programs and log data to be submitted.

The Supreme Court, which is overseeing the election lawsuit, is also not responding to requests for factfinding, appraisal, etc. As of November 3, 2020, the court has passed the deadline to review the case, which is set by law. Seven months since the election, the Supreme Court is unilaterally notifying dates for partial verification of election devices.

For seven months since the election, there was a systematic destruction of evidence related to the election fraud. They accessed the integrated voter list, which is the starting point of the election fraud, citing consulting purposes. CCTVs installed at the entrance of early voting polling stations were being covered with newspapers to make it impossible to verify the exact number of early voters. It was discovered that they made changes to the tracking records of mail-in ballots to conceal the actual tracking history. They damaged the original data by dismantling and relocating the server that contains traces of early voting manipulation. It was revealed that they operated temporary offices that were unknown to the public and destroyed documents related to the case.

CCTVs that recorded the ballot papers' movements were not operating continuously and was not properly preserved. They did not preserve the laptops used for the electronic counting machine, which was used for the manipulation, because they were rented. They argue that the counting machines are kept in storage after deleting all the programs. Seal papers and tapes containing the ballot papers were damaged and many were stored in storages that had no CCTVs.

It has been 72 years since the liberal democratic Republic of Korea was established. Systematic election fraud and destruction of evidence occurred under the protection of government institutions, led by the ruling party, which is filled with unconstitutional ideology. The meaning of the election lawsuits to reveal the truth are being dismissed, which is a total disaster.

It is more shocking when looking at the fact that the signs of election fraud in South Korea expanded and were reproduced in the U.S. presidential election on November 3.

Liberalism that cannot recognize evil as evil and fight against it is corrupted liberalism or dead liberalism. Syngman Rhee, the founding father of the Republic of Korea, always kept the following Bible verse as a personal life motto: “It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery.” (Galatians 5:1)

Freedom will not last forever. Throughout history, freedom has been obtained, lived and enjoyed by people who fall down to become slaves again.

Election fraud occurred, but we can't change the results? If such logic is established, elections and liberal democracy are facing their end. People who are willing to stand on the side of freedom, regardless of where they are, will not stop fighting and struggling against election fraud to achieve truth and freedom.

**ELECTION
FRAUD**

REPORTS

THE SOUTH KOREA APRIL 15,
2020 ELECTION
INTERNATIONAL
HUMAN RIGHTS LAW
CONSIDERATIONS

Grant Newsham

Executive Summary:

South Korea is a democratic success story. It has held generally well-managed elections for thirty years under an established legal framework and process that its own citizens have by and large considered legitimate and fair. The Republic of Korea's national election law (Public Official Election Act) is generally well drafted and reflects and implement international standards as defined in international law and treaties.

However, South Korea's most recent election, held on April 15, 2020 to elect members of the national assembly produced an unprecedented number of lawsuits alleging irregularities – to include claims of fraud– in the electoral process. The allegations were widespread and serious enough to undermine public confidence in some quarters in the entire electoral system.

This report examines the April 15, 2020 election from the standpoint of international human rights law by which the South Government is bound.

The report lays out 15 specific areas of interest where the South Korean electoral process -- in practice -- potentially contravened the government's legal obligations related to the conduct of the election.

These allegations implicated nearly all phases of the electoral process. To include: claims of 'partiality' by the election management body, issues with polling station operations, voting and vote counting, and the handling of ballots. Other claims covered ballot 'chain of custody' – with a detailed examination of South Korean postal service delivery records alleging a large number of potential 'ghost votes'.

The accuracy and availability for examination of electoral lists is also considered, as are issues concerning the reliability and security of electronic voting technologies used in the election. A common thread in many of the allegations is the question of adequate 'transparency' into the electoral process that is essential to ensuring public confidence.

Also at issue is the post-election ability of claimants to seek redress and to have claims handled expeditiously, as well as related issue of access to and preservation of evidence.

The role of the media in the electoral process is also highlighted – along with allegations of official impediments to media operations – before, during, and after the election.

Importantly, this report does not attempt to determine the validity of the specific allegations. The issues arising from the April 15, 2020 election should not be partisan issues, but instead touch on the fundamental soundness of – and public trust in – the South Korean electoral system.

One fairly notes that all nations' electoral processes need constant tending, no matter how advanced the country or how experienced it is at holding elections.

After assessing the allegations from the perspective of international law, this report suggests that further examination of the South Korean electoral process is desirable.

International law and custom encourages the presence of domestic and international observers.

Moreover, all nations can benefit from outside observers casting a fresh eye on the electoral process. And this can be mutually beneficial, as there is much to learn from South Korea's three decades of experience holding hard-fought democratic elections that have allowed for peaceful transfers of power – that have earned a favorable reputation domestically and internationally.

Towards this end, dispatching international observers to future South Korean elections is, as noted, an idea worthy of consideration.

INTERNATIONAL HUMAN RIGHTS LAW ISSUES RAISED BY THE 4.15 ELECTION

Human Rights Law Issue #1

South Korea's National Election Commission (NEC) – a question of partiality

Human Rights Law Issue #2

The incumbent Democratic Party possibly obtained unfair advantage during the election campaign

Human Rights Law Issue #3:

South Korea's Early Voting system vulnerable to manipulation

Human Rights Law Issue #4:

QR Codes affixed to 'early voting' ballots threatened voter 'secrecy'

Human Rights Law Issue #5:

Uncertainties regarding electronic counting machines used in the April 15, 2020 South Korean election

Human Rights Law Issue #6:

Cyber Security of the Electoral Network

Human Rights Law Issue #7:

Issues concerning the electoral list

Human Rights Law Issue #8:

Polling station operational issues

Human Rights Law Issue: #9:

Irregularities with the actual voting that potentially warrant further examination

Human Rights Law Issue #10:

Issues arising from Ballot Counting

Human Rights Law Issue #11:

Problematic ballot papers

Human Rights Law Issue #12

Ballot chain of custody issues and potential 'ghost votes'

Human Rights Law Issue #13:

Delayed review of election related court challenges

Human Rights Issue #14

NEC laxity with preserving evidence needed to adjudicate electoral challenges

Human Rights Law Issue #15:

Impediments to free operation of the media

Key Sources

Universal Declaration of Human Rights (UDHR)

International Covenant on Civil and Political Rights (ICCPR)

UN Committee on Human Rights, General Comment 25

UN Committee on Human Rights, General Comment 29

UN Committee on Human Rights, General Comment 31

UN Committee on Human Rights, General Comment 32

United Nations Convention Against Corruption (UNCAC)

Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, Commemorated at United Nations, New York, October 27, 2005

Declaration on Criteria for Free and Fair Elections, Inter-Parliamentary Union, Paris, March 26, 1994

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Guidelines for Reviewing a Legal Framework for Elections, 2d Edition, OSCE/ODIHR: (2013)

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UN General Assembly, *Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization: resolution / adopted by the General Assembly, 8 March 2010*

ROK April 15, 2020 Election: Potential irregularities and international human rights law

Introduction

South Korea is a democratic success story. It has held generally well-managed elections for thirty years under an established legal framework and process that its own citizens have by and large considered legitimate and fair. The Republic of Korea's national election law (Public Official Election Act) is generally well drafted and reflects and implements international standards and treaty requirements applying to elections.²⁴

However, South Korea's most recent election, held on April 15, 2020 to elect members of the national assembly resulted in an unprecedented number of lawsuits complaining of irregularities – and even fraud – in the electoral process. The allegations were widespread and serious enough to undermine public confidence in some quarters in the entire electoral system.

This report examines some of the key issues from the standpoint of international human rights law, international custom, and jurisprudence that form the framework for genuine, free, and fair elections. As a signatory or 'state party' to the various United Nations (UN) treaties that establish international legal standards applying to elections, the Republic of Korea is obliged to enact national laws that reflect compliance with international standards. As noted, South Korea's electoral law does largely meet such standards.

However, even the most advanced democracies with long experience holding elections need to constantly tend their electoral processes and practices as controversies (large and small) manifest themselves during actual elections. The recent US Presidential election in November 2020 abundantly demonstrates this point.

²⁴ This report focuses on issues arising from the April 15, 2020 election that potentially contravene international human rights law as applied to elections. As such, it does not directly assess potential violations of South Korea's domestic electoral law. However, **Annex 12** is an independent assessment conducted by a South Korean specialist that raises a number of potential violations of the domestic Public Official Election Act.

Also of note, the documents listed in **Annex 13** and enclosed in the 'supporting documents' section of the overall report include three translated court documents related to the ROK election. The documents are plaintiffs' pleadings. These documents provide good details of the claims, supporting evidence, and legal arguments put together by South Korean lawyers on behalf of plaintiffs that allege electoral wrongdoing.

Attached as **Annex 14** is a translated assessment prepared by a South Korean attorney detailing specific alleged violations of South Korean domestic law arising from the April 15, 2020 election. The allegations include improprieties in the introduction and use of electronic voting technologies and QR codes, as well as claims regarding the existence of irregular ballots, counting procedures, obstruction of poll watchers, and chain of custody issues.

One should also remember no country's elections are flawless, and that human error, and indeed human imperfection, is not automatically evidence of fraud and should not be interpreted as such.

So with this in mind that we highlight issues that may warrant further examination – and thus offer the potential to improve South Korea's electoral process. And as a 'next step we suggest the dispatch of international election observer teams to future South Korean elections should be considered.

International Human Rights Law and Elections

The standards for fair elections are ultimately enshrined in international human rights law. Such standards derive from two fundamental sources: The UN originated Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). As a member of the United Nations and a signatory to the ICCPR, the Republic of Korea explicitly and implicitly is bound by the referenced Declaration and Covenant and attendant international standards.

Although most readers are well versed in these specific provisions of international law, we nonetheless cite the key provisions for reference:

Universal Declaration of Human Rights

Article 21

3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

International Covenant on Civil and Political Rights (ICCPR)

Article 25

Every citizen shall have the right and the opportunity...

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

Summarized in plain language:

People have the right to vote (with their choice a secret) in genuine (fair and honestly run) and periodic (held regularly and not just once) elections. The vote must be universal (open to as many people as possible) and equal (each vote of equal value). The ultimate test of a genuine election is that the outcome reflects what the voters (free of coercion) intended.

To ensure the integrity of the electoral process, other basic human rights – mandated by international law – are necessarily brought into play. These include: freedom of expression, freedom to receive and impart information, freedom of thought and opinion, and freedom of movement and assembly.

International electoral jurisprudence includes a number of other matters and actions needed to secure the integrity of the electoral process. This includes not only secret votes, but that the ballot counting process is secure, honest, and transparent. Towards this end, the entire process should be freely observable to candidates, party representatives, and independent observers.

Also required is a certain ‘equality of opportunity’ for people and parties contesting the election. Thus, no party – especially the party of an incumbent government – should have undue advantage by virtue of access to or the use of government resources.

International human rights law and jurisprudence also declares that the media has a vital role to play in the electoral process – particularly as regarding the voters’ right to receive information and to make informed judgments that reflect their genuine, free will. An unfettered media also potentially exposes issues and behaviors that threaten overall electoral integrity.

The entire electoral process is to be managed by an Electoral Management Body (EMB) that is impartial and transparent – and competent.

Voters and candidates – as part of the human right to ‘take part in the conduct of public affairs’ – are entitled to raise complaints about the electoral process and to have them fairly and promptly adjudicated.

Towards this end, an independent judiciary is also required to ensure electoral laws are properly enforced and to resolve disputes arising from the electoral process.

And finally, international law and custom encourages the presence of domestic and international observers – to help ensure the fairness of the entire electoral process and to bolster public confidence.

This is all simple in concept, but is not so easy in practice. Elections take place in political, cultural, and historical contexts that vary from country to country. And the simple act of carrying out an election – especially in a country of over 50 million people such as South Korea – is never as easy as it sounds.

South Korea's April 15, 2020 election produced claims involving alleged irregularities that potentially contravene international human rights standards and obligations – as discussed in the body of this report. These may warrant additional examination and the dispatch of international observers to future South Korean elections is perhaps deserving of consideration.

Human Rights Law Issue #1

South Korea's National Election Commission (NEC) – a question of partiality

South Korea's National Election Commission (NEC) has several decades of experience conducting and managing national elections, and operates under a generally well-written election law. However, the April 15, 2020 election produced allegations that the NEC showed favoritism for the Democratic Party (DP) of the incumbent Moon Jae-in administration.

The allegations raise the issue of potential contravention of the international legal requirement that an Election Management Body (EMB) carry out its mandate impartially. Also implicated is the requirement that a party contesting an election – particularly that of an incumbent administration – should not have unfair advantage in the electoral contest by virtue of access to and use of governmental resources.

UN Human Rights Committee, International Covenant on Civil and Political Rights (ICCPR), General Comment 25, paragraph 20 states:

“An independent electoral authority should be established to supervise the electoral process and to ensure it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”²⁵

International-IDEA commentary further notes that “...CCPR has adopted a combined reading of ICCPR articles 25 and 26...(to conclude that)...”the unilateral abuse of state resources for campaign purposes violates the Covenant.”²⁶ This implicitly refers to an incumbent administration by virtue of incumbents having the natural benefits of incumbency.

Given the NEC's central role in conducting South Korea's elections, partiality – in reality or perception – can skew the entire electoral process. Thus, the issue deserves particular attention.

The specific irregularities alleging favoritism or lack of impartiality on the part of the NEC during the April 15, 2020 election are detailed in the following sub-sections:

²⁵ (UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, CCPR/C/21/Rev.1/Add.7, available at: <https://www.refworld.org/docid/453883fc22.html> [accessed 15 December 2020])

²⁶ International-IDEA, *International Obligations for Elections*, 2014, page 44

Subsection #1: A senior NEC official has excessively close ties to the Democratic Party and the incumbent administration

The NEC's executive director, Cho Hae-ju is a close associate of President Moon Jae-in. That in itself is neither unusual nor on its face problematic. Presidents often select for key positions people they know and are comfortable with. However, Cho's career pattern raises potential issues from a 'impartiality' standpoint.

Specifically, he was already a longtime NEC official before leaving the NEC to assist with President Moon's presidential campaign in 2016. After Moon was elected, he appointed Cho as the top civilian official in the NEC. So, in effect, Cho moved from the NEC to playing a key role in partisan politics and then moved back to the NEC – after appointment by the victorious administration, and presumably at least in part for helping Moon achieve victory.

Cho is also alleged to have a longstanding and close relationship with the Democratic Party, such that he reportedly wrote a major policy report on the use of 'Big Data' with Ko Han-seok, Deputy Director-General of the Democratic Research Institute – the Democratic Party's official think-tank.²⁷

One should of course avoid assuming improper motivations in cases such as this. However, the primary issue deserving examination is ultimately the appearance of inappropriate partisanship – in an organization that is at least by the spirit of the law and by societal ethics obligated to be non-partisan. This potentially undermines public confidence in the NEC – and by extension the entire electoral process.

Subsection #2: The NEC allegedly gave preference in selecting as poll observers members of a Democratic Party-linked support group, People's Eye, even though ROK election practice calls for such observers to be independent and not affiliated with a political party.

According to South Korea's electoral practice, poll watchers are chosen according the following proportions:

The incumbent party chooses 20% of the observers and the opposition party chooses 20%. The other 60% are chosen directly by the NEC. The 60% are intended to be unaffiliated with party organizations.

²⁷ Annex 15 provides additional details.

However, it is alleged the NEC selected ‘unaffiliated’ poll observers disproportionately from lists of hand-picked candidates prepared by People’s Eye – an avowedly partisan organization closely tied to the Democratic Party.²⁸

Such preference for a given organization, if true, would also disadvantage other citizens by limiting their right to participate in public affairs as guaranteed in ICCPR Article 25.

Regarding People’s Eye

People’s Eye is a leftist civil society organization with around 50,000 members and reputed close ties to the incumbent Democratic Party. It was formed in 2016 as an independent organization but derived from within an organization called, ‘The People’s Wings’ that was formed in 2015 by an individual who is regarded as an extreme leftist, Moon Sung-guen.²⁹ People’s Eye’s avowed objective is the ‘driving towards the victory of democratic, liberal progressives’ and it was founded with the purpose of helping Moon Jae-in win election.³⁰

Despite People’s Eye’s avowed objectives and an ideology suggesting a rather partisan organization at one far end of the political spectrum, an NEC report written in 2017 and entitled “A Study on the Expansion of Citizens’ Participation in Securing Trust in Election Management” stated that People’s Eye does not support any particular party. The report, written by a regional NEC regional official, was part of a larger collection called “Election Research”.

Beyond questions of domestic South Korean electoral law, this is also an issue under international human rights law. The issue of NEC partiality – to include in selecting poll observers is of fundamental importance to the perceived integrity of the entire electoral process. As such, it perhaps deserves further examination in order to defuse the allegations – even if they are based only on perceptions.

Subsection #3: Offices leased by NEC for unclear purposes during the election campaign

²⁸ Article 10, Section 1, Paragraph 4 of the Public Official Election Act lays out the basic requirement that ‘unaffiliated’ observers not be closely tied to a particular party or candidate. “An organization established for the purpose of supporting a specific candidate shall not be engaged in the drive for a fair election.”

²⁹ Moon Sung-geun is a South Korean actor with strong extreme left wing beliefs. He reportedly visited North Korea secretly in 2003 as a special envoy. A well-known left-wing journalist, Kim Eo-joon, also plays a prominent role in People’s Eye. As public figures, Kim Eo-joon and Moon Sung-geun regularly support the Moon administration on television and the media. As noted, while this is certainly not unlawful, it does suggest a degree of partisanship that is contrary to standards for selecting ‘independent’ electoral observers.

³⁰ Far-left South Korean media outlets, such as ‘DAS BWE-YIDA’ are said to actively promote people joining People’s Eye. Once again, this goes to the issue of partisanship.

A South Korean investigative reporter uncovered evidence of at least nine offices – leased by the NEC throughout South Korea. The reporter stated that an NEC official was reportedly assigned to each office (in addition to other staff)³¹, and that there were computer linkages to the NEC regional offices (and possibly linked to the overall electoral network). When presented with documentary evidence of the offices – that had no signage naming the NEC – the NEC admitted that the information was correct. Additional details are provided as **Annex 1**.

The actual purpose of these offices is unknown. However, the potential irregularity could be perceived as bearing on the issue of NEC impartiality, as well as the fairness of the overall election. This might also impinge on the rights of other candidates and members of the electorate to compete fairly and to participate in public affairs.

Subsection #4: Alleged lack of NEC transparency and responsiveness in responding to electoral challenges

Well over 100 lawsuits were filed challenging and alleging irregularities in the April 15, 2020 electoral process. The lawsuits have requested the NEC provide various data, information, and access. Yet, the NEC has not been particularly responsive. Reportedly, the NEC declared ‘private’ all data and evidence such as electronic counting machines, software, server log files used for the elections. Being private it is not subject to release.

The NEC has reportedly also resisted court orders to release the requested materials.

As one example, a lawyer representing a candidate challenging the election outcome described to this report’s researchers the NEC’s resistance to providing information as follows:

After making a total of 21 requests in writing during the preparatory investigative stage and at the first hearing, a request was also made once through the judge.

According to the lawyer, the 21 written requests (made once every week after the lawsuit was filed) asked for the integrated voters’ list, but the requests were all denied. The court ordered the NEC to submit the integrated voters’ list, and once again, on October 23 the court ordered the NEC to submit it on the date of its first hearing.

Ultimately, the NEC privately submitted the voters’ list to the court only – not to the petitioner – on the grounds it contained trade secrets and would violate privacy laws. The lawyer noted that because it was submitted privately, no one can access it and only the courts are aware of its contents. Thus, the lawyer and the petitioner were unable to conduct an inquiry or investigation.

³¹ Whether other individuals at these offices were affiliated with organizations besides the NEC could not be conclusively ascertained, despite rumors that they were from People’s Eye.

In summary, the NEC's alleged behavior potentially violates international human rights law requirements that guarantee the right to an effective remedy (implicitly including the right to raise electoral challenges) (ICCPR 2 (3)); the right to receive information (ICCPR 19 (2)); and the right to have a prompt resolution (CCPR GC 31, paragraph 15.2; and CCPR GC 32, paragraph 27).

Also potentially implicated is the obligation of impartiality by the electoral authorities that is discussed earlier, given the possible perception of governmental influence being responsible for the NEC's alleged tardiness.

The basic concept of 'transparency' that is mentioned throughout international electoral jurisprudence and that is necessary to ensure the effective right to raise and pursue claims, appears to be lacking in the present case. One notes without the fullest possible transparency, public confidence in the electoral process tends to suffer.³²

The NEC's apparent resistance to complying with court orders is also contrary to the concept that human rights are to be protected by the rule of law (as explicated in the UHDR preamble and CCPR GC 25 and CCPR GC 13). An implicit corollary is that the electoral process is guaranteed by the rule of law rather than individuals, parties or organizations.

As noted by the United Nations Centre for Human Rights: "... (E)lections must be subject only to the rule of law, and not to the whim of the existing Government or any single political party."³³

Subsection #5: Supreme Court justice retires but stays as head of the NEC

In South Korea, the head (chairman) of the National Election Commission is always one of the Supreme Court justices. If the justice who is the chairperson of the NEC retires from the Supreme Court, he or she also resigns as the head of the NEC. But former Justice Kwon Soon-il, continues as the head of the NEC even after he quietly retired from the Supreme Court on September 8th, 2020 (without a retirement ceremony). This has never happened before in South

³² The UN Convention Against Corruption (UNCAC) is also used to bolster and fill in gaps in ICCPR and other statutory law concerning elections. In particular, UNCAC Articles 5.1 and 13.1 deal with the citizens' right to transparency in governmental affairs. 'Governmental affairs' is interpreted under legal jurisprudence as including elections.

³³ Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, Centre for Human Rights, 1994. (Paragraph 78)

Korea – a retired justice continuing as the head of the NEC, and a justice retiring without a retirement ceremony.³⁴

Of course, there may be quite legitimate and unobjectionable reasons for the newly retired Supreme Court justice remaining in place at the NEC. However, the electoral authority in any country arguably should go the extra mile to avoid even the appearance of something untoward. This is another potential irregularity arguably deserving attention in order to clarify any misunderstanding or misconceptions.

Human Rights Law Issue #2

The incumbent Democratic Party possibly obtained unfair advantage during the election campaign

The incumbent party and its candidates almost unavoidably have an advantage, but international law and practice mandates that this advantage is minimized to the fullest extent possible.

International-IDEA guidelines state: “To ensure a level playing field for electoral candidates, the CCPR has adopted a combined reading of ICCPR articles 25 and 26, stating that States Parties ‘should treat all political parties on an equal footing and offer them equal opportunities to pursue their legitimate activities’. The CCPR has thus clarified that unilateral abuse of state resources for campaign purposes violates the Covenant.”³⁵

CCPR, General Comment 25, paragraph 19 also states that:

“Voters should be able to form opinions independently, free of violence, compulsion, inducement or manipulative interference of any kind.”

Irregularities along these lines are alleged to have occurred during the April 15, 2020 election.

For example, in a potential case of ‘inducement’, one day before early voting commenced, the South Korean government sent a text message nation-wide announcing that the citizenry would receive a subsidy of 1 trillion won, or an average of 1 million won per person, and the amount

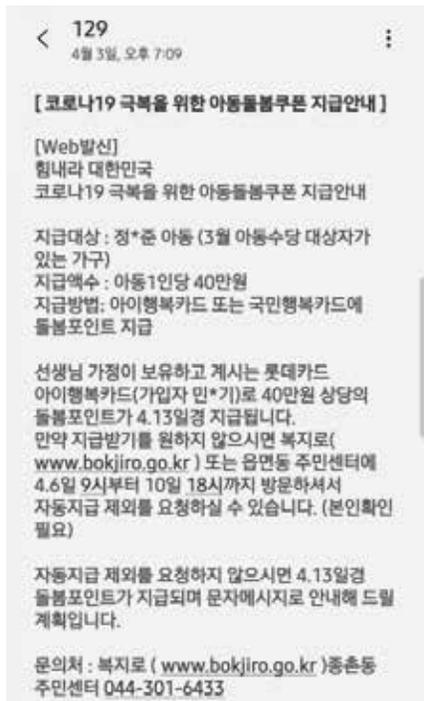
³⁴ September 9, 2020. Statement by Attorney of the Election Invalidation Team, The April 15th Peoples’ Fight Against Rigged Election Headquarters (Standing Representative, Min Kyung-Wok.)

³⁵ I-IDEA International Obligations for Elections, 2014, p.44.

was disbursed over 2 days on April 11 and 12. Reportedly, certain incumbent party candidates stated that if citizens voted for them, a second round of payments would be made. (See Annex 2 for additional information).

Additionally, on April 3, 2020 the Ministry of Health and Welfare sent text messages nationwide saying that Child Care subsidy coupons (for children under 5 years old) would be distributed on April 13th – after ‘early voting’ began and before election day. Ultimately about 2.3 million children (representing 1.77 million guardians – presumably of voting age) received the subsidies.

A copy of the text message announcing the Child Care subsidy follows:



These payments to the general public were arguably proper allowances provided to compensate for economic losses to the citizenry owing to the Covid-19 virus that was spreading in South Korea. However, given the timing it perhaps raises an issue deserving of further review.

Along these lines, I-IDEA International Electoral Standards (2002) p. 67 further notes that: “The legal framework (for elections) should provide that all State resources used for campaign purposes, such as state media, buildings, property and other resources, are also made available to all electoral participants on an equitable basis.”³⁶

³⁶ Bolstering the idea of equal access to state resources, I-IDEA International Electoral Standards (2002) states: “The legal framework should ensure that:....”No party or candidate (especially the ruling party) is favoured,

This statement of legal standard arguably applies to the aforementioned subsidy payments, but is also possibly implicated in the following potential case of the Democratic Party making arguably unfair use of government resources: specifically, the Party reportedly signed pre-election deals with local governments and South Korean telecommunications companies to obtain personal data of residents and customers respectively.

Besides the legality issues, ethical issues, and unfair advantage of an incumbent administration signing such deals with local governments and private (but government regulated and licensed) companies there are concerns that the information received potentially violated South Korean personal privacy laws – and ‘international’ standards of privacy protection as well.

Subsection #1: Disruption or restrictions on campaign meetings or rallies, including refusals to grant authorization

OSCE standards frown on government imposed the limitations on campaigning by candidates and their parties. And international human rights law also holds such measures in disfavor.

CCPR, General Comment 25, paragraph 8:

“Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association.”³⁷

CCPR General Comment 25, paragraph 19 further states:

“Persons entitled to vote must be free to vote for any candidate for election...and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”

financially or otherwise through the availability or use of state resources, over the other parties and all stakeholders in the election process have an equal chance of success.” (pp. 55-56).

³⁷ A more detailed explication of this concept is that political propaganda, voter education activities, political meetings and rallies, and partisan organizations are all common elements of the electoral process and must operate without unreasonable interference. Of course, what constitutes ‘unreasonable interference’ is open to debate.

It is alleged that during the April 15, 2020 election that the South Korean government banned all political rallies on the grounds of Covid-19, but that rallies of pro-ruling party civic groups were permitted.

In one notable case of claimed governmental favoritism or intimidation (depending on one's perspective) Jeon Kwang-hoon, who led a Moon Jae-in impeachment rally in February, was imprisoned for violating the election law because he asked people to not vote for the Democratic Party. Jeon Kwang-hoon was not a candidate for office.

<https://en.yna.co.kr/view/AEN20200224004000315>

<http://www.christianitydaily.com/articles/9195/20200224/rev-jeon-kwang-hoon-representative-christian-council-korea-arrested.htm>

This may perhaps have been a technical violation of domestic law, but is arguably contrary to international human rights law and jurisprudence that calls for the fullest possible protections of 'political speech.'

This also potentially infringes on a number of other fundamental human rights, including freedom of speech, assembly, movement, and right to be informed to make up one's mind, and for the election to reflect voters' informed, free will.

Covid-19 caused immense disruption in South Korea – as in many other nations – and there may indeed be justifications for the restrictions on electoral campaigning on the grounds of public health and safety.

However, the allegations of unfairly applied standards that disadvantaged the opposition party and its candidates throughout the electoral process, should arguably warrant a review of South Korean electoral procedures and their application to the electoral campaigning process.

Human Rights Law Issue #3:

South Korea's Early Voting system

Various methods of 'early voting' prior to 'election day' voting exist in many countries. And these practices are not prohibited by international human rights laws related to elections, or by relevant legal jurisprudence.

Introduced in 2013, the South Korean electoral system provides for ‘Early Voting’ which allows two days of voting four or five days before Election Day voting. Voters are allowed to vote ‘early at the polls. If the polling site is outside their registered district, they are issued a ballot, then they mark it for their chosen candidate, and put it into an envelope. The envelope is then mailed to their ‘home’ district for counting. Ballots from early voters voting in their ‘home’ district remain at the polling site.

The NEC has in previous years provided public demonstrations to explain the processes and working of the early voting system.

Early voting opportunities are arguably beneficial for expanding voter access – which is in line with the human rights law calling for voting to be ‘universal’ – in other words, available to as many voters as possible. And the early voting system is also advantageous from the perspective of simple convenience.

However, it also raises concerns of increased opportunities for fraud – particularly in the absence of strict controls – given the time gap between voting and the actual counting and the potential for manipulating and/or manipulating early votes. This potentially violates the principal of ‘equality’ of votes and security (and sanctity) of the voting process.

Another concern is the possibility that early voters might cast their ballots before additional information about respective candidates might emerge that potentially limits their ability to make an informed decision. This arguably undercuts the international legal requirement and objective that the election represents the free will and intention of the electorate.

In the April 15, 2020 election, most of the objections – to include the allegations of ‘statistical improbability’ indicating possible fraud in the voting process centered on the ‘early votes.’

Early voting remains a topic of global discussion and debate. Other nations may find it useful to examine the South Korean early voting system and the National Election Commission’s experience at managing and carrying out the system as part of the overall electoral process.

The bi-partisan Carter – Baker Report (2005)³⁸ – jointly headed by former US President Jimmy Carter and former US Secretary of State, James Baker examined a number of issues affecting US elections – to include early voting – and offered a number of modifications to improve voter confidence in the electoral process.

³⁸ Building Confidence in US Elections: Report of the Commission on Federal Election Reform (September 2005)
<https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf>

Regarding ‘early voting’ the Commission reached no firm conclusion:

“The evidence on “early” voting is similar to that of vote by mail. People like it, but it does not appear to increase voter participation, and there are some drawbacks. It allows a significant portion of voters to cast their ballot before they have all of the information that will become available to the rest of the electorate. Crucial information about candidates may emerge in the final weeks or even days of an election campaign. Early and convenience voting also detracts from the collective expression of citizenship that takes place on Election Day.

Moreover, the cost of administering elections and of running campaigns tends to increase when early and mail-in voting is conducted in addition to balloting on Election Day. Early voting should commence no earlier than 15 days prior to the election, so that all voters will cast their ballots on the basis of largely comparable information about the candidates and the issues.”

The Commission also devotes space to discussion of vote by mail – and potential for fraud. Noting that in some jurisdictions it works well – with proper safeguards – and with little evidence of fraud. However, in other states: vote by mail is likely to increase the risks of fraud and of contested elections in other states, where the population is more mobile, where there is some history of troubled elections, or where the safeguards for ballot integrity are weaker.

The report ultimately concluded: “the Commission encourages further research on the pros and cons of vote by mail and of early voting.”

The South Korean electoral ‘early voting system’ might deserve further study and assessment to examine its strengths, weaknesses, and overall compliance with international human rights law as applying to the electoral process. Towards this end, international election observers might apply a fresh set of eyes to the subject.

Human Rights Law Issue #4:

QR Codes affixed to ‘early voting’ ballots threatening voter secrecy

The QR Code raises potential issues concerning the compromise of the voter’s right to cast a ‘secret’ ballot as stated in both the UHDR and ICCPR Article 25, and as further reinforced by CCPR General Comment 25.³⁹

³⁹ OSCE (Organization for Security Cooperation in Europe) election observer guidelines contain the following question for observers to watch for: “Do the ballots contain any unusual marking intended to violate the secrecy of the vote?” <https://www.osce.org/files/f/documents/5/e/68439.pdf>

It may not be ‘intended’ to violate the secrecy of the vote, but there is nonetheless a perception that might affect public perceptions of the election’s fairness and legitimacy.

As background, the South Korean electoral process allows for two days of ‘early voting’ that occur starting five days before the actual ‘election day.’ Voters are able to vote at any polling location, even if outside the voter’s home district. Upon presenting identification at the polling site, poll officials print a ballot for the voter.

The ballot is marked with a QR Code. It should be noted that only ‘early voting’ ballots have QR Codes affixed. ‘Election Day’ ballots do not.

Another potential concern is that the QR Code potentially exposes the electoral process to manipulation by malign parties through hacking or otherwise manipulating QR codes or, as some commentators claim is more likely, the tabulating software. This potentially subverts the principle of ‘equality’ of votes (by diluting legally cast votes), as well as the requirement that a fair election accurately reflect the will of the electorate.

Moreover, the QR Code and the uncertainty over what data it actually contains potentially risks exposing voters’ personal information – thus violating the elector’s right to privacy under both domestic and international law. Support for a ‘right to privacy’ related to a person’s personal information is found in a collective reading of ICCPR, Article 2(2), UNCAC Article 10, and CCPR, General Comment 16, paragraph 10.

Domestic challenge to QR Code unsuccessful

The use of QR codes in South Korean elections has been challenged as a violation of the ROK Public Official Election Law. To date, challenges have been unsuccessful. However, the potential contravention of international human rights law on the several grounds stated above remains an issue.⁴⁰

To avoid controversy, South Korean electoral authorities at the National Election Commission (NEC) might have sought to preemptively ‘cure’ such objections to the QR Codes by allowing all parties, candidates, and even independent observers full access to examine the QR Codes and related source codes before, during, and after the election.

However, this opportunity for enhanced transparency does not appear to have been taken advantage of by the NEC. And as noted earlier this report, repeated requests made by a certain plaintiff’s lawyer following the April 15, 2020 election to disclose the contents of the software that created the QR Code and all related software, have been rejected by the NEC.

⁴⁰ The use of QR codes in the April 15, 2020 elections is treated in a detailed report entitled ‘QR Code Used in Early Voting by Mr. Cho Cheng-yeol. This report is attached as **Annex 3**.

The perceived air of secrecy arising from National Election Commission’s reluctance or even refusal to allow independent examination or to release the requested QR Code information has fed suspicions of something malign having occurred – such as the voter’s choice being revealed, personal information being leaked, or the actual vote being manipulated contrary to the voter’s intentions.

And the fact the QR codes are only affixed on the ‘Early Vote’ ballots and not on ‘Election Day’ ballots further heightens suspicions – justified or unjustified.

We note that several scholarly papers discuss the issues of using QR codes and other ballot marking devices in elections and usefully cover the pros and cons of the issue.⁴¹

However, this report does not intend to try to resolve the issue of QR codes being lawfully or unlawfully used as a matter of South Korean electoral law in the April 15, 2020 election. Rather, this report highlights that the use of QR codes – and particularly only on ‘early vote’ ballots – raises an issue of ballot secrecy that has international human rights law implications, and potentially diminishes public confidence in the electoral process if not handled with adequate transparency.

As such, this is a potential issue for examination by international organizations and possibly international election observers.

⁴¹ QR Steganography: A Threat to New Generation Electronic Voting Systems

By Jordi Cucurull, Sandra Guasch, Alex Escala, Guillermo Navarro-Arribas and Victor Acin

<https://ieeexplore.ieee.org/document/7509529>

Ballot-Marking Devices (BMDs) Cannot Assure the Will of the Voters

Andrew W. Appel, Richard A. DeMillo, Philip B. Stark (December 27, 2019)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3375755

Going from Bad to Worse: From Internet Voting to Blockchain Voting (draft)

By Sunoo Park, Michael Specter, Neha Narula, Ronald L. Rivest (November 26, 2020)

<https://people.csail.mit.edu/rivest/pubs/PSNR20.pdf>

Human Rights Law Issue #5:

Uncertainties regarding electronic counting machines used in the April 15, 2020 South Korean election

Electronic electoral hardware – such as voting and ballot counting machines – are widely used around the world. And the attendant debate, if not tension, between convenience and security is part and parcel of the debate over whether and how to use ‘voting technologies.’

The use of electronic voting technologies potentially implicates nearly every key aspect of the human rights law requirements for a genuine election: These include, the right to cast a secure, secret ballot, and to have it accurately tabulated as is necessary for a genuine election that reflects the free will of the electorate. And all of this underpins citizen confidence on the entire system – if not the nation’s government itself.

I-IDEA International Electoral Standards (2002), p.78 states the basic requirements for employing voting technology:

“The legal framework should provide safeguards where technology is used to count ballots. The legal framework must make possible the independent verification of the accuracy and soundness of hardware and software used for counting ballots.”⁴²

Before, during, and after the April 15, 2020 election, candidates and other parties complained of inadequate NEC public disclosure regarding the electronic systems and limited or no opportunities to examine the electronic hardware, software, source codes and related computer hardware used in the ECMs.

Whether a given system or piece of hardware can be hacked or manipulated is a question that is hard to conclusively resolve. Thus, perhaps the more useful matter is the issue of providing adequate transparency for candidates, parties, and appropriate outside observers to examine and understand the electronic voting technologies used in the election. As noted earlier, enhanced transparency can defuse in advance allegations and suspicions of wrongdoing an electoral fraud

In the case of the April 15, 2020 South Korean election, The NEC apparently could have been more transparent and forthcoming regarding requested technical details at all stages of the electoral process

⁴² I-IDEA International Obligations for Elections (2014) also states: “...(s)afeguards are required where technology is used to count or aggregate votes. The legal framework must provide for independently verifying the accuracy and soundness of the hardware and software used to count ballots. Whether manual, mechanical or electronic counting is used, supervision procedures are necessary to ensure accuracy, reliability and transparency.” p.251.

It is alleged that neither the software nor hardware used in this election was publicly demonstrated in advance. Prior to the 2020 elections (in previous elections), the NEC reportedly disclosed which equipment would be used according to set procedure. However, no information was disclosed in advance for this election.

In previous elections the NEC held public displays and demonstrations of the early voting process, to include ballot sorting and ballot counting devices. However, as far as is known in-depth pre-election (or post-election) examinations of electronic electoral hardware and software has not been permitted by parties, candidates, or independent reviewers.

Following the April 15th election, when questions are raised over electronic voting technologies, a limited public demonstration was held, but only the hardware was revealed. Nonetheless, it was possible to identify specific components that are found in supercomputers, such as a Xilinx chip, etc. and that there was also a communication device embedded in the hardware. However, there reportedly has been no official statement or announcement of exactly what software was used in the referenced hardware – nor an opportunity to examine it. **(See Annex 4 for additional details)**

The following are examples of the public demonstrations of the early voting system and attendant hardware in previous elections:

- Public demonstration of the counting process for the 18th presidential election in 2012
- < <https://www.nocutnews.co.kr/news/4302606>>
- Public demonstration of the 2014 local elections
- < <http://www.siminilbo.co.kr/news/articleView.html?idxno=353513>>
- Public demonstration for the 2016 general election
- < <https://www.inews365.com/news/article.html?no=435568>>
- Public demonstration for the 2017 presidential election
- < <http://www.m-i.kr/news/articleView.html?idxno=302211>>

As noted elsewhere in this report, the NEC has also refused post April 15th election requests to release ‘voting technology’ details and to provide access to the ‘voting technologies’ themselves so interested parties can examine them.

In addition to the human rights law issues raised by the use of Electronic Counting Machines in the April 15, 2020 election, the Organization of Security Cooperation in Europe (OSCE)

ODIHR⁴³ calls for particular openness and transparency when it comes to ‘voting technologies. This owes in no small part to the difficulties of observing – and even understanding – what given ‘voting technologies’ actually are doing.

The OSCE/ODIHR Handbook For the Observation of New Voting Technologies (also including so-called ‘ICT’ – information and communication technologies) that reflects international standards states:

“NVT (New Voting Technologies) are often implemented in a manner that makes direct physical observation of some important procedures difficult. Also, NVT may not be widely understood by the typical observer.” (OSCE/NVT handbook p. 1)

The Handbook further notes that effective observation of NVT:

“Requires specific, technical expertise – and should be the primary responsibility of an NVT Analyst on an EOM (Election Observer Mission). But NVT issues are also closely tied to the legal, political, and administrative aspects of the election process.” (p.2)

The OSCE/ODIHR New Voting Technologies observer’s handbook, Annex B, offers a usual checklist that describes standards for transparency regarding ‘voting technologies’. It is useful to consider the specific requirements in Annex B in light of the aforementioned alleged reluctance of the NEC to provide access:

Annex B:

- * Has the NVT system been certified in a transparent process by a qualified independent body, under both national legislation and international good practice?
- * Has the NVT system and its components been comprehensively tested prior to introduction and periodically thereafter?
- * To what extent are voters, election administrators and observers capable of understanding and using the system?
- * Are any individuals or groups, including political parties and domestic observers, permitted by law to conduct their own tests, assessments or reviews of documentation?

⁴³ The Republic of Korea is one of the OSCE’s ‘Partners for Cooperation’ and thus is arguably obligated to follow OSCE standards.

* Do international observers have full access to the process and to documentation, including certification, testing, verification and audit reports?

* To what extent is there public confidence that the use of NVT in the election in question is conducted in accordance with democratic principles?

* Does the legal framework take full account of the implications of new technologies, including adequate provision for access of observers, system audits and other transparency measures, as well as the possibility for recounts, mandatory audits of results and legal challenges to election results?”

Whether the April 15, 2020 election offered adequate transparency to candidates, parties, and other appropriate observers to examine electronic systems is an issue that seems to warrant further examination.

Human Rights Law Issue #6:

Cyber Security of the Electoral Network

Protecting the integrity of electronic systems is just as important as protecting paper ballots and other ‘physical’ parts of the election system. Irregularities and potential vulnerabilities on the cyber front can affect the public perception of a fair, impartially run election as required by international human rights law.

But beyond perceptions are the practical risks to accurate electoral rolls, secure voting and honest tabulation of votes that guarantee the rights of the electorate and are part and parcel of a genuine election.

The South Korean electoral network configuration is relatively straightforward. In simple terms it has one or more central servers at the NEC that are connected to each of the polling stations. Claims were raised before during and after the election over the security of the servers and the vulnerabilities of ECMs and the laptops used with the ECMs. Also, claimants assert that the NEC central server was improperly located at the NEC main office rather than the GCCC – Government Central Computer Center – as is usually done.

The OSCE/OHIDR Handbook for the Observation of New Voting Technologies stresses the importance of securing electronic voting technologies. This presumably is not limited to electronic voting and ballot counting machine, but to all the electronic communications equipment, software, and networks associated with the electoral process.

The handbook also calls on election observers to consider:

“Are security requirements and procedures in place at each level of the system? Do these, in practice, ensure protection against external intervention, internal manipulation and technological failure. (NVT handbook p. 70)”

This appears to implicitly mandate a high level of transparency in order to ensure the security of electoral electronic communications systems (and thus the security of the vote itself, the counting process, and confidence in the overall electoral process.

Yet, allegations were made that pre-election, during the election, and post-election opportunities for parties, candidates, and appropriate parties (particularly experts) to examine network security have been lacking. Indeed, some observers commented on the lack of access to the source code of the servers and/or other hardware and software – with NEC citing ‘confidentiality’ as the reason for not releasing it.

These challenges potentially warrant further examination to assess the level of transparency surrounding the South Korean electoral network systems – and whether appropriate parties in fact are provided adequate opportunity to examine the networks and attendant security measures.

Such enhanced transparency may be helpful in preempting later claims of electoral shortcomings and fraud.

Human Rights Law Issue #7:

Issues concerning the electoral list

There were reported issues with the South Korean electoral list arising from the April 15, 2020 election. In particular, parties requesting access to the electoral list in order to pursue claims of electoral irregularity have reportedly been denied such access.

Electoral lists, or electoral rolls, are fundamental to a genuine, fair, election representing the will of the electorate – and ensuring all eligible voters are able to cast votes securely and to ensure equality of individual votes (and not ‘debased’ by illegal votes), and to have one’s vote counted accurately and fairly tabulated.

This is of course essential to ensuring the election reflects the free will of the electorate as well as maintaining public confidence in the electoral process. And an accurate electoral list that is available for examination has obvious uses; particularly when investigating potential electoral irregularities or fraud when such claims arising from the electoral process are made.

Stressing the importance of the electoral list,

International-IDEA International Obligations for Elections (2014) p. 310 distills the legal standards derived from ICCPR Article 25 for maintaining an updated, accurate electoral list:

“The systematic compilation and periodic updating of voter registers, in order to keep them accurate and inclusive, promotes confidence among electoral stakeholders. An accurate and up-to-date voter register is also indispensable for ensuring the right to equal suffrage...”

And it adds regarding the question of access (derived from ICCPR 19.2 and UNCAC 13.1):

“Making voter registration information, data and procedures legally available to stakeholders for inspection, while safeguarding data privacy, will allow electoral participants and voters the opportunity to review their accuracy.”

Also, Inter-Parliamentary Union⁴⁴ Declaration 1994 states:

1. (2): In addition, States should take the necessary policy and institutional steps to ensure... ‘Ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers as appropriate.’”

The NEC is obligated by domestic law to maintain and preserve the electoral list and to disclose it when ordered by the court to do so. Under international human rights law, ICCPR 19.2 (access to information) and UNCAC 13 (10), and ICCPR 2(3) form the legal basis for the obligation to allow relevant parties to have access to the electoral list.

However, after the April 15, 2020 election the NEC has reportedly refused to release details of the electoral role, and has ignored court orders to produce the electoral roll.

⁴⁴ South Korea is a member of the Inter-Parliamentary Union. While this organization’s declarations may not be binding, they do state a standard and carry a certain moral suasion.

As described earlier, the attorney representing a plaintiff (an unsuccessful candidate) suing over the election results requested the election roll from the NEC, and was turned down repeatedly.

The lawyer made a total of 21 requests in writing during the preparatory investigative stage of the case and at the first hearing, a request was made directly to the court.

Despite 21 written requests (made once every week after the lawsuit was filed) asking for the integrated voters' list, each request was refused. The court ordered the NEC to submit the integrated voters' list – and the order was not complied with. On October 23, 2020 the court once again ordered the NEC to submit the electoral list on the date of its first hearing.

The NEC is reported to have privately submitted the materials to the court – not to the lawyer – citing the need to protect trade secrets and the danger of violating privacy laws. Additionally, the NEC revealed that the integrated voters list had been damaged.

The petitioner's lawyer noted that because the electoral list was submitted privately to the court, only the courts are aware of its contents – and the lawyer is unable to access it and is thus unable to conduct an inquiry or investigation.

One reasonably suggests that the various allegations involving the South Korean electoral list and related international human rights law issues deserve additional review.

Human Rights Law Issue #8:

Polling station operational issues

Polling and counting stations are by their nature busy places, with sometimes frenetic activity involving poll workers, election officials, observers of many types, and the voters themselves. One should avoid assuming that inevitable hiccups or disturbances in trying to carry out a complex activity mean that wrongdoing or fraud is taking place.

However, in the April 15, 2020 South Korean election, a number of issues arose – reported anecdotally – that raise concerns and deserve mention, and potentially warrant further examination.

These reputed irregularities raise potential issues involving the citizens' right to participate in public affairs, as well as the right to receive information and to meaningfully observe the electoral process – as mandated by the body of international electoral jurisprudence.

Moreover, issues of electoral process transparency and the need to ensure genuine and fair elections also come into play.

As mentioned previously, allegations were made that the 60% of 'independent' poll watchers to be selected by the NEC – was reportedly heavily stacked in favor of pro-incumbent party activists. This would arguably be contrary to ROK election law, not to mention violating at least the spirit of international law governing elections – and mandating equitable competition.

Citizens reported numerous instances of poll watchers (both independent and affiliated with the opposition party) being obstructed in performing their duties. Some of the instances, as described, appear to border on 'intimidation' – that international law and commentary regarding elections prohibits – as a violation of human rights and also on the grounds it potentially distorts the election as representing the free will of the electorate.

OSCE election observer guidelines⁴⁵ list a number of issues for observers at polling stations to watch for. However, the fundamental requirement is that election observers are allowed to freely 'observe'.

Simply stated:

⁴⁵ The OSCE Election Observation Handbook, 6th Edition, 2010 is a useful compendium for ascertaining the numerous practical procedures and measures required to conduct a genuine election that meets international legal standards. <https://www.osce.org/files/f/documents/5/e/68439.pdf>

“Are observers able to clearly see all aspects of the counting, including marks on ballots?”

The following clip purportedly shows election observers at a ballot counting office being prevented from taking photos and videos (as permitted by law) in order to verify and memorialize electoral activities.

< <https://www.youtube.com/watch?v=liZXwiYeV78> >

Another fundamental requirement is to verify the security of the physical ballots. Towards this end, the OSCE guidelines state:

“Are unused ballots secured, cancelled or destroyed after being counted?”

Post-election, certain citizens groups followed garbage trucks from the National Election Commission and filmed videos of the observers going through the garbage at the dumpsite located in Siheung and finding destroyed ballots. The NEC claims those were unused ballots, though ballots appear to be marked as would happen in the course of voting.



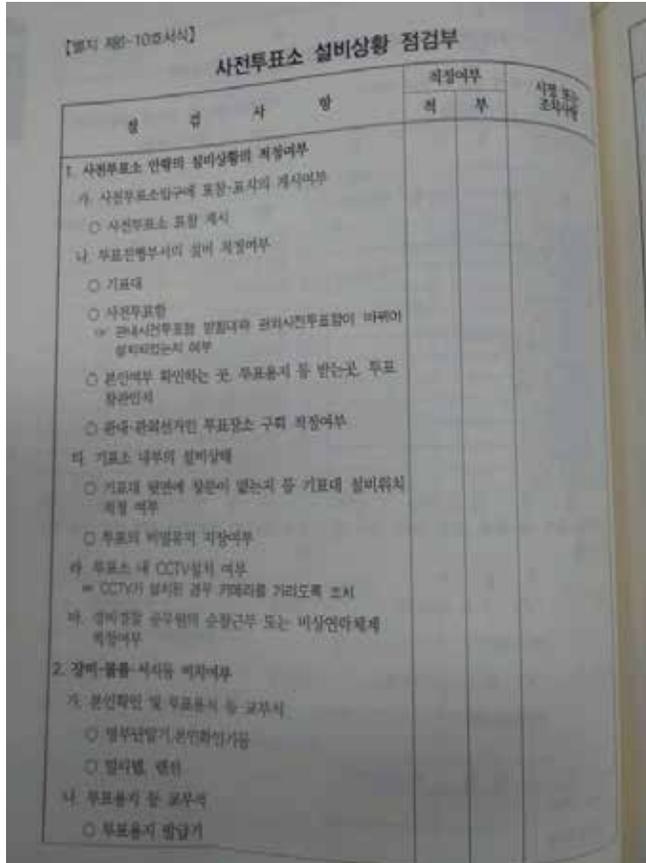
Subsection #1: CCTV's (closed circuit televisions) reportedly covered up at Early Voting locations

The NEC's reported explanation for covering the CCTV's was to protect voter privacy. However, it is claimed that CCTV's were not covered at polling stations on Election Day – where there presumably is equal concern for voter privacy.

The early voting station inspection list from the Official Election Procedures Manual for the April 15, 2020 election states that it is required to cover the camera if a CCTV is installed at the polling station.

<http://www.logosian.com/news/articleView.html?idxno=1115>

<https://www.youtube.com/watch?v=m-U3CTt-btE&t=654s>



It is of course necessary to balance privacy with the need for security and integrity of the electoral process. But this possible irregularity potentially restricts the transparency needed to ensure fairness, as well as raising concerns over the integrity of the voting process. And there is also the international human rights legal requirement for ‘equality’ for all votes – as the absence of CCTVs potentially eliminates a method for comparing and verifying the number of voters with the number of votes cast.

Finally, the CCTV issue may impinge on the right set by ICCPR 2.3 to an effective remedy for electoral violations – in that it potentially makes it difficult or impossible to obtain necessary evidence to prove (or disprove) allegations. Also it raises an issue of denying petitioners’ access to information (ICCPR 19.2).

All in all, we are not opining on the legitimacy of the allegations raised, but are suggesting that the claimed irregularities warrant further examination of the South Korean electoral process to clarify matters, resolve misperceptions, and/or to identify areas for improvement.

Human Rights Law Issue: #9:

Irregularities with the voting process that potentially warrant further examination

Reflecting international standards, International-IDEA guidelines cite the “Need to ensure integrity of ballots through appropriate measures to prevent unlawful and fraudulent voting.” This requirement, that is clearly stated in both ICCPR and CCPR General Comment 25, underpins the entire notion of a fair election reflecting the free will of the electorate.

The April 15, 2020 election was hard-fought and the turnout was high. The total number of reported votes cast was over 29 million, or about 66% of eligible voters. But analysis of government statistics reveals some potential irregularities that may deserve a closer look:

Subsection #1: Improbably fast voter ‘throughput’ at voting locations

For example, at the polling station in Shinju-dong, Buyeo, 18,210 people are reported to have voted in ‘early voting over the course of two days. However, according to calculations this would require each voter to complete their voting in an average of 4.7 seconds – assuming 18,210 people voting over the course of two days – with voting for 12 hours each day from 6 am to 6 pm.

Besides the physical challenge of processing a voter every 4.7 seconds, photographic and observer evidence revealed that the polling station was in fact a rather quiet location.

(Source: Former National Assemblyman, Min Kyung-Wook)

As a point of comparison, during the 2017 ROK presidential election, it reportedly took an average of over 99.3 seconds to ‘process’ each voter at the polling stations during ‘early voting. This also did not take into account the need to distribute and for voters to put on plastic gloves owing to Covid-19 precautionary measures during the April 15, 2020 election.

The following summary table of 17,799 polling stations nationwide (3,480 locations for early voting, 14,319 locations for Election Day voting) reveals that:

According to this table, 63.76% of the voters at the early voting polling stations took less than 60 seconds to complete the voting process. And 84.71% of the total number of early voters took less than 120 seconds (2 minutes) to vote.

전국 투표소별 1인당 투표시간 현황

1인당 투표시간	계		관내사전 투표		당일 투표	
	계	%	투표	%	투표	%
~ 5초 미만	1	0.0%	1	0.0%		
~10초 미만	19	0.1%	19	0.5%		
~15초 미만	203	1.1%	179	5.1%	24	0.2%
~20초 미만	1,130	6.3%	423	12.2%	707	4.9%
~30초 미만	5,229	29.4%	756	21.7%	4,473	31.2%
~40초 미만	3,475	19.5%	423	12.2%	3,052	21.3%
~50초 미만	1,870	10.5%	232	6.7%	1,638	11.4%
~60초 미만	1,133	6.4%	186	5.3%	947	6.6%
~120초 미만	3,121	17.5%	729	20.9%	2,392	16.7%
120초 이상~	1,618	9.1%	532	15.3%	1,086	7.6%
계	17,799	100.0%	3,480	100.0%	14,319	100.0%

One notes that early voting generally takes longer than on Election Day. This is because the ballot is printed out at the polling station and is then handed to the voter, unlike Election Day voting when the ballot is already printed before the voter arrives at the polling station. 4.7 seconds seems very fast.

The potential irregularities cited above could impact the entire electoral process and could have produced a questionable result. This seems to warrant further examination.

Attached as **Annex 5** is a narrative and graphic depiction of the steps involved in early voting.

Subsection #2: 40 electoral districts with more votes than voters

As depicted in the following chart based on NEC data, in 40 electoral district (16% of South Korea's 253 districts) the number of votes cast exceeded the number of eligible voters. This included portions of Paju, Yeoncheon, and Cheolwon counties that are adjacent to the Demilitarized Zone (DMZ) and fall within the Civilian Control Zone (CCZ), 5km to 20m south of the DMZ. In these controlled areas civilians are not permitted to enter, other than for the local residents engaged in agriculture. Yet, in each area the number of 'excess votes' was between 50 to 100.

This obviously raises potential concerns from a number of human rights law perspectives – such as the genuineness of election, equality of votes, incorrect vote tabulations – and ultimately the election not reflecting the free will of the electorate.

The referenced chart follows:

Districts	# of voters	population	population			
			3/2020	4/2020		
서울동작구	노량진2동	12,783	8,575	12,711	12,674	
파주시	진동면	201	181	159	159	
파주시	군내면	617	513	580	578	
연천군	중면	206	161	195	198	
평택시	통북동	4,353	2,811	4,139	4,163	
안성시	고삼면	2,157	1,655	1,930	1,937	
하남시	신장1동	6,593	4,190	6,440	6,474	
대전중구	유천1동	6,906	4,228	6,754	6,758	
대전동구	중앙동	5,055	3,018	5,080	5,033	유보
세종시	연기면	2,776	1,782	2,605	2,596	
충주시	성내.충인동	3,047	2,055	2,803	2,814	
보령시	대전2동	7,103	5,200	7,065	7,026	
부신중구영도구	광복동	1,175	820	1,117	1,117	
부신남구	용호제3동	13,777	10,461	12,768	12,728	
대구달성군	하빈면	3,843	2,670	3,752	3,726	
경주시	보덕동	2,029	1,582	1,824	1,820	
경산시	중앙동	6,976	4,498	6,706	6,708	
상주시	화북면	1,474	1,070	1,256	1,250	
영주시	영주2동	3,800	2,854	3,653	3,640	
구미시	원평1동	3,941	2,098	3,898	3,898	
구미시	원평2동	3,879	2,681	3,401	3,387	
김천시	봉산면	3,231	2,431	3,247	3,221	유보
마산합포구	가포동	923	722	672	672	
거창군	남하면	1,758	1,413	1,428	1,426	
거창군	마리면	2,048	1,554	1,996	1,988	
거창군	주상면	1,580	1,245	1,559	1,560	
함안군	산인면	3,015	2,251	2,769	2,756	
밀양시	내일동	3,322	2,307	2,900	2,884	
사천시	축동면	1,753	1,283	1,681	1,667	
통영시	명정동	3,380	2,418	3,128	3,100	
철원군	근북면	233	209	111	112	
강릉시	중앙동	5,529	3,835	5,116	5,107	
강릉시	옥전동	3,700	2,515	3,392	3,387	
속초시	영랑동	4,702	3,182	4,703	4,684	유보
춘천시	교동	3,610	2,471	3,624	3,603	유보
춘천시	신동면	2,891	2,164	2,584	2,588	
원주시	중앙동	3,085	1,846	2,846	2,851	
서귀포시	정방동	2,447	1,458	2,243	2,238	
여수시	화정면	1,815	1,241	1,334	1,330	
군산시	중앙동	3,355	2,410	2,907	2,900	

유보 : 3월인구>선거인수 and 4월인구<선거인수

Subsection #3: Audit trail shortcomings

Directly related to the essential issue of security of the vote, it appears that vote audit procedures have certain shortcomings.

While ‘recounts’ are sometimes ordered, the South Korean electoral system does not appear to have either electronic voting systems with a voter verified paper audit trail or other effective manual-audit capacity. Nor does it appear that the integrated electoral list is used as a ‘reference’ to help ensure vote and electoral integrity to the extent that it might be utilized – particularly as concerning ‘early votes.’

This at least raises issues that appear to warrant further examination of the South Korean electoral process.

Human Rights Law Issue #10:

Issues arising from Ballot Counting

The importance of the actual ballot count to a fair election is obvious. For starters, it implicates the human right to equal suffrage – and the right to have one’s vote counted and with equal value as all other votes – as well as the overall genuineness of the election as reflecting the will of the electorate. This necessarily raises potential issues with the level transparency in the vote counting process and its basic security, and the adequacy of ‘observation’ by outside observers.⁴⁶

International-IDEA International Electoral Standards (2002) states:

“A fair, honest and transparent vote count is a cornerstone of democratic elections” and “(the) entire process needs to be fully and completely open to public scrutiny” (p.77)

David Carroll, the director of the Carter Center's Democracy Program, also explains that transparency at every stage of the tabulation process is critical to the integrity of elections.

"The key to addressing concerns about manipulation of vote tabulation is to provide maximum transparency at every stage of the process, as well as consistent meaningful access for international and domestic citizen observer groups, party representatives and others, both at polling locations during the voting process and for the counting of ballots at all intermediate levels, where polling station results are tabulated into high-level summaries, as well as at the national level election headquarters.”

https://www.koreatimes.co.kr/www/culture/2020/10/135_289523.html

⁴⁶ ICCPR Article 25 and CCPR General Comment 25 provide the legal basis for the aforementioned rights, standards, and obligations.

Subsection #1: Concerns about reliability of ECM – electronic counting machines

While election ballots are sorted into bundles by hand, they are in fact counted using so-called electronic counting machines (ECM) provided by the South Korean company, Hantle. South Korea-made electronic and counting machines have been the subject of controversy both in South Korea and overseas⁴⁷ owing to alleged issues of reliability and claimed vulnerability to external manipulation.

The April 15, 2020 included allegations of ECM manipulation that included videos of ECM blank ballots being counted as Democratic Party (DP) votes and ballots with United Freedom Party (the main opposition party) votes being counted as votes for the DP.

<<https://www.youtube.com/watch?v=jY4uWptmgWc>>

In another reported incident, an election observer at a voting site in Buyeo noticed an ECM producing an unlikely vote count in favor of a widely unpopular DP candidate. The counting was stopped at the observer's insistence – and the machine turned off and restarted. When restarted, the vote was reversed in the UFP (opposition party) candidate's favor.

<https://www.youtube.com/watch?v=YVoBj6_U5kc>

<https://news.naver.com/main/read.nhn?mode=LSD&mid=shm&sid1=100&oid=011&aid=0003737493>

< <http://www.fntoday.co.kr/news/articleView.html?idxno=216942>>

Subsection #2: April 15, 2020 voting machines potentially vulnerable to manipulation

Experts claim the ECMs used in the April 15th election can be hacked or manipulated, to include via remote access. One expert's examination indicated the ECM's are in fact, high-performance

⁴⁷ South Korean-made voting machines and ballot counting machines are widely used overseas., though they have a mixed reputation. Somewhat unusual for an electoral management body, the NEC founded an organization in 2011 known as A-WEB. Its ostensible purpose is to promote good election practices globally. However, it appears to be equally focused on promoting the sales of South Korean made election hardware. Concerns over the rigging of Korean-made machines' were such that citizens' groups in the Democratic Republic of Congo protested against the machines being used in their 2018 election, and Congolese citizens living in Korea protested directly to the NEC.

The Westminster Foundation for Democracy (WFD) conducted a detailed examination of South Korean-made voting and ballot counting machines in the Congo, and made a number of suggestions – both technical and procedural for improving security and transparency in the use and operation of the machines. <https://www.ceni.cd/assets/bundles/documents/voting-machine-review-wfd-ceni.pdf>. Although the models used in the Congo are from a different manufacturer than those used in the 4.15 election, many of the issues uncovered in the WFD review are said to apply to the 4.15 hardware as well.

machines capable of far more than just sorting and counting ballots as claimed. The technical expert, Benjamin P. Wilkerson, did not have full access to the machines, but was able to make a useful assessment based on his expertise and experience.

Mr. Wilkerson's assessment: "Election Fraud: 2020 South Korean 21st General Election" is enclosed as **Annex 4**.

Of course, in theory almost any system can be hacked with adequate resources and under optimal conditions – that can vary greatly from an actual polling site on voting day. So the fact a system can in theory be hacked is not proof that it was hacked – nor even conclusive evidence against using electronic counting machines or electronic voting machines.

Thus, while the arguably 'excessive' capability of the ECM's raises understandable concerns, we do not attempt to resolve this issue in this report.

The key issue concerning the ECMs

Beyond the question of whether the ECM's 'could' be hacked and thus facilitate fraud in the April 15, 2020 election, there is an equally or even more important issue: Specifically, whether the ECM's and the attendant components (laptop computers, printers) and software used in the April 15, 2020 elections were adequately and thoroughly open for examination by candidates, parties, and appropriate outside examiners – before, during, and after the election?

Such transparency would be in line with international legal standards and also help to ensure confidence in these systems that are an integral part of the entire electoral process.

We note that election jurisprudence strongly encourages the of opening electoral electronic hardware to inspection and examination.⁴⁸

Subsection #3: Election observers reportedly obstructed

While international law, standards, and practice call for – or at least favor – the practice of observers (domestic and international) monitoring the counting process, anecdotal examples exist of observers being prevented from fully performing their duties during the April 15, 2020 ROK election. In one such case, an observer at one election counting sites found a ballot box with a loose seal and no lock, the NEC took steps to dismiss the observer.

https://www.youtube.com/watch?v=R_6ceFKV6kU

⁴⁸ OSCE/ODIHR Handbook For the Observation of New Voting Technologies is a useful resource regarding the standards relating to verification and observation of electronic electoral devices.

<http://www.fntoday.co.kr/news/articleView.html?idxno=219079>

In another reported instance, at a counting office, an election observer who objected to the changing of the seal's signature on a ballot box was ejected from the room and blocked from re-entering. The observer who was removed was interviewed by YouTubers and others and the YouTuber was later accused of obstructing the election.

<https://www.youtube.com/watch?v=0HbIKLva104>

NEC reported to the prosecutors that the claim was false.

http://news.jtbc.joins.com/article/article.aspx?news_id=NB11946735

http://imnews.imbc.com/news/2020/politics/article/5773309_32626.html

Subsection #5: Unusually high number of invalid ballots in the 4.15 election

OSCE election observer standards caution election observers to be alert the number invalid ballots seeming inordinately high.

During the April 15, 2020 election the number of invalid ballots was 1,226,532 – nearly double the number 669,769 invalid ballots during the previous election in 2017. This was the highest number ever in a South Korean election.

<Comparison of invalidated votes from past general elections>

Sequence of general elections	Year	Votes cast	Invalid votes	Percentage
17/th	2004	21,581,550	295,566	1.37%
18/th	2008	17,415,920	284,383	1.63%

19/th	2012	21,806,798	474,737	2.18%
20/th	2016	24,430,746	669,769	2.74%
21/st	2020	29,126,396	1,226,532	4.21%

There may indeed be good reasons for this anomaly, but it is nonetheless an issue that appears to warrant a closer examination of the overall electoral process and certain specifics of it in order to explain the large number of invalid ballots.

Subsection #6: Statistical analysis raises questions about tabulated vote totals

Although statistical analysis of voting that has already happened is an after-the-fact assessment, it potentially offers insights into possible voting irregularities suggesting fraud – and thus affecting the genuineness of the election.

Of note, the Organization of American States’ report on the October 2019 Bolivian national election mentions statistical improbability as one basis for its finding of electoral fraud. It states:

“The statistical analysis conducted that the first-round victory of Evo Morales was statistically improbably and the result of a massive and inexplicable increase in the number of votes for MAS (the ruling party) in the final 5% of the votes counted.”⁴⁹

The unusual voting patterns in the South Korean April 15th, 2020 election that consistently ‘tilted’ close district races in the incumbent party candidates’ favor once ‘early votes’ results came in (note: ‘early votes’ were counted last) raised suspicions with some observers who were otherwise inclined to accept the election outcome, even if they personally had supported losing candidates.

⁴⁹ OAS Electoral Integrity Analysis / General election in the Plurinational State of Bolivia, October 20, 2019. (p.8)

These individuals included highly respected statistics experts – including Park Sung-hyun, a former president of the Korea Advanced Institute of Science and Technology (South Korea’s MIT) who first tried to verify that the NEC issued voting statistics were correct and not the result of human manipulation. He ultimately declared that his review indicated the results were ‘artistic’ and suspect. Professor Park’s assessment is attached as **Annex 6**. Another South Korean expert, Professor Park Young-ah was similarly incredulous about the results, comparing it to “(t)hrowing a stone a thousand times and hitting the target each time.”

Additionally, a leading international expert on election fraud, Professor Walter R. Mebane Jr., of the University of Michigan (Department of Political Science and Department of Statistics) concluded in his paper “Anomalies and Frauds in the Korea 2020 Parliamentary Election, SMD and PR Voting with Comparison to 2016 SMD”⁵⁰ that there was significant ‘fraud’ in the election. Professor Mebane cited the ‘early voting’ results as being particularly noteworthy from his perspective.

Mebane is clear, however, the ‘fraud’ his assessment refers to does not necessarily mean illegality (though he also does not rule out the possibility), but that something very unusual has appeared in the election results and that further investigation is warranted.⁵¹

Regardless, each of these eminent professionals has made their findings public and open to further review, challenge, and rebuttal.

The issues raised by statistical research suggesting irregularities potentially implicate the human rights statutes and laws covering nearly every aspect of the electoral process: including ‘equality’ of votes, security of the voting and counting procedures, accuracy of electoral lists, validation of electronic hardware and software used in the election, and ultimately, the genuineness of the electoral process.

Further examination of the aforementioned irregularities would appear to be in order.

One might argue that having relevant government officials conduct proper investigations into allegations of electoral impropriety is implicitly required as part of the obligation to ensure international human rights law is followed and enforced to ensure genuine and fair elections.

⁵⁰ Professor Mebane’s report is included in the ‘supporting documents’ section to overall report of which this report is one part.

⁵¹ Some observers have explained the overwhelmingly ‘pro-incumbent’ early-voting results as owing to large numbers younger voters (who tend to support the Democratic Party) simply going to the polls early. However, official government statistics reveal that nearly half of early voters were over 50 years of age – a cohort that tends to ‘vote conservative’ (or for the opposition in this case.) (**Early voting statistics can be found in Annex 7**).

Human Rights Law Issue #11:

Problematic ballot papers

The security and ‘sanctity’ of paper ballots used in the election are fundamental to ensuring the voters’ right to a free, genuine election, where each vote counts – and counts equally.

OSCE election observer guidelines caution observers to be observant of the “Lack of accountability at any stage of the ballot production or distribution process.”

The guidelines also caution that observers watch for the “(l)ack of or inadequate safeguards surrounding sensitive materials, including ballots or envelopes”

The South Korean April 15, 2020 election and the broader electoral process raise issue along these lines. One observer stated that ballot papers used in South Korean elections have no standard safeguard measures to distinguish between fake and genuine ballots. For example, there are reportedly no set standards for using watermarks, special inks, signatures on paper, and types of paper.

<https://www.yna.co.kr/view/PYH20200330160200063?input=1196m>

Given the importance of this issue, additional review of ballot security measures is perhaps warranted.

Subsection #1: Pristine ballots

OSCE guidelines for election observers warn observers to be alert for ‘evidence or indication of ballot box stuffing’ <https://www.osce.org/files/f/documents/5/e/68439.pdf>

During the 4.15 South Korean election claims were raised of ‘pristine’ ballots arriving for counting. The potential irregularity arises from the nature of the South Korean voting process. Specifically, completed ballots are invariably folded before being placed in the ballot box. Yet, according to the claimants, a poll observer noticed unfolded, stiff, crisp ballots bundled together in ballot boxes delivered for counting. Reportedly, all votes were for the ruling party.

As one example:

The following is a stack of ‘marked’ ballot papers for early voting found at the polling station in Namyangju. (See **Annex 8** for additional examples and explanations)

Attorney Park Ju-hyun who included this evidence in his report on election irregularities noted

that in light of South Korean voting customs it is highly irregular to find this many unfolded, ‘stiff as new dollar bill’ ballots.



Other cases included ballot papers that had different colors.

<https://www.hankyung.com/politics/article/2020052842837>

Also, ballots with different shapes and irregular margins were reportedly observed.

<https://www.youtube.com/watch?v=I1j6NAXMdCs>

Subsection #2: Multiple ballots with the same QR code number

Private citizens reported finding multiple copies of the same ballot with the same QR code number.

<http://www.fntoday.co.kr/news/articleView.html?idxno=225558>

Subsection #3: Oddly worded ballots:

And another election observer discovered a number of ballots with unusual spelling for several key words – unlike found on ‘standard’ ballots.

The observer spoke publicly about this:

<https://www.youtube.com/watch?v=oSjjSrFWo3Y&feature=youtu.be>

The observer is testifying that the name of the ruling party printed on many ballots is slightly different from the actual name: 더불어민주당 -> 더블어민주당 ("불" -> "블")

Additionally, the observer states that the event name ("Congressional Election Vote") is misspelled in many ballots:

국회의원선거투표 -> 국회의원선거두표 ("투" -> "두")

** 국회의원 = congressional/ 선거 = election/ 투표 = vote

These words are common words for Koreans, such that Koreans are most unlikely to misspell them. This raises suspicions that the ballots were not created or printed in South Korea. A picture follows:



OSCE standards stress the importance of ‘accountability at all stages of the ballot production or distribution process. One fairly suggests that this is an area where enhanced transparency by NEC officials will be beneficial – particularly in allowing candidates, their representatives, and other election observers to closely monitor the production and distribution of ballots.

The various incidents mentioned herein are anecdotal but raise questions about electoral integrity that would seem to warrant additional review of the South Korean electoral process concerning ballot production and handling and related safeguards against tampering. This is particularly important as the alleged irregularities potentially affect the legitimacy and equality of the vote and the election as representing the free will of the electorate.

One notes that with enhanced transparency it is often possible to defuse issues before they can fester into larger suspicions.

Indeed, ensuring all parties and independent observers are fully apprised and have as unfettered access as possible may do much to ensure elections meet international human rights law standards. Such transparency may seem troublesome, but the broad confidence it engenders in the electoral process and the electoral outcome – regardless if one is on the winning or losing side – is essential for stability in a consensually governed society.

Human Rights Law Issue #12

Ballot chain of custody issues and alleged ‘Ghost Votes’

International obligations are clear regarding the importance of ballot handling during the electoral process:

I-IDEA International Electoral Standards (2002) (p.72) lays out the basic standard:

“(National electoral law should) (r)equire all ballots and voting materials be adequately safeguarded before, during, and after voting.”

This so-called ‘chain of custody’ is integral to ensuring fundamental trust in the fairness of the entire electoral process and the right to have one’s vote counted in a fair, honest and transparent tabulation.

The April 15, 2020 South Korean election produced numerous claims of chain of custody violations as ballots were moved to polling sites and then to counting stations and finally to storage locations. These alleged irregularities included: unsecured storage locations, irregular ballot storage boxes and the use of non-tamper proof seals, and cases in which seals and verifying signatures appeared to have been tampered with.

Of course, elections are complex affairs and there will inevitably be issues and even mistakes surrounding the handling and movement of ballot. This should not be considered as automatically indicating fraud, wrongdoing, or lack of good faith on the part of election officials and electoral staff.

Nonetheless, there is always room for improvement and review of electoral processes and procedures, no matter where an election takes place.

For reference, the following are examples of potential ‘chain of custody’ irregularities. Collectively, these suggest that a follow-on examination may be in order to consider electoral processes and standards for ballot handling and security (at all stages) and also the standards for appropriate observers to monitor and verify ballot handling measures.

The following are a number of instances of alleged flaws in chain of custody for electoral materials:

YouTuber Han Young-min of the ‘I Can Do It’ channel found election-related materials and seals at a dumpsite next to a warehouse in Namyangju on May 16, 2020.

<https://www.youtube.com/watch?v=g7gVrE2IY50>,

<https://www.youtube.com/watch?v=uxU3Kgvsv8Y>

<https://www.youtube.com/watch?v=EhLPSKuy7h8>

<https://www.youtube.com/watch?v=WdJyVY6YvAE>

YouTube channel ‘Hover Lab’ tested the adhesiveness of the seal tape. They found that the tape wasn’t a special seal but was like a post-it tapes and that it did not leave any residue on the box.

<https://www.youtube.com/watch?v=rUAQ3d2KBV0>

Hover Lab channel covered the process of moving the ballot boxes in the recount district and caught that the ballots were in a Samlip baking company bread box.

<https://www.youtube.com/watch?v=TBcZkfYyw8w>

<https://youtu.be/LQYM4m3fxAg>

At another district, the Cheongju Seowon district, ballots were found in a blue plastic box for moving, not in a NEC standard box.

<https://www.youtube.com/watch?v=Xm5Ya07xJcw>

Citizens found seal stamps that were either stamped improperly or double stamped. They also found seals that were torn or boxes with holes in them.

<https://www.youtube.com/watch?v=Nk2UaPX5Vrg>

Citizens also found ballot boxes with no seals and even found ballots from different districts in one box.

https://www.youtube.com/watch?v=T9WboEK4_gc

Buyeo district ballots were found by citizens at a junk shop in Siheung, Gyeonggi-do, a different district.

<https://news.joins.com/article/23829312>

YouTuber Han Young-min requested to the NEC provide specific CCTV footage and after analyzing the video found a scene of NEC employees fixing signatures on the ballot boxes or signing new signatures.

https://www.youtube.com/watch?v=EuOUj0v_Rxo

Additionally, and perhaps just as coincidence, between April 15, 2020 and May 13, 2020, 77 fires broke out across South Korea at warehouse locations that stored election materials – including one at a warehouse in Gunpo where an Electronic Voting Machine was being stored.



Subsection #1: Chain of custody examinations of ‘mail votes’ delivery records raises suspicions of a huge number of ‘ghost votes’

One notable claim of potential irregularities is a post-election chain of custody examination of ‘mail-in’ ballots conducted by a respected South Korean lawyer.

His findings raise potential issues raise a number of possible issues under international human rights law. These include issues about the genuine and fair nature of the election, the sanctity and equality of each voter’s vote, as well as concerns of distorted tabulations.

The South Korean postal service’s registered delivery records for ‘early’ and ‘mail votes’ are transparent and available for review. However, a detailed examination by South Korean attorney, Park Ju-hyun, formerly of the Inspector’s Office of the Blue House, of the mailing and delivery logs for moving ‘early’ and ‘mail in’ votes by ground transport indicates the possibility of widespread anomalies after comparing ‘time/distance’ records for delivery that are physically impossible in term of travelling a set distance in the time claims.

Also, the lawyer’s review reveals delivery routes that crisscross the country to travel what should be a matter of just a few miles via the most direct route. This raises concerns of delivery records compiled ‘in isolation’ and possibly by individuals unfamiliar with South Korea and its geography.

Beyond the time and distance problems, the review uncovered suspect documentation and wording on the post office’s ballot receipt records. All in all, the review suggests that over 1.1 million votes cannot be adequately vouched for.

Park Ju-hyun’s investigation would suggest additional inquiries are warranted to consider the findings and potential irregularities in the electoral process that could have led to possible election fraud

Attorney Park’s entire report is attached as **Annex 7**.

Human Rights Law Issue #13:

Delayed review of election related court cases

Following the April 15, 2020 election, well over 100 lawsuits (an unprecedented number) were filed alleging electoral impropriety. In earlier elections such suits were typically handled and resolved within 35 days or so. However, as of this writing the vast majority have not been taken up by the court, and only a few have proceeded to the initial stages. Legal requirements call for such cases to be heard and adjudicated within 180 days. Yet, that limit has passed.

Annex 8 leads the reader to a listing of court cases filed after the April 15, 2020 election and the status of the individual cases as of September 2020 – five months after the election.

This ‘delayed justice’ raises international human rights law issues over the guaranteed right to appeal and to obtain prompt resolution of claims arising from an election. This too is an essential part of the overall process of a genuine election, fairly run, and perceived as legitimate. Challenges not addressed properly or at all undermine the notion of an election as representing the free will of the electorate.

Regarding the right of review and prompt resolution:

ICCPR 2(3) is the basis of this right to an effective remedy, or in other words, the right to raise a legal claim.

I-IDEA International Electoral Standards (2014), p. 43 further elaborates: “The legal framework should make provision for a mechanism to process, adjudicate, and dispose of electoral complaints in a ‘timely’ manner.”⁵²

Additionally, the OSCE Election Observers Handbook advises that observers watch for: “The prolonging of the process of reaching a decision to the point that it denies complainants access to effective remedies?”

A related aspect of the delayed and tardy handling of lawsuit is that court orders may not be enforced. This undermines a fundamental pillar of a genuine, legitimate election – i.e. the rule of law and the separation of powers, with the courts ultimately responsible for determining the legality of given actions by electoral authorities and others.

Moreover, as time drags on there is the practical effect of petitioners becoming exhausted as well as problems retaining and securing evidence. And public attention wanes – thus potentially losing an opportunity to correct shortcomings in the electoral process and system – that may reappear at a later date – damaging public confidence. It is better to correct anomalies and other issues as they occur.

Another issue raised that is related to the requirement of prompt, fair hearing of complaints is the potential intimidation of petitioners.

⁵² CCPR General Comment 32 also states: ‘(a)n important aspect of the fairness of a hearing is its expeditiousness.’

Reportedly, the cell phone and laptop of Rep. Min Kyung-wook, a candidate who filed a lawsuit challenging the election outcome were seized and searched by authorities. Also, an informant who provided evidence to Rep. Min was arrested.

Also, civic groups and YouTubers as well as the litigation counsels of other petitioners were also investigated by authorities. Civic leaders and private citizens who led rallies protesting allegedly fraudulent elections have been arrested, and also the personal information such as mobile phone numbers of participants in the rallies was collected.

<http://news.kbs.co.kr/news/view.do?ncd=4452566&ref=A>

<http://news.kbs.co.kr/news/view.do?ncd=4454022&ref=A>

http://news.jtbc.joins.com/article/article.aspx?news_id=NB11984439

Citing one example, a reputed an NEC document that was found at the Siheung junk shop was reported to have ordered investigations of lawyers and YouTubers who were claiming election fraud.

<http://www.fntoday.co.kr/news/articleView.html?idxno=223958>

Once again, we are not opining on the merits of the cases but are noting potential irregularities involving both domestic law and international human rights law concerning the electoral process and attendant human rights obligations. These may warrant further review.

Human Rights Issue #14

Preservation of evidence

The April 15, 2020 election produced an unprecedented number of lawsuits challenging the electoral process and electoral outcome. This has also given rise to allegations the NEC has not preserved evidence required to adjudicate the lawsuits, and it is also claimed evidence has in fact been destroyed.

The preservation of evidence (or ‘electoral materials’) is essential to ensuring the judicial process works fairly and without hindrance, and that the individual citizen’s human right to raise electoral claims and to have fair adjudication are protected. And as importantly, the ultimate objective is for voters to cast votes that are counted and to ensure the will of the electorate is reflected in the electoral outcome. (ICCPR 2(3); ICCPR 19 form the basis for the aforementioned rights)

I-IDEA International Electoral Standards (2002), p. 80 states:

“The law must provide for secure storage of all ballots and election materials until either the deadline for making legal challenges to the certified results has passed or, in case a legal challenge is made, the final adjudication of such a challenge is pronounced.”

Professor Emeritus of Kyungnam University, Jinki Yoon, wrote a detailed discussion of the domestic legal issues surrounding the NEC’s alleged failure to preserve evidence, particularly the computer servers used as part of the April 15th election network. His report⁵³ is accessible via **Annex 9**.

Other South Korean April 15, 2020 election allegations concerning preservation of evidence include:

Private citizens reportedly finding destroyed ballots – even though more than 100 court cases across the country had been filed with accompanying requests to preserve electoral materials as evidence.

<http://www.fntoday.co.kr/news/articleView.html?idxno=223293>

Another reported instance alleges that while NEC’s ballot counting equipment, designated as evidence, was being kept at a distribution center in Gunpo, people who are suspected to be NEC employees entered the facility immediately before the evidence was to be verified.

<http://www.fntoday.co.kr/news/articleView.html?idxno=243776>

<http://www.fntoday.co.kr/news/articleView.html?idxno=243776>

Attorney Park Ju-hyun describes apparent irregularities in regards to his requests to the NEC to preserve electoral materials as part of ongoing lawsuits challenging the April 15th electoral process.

He states in part:

“The NEC has failed to provide the integrated voter list yet and is destroying key evidence that is subject to verification such as the server, ballot paper printers, electronic ballot count machines and voter list. Former assembly member Min Kyung-wook and his lawyers have issued a statement pointing out the fraudulent mail-in voting. Since then, the postal office has been making changes to its digital data that is stored in the server. The NEC shut down the homepage that has data related to the election, from Sept. 29 to Oct. 4, and changed its server ahead of the

⁵³ “Legal Aspects of the Transfer of the NEC’s Server During the Election Litigation in Korea” (November 24, 2020)

recount.”

See **Annex 7** for a broader discussion of this issue by Attorney Park.

Human Rights Law Issue #15:

Impediments to free operation of the media

Some observers claim that South Korea’s media was under government pressure from even before the April 15, 2020 election – and that such restraint on the media’s free operations continued during and after the election. The role of the media – active and unobstructed – is covered in the human rights law, and is widely mentioned in commentaries on electoral jurisprudence.

This raises potential issues over the conflict between alleged South Korean government restraints on press activity, to include domestic libel laws running afoul of international human rights law mandating the freedom of the press – particularly as part of the electoral process. It is considered an essential right that voters have the fullest possible access to information in order to make informed decisions necessary for the election to represent the free will of the electorate.

One also notes that a free, inquisitive media is an implicit check on electoral misconduct by any and all parties.

The fundamental statutory support for media activities is found in:

ICCPR: Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.⁵⁴

⁵⁴ Support for the media’s role in ensuring genuine and fair election is found widely in the body of electoral jurisprudence. We cite, for example, the plain language of the Inter-Parliamentary Union, 1994, Declaration on Criteria for Free and Fair Elections that states:

Additional specific mention of the press and media is found in:

CCPR, General Comment 25

“...the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.”⁵⁵

The UN Human Rights Council has also stated that speech directed towards public figures is deserving of even greater protection from restriction:

CCPR, General Comment 34

“...the (Human Rights) Committee has observed that in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties...”⁵⁶

Additionally, Internet based media is mentioned as falling under the international human rights law protections via CCPR General Comment 34, paragraphs 13 and 43).

Regarding the previously mentioned alleged South Korean governmental restraints on the domestic media, observers have cited the use of South Korea’s punitive libel laws that allow for criminal prosecution – even if the statements are true. Also, there are allegations of threats of revoked licenses and tax audits against news and media outlets that criticize the administration.

<https://eastasiaresearch.org/2018/11/25/suppression-of-freedom-of-the-press-in-south-korea-whats-so-special-about-a-tablet-pc-that-a-journalist-is-in-jail/>

3. (3): Everyone individually and together has the right:

- To express political opinions without interference;
- To seek, receive and impart information and to make an informed choice;

Note: South Korea is a member of the Inter-Parliamentary Union. While its declarations may not be legally binding they are a clear statement of expected international standards and practice. And they at least have a certain moral suasion.

⁵⁵ The importance of a free press is also stated in CCPR, General Comment 34, p. 13: “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.”

⁵⁶ CCPR General Comment 34 notes that “...public figures may also benefit from the provisions of the Covenant.” Arguably this allows limitations (and even sanctions) on political speech if it damages ‘rights and reputations’ of the subject individual. However, a close reading of the statutes suggests that speech is to be permitted to the broadest extent possible – to include even ‘insulting’ speech.

<https://eastasiaresearch.org/2018/11/04/youtube-phenomena-in-south-korea-demand-for-freedom-of-expression-and-the-efforts-to-suppress-it/>

Post-election claims of government pressure on media outlets and reporters⁵⁷ that have criticized the incumbent administration – and the April 15, 2020 election in particular – include:

The arrest of three journalists — Byun, Hee-jae (Media Watch), Kim, Woong (KBS), Woo, Jong-chang (Chosun Ilbo), Lee, Dong-jae (Channel A)

< <https://www.mediawatch.kr/news/article.html?no=254906>> **See Annex 10.**

A six-month broadcasting ban imposed in October 2020 by the Korea Communications Commission (KCC) on the MBN network starting May 26, 2020.

< <https://view.asiae.co.kr/article/2020112715565945092>> **See Annex 11.**

The punishment is said to be based on an issue with the broadcasting company's shares over a decade ago.

The following is an article in the South Korean media outlet, Finance Today, criticizing the press for only representing the NEC's position and acting in accordance with government directions.

<http://www.fntoday.co.kr/news/articleView.html?idxno=218705>

Finance Today reported on the number of articles on alleged election fraud. In response it is claimed the government, removed 34 media outlets, including Finance Today, from portal sites to prevent them from appearing as search results.

<http://www.mediatoday.co.kr/news/articleView.html?idxno=210317>

Our report does not seek to determine the truth or falsity of the aforementioned allegations.

However, the claims raised suggest that further review of the role of the press in South Korean elections – such as the April 15th, 2020 election – is deserving of consideration. And as noted earlier, it may be helpful to clarify the apparent tension between South Korean domestic laws covering press activity (to include use of punitive libel laws)⁵⁸ and international human rights

⁵⁷ South Korea has an active 'internet' media, sometimes referred to as 'YouTubers', that conduct political reporting. CCPR, General Comment 34 specifically mentions websites, blogs, and other internet-based systems and states that restrictions should be narrowly limited, and criticism of the government is inappropriate grounds for restricting internet media activities.

⁵⁸ South Korean libel laws are considered by some observers to be excessively restrictive owing to being criminal in nature and also having a narrow 'truthfulness' defense. The tension between domestic libel laws that potentially restrict (and criminalize) political speech – and international human rights laws favoring freedom of expression (by

laws and obligations concerning the operation of the media as part of the electoral process – and the international statutory preference to permit ‘political’ speech to the fullest extent possible.

Recommendation: Dispatch International Observers and/or an Election Observation Team to observe future South Korean elections⁵⁹

This assessment and the issues arising from the April 15, 2020 election are not partisan issues, but touch on the fundamental soundness of the South Korean electoral system. All elections need constant tending – no matter how advanced the country or how experienced it is at holding elections. Moreover, all nations can benefit from outside observers casting a fresh eye on the election process.⁶⁰ The United States, for example, routinely invites international observer teams – such as from OSCE and OAS (Organization of American States) to observe its elections and report on their observations and findings.

Indeed, this tends to be mutually beneficial. In South Korea’s case, the hosting nation would benefit from an objective third-party assessment of the ROK electoral process – highlighting both strengths and areas needing attention.

Meanwhile, foreign observers and other nations have much to learn from South Korea’s 30 years experience holding hard-fought democratic elections that have by and large reflected the will of the electorate and allowed for peaceful transfers of power.

International Election Observer Teams have apparently never observed South Korean elections. The A-WEB organization does manage an Election Visitor Program that brings foreigners to South Korea, and sometimes when an election is being held. However, these appear to be familiarization and information sharing events – rather than observer missions as commonly understood.

individuals and the media) – to include in the context of the electoral process raises an issue worthy of closer examination.

⁵⁹ As defined in the United Nations endorsed Declaration of Principles for International Election Observation (October 27, 2005), “International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.” Also, observer team missions have limited mandates, and are “...process oriented and not concerned with an particular result.”

⁶⁰ The UN endorsed Declaration of Principles cited above states: “International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes.”

South Korean observers have occasionally travelled overseas to view elections and referendums (such as to Sri Lanka, Ecuador, and El Salvador in recent years) but these seem to be more along the lines of ‘familiarization’ trips rather than full-scale observer efforts.

International law does not mandate that a nation accept foreign election observers. However, international electoral observers are considered desirable and the dispatch of such missions is a well-developed international practice.

The United Nations endorsed Declaration of Principles for International Election Observation (October 27, 2005)⁶¹ explains the justifications and benefits of election observer missions:

“International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law.”

“International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence.... It also serves to enhance international understanding through the sharing of experiences and information about democratic development.”

In conclusion, in light of the various issues discussed in this report, we submit that the dispatch of international observers to future South Korean elections is an idea deserving favorable consideration.

//end

⁶¹ The endorsing organizations for the declaration include the UN Secretariat, OSCE, and the Inter-Parliamentary Union. South Korea is a member or affiliate of each of these organizations.

Annex (1)

NEC Temporary offices

<<https://www.gongdaily.com/news/article.html?no=23774>> taken from Dr. Gong Byung-ho's article.

On October 21, Gong Byung-ho TV, 24 Live News, MediaA and Vasilia TV all made urgent reports. On September 30, it was shocking in and of itself that during the unreasonable move of the NEC servers from Gwanak to Gwacheon, an abundant number of documents were discarded. All 9 regional election commissions had set up temporary offices some distance away from them and these offices operated from February until mid-April after the election was over. According to the evidence obtained, given that 9 temporary offices have been identified, it is highly likely that the regional election commissions across the country operated these temporary offices. The regional election commission doesn't have a nameplate on it, set up temporary offices at a considerable distance, set up a dedicated line between the regional election commission, and it's not easy to reasonably or sensibly understand that only a small number of people were allowed to enter.

[붙임 1]

선거정보통신망 임시사무소 설치 요청 내역

● 서울특별시 송파구선거관리위원회

구분	세부내용
설치기간	2020. 2. 7 (화)
사용기간	2020. 2. 10 (화) ~ 2020. 4. 17 (금)
설치장소	서울특별시 송파구 송파대로 472, 보명빌딩 4층
담당자	
용지일시	2020. 4. 17 (금)
신청내역	송파구선거관리위원회 *** 송파구선거관리위원회 임시사무소 30MByte 전용회선 1회선 및 L3 스위치 임대(별도 계약 포함)
특이사항	정리 전용 시 통신망 용지보수(011-504-0271) 연락 후 작업 진행

※ 사용기간 종료 후 해당 회선해지시 바랍니다.

● 서울특별시 구로구선거관리위원회

구분	세부내용
설치기간	2020. 2. 11 (화) 16:00부터
사용기간	2020. 2. 22 (수) ~ 2020. 4. 17 (금)
설치장소	서울특별시 구로구 가마천로 23길 13, 한일빌딩 5층
담당자	
용지일시	2020. 4. 17 (금)
신청내역	구로구선거관리위원회 *** 구로구선거관리위원회 임시사무소 30MByte 전용회선 1회선 및 L3 스위치 임대(별도 계약 포함)
특이사항	정리 전용 시 통신망 용지보수(011-504-0271) 연락 후 작업 진행

※ 사용기간 종료 후 해당 회선해지시 바랍니다.

Details of the Seoul Metropolitan Songpa-gu Election Commission's request to set up a temporary office for election information and communication

Period of Usage: February 10, 2020 (Mon) ~ April 17, 2020 (Fri)

Set-up Location: Bomyung building 4th floor, Songpadaero 472, Songpa-gu

Details of Application: Songpa-gu Election Commission <-> Temporary office of the Songpa-gu Election Commission

Lease of one 10Mbps (10 megabytes per second, rate of transmission per second) dedicated line and L3 switch

The following is a temporary office that was set up. The distance between the regional election commission and the local office is in parenthesis.



- (1) Temporary office of the Gangbuk-gu Election Commission (260 meters)
- (2) Temporary office of the Seongbuk-gu Election Commission (831 meters)
- (3) Temporary office of the Gangdong-gu Election Commission (808 meters)
- (4) Temporary office of the Songpa-gu Election Commission (224 meters)
- (5) Temporary office of the Seongbuk-gu Election Commission (831 meters)
- (6) Temporary office of the Guro-gu Election Commission (280 meters)
- (7) Temporary office of the Dongjak-gu Election Commission (3100 meters)
- (8) Temporary office of the Gyeongbuk Election Commission (238 meters)
- (9) Temporary office of the Daegu Dong-gu Election Commission (1600 meters)

Based on the data above, regional election commissions across the country have made temporary offices invisible and was operating until April 17 after the election was held. If these temporary offices were in operation for three months, it was likely used as a training facility for counting officials, voting observers and counting observers. The distance between the regional election commissions and the temporary offices, assuming normal operation of these temporary offices, is too far. I even suspect that employees didn't know the existence of these temporary

offices. I can only presume that they kept the temporary offices away from the regional election commissions was meant to not expose the existence of these temporary offices.

It is not easy to accept that these temporary offices were meant as a space for normal operational purposes. People wonder what kind of special purpose it's tasked to perform to secure a space like that. Ever since the end of the general election, there has been constant talk that this is a third location where digital manipulation was made possible.

Furthermore, a dedicated line was installed between the temporary office and the regional election commission, and these private lines were also operating during early voting and counting. These dedicated lines were operating during April 12 of early voting, April 15 of counting until April 17.

The temporary office had no physical security devices except for a number key for entry. There were no signs indicating the location of the temporary office, such as signboards. Even the residents of the building where the temporary office was located were not aware of the election-related temporary offices. The witnesses who provided testimonies such as, "That place was an election-related temporary office," were only those who provided meals on a meal order.

Most of the buildings where the temporary offices were located at are old buildings, so it was no surprise that there were no CCTVs installed to check the ins and outs. I even suspect that they deliberately chose such buildings. With a dedicated line between the regional election commission and the temporary office, people in the temporary offices could do two different tasks if they wanted to. Regardless of whether the work was carried out or not, it is technically possible to do two different tasks.

First of all, it's possible to interfere with early voting as much as possible of an early voting ballot machine (self-identification machine, ballot printer, laptop) is installed at the temporary office.

Second, voting results can be generated in real time by monitoring the voting situation at the temporary office on the day of counting.

The use of the number key indicates that only a small number of people had access. If it was a small number of people, you can expect that only a small number of people have done what they needed to know.

Why did the regional election commission operate the temporary office secretly?

What tasks were carried out at the temporary office?

Evidence obtained to establish fair elections may be used to present doubts, suspicions, questions and possibilities. Details of what really happened should be revealed through investigation.



朝鮮日報

연세 002-314-3114 주력 배달 080-880-8877

1949년 1월 1일 창간 100 2020년 4월 11일 수요일

굳이... 선거전날 지원금 꺼내든 대통령

"추경 없이 미리 신청받으라" 지시
뒤, 오토나 지원금 내었고 유세
지자체도 일제히 신청서 현금
환 "추악한 예표행위 규권선거"

역권파 총 추경안	13일 야당 2020연계적 대응총회 주요 내걸기 46인방이 지출
총합도	13일 추경 계획 도입 30만명 중 112000명에게 46인방이 지출
대안서	13일 야당 17명 17명 주무인 1127명에게 46인-700명까지 지출
부안 예산안	13일 전 17인방이 17인방 지출

4-15 총선을 하루 앞둔 14일 정부-여
당의 각종 지원금 파주(가동-여(가동))
후보들의 역할 논란이 뒤따르면서
몰렸다. 야권은 오토나 긴급재난지원금
신청 지급 커다란 손에 받고 자지름 호소
했다. 야세력(민주당) "국민 생애를 이
용한 추악한 예표행위"라며 "정권
실천"을 부각시켰다.
민주당과 통합당 모두에서 뒤늦게 나온
"책임 논란"은 추경과 관련-부담론 관련
자의 표현을 가를 변수로 꼽히고 있다.
본 사면 부실금이 예측되고자할 거대로



The front-page article from Chosun Ilbo titled “The President who brought out support funds on the eve of the election” reported on the 14th that during a Cabinet meeting, President Moon Jae-in ordered, “don’t wait for the National Assembly to draft and deliberate a secondary supplementary budget for the coronavirus and to just get applications from those who are eligible for emergency disaster assistance,” and was criticized him for “giving out orders to receive applications for subsidies from the bottom 70% of the income bracket without a draft of the budget from the government.”

Source : Media Today(<http://www.mediatoday.co.kr>)

Annex (3)

QR Code Used in Early Voting

By Mr. Cho, Cheng-yeol

This report discusses the use of QR Codes on ‘early voting’ ballots in the April 15, 2020 election, to include the domestic legal aspects.

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (4)

“Election Fraud: 2020 South Korean 21st General Election”

by Benjamin P. Wilkerson

This is a detailed technical assessment of the Electronic Counting Machines and attached hardware used in the April 15, 2020 election. Mr. Wilkerson did not have full access, but was able to make a useful assessment nonetheless.

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (5)

The following is an educational graphic provided by the NEC to explain the early voting process. The early voting order is divided into six stages:

1. Show your ID, they will tell you where to go.
2. Show your ID.
3. Write your name or take your hand stamp.
4. Get the ballot (In the case of early voting, unlike the Election Day's ballot, it is printed out and delivered on the spot.).
5. Enter the voting booth and put a stamp on the ballot, to cast your vote (There is a guide to fold the ballot in half.).
6. Place the ballot in the ballot box.

1인당 투표시간 순위별 사전/당일 투표소 현황

순위	~10위	~20위	~30위	~40위	~50위	~60위	~70위	~80위	~90위	~100위
1인당 투표시간(초)	~8.82초	~9.97초	~10.88초	~11.36초	~11.65초	~12.14초	~12.38초	~12.81초	~13.15초	~13.25초
관내사전 투표소(개)	10	10	9	10	10	9	10	10	9	8
당일 투표소(개)			1			1			1	2

출처:또하아범네이버블로그

Annex (6)

Professor Park Sung-hyun's statistical assessment of voting patterns

Very Strange Statistics: (April 15th Pre-Vote Results that are Statistically Difficult to Understand)

By: Park Sung Hyun

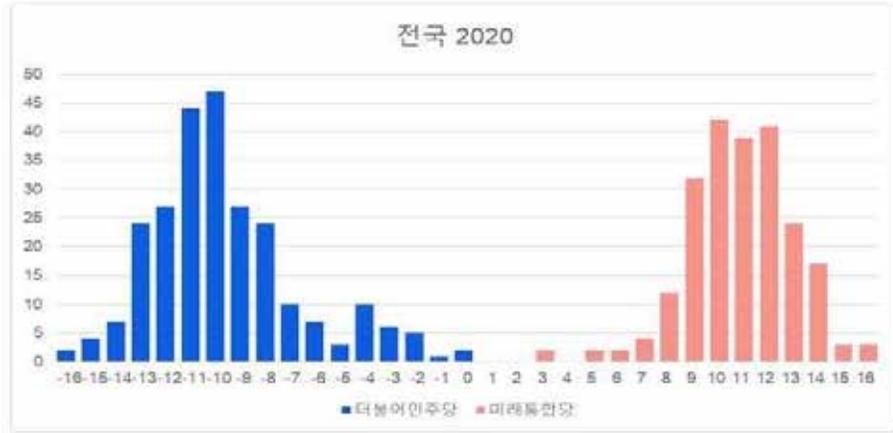
Honorary Statistics Professor, Seoul National University, Dean of Korean Academy of Science and Technology

1. A huge divergence between the results of early-voting and voting on election day.

According to the National Election Commission, over 11.74 million of the total 43.90 million voters pre-voted in the past general elections on April 15th, an extremely high pre-vote rate of 26.7%. Since the on-site voting rate was 39.5%, the voting rate of this election is very high at its 66.2%, making the ratio of the number of pre-votes and the number of on-site votes about 40:60. Looking at the voting rates of the Democratic Party of Korea (hereinafter the Democratic Party) and the United Future Party (hereinafter the UFP), there is a big difference between the results of early-voting and the on-site voting in all 253 constituencies. In the pre-vote, the Democratic Party gained 56.3% and the UFP 34.9%, the Democratic Party winning by a landslide. During the on-site voting, the Democratic Party gained 45.6% and the UFP 46.0%, the UFP winning by a thread. However, as the Democratic Party created a wide gap during the pre-voting, constituency elections ended with a record victory for the Democratic Party.

But what is statistically unusual is that in 253 national constituencies, the Democratic Party received an average of 10.7% less votes than the pre-votes during the on-site voting, and the UFP received an average of 11.1% more votes during the on-site voting than during the pre-voting. <Figure 1> shows the histograms of the difference in votes the two parties gained during the pre-voting and the on-site voting. The fact that the two-party histograms do not overlap at all is evidence that the same pattern occurs in all districts.

On the other hand, the 20th general elections in 2016 shows the histogram shown in <Figure 2>. Because there are overlapping histograms, the Democratic Party could have gotten a better turnout during the on-site vote than the pre-vote, and the UFP (Saenuri Party at the time) also could have gotten a better turnout on the pre-votes than the on-site votes according to the constituencies. It is fully possible because averages between the two parties are not too great, as the average of the Democratic Party's histogram is about -2%, and the average of the UFP about 3%.

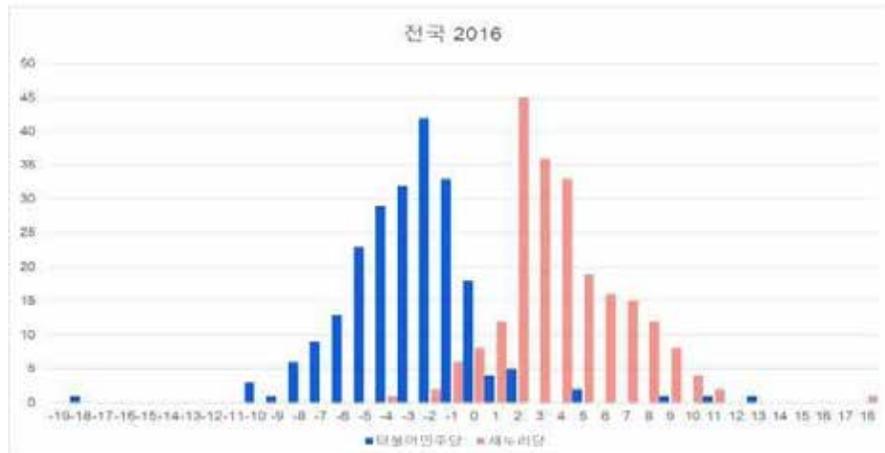


2020 Nationwide

<Figure 1> Histogram of 21st General Elections in 2016 showing the difference of voting rates according to constituencies.

Vertical axis (x-axis): (rate of on-site voting - rate of pre-voting)

Horizontal axis (y-axis): Frequency of constituencies within the section

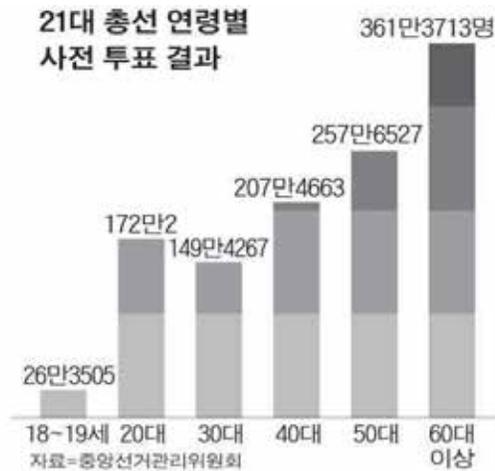


2016 Nationwide

<Figure 2> Histogram of the 2016 20th General Elections showing the difference in the percentage of votes by constituencies

So why did this happen in the 21st elections? In general, it is possible to think that many young people participated in the pre-voting and leaned towards the Democratic Party. However, the age distribution of the voters who participated in the pre-voting (April 10-11) is shown in <Figure 3>. Looking at the ratio of voters by age, those in their 60s and above accounted for highest percentage of 30.8%, followed by 21.9% in their 50s, and 52.7% in their 50s and above

combined. In fact, seniors 50 years old or older participated in the pre-voting more than young people in their 20s and 30s. According to the polls, this does not explain why the Democratic Party's support is high in the pre-voting because the elderly has high support for the UFP. Statistically speaking, the entirety of nationwide voters is one population; even when this population is considered to have voted in two randomly divided groups (pre-voter group and on-site voter group), it is difficult for these groups to have a great difference between them. The huge gap between pre-voting and on-site voting is statistically difficult to understand.



21st General Election Pre-vote Results by Age

263,505 / 1,720,000 / 1,494,267 / 207,004,663 / 257,006,527 / 361,003,713

<Figure 3> Number of voters by age in the 21st General Elections

2. Is the statistical hypothesis that Democratic supporters have flocked to early voting true?

In local pre-elections, the Democratic Party won by a landslide with 56.3% against the UFP's 34.9%, whereas on the day of the vote, the UFP won by narrow margin over the Democratic Party, 46.0% to 45.6%. In order to explain a phenomenon such as this, the hypothesis that Democratic supporters flocked to the pre-elections more than UFP supporters must be formed. Let us statistically verify this hypothesis. In <Figure 4>, the x-axis depicts the total percentage of Democratic votes (pre- and on-site votes) and in the 1,537 neighborhoods, towns, townships, and villages in Seoul, Gyeonggi, Incheon, Gangwon, Daejeon, and Busan (hereinafter referred to as neighborhoods), whereas the y-axis depicts the percentages of pre-votes (total number of pre-votes/total number of votes) by neighborhood. If the hypothesis that many Democratic supporters came out to vote for the pre-elections is true, then the higher the total percentage of Democratic votes in the x-axis, the higher the percentage of Democratic pre-votes should be. In other words, the graph should show a positive correlation as well as a positive slope (+). However, we can see that this is not the case in <Figure 4>. Conclusively speaking, the

hypothesis that Democratic supporters flocked to the pre-elections by the mass is not statistically proven to be true.



<그림 4> 민주당 총득표율: 동네별 사전투표율 산점도
(자료: 와세다대학 정치경제학부 정훈교수 제공)

Title: Percentages of Total Democratic Votes and Total Democratic Pre-Election Votes By Neighborhood

(1,537 neighborhoods, towns, townships, villages in Seoul, Gyeonggi, Incheon, Daejeon, and Busan)

Y-Axis: Pre-Election Percentages by Neighborhood (Pre-Election Votes/Total Votes)

X-Axis: Percentages of Total Democratic Votes (Pre- and On-Site)

<Figure 4> Democratic Total Amount of Votes: Scatter Plot of Pre-Election Votes by Neighborhood

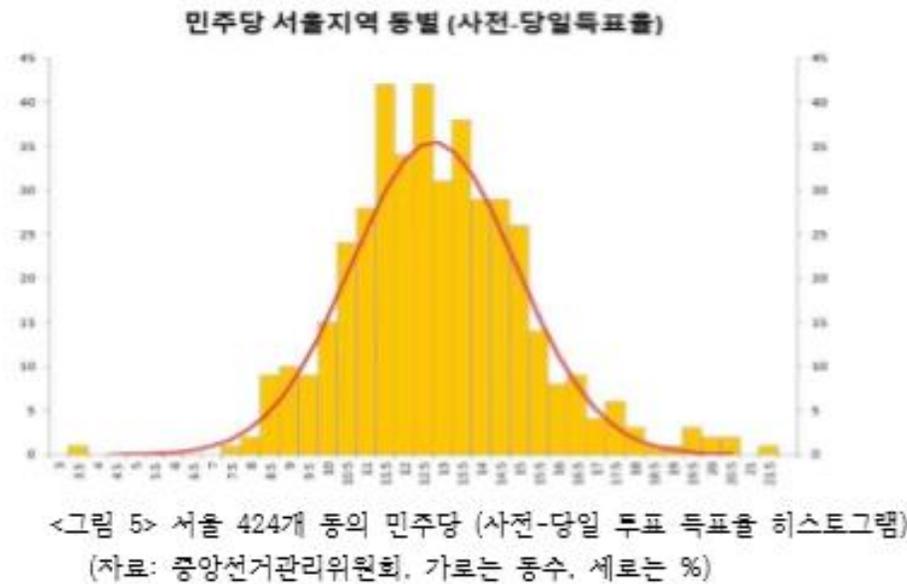
(Source: Provided by Professor Jung Hoon from Waseda University's Department of Economics and Political Science)

3. Highly similar patterns found in 49 constituencies and 424 neighborhoods of Seoul statistically difficult to understand.

As all 49 constituencies of Seoul each have their own candidates they prefer to support, it is common for the rates of candidate support to variously differ. However, the fact that the

percentages of pre-votes and on-site votes are nearly the same in all constituencies is a phenomenon so strange that it is statistically hard to believe. The Democratic candidate received a greater percentage of votes in the pre-elections rather than on-site, and the UFP experienced the very opposite. But in the last 2016 general elections, the average difference between pre-election and on-site percentages was but approximately -3% for the Democratic Party and +3% for the then-Saenuri Party, therefore leading to an overall gap of roughly 6% between the two parties. This is a gap that, statistically speaking, is fully possible. However, this 21st General Elections saw only large negative differences in the Democratic Party (10%~16%), recording an average of 12%. On the other hand, the UFP recorded only big positive differences that amounted to an average of about 12%. The resulting average differences of both parties then becomes the enormous value of 24%. What can especially be a statistically strange phenomenon is that the same pattern was found in all 49 constituencies.

Seoul is comprised of 424 total neighborhoods; the differences between the Democratic pre-votes and on-site votes were plotted as a histogram shown in <Figure 5>. The differences show an average of 12% and has a small standard deviation of 2.4%. It is a statistically odd phenomenon that Democratic pre-vote percentages are higher than on-site percentages in all 424 neighborhoods, coupled with an unusually small standard deviation. Even though each of the 424 neighborhoods should have their own characteristics, to have such a uniform result as this is difficult to understand statistically.



Title: Democratic Votes by Neighborhood in Seoul (Pre- and On-Site Vote Percentages)

<Figure 5> Democratic Votes of Seoul's 424 Neighborhoods (Pre- and on-site voting percentages histogram)

(Source: Central Election Management Committee, vertically the number of neighborhoods, horizontally the percentages)

Annex (7)

Mail-in Vote Manipulation and Other Fraud and Outside Interference in South Korea's April 15, 2020 Election

by Park Ju-hyun (October 5, 2020)

This is attorney Park's detailed assessment of 2+ million early votes that were move by mail across Korea.

“This is why I have decided to investigate every piece of registered mail used in the early voting. We tracked the history of 2,725,843 pieces of mail and saved all related shipping information such as sender and recipient, delivery date, delivery status, mail origin, date and time, deliveryman and actual recipient. After checking the post office's tracking system, we categorized the irregular activity into 31 categories. A total of 1,110,672 cases were confirmed as irregular votes, and this accounts for 40.4 percent of the total mail-in votes, or 2.72 million.”

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (8)

List of cases filed that are alleging irregularities in the April 15, 2020 election.

This is the listing of many of the cases filed to challenge the April 15, 2020 electoral process. The document was prepared in September 2020 – five months after the election. However, only a few cases had moved to, much less beyond, the early stages – despite legal requirements that claims for redress are adjudicated expeditiously. The vast majority of the cases had not even moved to the initial hearing stage.

After previous elections such claims were typically been addressed in a matter of weeks.

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (9)

“Legal Aspects of the Transfer of the NEC’s Server During the Election Litigation in Korea” (November 24, 2020)

by Professor Emeritus of Kyungnam University, Jinki Yoon

This is a good in-depth discussion of the domestic legal issues involved in the NEC’s alleged failure to preserve evidence required as part of post-election lawsuits.

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (10)

Media Watch (<https://www.mediawatch.kr/news/article.html?no=254906>)

A string of arrests of journalists from Byun Hee-jae, Kim Woong, Woo Jong-chang and Lee Dong-jae, who's next?

3 journalists arrested just this year...freedom of expression of the general public is greatly reduced

Reporter Lee, Woo-hee; Article uploaded July 20, 2020 15:29:01

The arrests of journalists are becoming an everyday routine in free Korea. It has become a reality that even ordinary people are being punished for posting Internet postings and hand-written posters criticizing the administration.



Gong Byung-ho TV screen capture of reporter Woo, Jong-chang.

On the morning of the 17th, the judiciary of the Moon Jae-in administration sentenced False & Truth main reporter Woo Jong-chang (former reporter for Chosun Ilbo, Monthly Chosun) 8 years in prison for defamation. He reported through a YouTube broadcast that former Minister Cho

Kuk, during his time as senior secretary of the Presidential Civil Affairs, had dinner with the presiding judge of state affairs and manipulation Kim Se-yoon and attorney Choi Kang-wook, who was retired from public office at that time, and that this was ‘defamation by false information’.



Channel A screen capture of reporter Lee, Dong-jae.

That night, former Channel A reporter Lee Dong-jae was also arrested for attempted coercion. As Lee was covering the alleged ‘Silagen scandal’ which involved a large number of influential figures in the administration, he allegedly threatened former CEO of Value Invest Korea, Lee Chul, that if he doesn’t report on the corruptions of Yoo Si-min, chairman of the Roh Moo-hyun Foundation, he will be subject to criminal penalties.



Media Watch's advisor Byun, Hee-jae. (Source = Media Watch DB)

The Moon administration's judiciary fired the signal to arrest journalists on May 30, 2018 by first arresting Byun Hee-jae, this newspaper's main advisor, for defamation. On December 10 of the same year, Hwang Ui-won, this newspaper's CEO, was also arrested for the same charge and was sentenced to one year in prison during the first trial. Two journalists from the editorial department were also sentenced in six months in prison (two years' probation) and fined.



Screen capture from Reporter Kim Woong TV of Kim Woong.

On July 8, 2020, Lion N Fox CEO Kim Woong was sentenced to six months in prison in the first trial for attempted blackmail and then imprisoned. Kim worked for Reuters, the Kyunghyang Shinmun, and as a reporter for KBS, and at the time of his arrest, he was freelance journalist and YouTuber. He was arrested after raising various suspicions about Sohn Suk-hee, president of JTBC, which is known as a pro-Moon media station.

The arrests of journalists were hard to imagine before the Moon administration came into power. It is especially hard to find a case in advanced OECD countries where active journalists were arrested on defamation charges. Other than totalitarian states, there aren't many countries that define defamation as a crime and punish it under criminal law. When criticizing public figures, freedom of expression is widely more guaranteed.

The Moon administration is going the opposite direction of the global trend, and in order to control the critics, they are using criminal charges of defamation as if they were playing one's trump card. In order to punish critics, the government is also actively utilizing provisions such as trespassing on construction materials and obstruction of justice.

The police even raided the headquarters of TV Chosun on April 25, 2018 because they were covering and reporting the 'Druking incident'. The court also issued a search warrant for the media company, which the police had requested for at the time.

The Moon administration is also punishing, not only the media, but students and citizens for their free use of ‘freedom of expression’. The police entered the home of a member of a university student group, ‘Jeon Dae Hyeop’, without a search warrant in April 2019 because he allegedly made and posted hand-written posters that satirize and criticize the Moon administration. On December 26, 2019, the prosecutor’s office imposed a 1 million won fine on a Jeon Dae Hyeop member on the charge of trespassing on construction materials for putting up posters criticizing President Moon on the Dankook University campus.

On the 16th, Chairman Jung of a North Korean human rights advocacy group was arrested on charges of obstruction of justice and trespassing for throwing a shoe at President Moon at the National Assembly. The police requested an arrest warrant for Chairman Jung. Fortunately, the warrant was rejected on the 19th.

Influential figures of the administration are making indiscriminate accusations against journalists and the people. On March 7, 2018, former Minister of Justice Cho Kuk even sued two elderly people in their 70s because they posted a slanderous post of him on a blog when he was serving as senior secretary of the Presidential Civil Affairs. The First Circuit Court fined 3 million won to Mr. Hwang, in his 70s, on March 19, 2019. The appellate court also found Mr. Hwang guilty on October 25.

Prior to this, in 2019, 20 foreign intellectuals who are pro-Korean released a statement about how they are greatly concerned about how Korea’s freedom of expression is declining and sent it to the Blue House. At the time, they stated that, “We are greatly disappointed in the president (Moon Jae-in) and his administration in the fact that he’s using the same defamation laws to suppress his critics and political opponents,” and listed the history of defamation charges brought on by Moon Jae-in and his administration.

*“For example, as a presidential candidate, the president sued **former Minister of Foreign Affairs Song Min-soon**. Former Minister Song disclosed that in 2005, when the UN voted on a resolution on the North Korean human rights issues, the president once asked about the North Korean government’s intention. A representative of the president’s party had continuously threatened to take legal action against those who criticized or slandered the president. The Moon administration **prosecuted attorney Ko Young-ju**, a former prosecutor, who called the president a communist. Also, **Dr. Ji Man-won** was prosecuted for raising issues with former Chief of Staff Im Jong-seok’s view on North Korea. **Journalist Byun Hee-jae was sent to prison for questioning the evidence behind the president’s impeachment of his predecessor. In particular, Byun Hee-jae was arrested in advance while the trial was in progress.** **Kim Hye-kyung**, wife of Gyeonggi governor Lee Jae-myung, was investigated by the police because she criticized the president on the Internet while defending her husband’s innocence of criminal charges. Recently, the police **conducted internal investigations of charges of defamation because posters were found satirizing the president’s economic and North Korean policies on college campuses.**”*

Annex (11)

Asia Economy (<https://view.asiae.co.kr/article/2020112715565945092>)

MBN, starting May 26 of next year ‘6-month suspension of broadcast’

Article uploaded November 27, 2020 15:54

Voted for conditional re-approval of MBN,
but will suspend broadcast for 6 months starting next May 26



(Photo source from Yonhap News)

[Asia Economy reporter Koo, Chae-eun] The Korea Communications Commission voted for a 3-year conditional re-approval of MBN. However, they received a disciplinary action of a ‘6-month suspension of duties’ back in October from the KCC and it looks like they won’t be able to broadcast anything for 6 months beginning May 26 of next year.

On the 27th, the KCC voted for a ‘3-year conditional re-approval’ for MBN. The approval is valid from December 1 until November 30, 2023. They voted for the ‘conditional re-approval’

considering that the company submitted plans for improvement, such as management transparency and beneficial outsourcing.

However, MBN's conditional re-approval is to be carried out separately from the 6-month work suspension. Previously, the KCC asked the prosecutor's office to investigate MBN's alleged illegal capital provision last November, was convicted and sentenced to 'suspension of work for 6 months.' The grace period is six months and ends on May 25 next year. During this period, unless MBN files an administrative lawsuit and the court issues a suspension to the execution of the KCC's decision, the decision to 'suspend work' is valid.

A KCC official explained that, "The period of work suspension is postponed until May 25 and the 6-month suspension of broadcast begins on May 26." Accordingly, starting from May 26 next year for six months MBN cannot broadcast any drama, entertainment programming, and definitely news reports.

During the re-approval review, the KCC included a plan that will take economic responsibility for damages caused by the '6-month suspension of work' and conditions that the largest shareholder will not be involved in the operation and personnel of the broadcasting company. The KCC will review the establishment of a dedicated organization for a thorough inspection of performance records and will also include measures to check the performance.

Standing commission member Ahn Hyung-hwan stated that, "The cable network has become more diverse than the beginning, but it's questionable whether it literally serves its role for comprehensive programming," and, "Individual business owners' positions can't be ignored, but broadcasting should function to perform public functions." Standing commission member Kim Hyo-jae mentioned that, "(MBN) should deeply reflect on what the re-approval condition states and keep its promise with the KCC." KCC's Vice Commissioner Kim Hyun said, "There was a vote for (MBN) to expedite provisions and suspend its business. There are certain things that do not meet the conditions of the approval," and that, "we urge them to faithfully implement the conditions."

KCC Commissioner Han Sang-hyuk stated, "MBN's conditional re-approval must implement responsible measures as a result of the announcement of their intent to implement plans for further improvements. I hope this decision will be an opportunity to lead public responsibility and gain more trust for their comprehensive programming."

Annex (12)

“White Paper on the Fraudulent Election,”

by Hak-Min Kim (June 6, 2020)

This report has much explanatory detail on issues arising from the April 15, 2020 election. In particular, it raises a number of potential instances in which the electoral process as conducted before, during, and after the election campaign allegedly contravened South Korea’s Public Official Election Act.

This entire document is found in the ‘supporting documents’ collection accompanying the overall report of which this report is one part.

Annex (13)

PRELIMINARY PLEADING FOR CASE NO. 2020 (30 June 2020)

DOCUMENT FOR PRELIMINARY BRIEFING (YEONSU-GU, INCHEON) CASE NO. 2020-30 (October 16, 2020)

COMPLAINT FILING (May 2020)

Each document can be found in its entirety in the ‘supporting documents’ section.

Annex (14)

The following is a translation of a summary of specific alleged violations of South Korean domestic law arising from the April 15, 2020 election. The summary was prepared in January 2021 by a South Korean lawyer, Ms. Soojung Moon, who has extensively researched the ROK election and assisted plaintiffs' alleging electoral wrongdoing.

Public Official Election Act

Article 278 (Voting and Counting by computerized system) ① The National Election Commission shall promote the computerization of office work for the accurate and prompt management of voting, counting, and other election affairs.

② In the computerization of voting management, the confidentiality of voting must be ensured, voting of the elector must be easy, observation of political parties or candidates should be guaranteed, and the correction of marking error, prevention of invalid votes, and other voting accuracy shall be ensured.

③ **In the computerization of ballot counting management, the calculation of the number of votes per party or candidate must be accurate, the voting results must be verifiable, and the observation of political parties or candidates must be guaranteed.**

④ **When the National Election Commission intends to computerize voting and counting affairs, it shall promote them by distributing notices, advertisements using media and other methods so that the elector can know, and such a decision whether they will be implemented or not shall be made in consultation with the political party that has formed a negotiation body in the National Assembly.** However, this shall not apply to the use of an identity verification device and ballot issuing device pursuant to Articles 158 (2) and (3) and Article 218-19 (1) and (2), and **a mechanical device or computerized system under Article 178 (2).**

Article 178 (Process of vote counting)

② **The Gu/Si/Gun Election Commission may classify ballots by valid or invalid, or candidates (referring to political parties in elections for members of the National Assembly proportional representation and Local Council proportional representation) or use mechanical equipment or computerized systems necessary for calculation.**

Article 44-2 (Preparation of the Integrated voter list) ① The National Election Commission shall prepare a voter list (hereinafter referred to as the "Integrated voter list") using a copy of the computerized data of the confirmed voter list to be used at the early voting station.

② The National Election Commission shall take necessary technical measures to prevent the same person from voting more than once when creating an integrated voter list.

③ **The integrated voter list shall be prepared using the computerized system.**

According to the above legal provisions, it is stated that when voting and counting with a computerized system, it is required to consult with the party that formed the negotiation body in the National Assembly. According to the 'Rules on Voting and Counting by computerized systems,' set by the National Election Commission, this may mean a voting, counting system that replaces ballots with a touchscreen. However, these rules apply to elections by groups such as referendums and political parties that the Election Commission decides to support, and do not apply to parliamentary or presidential elections.

¹ In the structure of the decree, the "rule" is similar to the "executive orders" of the United States, but Korean rules have differences that can be enacted only if they have the authorization.

Therefore, Article 178 (2) of the Public Official Election Act stipulates that a machine or computerized system can be used to 'assist' vote counting work and if machines or computerized systems are entirely used instead of having the function of only "helping", **it can be regarded as a computerized system defined in Article 278 of the Public Official Election Act.**

And when the electronic counting machine was introduced, the staff of the National Election Commission in a video to promote the machine said that 'the counting process takes place automatically' due to the use of the electronic counting machine, and the Blue House Archives also named the device 'electronic counting machine'. However, the National Election Commission called it "ballot sorter" as an official name to avoid the procedures stipulated by law.

In other words, the National Election Commission is in the position that mainly counting clerks count the votes and the electronic counting machine is basically a device that helps counting, so it is not necessary to follow the procedures stipulated by the law.

However, the National Election Commission has exported the optical ballot reader to Kyrgyzstan, widely advertising that it made 'election automation' considering that there is no room for human intervention if we use a "machine that automatically reads ballots optically" like the principle of electronic voting machines used in this general election.

If the argument of the Central Election Commission is true, the main counting work should be for the counting clerks to manually count the votes before the electronic counting machine, or to recount the votes by hand after the counting machine counted the votes, and the electronic counting machine can be said to "assist" human manual counting work when it is at the level of confirming the work of humans. But in this election, there was no election clerk who manually counted ballots while an electronic counting machine was out of order and replaced. No election clerk hand-counted ballots until the new electronic counting machine arrived; and the election manual did not specify the procedure for hand-counting. In addition, even if it was said to be a 'human visual inspection', it was carried out in an instant as if turning over the pages of a book quickly. Electronic counting machines were not "supplementary devices," but rather they were used as parts for humans to put their votes into electronic counting machines.

As such, the fact that it is difficult for humans to identify the contents of the ballot is also recognized by senior officers of the Election Commission and there is a videotape about it. In other words, this election was an election that relied solely on electronic counting machines, so the expression that the machine "supports" the counting process is not appropriate.

In addition, the Public Official Election Act stated that 'the computerization of counting management requires that the number of votes per party or candidate must be accurately

calculated, the voting results must be verified, and the party or candidate's observation must be guaranteed.' The meaning of guaranteeing the observation had to be enough to verify the voting results beyond the meaning of simply watching, but the counting speed of about 320 votes per minute allows political parties and candidates to only figure out whether the machine is working or not.

Therefore, the use of electronic counting machines was illegal because it had to be discussed with the political party that formed the negotiation body under the Public Official Election Act, but there was no such procedure, and it prevented the purpose of the observation due to excessively rapid counting speed.

In addition, one of the steps to achieve the goal of 'voting by computerized system' promoted by the National Election Commission is voting using the integrated voter list, and as shown above, Article 44-2, Paragraph 3 of the Public Official Election Act, and as shown above, Article 44-2, Paragraph 3 of the Public Official Election Act expressly stipulates that the integrated voter list is 'written using a computerized system'. Therefore, in this general election, the system in which early voting could be made without special application by using the integrated voter list was also a voting by the computerized system. It means under the Public Official Election Act its use was something that should have been discussed with the party that formed the negotiation body, but there was no such procedure. So the absence of this also is considered as a violation of the Public Official Election Act.

1. The equipment to be used for voting and software source codes, etc must be transparently disclosed and demonstrated to the public and candidates, but there was no such transparency in this election. I think this is a violation of the Korean election laws. If it is a violation, please provide the legal basis (articles and clauses).

I think securing this transparency is the process of 'consulting and making decisions with the political parties that formed the negotiation body' in Article 278 (4), which was mentioned in No. 2 above. Since the introduction of the electronic counting machine, the government and the National Election Commission have eagerly promoted the use of the electronic counting machine, but the implementation of the electronic counting machine has not been decided in consultation with the parties that formed the negotiation body.

In addition, Article 278 (3) stipulates that 'the computerization of vote counting should be accurate in calculating the number of votes by party or candidate, and the voting results must be verifiable' before or after the election, but the NEC believes that the electronic counting machine and the device operating the electronic counting machine are not computerized counting operations, so the NEC is avoiding all of these surveillance.

Under such a system, even if the NEC has been properly certified, the status of the program and the electronic counting machine at the time of certification, and the status of the program and the electronic counting machine at the time of voting can be different.

2. I would appreciate it if you could make a brief list of which clauses of the Public Official Election Act were violated in this rigged election. I guess there's already a list that the lawyers of Citizens' Anti-Fraud Alliance have made. If you send us a brief summary, we will review it and add it to the report. I don't expect more than 2~3 pages.

A. Article 278 (Voting and Counting by Computerized System)

② In the computerization of voting management, the secret of voting must be guaranteed, the vote of the elector must be easy, the observation of political parties or candidates must be guaranteed, and the correction of voting errors, prevention of invalid votes, and other voting accuracy must be ensured.

⇒ In the process of computerizing voting management, the time is recorded in the integrated voter list who voted in early voting. And if you combine this with the serial number in the QR code on the ballot, you can specify the voter's ballot. The secret of voting is not guaranteed.

③ In the computerization of ballot counting management, the calculation of the number of votes per party or candidate must be accurate, the voting results must be verifiable, and the observation of political parties or candidates must be guaranteed.

⇒ Since it relies on a machine for counting, it can be said that counting management is computerized. However, due to the speed of the electronic counting machine, which counts 320 sheets per minute, the observation became a mere formality and the NEC or Election Commission at each level formatted the laptop in the electronic counting machine and erased all the contents so that the voting results could not be verified. It is difficult to check whether the number of votes is calculated correctly or to verify the voting results.

④ When the National Election Commission intends to computerize voting and counting affairs, it shall promote them by distributing notices, advertisements using media and other methods so that the elector can know, and such a decision whether they will be implemented or not shall be made in consultation with the political party that has formed a negotiation body in the National Assembly. However, this shall not apply to the use of an identity verification device and ballot issuing device pursuant to Articles 158 (2) and (3) and Article 218-19 (1) and (2), and a mechanical device or computerized system under Article 178 (2).

⇒ It is a violation of the law because the voting and counting schedule was not decided due to the computerized system, including the integrated voter list and electronic counting machine, in consultation with the party that formed a negotiation body in the National Assembly.

B. Article 146-2 (Voting Officer and Early Voting Officer) ① Gu/Si/Gun Election Commission shall have one voting officer for each voting district and one early voting officer for each early voting station in order to manage voting-related affairs.

⇒ This time, a special early voting station was set up for quarantiners due to the Wuhan Pneumonia (COVID19), and even though the Gu/Si/Gun Election Commission had the right to have a voting officer and an early voting officer, the National Election Commission had them violating the law to prevent the concentration of power on the

NEC. In addition, party observers must be placed at the polling station, but they were not assigned to the polling station. Rather, special early voting stations were operated under the control of the National Election Commission without any observation.

C. Article 148 (Installation of early voting station) ② When establishing an early voting station pursuant to Paragraph 1, the Gu/Si/Gun Election Commission shall announce the name, location, and period of installation and operation at least 9 days before the election, and this shall be notified to the head of the election office or election liaison office, and notices shall be affixed to 5 polling stations per electoral district within the jurisdiction. The same shall also apply when the place of installation of an early voting station is changed.

⇒ Although the special early voting station for quarantiners due to Wuhan Pneumonia (COVID19) was fully expected to be installed, it was not announced 9 days before, making it difficult for voters to access the polling station, which was not only a violation of the law, but also a failure to achieve the purpose of the special early voting.

D. Article 151 ⑥ In spite of Paragraphs 1 and 5, the Gu/Si/Gun Election Commission shall have the early voting officer prepare ballot papers to be issued at the early voting station using the ballot issuer at early voting station. In this case, the serial number printed on the ballot must be displayed in the form of a barcode (referring to a bar-shaped symbol that the computer can recognize), and the bar code can contain the name of the election, the name of the electoral district and the name of the competent election commission.

⇒ The Public Official Election Act clearly stipulated that a “bar-shaped bar code” should be written, but a QR code was written. The Election Commission used QR codes saying that it was too long to include the election name, electoral district name, and the name of the competent Election Commission, but the law requires only "serial number" to be included in the barcode, so it is not necessary to use QR codes that violates such law.

E. ⑦ When filling out a ballot in accordance with Paragraph 1 or 6, a margin shall be set between each party or candidate's column, and the specific completion method shall be set as the rule of the National Election Commission.

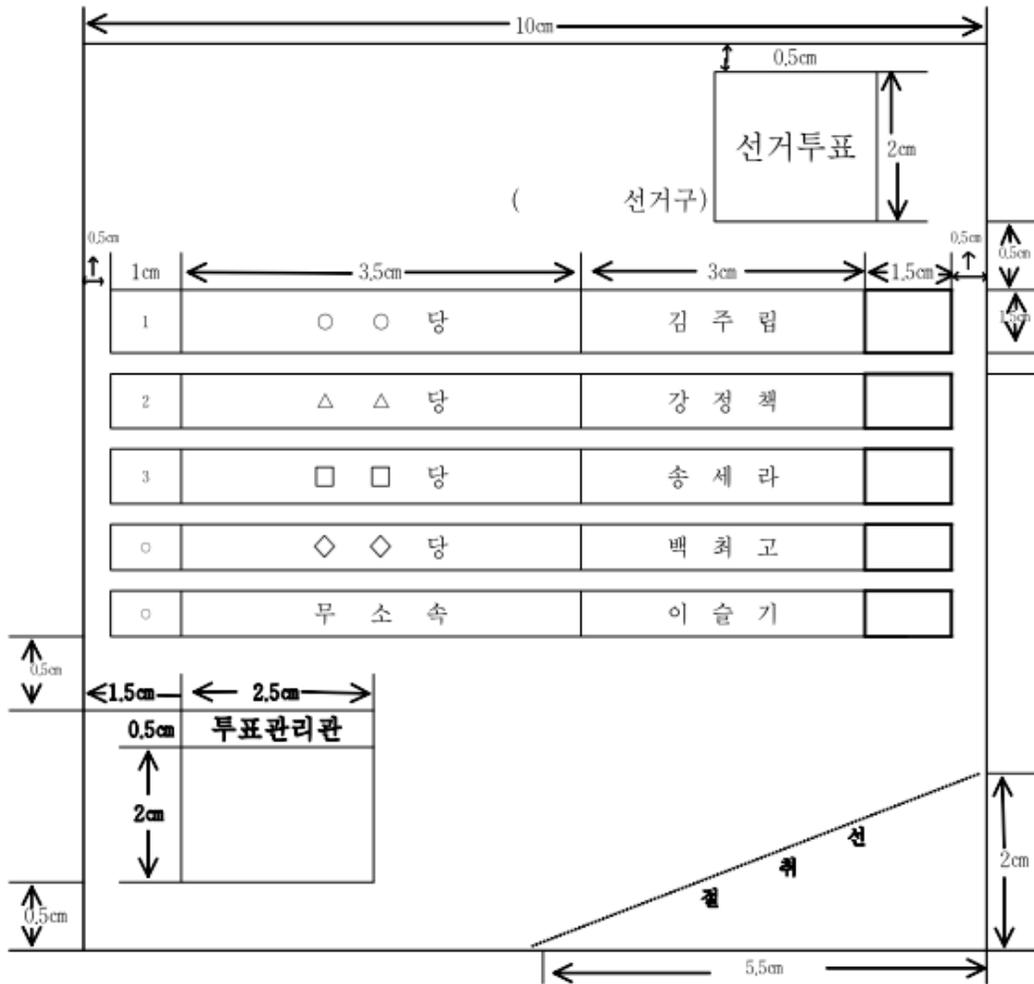
⇒ The rules of the National Election Commission stipulate the margins of the ballots in detail, and in this general election, many ballots from early voting that violate the above rules were found. Early voting ballots are printed on the spot with expensive precise printers and are verified by the NEC staff, so it is actually difficult to use ballots that differ from the standard in early voting.

Because of this, we suspect that the above ballots were printed at the factory. If not, the margin error should have been corrected in the process of printing the ballots for

early voting, but the above ballots were put into the ballot box without correcting the margin error.

I attach a picture to help you understand.

투표용지



(A sample of ballot paper as defined by law; margins are listed in unit(s) of 0.5.)



(Printer for issuing early voting ballots. The guide is installed, so it is unlikely that the left and right margins are printed differently.)



(Early voting ballot with too different left and right margins)

F. Article 174 (Counting Officers) ①The Gu/Si/Gun Election Commission shall have

counting clerks to assist with counting work. ②The counting clerk is commissioned from among those falling under Article 147 (9) 1 to 4 or from among those who are fair and neutral.

Article 181 ⑪ No person falling under any of the following subparagraphs shall be a counting observer. 1. A person who is not a Korean citizen

⇒ There was a case where a Chinese citizen was commissioned as a counting clerk to assist in counting. For your information, it is a part-time job position where Koreans are eager to participate because the work is not difficult and the hourly wage is generous. However, in this general election, there are not many places where the ballot counting clerk recruitment announcement is made, and the way that the clerks were selected was not transparent since the Election Commission at each level randomly contacted them and commissioned them.

Moreover, most of all, it is illegal to have a Chinese as a counting clerk because it is against the logic to have a foreigner officer who directly counts the votes when the observers who only attend the counting must be Korean.

G. Article 181 (Observation of vote counting) ⑤ Notwithstanding paragraphs (2) and (3), the Gu/Si/Gun Election Commission may, upon receipt of an application from the elector in consideration of the place of counting, the number of electors, etc., select additional vote-counters within 20/100 of the number of vote-counting observers that political parties or candidates can report pursuant to paragraph (2) and have them attend.

⑥The vote counting observer may observe the procedure for handing over and taking over the ballot box sent from the polling area and observe the management status inspecting the blockade and seal of the ballot box.

⑧The Gu/Si/Gun Election Commission shall rectify the case where the vote counting observer finds illegal matters concerning the counting and requests the correction thereof, if the request is deemed justified.

⇒ Some of the vote counting observers can be selected by the Gu/Si/Gun Election Commission, and even the process of selecting the vote counting observers was unclear. In addition, there are reports of some cases that members of the 'Civil Eyes', a left-wing election watchdog group, appeared at the counting places even if they were not the counting observers.

In many cases, when an opposition party's counting observer raised an objection, he or she was often restrained or ignored.

H. Article 184 (Classification of Ballots) When the vote counting is over, the ballots counted for each voting district shall be divided into valid and invalid, and the valid ballots shall be divided by candidates (referring to the 政黨 who recommended the 候補者 in the election of proportional representation members of the National Assembly and the election of proportional representation local council members), packaged and sealed by the chairman

of the Gu/Si/Gun Election Commission.

⇒ In this general election, it was revealed that the ballots were sealed by a staff of the Election Commission, not by the chairman of the Electoral Commission of the Gu/Si/Gun in some electoral districts. It has even been found that in some cases they did not seal it with the seal of the chairman of the Election Commission.

And when too many ballot boxes with broken seals were found, there were people who objected that the election was invalid, and some of the members of the Election Commission even admitted that the Election Commission arbitrarily broke the seal of the ballot box and checked the contents.

I attach a picture to help you understand.



- I. Article 262-2 (Protection of Election Crime informants, etc.) ①In case there is a considerable reason to suffer damage anyone who reports, complains, sues, accuses, etc., provides investigations, reports, testimonies, and other data regarding election crimes [including offenses stipulated in chapter 16 Penal Provisions (including offenses equivalent to fines under Article 261 (9)) and violations of the 「National Referendum Act」 hereinafter the same shall apply], and reports or conducts arrest activities for criminal arrest in

connection with such investigations, Articles 5, 7, 9 to 12, and 16 of the 「ACT ON PROTECTION OF SPECIFIC CRIME INFORMANTS, ETC.」 shall apply mutatis mutandis to the criminal proceedings and the investigation process of the Election Commission on such election crimes.

② No one shall inform, disclose or report to any other person the personal information or the fact that he/she is an informant of election crimes knowing that he/she is protected under paragraph (1).

- ⇒ In this general election, the voting observer appealed on the day of the counting that his signature on the seal was not his handwriting, and informed the media about this but the Seoul Election Commission accused him of interfering with the counting process.
- ⇒ In this general election, a counting observer discovered that the ballots were kept in the gymnasium, and he took out four ballots that were being kept and exposed them. However, that counting observer was accused and is currently detained.

Annex (15)

Information provided by Mr. Roy Kim:

Cho Hae-ju was also appointed as a special advisor to the Moon Jae-in electoral campaign.



<Cho Hae-ju was included in the Democratic Party's list of committees>

Moon Jae-in appointed Cho as commissioner of the NEC (after the 2016 election). The opposition party strongly opposed the appointment to the NEC. However, the Moon administration pushed ahead with the appointment without the opposition party's consent.



<Opposition party members protest the appointment of Cho>



<Moon Jae-in (right) appoints Cho Hae-ju as the new commissioner of the National Election Commission>

**ELECTION
FRAUD**

REPORTS

CONSOLIDATED ELECTION
REPORT – REPUBLIC OF KOREA
21ST NATIONAL ASSEMBLY
ELECTIONS, 2020

Justin Nettmann

Consolidated Election Report – Republic of Korea 21st National Assembly Elections, 2020

Introduction

As part of ensuring that democratic elections across the globe maintain the will of the people, organizations monitoring them must constantly and regularly monitor Election Management Bodies (EMB's) ensuring they always maintain transparency as required of them by the electorate and the law. Not only are they accountable to individual voters, but they are also accountable to democratically elected governments who have been put into positions of power by these voters.

Today, elections in certain parts of the world, as has been in the past, are fraught with controversies. There are several reasons as to why this is, but for the most part its simply because people/political parties use unscrupulous means in which to remain or gain the seat of power. It's these acts that lead organizations to constantly review processes and the way in which elections are held. In most cultures around the world, people are taught to win not lose and when the stakes are high the idea of winning at any cost becomes more of a reality.

This is not to say that all people cheat, what it says is that people will go to great lengths to win. Winning a running race fair and square in the good old days was simply achieved when one person crossed the line first before another, there was never any doubt that they had won. Today the outlook is very different, with the dawn of performance enhancing drugs and muscle stimulants, athletes are constantly questioned and tested to ensure that they have not taken a stimulant that would effectively give them the edge over another. Organizations have sprung up around the world over the last number of years to govern the process, ensuring people do not cheat and most importantly making sure that all athletes compete on a level playing field. Why is this important? It is important because everyone needs to have a fair opportunity to take part in the race. It would be very unfair if one person had the edge over another simply because s/he had performance enhancing drugs in their system.

What then is the difference when it comes to winning an election race, when a "performance enhanced" process has been put in place to give another the edge? Nothing, that is why organizations similar to the ones above have sprung up over the years. These organizations have taken it upon themselves to not only ensure that the playing field is level but to ensure that the will of the people is always maintained as is stipulated in any good electoral law governing elections. In every election good or bad, the presence of election monitoring bodies helps to ensure that elections are free, fair and the outcomes thereof are the will of the people.

The aim of this document is to present a case in which possible irregularities may have occurred in the recent 21st National Assembly ROK elections held in April 2020. Given that, this document outlines the electoral system in ROK, the technical reviews and subsequent reports completed and several recommendations that would assist in ensuring that transparency and the will of the people prevails in the next upcoming elections in ROK.

Context

Election day is not the only element of an electoral process but is one of the critical stages of the process which forms part of the overall integrity of the elections. It is the outcome and the reflection of a pre-electoral campaign, the moment when voters express their final choices about policy issues and political forces that they would like to see representing them in their country's governance. Election day procedures are also a reflection of how robust the overall electoral framework is. Overarching elements and long-term processes such as detailed and precise legal frameworks, sub-legal regulations, training and preparedness of election officials and voter education, to name just a few, have an impact on the conduct of election day procedures. Hence the importance of analyzing the elections process and not looking at the technology used and the steps in silo, as it is all complementary, and the violation might be in the link between the steps and, hence jeopardizing the whole process.

Authoring Body	Document	Acceptance Level	Date Ratified
UN	Convention on the Rights of Persons with Disabilities	Signed	July 03, 2013
UN	Convention on the Rights of the Child	Ratified/Acceded	September 21, 1990
UN (CEDAW)	Convention on the Elimination of All Forms of Discrimination against Women	Ratified/Acceded (with reservations)	February 27, 2001
UNGA	International Covenant on Civil and Political Rights	Ratified/Acceded	September 14, 1981
UNGA	International Covenant on Economic, Social and Cultural Rights	Ratified/Acceded	April 10, 1990

This report will have a descriptive comprehensive approach of the elections in the Republic of Korea and assess the observation in regard to the international standards and best practices for free, fair and transparent elections. Republic of Korea is bonded to applying these international standards as it has signed and ratified several international treaties forcing its government to abide by them:

Transparency and honesty in counting and establishment of election results

As a key guarantor of the integrity of election day procedures, international standards and good practice it is required that **votes cast should be counted honestly, results made public within legal timeframes**, and that there is **no possibility for undetected fraud or errors to alter results**. The consistency in the implementation of procedures, overall transparency, and timeliness of the process during this crucial phase, including the resolving of election results disputes, contributes to public trust and acceptance of election results.

Applicable standards include:

- 1966 ICCPR, Article 25 to which ROK has ratified on September 14, 1981
- 1996 UN HRC General Comment No. 25, paragraph 20.

Alternative methods of voting and voting arrangements may entail adjustments to the usual institutional set-up, applicable procedures and timeframes for counting, tabulation, and the announcement of official results. Depending on the solutions identified, the extent of their compliance with the requirement to count and report votes honestly, with the results made public, may vary.

Analysis of the solution implemented by ROK during the last elections:

When considering altering voting methods and arrangements, explicit attention needs to be paid to ensuring that counting and tabulation procedures are adjusted accordingly and this is made public; **any new or ad hoc institutions being involved or procedures are and need to be covered by the legal framework**, with their duties clearly outlined; and that transparency requirements, including for timely publication of detailed election results, are maintained. It is important to have complaints and appeals timelines adjusted to take into account the alternative voting methods being implemented. In addition, regardless of the voting methods and arrangements used, **it is crucial to preserve the right and the ability of contestant representatives, media and observers to follow counting and tabulation processes**.

Section 1 – Electoral Process in the Republic of Korea

Organization of Elections

The organization of the elections of ROK is totally vetted and is legally constituted to the National Elections Commission (NEC).

The NEC of the Republic of Korea

1. Establishment and Status

Establishment: January 21, 1963. The establishment of the NEC as a constitutional body was stipulated in the fifth revision of the constitution in 1962.

Status

The NEC is an independent constitutional body that manages elections and national referendums fairly and deals with administrative affairs concerning political parties and political funds.

The NEC is an independent consensus-based constitutional body on the same level as the National Assembly, the National Government, Judicial Courts, and the Constitutional Court.

2. Election Commissions

Organization and Composition

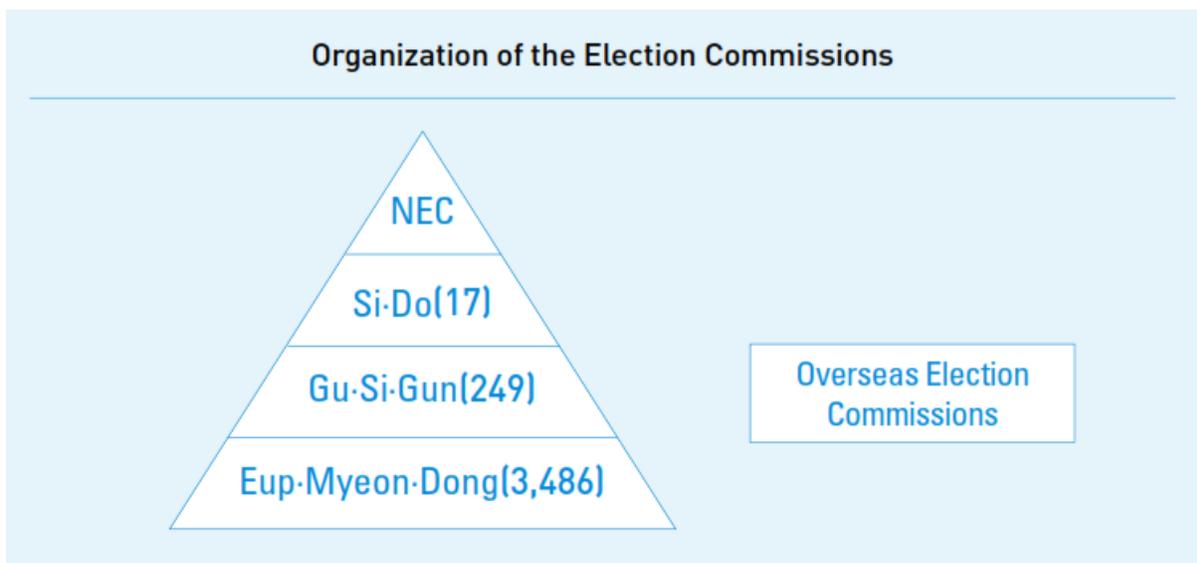
The election commissions in the Republic of Korea form a four-tiered organizational structure, consisting of the National Election Commission, 17 Si/Do election commissions, 249 Gu/Si/Gun election commissions and 3,486 Eup/Myeon/ Dong election commissions.

The NEC overseas election commissions are temporarily established at diplomatic missions for presidential elections and National Assembly elections that are conducted at the end of the term of office.

Composition of the National Election Commission

The NEC is composed of nine commissioners. Three are appointed by the President, three are elected by the National Assembly and three are nominated by the Chief Justice of the Supreme Court.

The commissioners are appointed, elected, or nominated after a confirmation hearing at the National Assembly. The Chairperson is elected by a consensus vote by and from among the commissioners.



Affiliated Agencies

Internet Election News Deliberation Commission (IENDC)

Establishment: The IENDC was founded on March 12, 2014 to ensure the impartiality of election news on the internet.

Organization: The commission is composed of up to eleven commissioners, including one recommended by each political party with a negotiation group in the National Assembly and others recommended by the Press Arbitration Commission, academic media circles and the internet associated press (term of three years).

Mandate: The IENDC is mandated to assess whether election news posted on the internet is fair or not. The commission provides real-time monitoring of election-related news by around three thousand internet media outlets and also deliberates on the request for and makes a decision on formal objections and correction reports filed by political parties or candidates.

National Election Broadcasting Debate Commission (NEBDC)

Establishment: The NEBDC was founded on March 15, 2004 to fairly manage and operate broadcast speeches and debates and establish a sound debate culture.

Organization: An election broadcasting debate commission is established and operated under each election commission including the NEC, Si/Do election commissions and Gu/Si/Gun election commissions. The NEBDC is composed of up to eleven commissioners and the local-level broadcasting debate commissions are composed of nine commissioners, including one recommended by each political party with a negotiation group in the National Assembly and the other members recommended by public broadcasting companies and from academia (term of three years).

Mandate: The NEBDC is mandated to manage the affairs regarding the broadcast speeches and debates for presidential elections and elections for proportional representation members of the National Assembly, and policy debates for public official elections following the termination of office, Policy debates are organized according to the Political Parties Act.

National Election Survey Deliberation Commission (NESDC)

Establishment: The NESDC was founded on March 5, 2014 to ensure the objectivity and credibility of election polls.

Organization: Election survey deliberation commissions are independently set up and operated under the NEC and each Si/Do election commissions. The commissions are composed of up to nine commissioners, with two recommended by each political party with a negotiation group in the National Assembly and the others recommended from among experts from polling companies, legal circles and academia (term of three years).

Mandate: The NESDC is mandated to determine standards for election polls, manage the registration of the companies undertaking election polls, and to deliberate and make a decision on whether an election poll is in violation of the relevant law or legal standards.

Roles and Responsibilities of NEC

1. Management of Various Elections

Management of Elections for Public Officials

The NEC manages presidential elections as well as elections for the National Assembly, heads of local governments and local councils as stipulated by the Public Official Election Act.



Management of Election Expenses

The NEC determines election expense limits and audits the income and expenditure of election expenses.

Management of National Referendums

The NEC manages national referendums that ask the public their opinion on important policies related to diplomacy, national defense and unification and the revision of the Constitution.

Management of Entrusted Elections

The NEC manages entrusted elections according to the Act on Entrusted Elections Including Public Organizations and other relevant regulations. Entrusted elections include those for heads of agricultural, fishery, livestock, and forestry cooperatives.

Management of Residents' Referendums

The NEC manages residents' referendums on important decisions made by local governments seriously affecting and placing undue burden on the residents of a district based on municipal ordinances.

Management of Recall Votes

The NEC manages elections requested by the residents of a district to remove heads of local governments or local council members from their positions prior to the end of their term of office in the case the officials are found to conduct illegal and unfair activities.

Management of Party Elections

The NEC manages party elections if a political party entrusts the election to the NEC in order to nominate candidates for public official elections.

2. Management of Affairs Related to Political Parties and Funds

Management of Affairs Related to Political Parties (Political Parties Act)

Management of affairs related to political party registration, disclosing the implementing of party policies, holding policy debates and supporting the development of policy-based political parties.

Management of Affairs Related to Political Funds (Political Fund Act)

Management of affairs related to Political Fund Associations (PFAs), provision of national subsidies and inspection of their expenditure, the receipt and reimbursement of deposits, receipt, audit and investigation into financial reports and support for administration related to political funds.

3. Civic Education for Democracy

Conducting PR activities to enhance democratic civic consciousness and to create a sound election culture.

Providing education and training for NEC staff, election officials, political party staff, PFA staff, and the general public, as well as developing and distributing education material.

4. Research on Electoral and Political Systems

Research on the political system of Korea and other countries around the world.

Submission of opinions on political law reforms.

Projects for improving the voting and counting systems.

Research on e-voting systems.

5. International Exchange and Cooperation

Exchange with global election management bodies.

Support for studying and improving election laws and systems of countries around the world.

Electoral System of the Republic of Korea

The Republic of Korea is a democratic republic and adopts a presidential system. The Constitution as the supreme law in the country, stipulates provisions regarding elections including suffrage rights, the right to be elected, the composition of the National Assembly, the number of National Assembly members and boundary delimitation, the election process for President and the eligibility requirements for public office. The Constitutional Assembly was founded for the first time in 1948 and continues in 2020 as the 21st National Assembly.

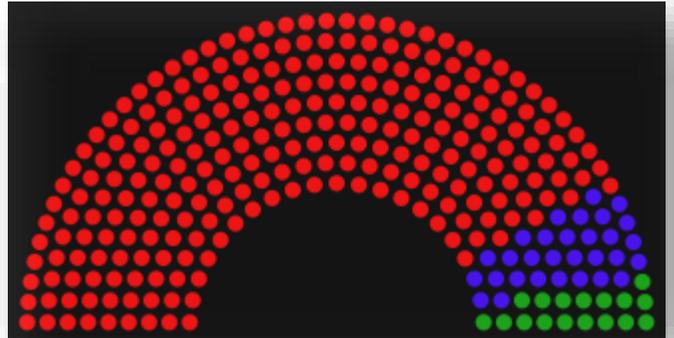
The 21st National Assembly

Electoral System: Hybrid System

The National Assembly have 300 seats, with 253 constituency seats and 47 proportional representation seats, as in previous elections. However, 30 of the PR seats were assigned on the new compensatory basis, while 17 PR seats continue to use the old parallel voting method.

Number of National Assembly members: 300 members divided as follows:
253 constituency seats under first-past-the-post
30 proportional seats under the compensatory additional member system
17 proportional seats under the parallel voting system

Election Day: Wednesday April 15, 2020



Early Voting Period: April 10, 2020 (Fri) - April 11, 2020 (Sat)

Voting Hours: 6am - 6pm

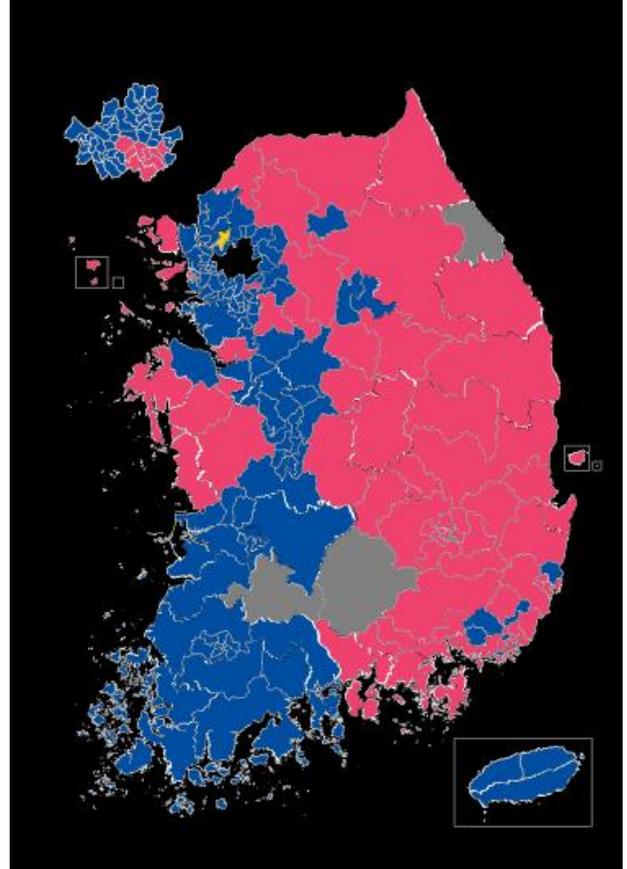
Counting Period: April 15, 2020 (Wed), from 6pm to the completion of counting

Election Constituencies · Elections for Constituency Members of the National Assembly: Single member constituencies

Elections for Proportional Representation Members of the National Assembly: Nationwide multi member constituencies

Voting Method: One person two ballots system

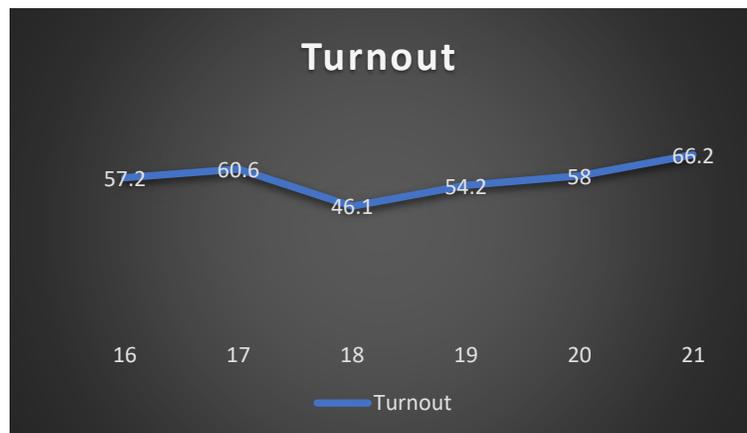
One vote for a constituency member candidate, the other vote for a party. It is possible to vote for a constituency candidate of a different party affiliation than from the party they vote for in proportional representation member elections



Non-mandatory voting

Suffrage: Citizens of the Republic of Korea (Age 18 and older)

Turnout: 66.2%



Voting System

Korea uses a manual marking and single vote system, which requires a voter to mark their ballot paper for a single candidate or political party on their ballot paper. Korea also uses a secret ballot, which ensures that a voter cannot be identified by their ballot paper. In addition, to ensuring everyone can exercise their right to vote, the NEC has introduced early, home, shipboard and overseas voting alongside voting on election day.

Voting System according to the Legal framework

Voting by Marking a Ballot Paper: Casting a ballot by using a marking device.

Single Voting: A voter casts a ballot for only one candidate or political party on a ballot paper.

Secret Voting: A voter cannot be identified by their ballot paper.

Non-mandatory Voting: A voter has the freedom to choose whether they exercise their right to vote or not. Therefore, there is no legal punishment for a voter who does not participate in voting.

Voting on Election Day

Voting Hours: From 6am to 6pm on election day.

Eligible Voters: Voters registered within the competent constituency except those who voted during home voting, shipboard voting, overseas voting and early voting.

Establishment of Polling Stations: One polling station per voting district. (14,330 polling stations and 3,508 early voting stations)

Polling Station Available for Voters: A voter must cast their ballot at their designated polling station according to their resident registered address.

Voting Procedures: Complete voters' ID verification (sign or place a stamp on the voters list, or put a thumbprint on it), Receive ballot papers, make a mark on their ballot papers in the polling booth, Put the ballots in the ballot box.

Early Voting

This system introduced in 2013 allows anybody to cast their ballot at any early voting polling station nationwide during the early voting period prior to election day.

Applicable Elections: Any public official elections held upon the expiration of the term of office and re and by-elections.

Voting Period: For two days from five days prior to election day.

Voting Hours: From 6am to 6pm during the voting period.

Eligible Voters: Any voters except those who are registered for home voting, shipboard voting, and overseas voting.

Establishment of Polling Stations: One polling station per Eup/Myeon/Dong (Additional polling stations may be established in areas with a military base). Total 3,508

Voting Method: Any voter can cast their ballots at any early voting polling station nationwide regardless of their registered constituency.

Voting Procedures: Complete voters' ID verification (sign or place a stamp on the voters list or put a thumbprint on it) → Receive ballot papers (voters casting their ballot within their registered district receive ballot papers and those voting outside their registered district receive ballot papers and a return envelope attached with an address label) → Make a mark on ballot papers in the polling booth → Put the ballots into the early voting ballot box for voters casting within their registered district or put the ballots in the return envelope then into the early voting ballot box for voters voting outside their registered voting district).

** Voters casting their ballot within their registered district: Those whose registered address is in the relevant district where they are casting their ballot during early voting.*

** Voters casting their ballot outside their registered district: Those whose registered address is outside the relevant district where they are casting their ballot during early voting.*

Home Voting

A system that allows those who may not be able to go to a polling station for voting due to a serious physical disability to cast their ballots from their residence by mail.

Applicable Elections: Any public official elections held upon the expiration of the term of office and re and by-elections.

Eligible Voters: A person who is unable to move due to a serious physical disability.

A person who has been admitted in a hospital, a sanitarium, a shelter, or a prison (including detention center).

Soldiers or police officers living in military barracks or a military vessel for a long time located too far from a polling station either during the early voting period or on election day to participate in voting.

Voting Method: The competent election commission sends ballot papers with a return envelope to home voting registered voters by ten days before election day, Home voting voters mark the ballot papers for one candidate or party, Home voting voters put their ballots into their return envelope and send it to the competent election commission by registered mail by 6pm on election day.

Shipboard Voting

A system that allows those who are aboard ships such as deep-sea fishing vessels, outbound passenger ships to cast their ballots at shipboard polling stations during the shipboard voting period using facsimile (including electronic fax).

Applicable Elections: Presidential elections and National Assembly elections held upon the expiration of the term of office.

Eligible Voters: Those who are aboard or going to be aboard ships such as deep-sea fishing vessels, out bound passenger or cargo ships charged under a captain with Korean citizenship.

Voting Period: During a designated period between eight days and five days before election day.

How to Vote: The competent election commissions transmit the ballot papers by facsimile to the captain of the ship who is registered on the shipboard voting application by nine days before election day. Shipboard voters cast their ballots at the polling station installed on ships and transmit their ballots by facsimile (Shipboard voters should submit the original ballots to their captain after putting them into a provided envelope) ^a Si/Do election commissions receive the transmitted ballots by shield fax. Si/Do election commissions send them to the competent Gu/Si/Gun election commissions, the captains should submit the received envelopes containing ballots to the Si/Do election commissions when they arrive in Korea.

Section 2 – Identified inconsistencies and possible irregularities during the 21st National Assembly Elections of 2020

After the 21st National Assembly Elections had been concluded in ROK, a number of well-placed and prominent citizens in the country raised several concerns relating to the elections. These concerns were directly related to inconsistencies and irregularities which they believed had contributed to possible fraud taking place during the consolidation and collation of election results.

The New Institute (NI), after learning of these concerns set about reviewing the evidence presented in order to quantify these serious allegations. Ensuring that it was done in a transparent manner and without being biased, they commissioned recognized as well as leading technical experts and specialists in their field to review amongst other aspects the ballot sorting and counting machines (hereinafter referred to as ‘machines’) as well as the technical aspects of the elective process. These aspects included the reviewing of the technical hardware used to sort and scan the ballots as well as the QR codes printed on all the early voting ballots. Further investigations into processes conducted during the time leading up to, during and after the election were also conducted and analyzed.

While it was understood clearly that NEC was not going to give access to NI specialist to conduct a full review of the various aspects of the election process, NI specialists making use of information they were able to obtain in the public domain started reviews to identify if inconsistencies and/or irregularities may have contributed to possible large scale election fraud. While the process of making use of publicly available data to analyze election fraud, is novel, it can be used to identify irregularities. If or when irregularities are identified making use of this type of data, it would normally warrant further detailed analysis of actual systems and data.

In instances where requests are formally made to Electoral Management Bodies (EMB’s) to review data, systems, processes, results etc. as a direct result of parties not being satisfied of sound electoral processes being followed and these requests are turned down, it raises suspicions.

Regarding the technical analysis of the ROK election data, systems and processes it is important to note that no physical review of the actual hardware and software of the machines had taken place by the technical specialists/experts. The analysis of physical hardware was done by reviewing available soft copy information obtained on the web, social media, associated reports, articles and verbal accounts obtained from individuals that had access to these machines. Therefore, it must be noted that the findings associated with the hardware (machine & servers) and software are not that of a physical comprehensive technical audit. This by no means would imply that the findings are incorrect, on the contrary it would further strengthen the case for a full audit of the physical machines and associated electoral processes and technologies.

Furthermore, using and obtaining data, models and pictures coupled with technical sessions with IT experts, provided these technical specialists an opportunity for tentative analysis. The legal and constitutional provisions governing the introduction of these machines and any form of results transmission procedures, as well as wider aspects of governance and the electoral systems and management thereof were not conducted and aligned to these reviews. This is vitally important when trying to identify issues, technology must be looked at in relation to the entire electoral process and not in a technical vacuum or silo. It must also be aligned to the electoral law and what provisions are made in the law so far as the governance of technology is concerned as well as how the law mitigates possible irregularities with the provisioning of this technology.

The direct impact of a flawed process cuts across the entire electoral process as does a fraudulent outcome of an election. The technology component was reviewed independently and separately

to the broader electoral process in South Korea and the aim of this report is to look at the entire process and identify all key aspects that are of concern. (Editor's Note: Additional research and analysis arranged and/or conducted by NI does consider the broader context (to include domestic and international legal issues) in which voting and election technologies were introduced and utilized in the South Korean election. The research identified particular inconsistencies regarding the level of 'transparency' surrounding the introduction and employment of the technologies, and that gave rise to allegations of electoral wrongdoing.)

When irregularities are identified within an electoral process no matter what that process maybe it has a direct as well as an indirect impact on the results. Democratic electoral codes/laws throughout the world are designed to provide for a free and fair process when it comes to elections regardless of what country you are in. EMB's continuously strive to and work towards ensuring that these codes are always upheld, when irregularities are identified it should be up to that EMB to allow for full audits so as to ensure transparency prevails.

Information Technology Analysis Overview and Findings

The NI after closely scrutinizing the elections in ROK identified that the introduction and the use of the sorting and scanning machines was found to be irregular and that it very possibly led to fraud. This is not a new idea; on the contrary this has been the case since technology first appeared in the 1930's with the introduction of the Lever Machine across major cities in the US. Today, the use of technology in elections from Bio metric Voter Registration Systems (BVRS) to Results Management System (RMS) have in many respects a cloud hanging over them. While technology has provided good working solutions for complex electoral problems, it has also caused more people to doubt its transparency. Paper ballot stuffing is relatively easy to identify and mitigate, electronic ballot stuffing on the other hand is much harder to identify and even harder to mitigate.

With that, technical reports penned by experts both NI commissioned and non NI commissioned, detailed three specific technical aspects of the process which were identified as concerns: the first being the actual capabilities and electronic components of the actual sorting scanning machines, the second being the structural and data composition of the QR codes printed on the early voting ballots and the third being the statistical electorate data which was analyzed independently by Prof. Mebane. In each of the areas identified a series of in-depth analysis was conducted in an attempt to present a case as to why it was deemed problematic. In the case of the electoral data, the specialist (Prof Mebane) analysing it, made use of an eforensics method. This method uses complex algorithms to compute specific sets of data in order to establish and present factual information about the data or to provide an expert opinion on the data.

In each of the analysis conducted and the subsequent reports completed, the authors demonstrated that it would have been possible to have tampered with the results which could have affected the outcome of specific results. Each of the reports while not detailing how it

happened but rather how it could have happened, based their findings (except for the electorate data) on soft copy data that was available to them at the time.

Regarding this document and the reviews of the above-mentioned reports done in order to complete this document, it must be noted that the reports detail enough evidence to warrant a further in-depth investigation to establish the correctness or lack thereof of the evidence presented. Furthermore, and in conjunction to the technical reviews that were analyzed and documented, the NI commissioned several “Summary Reports” which set out to consolidate various sets of information and present it in a manner that could easily be consumed by a wider audience.

These documents referred to as “Summary Reports” must be read with the understanding that they were sometimes done by persons that are not intimately familiar with election management processes or the governance thereof. Several references to other countries making use of technologies associated with the same organization/s that deployed the machines in ROK were made and aligned to the main narrative being that of possible fraud.

It must be noted that one cannot align those technologies with the technologies used in ROK simply because the technologies are firstly vastly different in their architecture and operational outputs, and secondly the electoral processes differ significantly from those in ROK as those countries electoral laws/codes are vastly different.

That been said, it does not detract nor deter from the fact that inconsistencies and irregularities have been documented and should necessitate addressing these with NEC and requesting that further investigations by elections specialists take place.

The overall intention of the various reports was to present the analysis done and the areas of concern, which indicated that tampering more than likely did occur, and to what extent needs to be investigated. The basis of the “Summary Reports” detailed these concerns and suggests that NEC allow for further physical analysis to take place. Independent organizations around the world who promote free, fair, and transparent elections need to review the various findings and address a way forward with NEC.

[Individual Overview of each of the Technical Reports and the associated findings](#)

[Physical hardware evaluation:](#)

As part of the information technology analysis conducted, NI commissioned Benjamin Wilkerson a former Technical Systems Engineer at IBM's semiconductor design department to conduct a technical hardware review/analysis of the machines. While he was unable to have physical access to the machines, he did have a series of pictures of the actual conductors, semiconductors, motherboards, chipsets, and the externals of the actual machines.

He conducted a series of in-depth analyses of the pictures he had obtained and after completing the analyses of the machines he noted the following:

- The machines had 2 CPU's. – **Not a simple sorting machine as per Mr. Wilkerson analysis**
 - Including programable gate arrays *“the Field Programmable Gate Array (FPGA) was used as a H/W component, and this meant that the firmware can be changed at any time to perform certain tasks”* reference taken from his report
- The machines had numerous communications ports – All unsecured (4 USB Ports with 1 of the ports being a high-speed USB and a printer port)
 - *“the ballot sorter has 5 built-in USB ports which makes it possible to send the internal data to the outside and to receive and store/implement firmware or data from the outside.”* reference taken from his report
- The machines have the ability to scan a QR code.

The three points above, as an inclusion of technology into a sorter machine would not have been a problem if the electoral law allowed for them but the electoral law in the ROK does not allow for them.

Article 5 of the Supplementary Provision of the Public Official Election Law states that the ballot sorter (machine) should be a simple sorter and operate standalone without being connected to any other external devices.

*Article 151, Paragraph 6 of the Public Official Election Law, states that only barcodes can be used on the ballot paper. – **QR codes were printed on early voting ballot papers***



Figure 1: Early voting ballots with clearly recognizable QR codes printed on them



Figure 2: Mr. Wilkerson pointing out the comms ports on the machines

What was supposed to be a simple sorting machine was in fact a sophisticated piece of hardware, regardless of whether it was connected to a laptop or not. The analysis Mr. Wilkerson conducted questioned why it was that the machine which was presented and should have been a simple sorter (not in line with the law - *Article 5 of the Supplementary Provision of the Public Official Election Law*) had 2 CPU's, could have external peripherals connected to it and could read a QR code. He further questioned why it was that the chipsets in these machines were in fact programmable when indeed nonprogrammable chipsets would have sufficed for this requirement.

It is important to note at this point that Voter Authentication Devices (VAD's) and Electronic Voting Machines (EVM's) which are far more complex in their design and overall use, are in fact designed and built making use of far fewer complex technologies. Why is it then that a simple sorting machine be architected, designed, and built with such a complex structure?

Mr. Wilkerson's conclusion was:

“As briefly shown above (associated report), a great number of subject matter experts believe that the ballot sorters used in the 21st General Election held on April 15, 2020 were in violation of the Public Official Election Act in three main areas. Each ballot sorter was designed to act as a computer, had gate array components which could be connected to an external central server, and was equipped with a QR code reader. The experts concluded that the ballot sorter was designed and manufactured to do only one job: Manipulation.”

Additional to the reviews and a subsequent report of the machines, he also completed a series of 3 video's which aired on You Tube and further presented what he deemed to be problematic and open to abuse. The issue that presents itself here from a technical point of view is that the machines violated a number of Articles provisioned in the electoral law. The electoral law governs a process and when the law is violated it needs to be addressed.

QR Code evaluation and the Sorter Machine:

In September 2020, Mr. Cho, Chung-Yeol was commissioned by NI to conduct a review of the QR codes which had been found to be printed on ballots used for early voting. This was done simply because the printing of a QR code on a ballot paper is in direct violation of the electoral code. The electoral code makes provision for a bar code and not a QR code. Mr. Cho, Chung-Yeol conducted an in-depth analysis of QR codes and the use of these QR codes and penned a comprehensive report detailing the use of QR codes for early voting during the 2020 presidential elections and the possibility of fraud being committed with the use of these codes. Mr. Wilkerson also pointed out the dangers of QR codes as follows from an expert perspective. *“1- A Program can be inserted 2- The configuration of Xilinx chip can also be changed. 3 - It is possible to change the circuit inside the classifier”* This all being done making use of an embedded QR code.

The legal framework states clearly that barcodes as opposed to QR codes are to be used on ballots. Why would this be? Technically, barcodes being simple in their format are basic digitized encoded information sets, presented in a visual pattern, used mainly for stock control. Barcodes cannot have code embedded in them, unlike QR codes which can.

QR codes on the other hand can be read vertically and horizontally and store significantly more data than a simple barcode which is one-dimensional, storing up to 25 characters. QR codes, however, can store up to 2,509 numeric and alpha characters (numeric and alpha differ). QR codes by their nature can be used willfully as indicated by Mr. Benjamin Wilkerson simply by changing or embedding malice code into readable systems. Additionally, QR codes could be used to link voters to a specific ballot paper. This is achieved by simply linking a voter to a unique number on a ballot paper which in turn is embedded in a QR code. The topic of QR codes being included on ballot papers is one that has many in the election industry discussing at length, simply because it can be used to link voters to an individual vote. In most cases around the world if a code is included on a ballot paper, it is a specific numeric number or at very most a barcode but not a QR code.

The reviews and subsequent reports done by Mr. Cho, Chung-Yeol not only brought to light possible issues with QR codes it questioned why it was that regular ballots did not have QR codes printed on them. Furthermore, he pointed out that the ballot sorters were connected to computers and printers. While this may not seem to be of concern, it does raise several questions, questions that would need to be put to NEC and further independently investigated, investigated in line with the electoral process in ROK. Investigations or reviews of processes need to be done not in isolation. An election as we know it starts at the point at which an E-day is gazetted and ends when the new administration wins. It is by no means a one-day affair.

Statistical Review of Data:

After the reviewing and subsequent documenting of the technical aspects of the machines and the QR codes associated with the early voting ballots, the NI came across an analysis of voting data that was completed by Prof. Mebane. **Anomalies and Frauds in the Korea 2020 Parliamentary*

Election, SMD and PR Voting with Comparison to 2016 SMD - Walter R. Mebane, Jr. † June 1, 2020

Prof. Mebane conducted a statistical review of data making use of data models using eforensics. His statistical review was done several times making use of separate sets of data including different subsets of data (2020 election data) obtained from South Korea. He completed several separate reviews of statistical data and published his findings based on a more refined and dated data set which provided a more accurate account of what may have taken place. His examination of the data from the 2020 Parliamentary Elections presented evidence that fraudulent votes occurred which could have affected the outcome of the election. It was noted in the report that the statistical data model indicated that the manufacturing of fraudulent votes occurred from abstentions and the stealing of votes from opposing parties.

In the opening paragraph of Prof Mebane's final report, he stated the following:

"The 2020 parliamentary election in Korea is controversial, with fraud allegations. I examine data from the election using eforensics, tests from the Election Forensics Toolkit and the spikes test. This paper improves on a previous version ("Frauds in the Korea 2020 Parliamentary Election," April 29, 2020) by using updated complete data and by adding Election Forensics Toolkit and spikes test results. This paper improves on a previous version ("Anomalies and Frauds in the Korea 2020 Parliamentary Election," May 9, 2020) by using a corrected dataset that includes 50 previously omitted independent candidates (May 13, 2020). A subsequent version adds analysis of proportional representation data (May 14, 2020; typo fixed May 21, 2020). The current version adds brief consideration of voting in the 2016 legislative election. The estimates and tests for 2020 all exhibit anomalies that suggest the election data were fraudulently manipulated, although the suggestion is stronger for single-member district voting than for proportional representation voting." - Mebane 1 June 2020

In his conclusion he further stated:

"Taken together the eforensics estimates and EFT and spikes tests exhibit anomalies that strongly suggest the Korea 2020 legislative election SMD data were fraudulently manipulated. Such suggestions regarding the PR data are weaker although not absent. Estimates using 2016 SMD data show eforensics estimates frauds that resemble results seen in many other elections and are likely due to normal political considerations. Such conclusions are always subject to the caveat that apparent frauds may really be consequences of strategic behavior, but that ambiguity can sometimes be mitigated by exploiting a multiplicity of statistics.... An election fraud will not necessarily trigger all of the statistics and tests, but we think a genuine fraud will in general set off many of them" (Hicken and Mebane 2015, 39).

Statistical findings such as Prof Mebane's reported findings should be followed up with further testing of additional data and should further investigate what happened. Most importantly, and in principle perhaps the simplest to do, would be the validation of the physical paper ballots against reported results. Essentially the recounting of single constituencies in an adhoc manner. The statistical findings alone cannot stand as definitive evidence about what happened in the election but provide a starting point. (Editor's Note: Park Sung Hyun, Honorary Statistics Professor, Seoul National University, and Dean of the Korean Academy of Science and Technology conducted statistical analysis of the ROK April 15, 2020 election and concluded the results were 'statistically difficult to understand.' Professor Park's summary assessment and conclusions are included in the larger submission and report accompanying Mr. Nettmann's report.)

Conclusion and Recommendations

It is to be stated that the intention of this document is certainly not to prove or disprove fraud, but rather to ensure that election transparency remains the highest priority in ROK. Indications are that certain inconsistencies were noted which have laid the foundation for further investigations to take place in South Korea. While the investigations were and have been limited it should be in the interests of the EMB in South Korea to clear these investigations by inviting monitoring and election watch organizations to review the process and deliver their findings in an unimpeded manner.

The request by organizations to review EMB's and their processes is not new, it happens regularly around the world. In fact, EMB's invite observer groups regionally as well as locally to observe the various processes of an election. EMB's also, so as to remain transparent, have organizations such as universities and specialist election organizations review their technologies and processes ensuring they maintain good governance, as was seen in Brazil. This type of behavior demonstrates not only transparency but good faith amongst the electorate who are the people that are the first to criticize or praise an elective process. While politicians will remain politicians, political parties change, people change and so should EMB's, changes are inevitable, but the changes must be done in line with the law. This is vitally important as the electoral law is the cornerstone of democratic principles and governs the process.

It is recommended that further election specialists examine the process of elections in ROK paying special attention to the introduction and use of technology. How the technology interacts with elective processes and what mechanisms are in place to ensure that data is secured and not open to manipulation. Additionally, internationally recognized election watch organizations should deploy short term observers during the next upcoming elections so as to observe the process including the consolidation of results at counting centers. Together with the specialists and the observers a comprehensive review of process can be recorded and documented, and shortfalls can be addressed accordingly.

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**ELECTION
FRAUD**

REPORTS

REPUBLIC OF KOREA
NATIONAL ASSEMBLY
ELECTION 2020

Said Sanadiki

REPUBLIC OF KOREA

NATIONAL ASSEMBLY ELECTION 2020

The Republic of Korea managed to conduct an election under the COVID-19 pandemic, but at what cost? This report is part of a comprehensive read of the April 2020 National Assembly election in South Korea and the irregularities that took place. Highlighted in this report is the effect of the pandemic and how the pandemic was used to leverage some parties over the others.

The transparent, inclusive, and credible conduct of elections is critical to the formation and preservation of democracy. The Republic of Korea conducted the 21st national election to select members of the National Assembly amid the COVID 19 pandemic, hence respecting one of the main important dominators of ensuring the democracy – i.e. periodic elections. However, the question remains whether the election was held in a free, fair and transparent way. The aim of this report is to assess the integrity of the election held on April 15, 2020, and in respect to the international standards for free and fair elections.

"ANY ELECTION THAT IS BASED ON THE DEMOCRATIC PRINCIPLES OF UNIVERSAL SUFFRAGE AND POLITICAL EQUALITY AS REFLECTED IN INTERNATIONAL STANDARDS AND AGREEMENTS, AND IS PROFESSIONAL, IMPARTIAL, AND TRANSPARENT IN ITS PREPARATION AND ADMINISTRATION THROUGHOUT THE ELECTORAL CYCLE." (KOFI ANNAN FOUNDATION, 2012)

The Universal declaration of human rights, considered as the main source for the international standards states clearly in Article 21, section 3 that “*The will of the people shall be the basis of the authority of government; this will shall be expressed in **periodic and genuine elections** which shall be by **universal and equal suffrage** and shall be held by **secret vote** or by equivalent **free voting procedures**.*” It is clear that the periodic elections are directly linked to genuine elections, in addition to other sets of democratic standards governing the conduct of the elections, and hence the periodicity is not a stand-alone matter.

The Republic of Korea was praised by the international community for holding the first large-scale election under the pandemic of COVID-19, and hence checking one of the main rules of democracy which is the periodicity of elections. However, the question remains at what cost? In this report we will look into the quality of the elections held and judge it according to the international standards for a democratic election.

What are the international standards and is Republic of Korea obliged to abide by them?

International elections standards are universal principles and guidelines to promote genuine democratic election processes. International standards have evolved from protocols, declarations, treaties, and other international instruments that safeguard democracy and human rights. International standards for democratic elections are not prescriptive norms. They do not mandate that a particular election system or explicit laws be applied. Instead, they are principles to guide the development and implementation of election systems, laws, policies, and procedures concerning democratic election processes. All international election standards can be traced back to the cardinal principle that citizens have a right to take part in the governance and public affairs of their countries⁶².

The Republic of Korea is bonded to applying these international standards as it has signed and ratified several international treaties forcing its government to abide by them, mainly the International Covenant on Civil and Political Rights (ratified on September 14, 1981).

Noting that the Republic of Korea is also a member of the Venice Commission represented by **Mr Lee Suk-Tae** (*Justice of the Constitutional Court of Korea*), **Mr. Kim Jung-Won** (*Deputy Secretary General of the Constitutional Court of Korea*) as the first substitute member and **Mr. Sungkook KANG** (*Deputy Minister for Legal Affairs, Ministry of Justice*) as the second substitute member. So, the decisions taken by the Venice commission are binding to the republic of Korea.

In addition, Republic of Korea is also a member in the Inter Parliamentary Group – IPU since 1964, hence the decisions and recommendations set by the IPU should be respected by the Republic of Korea.

And noting also that the Republic of Korea has been an OSCE Asian Partner for Cooperation since 1994.

⁶² “*Applying International Elections Standards*” – NDI publications

All the above-mentioned partnerships and treaties that the Republic of Korea is part of imply that the international standards for democratic elections should apply to the elections conducted by the South Korean authorities, especially if the Republic of Korea intends to keep the reputation of being a beacon for democracy in the East Asia region.

The following report will highlight some of the anomalies and divergence from the international elections standards and best practices that took place during the last parliamentary elections in 2020 in the Republic of Korea.

I. Change of the electoral system amid strong opposition from the opposition political parties:

The Republic of Korea's National Assembly election was held on April 15, 2020. This was the first election held under the new electoral system. Previously, all 300 members of the National Assembly were elected under a mixed parallel system (253 were elected from single-member district on first path to post basis, and 47 members were elected from closed proportional representation list system.)

The highly controversial electoral reform bill that was passed, using the fast-track process, on 27 December 2019 (110 days before the election day), introduced a new hybrid system. The national assembly continues to have 300 seats, with 253 seats on FPTP single member districts, and 47 seats on the proportional representation but this time the 47 PR seats were divided into 2 categories: 30 seats were assigned on the new compensatory basis, while 17 PR seats continue to use the old parallel system. In addition, the bill lowered the voting age from 19 to 18 years old, hence increasing the voting population by approximately half a million voters. It is crucial to note that just three months ahead of election day, half a million additional voters did not know that they were entitled to vote in the election.

While change in the electoral legal framework does not go against the international standards, especially when introducing reforms, changes should not be made so close to the election day.

Any change of the electoral law should be given ample time between the adoption and the implementation for several reasons, but mainly for the elections management body to be able to accommodate accordingly and to educate the voters on the new system. Also, it is necessary for the political parties and the candidates to be able to adopt their strategies to contest the elections following the new rules.

One of the main issues to be raised in the case of South Korea's recent election, is that the voter population was increased by half a million new voters, and that the political parties, mainly the opposition political parties, faced serious challenges while campaigning and trying to factor in these voters at the last minute. This was especially so with the elections being held under the pandemic of COVID-19, with all the restrictions that were put on the campaigning.

According to the Venice commission *"It is not so much changing voting systems which is a bad thing – they can always be changed for the better – as changing them frequently or just before (within one year of) elections. Even when no manipulation is intended, changes will seem to be*

dictated by immediate party political interests. ⁶³

The same is indicated by the National Democratic Institute: *'Experience also demonstrates that it is inappropriate to make major or significant modifications of electoral related laws too close to an election date.'*⁶⁴

Conclusion

It is safe to say that no substantial change to the electoral law should be made within the six months prior to the election without the consent of a majority of political actors – especially given that the changes of the rules of the games will most probably benefit the party proposing the change and not the opposition. Such was the case in the Republic of Korea.

The change of the electoral system is considered to be the main change in any electoral framework, especially since in the South Korean case the changes affected 10% of the seats of the parliament (30 out of 300), coupled with an increase of the voting population by half a million during an epidemic outbreak. All of that was done in a very tense environment that even led to physical confrontation, with major opposition by the second largest party in the parliament.

Would it have been safer for the Republic of Korea to postpone the elections, in order to give time for the absorption of the new changes in the legal framework and giving ample time for all political parties to prepare their campaigns?

Yes, the international organizations clearly state that postponement of the elections is doable and can be referred to, during the time of crisis and public emergencies.

According to International Covenant on Civil and Political Rights *"In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin."*⁶⁵

In addition, the UN ECOSOC states clearly that *'A state party may take measures derogating from its obligations under the International Covenant on Civil and Political Rights pursuant to Article 4 (hereinafter called "derogation measures") only when faced with a situation of*

⁶³ Council of Europe Venice Commission. *Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report*. Council of Europe, 2002.

⁶⁴ National Democratic Institute. *Promoting Legal Frameworks for Democratic Elections: An NDI Guide for Developing Election Laws and Law Commentaries*, National Democratic Institute, 2008.

⁶⁵ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series*, vol. 999, Dec. 1966, p. 171.

*exceptional and actual or imminent danger which threatens the life of the nation. A threat to the life of the nation is one that: (a) affects the whole of the population and either the whole or part of the territory of the State, and (b) threatens the physical integrity of the population, the political independence or the territorial integrity of the State or the existence or basic functioning of institutions indispensable to ensure and project the rights recognized in the Covenant.*⁶⁶

And it was once again accentuated by the UN Center for Human Rights, when they declared that *'Postponement of scheduled elections necessitated by public emergency may be permitted in certain limited circumstances, but only if and to the extent strictly required by the exigencies of the situation.'*⁶⁷

Conclusion

Postponement of the elections could have been done, and in fact the postponement of the elections took place in more than 50 countries around the world in 2020, the pandemic of COVID-19 affected cycles of elections, and the Republic of Korea would not have been an irregularity especially given that the international standards permit them to do so. The report will also show how the decision to hold elections during the pandemic disfranchised all the expat voters of the Republic of Korea from the right to vote, hence benefiting the ruling party, as the expat voters historically vote for the opposition, coupled with the change of the electoral system under which any difference in a fraction of the voters might be enough to lose or win additional seats in the National Assembly.

II. Election Campaigning:

The election was held during the [COVID-19 pandemic](#), which had both practical impacts on the conduct of the poll, and political impacts on voters' choice of parties to support. Before the outbreak observers had expected DPK party led by Moon to struggle, with job creation, wages and North Korea's nuclear weapons programme dominating the political agenda. Its approval rating fell to the 30% level in 2019 amid an economic slowdown and a political scandal involving the then justice minister.

But the Moon administration's media inflated response to the coronavirus outbreak saw his approval rating jump from 41% in late January to 57%, according to Gallup polls.

Holding the election in such exceptional circumstances, the 2020 election became an opportunity for political and electoral gains mainly for the incumbent DPK. For President Moon Jae-in, his

⁶⁶ United Nations Commission on Human Rights. *Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights*. United Nations Commission on Human Rights, 1984.

⁶⁷ United Nations Center for Human Rights. *Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections*. United Nations, 1994. (United Nations Center for Human Rights, pp.para. 73)

government and the ruling Democratic Party of Korea (DPK), using the state resources and their position of the ruling party in control of the government and the administrative branch allowed opportunity to promote their capacity to respond to the ongoing crisis and their effectiveness. Hence, this shifted the campaign from being an equal opportunity based on political programs to one of media focusing on a single matter – the pandemic. Thus, abolishing the equal ground and giving a huge leverage for the ruling party.

So, it is clear by now that postponing the elections, was not a choice; on the contrary, the ruling party benefited directly and indirectly from the pandemic, and imposed the elections during this period, so they don't lose ground, once the pandemic is over.

So, in a nutshell, holding the elections during the pandemic and mainly campaigning during the pandemic was for the benefit for the ruling party. And it jeopardized one important issue of the international standards, that all political parties should be able to compete on an equal basis, as stipulated in the commitments for democratic elections in OSCE participating states.⁶⁸

On another hand, insisting on holding the election during the pandemic, shifted the focus of the international community from the irregularities that might arise during the election to whether the Election Commission could hold the elections or not. Thus overlooking the decisions and the malpractices that might exist during the implementation of the electoral preparation, such as abolishing the overseas voting. As a result this restricted voting overseas by South Korean citizens in over 50 foreign countries. Overseas voting was a measure that was implemented since 2009, and historically the majority of these votes were cast for the opposition. This is a major breach of the international standard regarding the universal suffrage stating that every citizen has the right to vote.⁶⁹

In addition, adopting special voting measures inside South Korea under the precautions that are necessary in the time of a pandemic outbreak, opened the floor to manipulation of the results and flew under the radar.

An example of these measures was to encourage all those eligible to vote to take full advantage of early voting provisions. During the 2020 election, early voting took place on 10 and 11 April, at any of the 3,500 polling stations established nationwide. The rationale of encouraging more voters to use early voting provisions in these elections was to attempt reducing the number of voters expected to gather at the polling stations on election day.

Another important measure was to extend home voting provisions (early voting by mail) to

⁶⁸ *'All political parties and candidates must be able to compete in elections with each other on the basis of equal treatment before the law. In addition, the law and official policies should create a level playing field for all political parties and candidates involved in the electoral processes.'* OSCE Office of Democratic Institutions and Human Rights. Existing Commitments for Democratic Elections in OSCE Participating States. Organization for Security and Co-operation in Europe, 2001.

⁶⁹ *'Every citizen has the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the voter.'* The United Nations General Assembly. "International Covenant on Civil and Political Rights." Treaty Series, vol. 999, Dec. 1966, p. 171.

COVID-19 patients who were being treated in hospitals and other medical facilities, as well as to citizens in quarantine or in self-isolation for having been in contact with infected people. In normal circumstances and previous elections, only special categories of voters would have been entitled to home voting provisions. To vote by mail in the 2020 elections, a ‘home voting’ application had to be filed to a local administrative office between 24–28 March.

As shown from by a statistical study conducted by Dr. Walter R. Mebane, the results of the early voting were highly manipulated. These measures adopted were a breach of the international standard stating that any restrictions on the right to vote were to be established in advance of election day, and any loss of that right was only imposed after adjudication by a court.⁷⁰

Early Voting procedures and their effect on the results

This system introduced in 2013 allows anybody to cast their ballot at any early voting polling station nationwide during the early voting period prior to election day.

Applicable Elections: Any public official elections held upon the expiration of the term of office and re and by-elections.

Voting Period: For two days from five days prior to election day.

Voting Hours: From 6am to 6pm during the voting period.

Eligible Voters: Any voters except those who are registered for home voting, shipboard voting, and overseas voting.

Establishment of Polling Stations: One polling station per Eup/Myeon/Dong (Additional polling stations may be established in areas with a military base). Total 3,508

Voting Method: Any voter can cast their ballots at any early voting polling station nationwide regardless of their registered constituency.

Voting Procedures: Complete voters' ID verification (sign or place a stamp on the voters list or put a thumbprint on it) → Receive ballot papers (voters casting their ballot within their registered district receive ballot papers and those voting outside their registered district receive ballot papers and a return envelope attached with an address label) → Make a mark on ballot papers in the polling booth → Put the ballots into the early voting ballot box for voters casting within their registered district or put the ballots in the return envelope then into the early voting ballot box for voters voting outside their registered voting district).

** Voters casting their ballot within their registered district: Those whose registered address is in the relevant district where they are casting their ballot during early voting.*

⁷⁰ *'The rule of law requires that the classes of those disqualified from voting, if any, be known in advance, and that challenge be available in appropriate cases.'* Inter-Parliamentary Union. Free and Fair Elections: New Expanded Edition. Inter-Parliamentary Union, 2006.

** Voters casting their ballot outside their registered district: Those whose registered address is outside the relevant district where they are casting their ballot during early voting.*

Home Voting

A system that allows those who may not be able to go to a polling station for voting due to a serious physical disability to cast their ballots from their residence by mail.

Applicable Elections: Any public official elections held upon the expiration of the term of office and re and by-elections.

Eligible Voters: A person who is unable to move due to a serious physical disability.

A person who has been admitted in a hospital, a sanitarium, a shelter or a prison (including detention center).

Soldiers or police officers living in military barracks or a military vessel for a long time located too far from a polling station either during the early voting period or on election day to participate in voting.

Voting Method: The competent election commission sends ballot papers with a return envelope to home voting registered voters by ten days before election day, Home voting voters mark the ballot papers for one candidate or party, Home voting voters put their ballots into their return envelope and send it to the competent election commission by registered mail by 6pm on election day.

Shipboard Voting

A system that allows those who are aboard ships such as deep-sea fishing vessels, outbound passenger ships to cast their ballots at shipboard polling stations during the shipboard voting period using facsimile (including electronic fax).

Applicable Elections: Presidential elections and National Assembly elections held upon the expiration of the term of office.

Eligible Voters: Those who are aboard or going to be aboard ships such as deep-sea fishing vessels, out bound passenger or cargo ships chartered under a captain with Korean citizenship.

Voting Period: During a designated period between eight days and five days before election day.

How to Vote: The competent election commissions transmit the ballot papers by facsimile to the captain of the ship who is registered on the shipboard voting application by nine days before election day. Shipboard voters cast their ballots at the polling station installed on ships and transmit their ballots by facsimile (Shipboard voters should submit the original ballots to their captain after putting them into a provided envelope) ^a Si/Do election commissions receive the transmitted ballots by shield fax. Si/Do election commissions send them to the competent

Gu/Si/Gun election commissions, the captains should submit the received envelopes containing ballots to the Si/Do election commissions when they arrive in Korea.

Covid-19 and the Election

The National Election Commission benefited also from the outbreak of COVID-19 to pass and adopt special measures that would not have passed easily under normal circumstances. These measures included the adoption and use of the QR codes on the early voting ballots, instead of the legally stipulated barcodes, which is a breach of both the secrecy of the votes and a breach of the electoral code. In normal circumstances this measure will have minimal effect but due to the enlarged number of early voting, allegedly due to the Pandemic, the number of early voters was a crucial factor in the winning or losing of a specific party, and as it shows in the final results, it was benefiting mainly the DPK.

The Republic of Korea can consider special voting procedures or voting in other locations that can take place in advance of election day and supplement voting in polling stations, to facilitate voting and thus contribute to broad participation in elections in the sense of universal suffrage.⁷¹

They should clearly define the conditions for those procedures, which must comprise safeguards against multiple voting and undue influence of voters⁷² In any case, it should only be admissible if the postal service is safe from intentional interferences, is reliable, and the jurisdiction in question does not have a history of family voting or other trends that result in voters controlling the vote of another voter⁷³.

Saying that, and under the pandemic, the remote voting was extended to groups of voters who would not usually benefit from this, and hence increasing the pool of potential manipulation of the votes. The international standards were clear when referring to voting special measures that should be well restricted to some part of the voter population and well defined ahead of time in the legal framework which was not the case in the Republic of Korea.⁷⁴

Electronic vote counting equipment and transparency

Electronic voting or e-voting is a relatively new voting technology that can enhance voter participation and provide for faster counting that is less prone to human error, as well as being more cost-effective. However, the use of e-voting may raise serious concerns over the transparency of the voting process, that is the traceability of an individual's vote (European

⁷¹ (OSCE/ODIHR 2003a: para. 8.10; International IDEA 2014a: 142).

⁷² (International IDEA 2014a: 239).

⁷³ (Venice Commission 2002: Guidelines, section I.3.2.iii, Explanatory Report, para. 39)

⁷⁴ *'Where systems of proxy or postal voting are used, and where sick people are allowed to vote at home or in hospital, ensuring that these arrangements can withstand attempts at fraud or coercion and do not offend the secrecy of the ballot.'* Council of Europe Parliamentary Assembly. *Handbook for Observers of Elections*. Council of Europe, 1997.

Commission 2008: 84). According to the Code of Good Practice and the Committee of Minister's Recommendation, state authorities should hence ensure that e-voting technologies applied function correctly, safely and reliably. In particular, it must be possible during voting to check whether the system is functioning properly; it should withstand breakdowns, malfunction and deliberate attacks.

In the case of the South Korean April 2020 election, allegations were made related to the procurement process of the LG U+ equipment, which contains Huawei parts, and was used with the electronic ballot machines. Specifically, the request of proposal put through by NEC is restrictive enough to prefer a specific supplier over others, and hence it is a manipulation of the procurement process which is against the international standards for adopting Electronic Solution for Elections.

In addition, the machines procured contained features that allows it to connect to the internet, which is also a breach of the security of the voting process⁷⁵, the NEC has claimed that this feature was not used during the elections. However, with the restrictions on the political party observation of the machines, the software and the technicalities used, it is merely impossible to judge on this, which is also a breach of the international standards for free and fair elections⁷⁶.

The legal framework detailing the relation between the private contractors (providing electronic hardware) and the NEC is absent hence leaving a huge window for both parties to drive the relation without any legal boundaries and limitation, which might jeopardize the principle of accountability as the level of gray areas is massive.

The irregularities observed by the political parties' observers, that are detailed and documented in the annexed reports presented in this volume, clearly show that the security and the integrity of the electoral process was jeopardized during the election's operation. This is a breach of so many international standards for democratic elections, mainly the fact that the election commission should ensure that the system worked flawlessly **"Before any e-election or e-referendum takes place, the competent electoral authority shall satisfy itself that the e-voting system is genuine and operates correctly"**⁷⁷.

In addition, the National Election Commission should have taken all possible steps to ensure that there is no possibility of fraud or unauthorized intervention in the elections operations, which was not the case. And even if they wanted they could not have been implemented due to the timing of the elections and under the pandemic. Which was a clear breach of the following obligation" "All possible steps shall be taken to avoid the possibility of fraud or unauthorized

⁷⁵ (Council of Europe Committee of Ministers, pp.art. 29-30): '29. All possible steps shall be taken to avoid the possibility of fraud or unauthorized intervention affecting the system during the whole voting process. 30. The e-voting system shall contain measures to preserve the availability of its services during the e-voting process. It shall resist, in particular, malfunction, breakdowns or denial of service attacks.'

⁷⁶(Council of Europe Committee of Ministers, pp.para. I.7) 'E-voting should respect the principles of democratic elections and referendums and be at least as reliable and secure as democratic elections referendums which do not involve the use of electronic means.'

⁷⁷ Council of Europe Committee of Ministers. Recommendation Rec(2004)11 of the Committee of Ministers to Member States on Legal, Operational, and Technical Standards for E-Voting. Council of Europe, 2004.

intervention affecting the system during the whole voting process. The e-voting system shall contain measures to preserve the availability of its services during the e-voting process. It shall resist, in particular, malfunction, breakdowns or denial of service attacks.”⁷⁸

The irregularities that were reported during the elections results transmission and the security breaches of the ballot papers and the elections forms, were also contradictory to the obligation of secure elections “The e-voting system shall maintain the availability and integrity of the votes. It shall also maintain the confidentiality of the votes and keep them sealed until the counting process. If stored or communicated outside controlled environments, the votes shall be encrypted.”⁷⁹

Conclusion:

Like other democracies, the Republic of Korea was faced by a dilemma: shall we hold the elections and secure the principle of the regularity of the elections or shall we postpone the elections? The decision was taken to hold the elections, and maintain the periodicity of the elections. But at what cost?

The international convent of civil and political rights states clearly that regular and genuine elections are an important pillar of human rights, and that the most important aspect is linking the regularity of the election with the requirements it be conducted genuinely. And this is where the Republic of Korea missed the mark. The pandemic was used to benefit the ruling party, the decisions taken under the umbrella of facilitating the vote under a pandemic were in fact jeopardized the fair, democratic nature of the election.

The National Election Commission of South Korea focused on holding the elections without spreading the COVID-19 virus among the voters but failed in doing so while also maintaining the genuine elections part of the equation.

Postponing the elections might sound undemocratic but what it shows is that holding the elections under such circumstances proved to be more of a threat to the fair, democratic nature of the election than if the election were postponed.

Holding elections and introducing new voting technologies in addition to new voting measures, that usually takes many years of preparation and testing, in a period that did not exceed the 100 days since the adoption of the electoral law, is to say the least, an uncontrolled risk. And examining the matter in depth, it might be intentional to benefit one party over another.

In a healthy democracy, the elections campaign is a time to discuss a variety of policy issues and a wide range of topics. But during the pandemic the only topic to be discussed is how the

⁷⁸ Council of Europe Committee of Ministers. *Recommendation Rec(2004)11 of the Committee of Ministers to Member States on Legal, Operational, and Technical Standards for E-Voting*. Council of Europe, 2004.

⁷⁹ Council of Europe Committee of Ministers. *Recommendation Rec(2004)11 of the Committee of Ministers to Member States on Legal, Operational, and Technical Standards for E-Voting*. Council of Europe, 2004.

government is responding to it, and hence giving a direct leverage to the party in power. The limitation on the discussion of a wider range of topics undermine the sense of democracy.

In the period of lockdowns and restricted movement, incumbents have always the advantage, and this was the case in the last elections in Korea.

Recommendations:

The International Community should give further interest to the elections in South Korea. Holding the elections during the pandemic is not a success if it didn't meet the international standards, and from what we can deduce from the available information, the elections were not credible enough to be considered democratic.

The international community is advised to look further at the upcoming South Korean elections, to ensure that the irregularities that took place in the April 2020 elections should not be repeated.

Further investigation should take place regarding the technology used in the South Korean election, as the malfunctioning of this technology is not limited to South Korea. Rather, it might and will affect many other elections around the world, as the South Korean National Election Commission is considered a beacon for the elections technology around the world. Even more, they are promoting these technologies for the third-world countries and even to the US – via the National Election Commission's affiliated A-WEB organization.

If the questions that were raised during the last elections are not investigated and answered to, the reputation of A-WEB along with the National Election Commission itself will be in question, and hence spilling over to any elections that took place with their patronage, such as the recent Iraqi and the Congolese Elections.

As a conclusion, election day is not the only element of an electoral process but is one of the critical stages for the integrity of elections. Election day is the outcome and the reflection of a pre-electoral campaign; and is the moment when voters express their final choices about policy issues and political forces that they would like to see representing them in their country's governance.

Election day procedures are also a reflection of how robust the overall electoral framework is. Overarching elements and long-term processes such as detailed and precise legal frameworks, sub-legal regulations, training and preparedness of election officials and voter education, to name just a few, have an impact on the conduct of election day procedures. Hence the importance of analyzing the election process and not looking at the technology used and the various steps in silo. It is all complementary, and the violation might, in fact, be in the link between the steps and, thus jeopardizing the whole process.

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**ELECTION
FRAUD**

PRIMARY
DOCUMENTS

FRAUD IN SOUTH KOREA'S APRIL 2020 ELECTIONS

Grant Newsham

**Synopsis for “FRAUD IN SOUTH KOREA’S APRIL 2020 ELECTIONS
(IT PROBABLY HAPPENED AND IS A BIG DEAL FOR THE UNITED STATES)”**

The April 15, 2020 South Korean national elections to select the National Assembly members resulted in an overwhelming victory for the Minjoo Party and the sitting President, Moon Jae-in. This overwhelming victory surprised many observers and drew immediate charges of election fraud from concerned South Korean citizens. Generally, South Korean elections get very little attention from the United States public and media, but this election should alarm the American public and elected officials alike as, from a certain perspective, the ROK-US alliance itself is at risk.

More than 137 lawsuits have been filed, covering nearly half of the voting districts, and are contesting the election results. With election fraud allegations usually eliciting skepticism, this past South Korean election should be looked at as a possible exception to that norm. Evidence of electoral irregularities uncovered largely by private citizens raised a number of suspicions, including: digital/electronic manipulation of the voting process, counterfeit ballots, corrupted QR codes, ballot ‘chain of custody’ issues, Chinese meddling, and manipulation of the ‘early vote’ process.

Beyond the issue of potential electoral fraud, the ROK-US alliance has been put in an uncertain situation. Beijing’s possible involvement in the alleged electoral process manipulations suggests a motivation to split the South Korea-US alliance—and wants to ultimately remove US forces from the Korean peninsula. This, according to some observers, aligns with President Moon’s and his close advisor’s reputed objective of replacing South Korea’s long-term alliance with the United States with a close relationship with China. The April 15th election outcome – giving the incumbent party the ability to enact any legislation desired and to potentially change the constitution, can be viewed as a step toward Moon’s and China’s ultimate objectives. And if done right, obtain political control for the foreseeable future.

This report describes a comprehensive, citizen-based effort to collect and present evidence of electoral irregularities that possibly demonstrate election fraud deserves to be taken seriously, and to be further examined.

Fraud in South Korea's April 2020 Elections

**It Probably Happened and is a Big Deal for the United
States**

An Occasional Paper for the
Center for Security Policy



By Grant Newsham

September 23, 2020

South Korean elections get limited attention in the United States. But maybe they should get more. The April 2020 South Korean national election to select National Assembly (like the U.S. Congress) members resulted in an overwhelming victory for the party of incumbent President Moon Jae-in. This surprised many, if not most, observers. Concerned South Korean citizens raised immediate charges of election fraud.

The author researched the issue in considerable depth, including research in August 2020 in South Korea. This report outlines his findings, and most importantly, his conclusion that the April elections mostly likely were manipulated and that this is a matter of U.S. national security interest.

South Korea's election to select National Assembly members on April 15, 2020 was rigged by President Moon Jae-in's administration. Or so a diverse group of South Korean citizens claim.

This is a serious charge. Even more so, if true. Not least for the threat it poses to South Korea's democracy and to the entire U.S.-South Korea alliance. But before dismissing this charge as sour grapes by the losing party and its candidates, it's worth considering the evidence, which does raise serious and credible concerns that the Moon administration working with China 'fixed' the election.

First, some context is important.

Despite occasional hiccups, one tends to assume the U.S.-South Korea relationship is solid. It is nearly 70 years old, was forged in blood during the Korean War, and is based on shared democratic and free-market values and a common perception of the North Korean threat. This includes a mutual commitment to defend against North Korean aggression and nuclear blackmail.

But nation-to-nation relationships – just like people-to-people ones – can change over time.

And while unpleasant for supporters of the U.S.-ROK alliance to contemplate, could we be seeing a quiet but systematic effort – led by a committed core of South Korean hardline leftists represented by Moon Jae-in and a coterie of long-time associates to turn the Republic of Korea into a one-party state? A further objective of this consolidation of power, so the theory goes, is to unify South Korea with North Korea, and to align South Korea (and a unified Korea) with the People's Republic of China – with whom there is seen a 'common destiny.'

Although unstated, since a majority of South Koreans currently oppose the idea – as well as the idea of unifying with the North – the ultimate aim of Moon and associates is to delink South Korea from the United States and remove U.S. forces from the Korean peninsula.

Far-fetched? Maybe not. Especially given what is known about Moon and his associates' backgrounds and ideological positions. More than just leftists or 'socialists', some of Moon's closest advisors and current South Korean officials were associated with anti-American, pro-North Korea student groups – and have never renounced such ideas. Others have been implicated and charged with spying on North Korea's behalf.

Moon and South Korea's leftists have made considerable progress towards controlling the levers of governance and power in South Korea. This includes dominating the media, the judiciary, the intelligence service, the National Election Commission, and even putting the South Korean military on notice with the arrest of a four-star General three years ago on questionable abuse of power and corruption charges, for which he was eventually found not guilty. The Moon administration has used libel laws, tax audits, and regulatory powers to rein in free speech and bring the media and other critics to heel.

Academia has mostly been aligned with South Korea's leftists for many years. The leftist faction and the Moon administration also use the aggressive, noisy Korean Confederation of Trade Unions (KCTU) as a political weapon. This includes intimidating and cowering political rivals, and even some of Korea's main private companies – with Samsung currently being in the cross hairs as a potential obstacle to Moon and the leftists amassing power.

But Moon et al still needed the National Assembly. Until recently, South Korea's fractious and nominally conservative opposition, the United Future Party (UFP), could at least serve as a counterweight to the left and some of its leaders' more sinister objectives.

However, the April 15, 2020 South Korean election resulted in an overwhelming victory (180 out of 300 seats) for the ruling Democratic Party (DP) over the main opposition UFP. This majority is enough to pass any legislation the DP desires, and peel off just three more votes in the National Assembly and revising the Constitution is possible.

The overwhelming election victory was a surprise to many, though not all, observers and has led to claims the vote was rigged.

137 lawsuits have been filed, covering nearly half of all voting districts and seeking to overturn the election results. 25 losing candidates are among the litigants. This is far and away more than the number of suits brought following any previous South Korean election. And usually, those suits are just asking for a recount. These are seeking to overturn the election as being illegally run.

Despite the fraud allegations, surprising – even stunning – election outcomes do occur – as shown in the famous photograph of a beaming, victorious U.S. President Harry Truman holding a newspaper with the headline 'Dewey Beats Truman.' Even Donald Trump's 2016 election victory was a rattling surprise for many people. With this in mind, this writer was inclined to

consider the April 15, 2020 election outcome as just ‘one of those things’ that happens in a democracy.

So, this writer’s inquiries began with a degree of skepticism mixed with curiosity to see if there was a case to be made for the election fraud claims – beyond the outcome simply being so surprising that some people assumed there must have been fraud.

Before long, however, one sensed that these were not just sore losers venting frustration. Rather, they came across as level-headed – and included individuals who are eminent in their professions and experts in the specific areas where they allege electoral fraud. It’s a mix of professors, lawyers, statisticians, computer programmers, data analysts, software and semiconductor engineers, politicians, journalists, and ‘regular’ citizens – including a former leftist who spent time on the run from South Korea’s military regime. Even a large number of academics (not exactly known as conservative by nature) have joined in.

Collecting evidence to make the case for ‘election rigging’ is obviously a challenge – no matter what country it is, not least since election rigging is intended to be hidden. In South Korea, gathering information is no easier given the DP’s heavy hand over government, bureaucracy, the media, and other instruments of power. And there is also the simple reluctance of people to believe systematic election fraud can happen in a first-world democracy such as South Korea.

THE ALLEGATIONS

So, let’s walk through the charges, viewing things like a prosecutor assessing if there is a case or not. The allegations that the Moon administration rigged the election are based on the following key assertions:

Digital / Electronic manipulation of the vote

Suspicious focus on the Electronic Counting Machines (ECM’s) used at the voting sites.

Experts claim the machines can be hacked or manipulated, to include via remote access. Chinese-made Huawei components are said to be in the machines and/or attached laptop computers. One expert’s brief examination indicated the ECM’s are, in fact, high-performance machines capable of far more than just sorting and counting ballots. Election officials allowed the expert’s examination only after citizens blockaded a voting site in Gure City to prevent the ECM’s from being removed.

A video exists of an ECM counting ballots. Blank ballots are being counted as Democratic Party votes and ballots with United Freedom Party votes are being counted as votes for the DP.

Another reported incident is that of an election observer at a voting site in Buyeo noticing an unbelievable vote count in favor of a widely unpopular DP candidate. The counting was stopped at the observer's insistence – and the machine turned off and restarted. When restarted, the vote was reversed in the UFP candidate's favor. The NEC says this didn't happen. However, a reporter from reputable Korean newspaper reportedly has the witness's statement.

South Korean-made voting machines and ballot counting machines are widely used overseas – and concerns have been raised about their reliability. Oddly enough for a national election body, the NEC founded an organization in 2011 known as A-WEB. Its ostensible purpose is to promote good election practices globally. But it also appears to be equally involved in flogging South Korean-made hardware.

National Election Commission (NEC) Server

The NEC central server that connects to each polling site is another point of suspicion. The central server allegedly has firewalls manufactured by Huawei – the Chinese electronics/telecom company that is regarded as a surveillance arm of the Chinese Communist Party. The U.S. government is currently sanctioning Huawei and the company has been clearly implicated in large-scale, sophisticated hack of the Organization of African Unity Headquarters in Addis Ababa, and recently, the Papua New Guinea national computer center. A number of other leading democracies have removed or are on the verge of removing or banning Huawei products from their government and/or private telecommunications networks.

Additionally, the NEC central server was located at the NEC main office rather than the GCCC – Government Central Computer Center. As mentioned earlier, the NEC is considered to be under Moon administration or leftist influence, if not domination. And a top official is a close Moon ally and was even imprisoned nearly 30 years earlier for spying on North Korea's behalf.

QR Codes

Unlike the ballots for the election day voting, ballots used for 'early voting' and 'mail voting' have QR codes imprinted. Experts consider QR codes to be vulnerable to manipulation – and it is particularly hard to detect manipulation as well. Indeed, the state of Colorado in the United States prohibits QR codes on ballots for these very reasons. Another concern with QR codes is the potential for discovering a voter's identity via the QR code on the individual ballot.

Counterfeit ballots

Photos and videos exist of boxes of bundled ballots that appear 'crisp' and 'pristine' and marked for the Democratic Party. Additionally, citizens found ballots in the NEC central headquarters trash – after following the trash disposal truck and 'buying' the trash at its destination. The NEC

headquarters should not have had ballots in its possession. Its initial explanation did not add up, and ultimately it declared it had made a ‘mistake.’ Perhaps. But that doesn’t convince many doubters.

Ballot ‘chain of custody’ problems

Photographic and testimonial evidence exists of ‘chain of custody’ flaws in the physical handling of ballots. These include the use of non-standard boxes for storing ballots – such as ‘bakery’ boxes and boxes with holes in them. Additionally, ballots were stored in gyms and other unsecured, unmonitored locations. Other instances include ‘sealing tapes’ that did not function properly and can be removed without evidence of tampering. Other examples exist of tampering with the ballot storage boxes.

Another detailed examination by a South Korean lawyer of the delivery logs for moving ‘early’ and ‘mail-in’ votes by ground transport indicates widespread anomalies after comparing ‘time/distance’ records for delivery that are physically impossible in terms of traveling a set distance in the time claimed. Also, the lawyer’s review reveals delivery routes that crisscross the country to travel what should be a matter of just a few miles.

Beyond the time and distance problems, the review uncovered suspect documentation of ballot receipts. All in all, the review suggests that over 2 million votes cannot be adequately vouched for.

Statistically improbable voting patterns

The unusual voting patterns raised suspicions with some observers who were inclined to accept the election outcome, even if they had supported losing candidates. These individuals include highly respected statistics experts – including a former president of the Korean Advanced Institute of Science and Technology – South Korea’s MIT – who first tried to prove the NEC issued voting statistics were correct and not the result of human manipulation. He was unsuccessful and stated the results were ‘artistic’ and ‘either God did it or it was rigged.’

One statistics expert, an Ivy League PhD, described the particular voting patterns as ‘throwing a stone 1000 times and hitting the target each time.’

‘Early’ voting’ versus ‘election day’ voting results

The South Korean electoral system allows for ‘early voting’ which allows two days of voting four or five days before election day (ED) voting. Voters are allowed to vote ‘early’ at the polls. If the polling site is outside their registered district, they are issued a ballot, mark it for their chosen candidate, and put it into an envelope. The envelope is then mailed to their ‘home’ district for counting. Ballots from early voters voting in their ‘home’ district remain at the polling site.

Voters who do not vote ‘early’ vote on ‘election’ day. In this case, April 15, 2020.

Particular suspicions center on the curious statistical relationship between results from ‘early’ voting compared to ‘election day’ voting. There was notable symmetry as ‘early’ voting ran in DP favor while ‘election’ day voting was in UFP favor. Further suspicions were raised as early votes (counted after election day votes) came in to consistently tip close races in favor of Democratic Party candidates.

There were reportedly 40 districts where DP candidates got 20-30% more early votes than their opponents – and every election went against the opposition candidates and for the DP candidate.

In a case of suspicious symmetry, challengers point out that the DP got on average 12% more votes during early voting compared to election day voting. Meanwhile, UFP got on average 12% less votes during early voting than on election day. The difference between early voting and election day voting should normally be much closer – usually around 2-3% -- according to statisticians alleging manipulation.

Also, in three major districts in and around Seoul, the difference between candidates’ total votes and the number of EV’s they received was the result of multiplying by .39%. The result was the same in each district for each candidate.

One mathematics expert claims to have discovered the algorithm used to allocate votes – and coined a phrase ‘digital gerrymandering’ to describe what he calls real-time digital manipulation. The expert alleges it was to allocate ‘early’ votes to districts where ruling party candidates needed votes to prevail based on how vote counts develop as election day votes are counted. The expert also claims to have detected an ‘Easter egg’ hidden in the programming – allegedly by Chinese programmers showing off their work that reads: ‘follow the party.’

An outside observer, University of Michigan professor Walter Mebane, an election fraud expert with decades of experience reviewing the results of elections using statistical models, reviewed the results of the April 15th elections. He reviewed the results at least four times based on questions raised and other input received to include specific details of the ROK election system. And each time he came up with an estimate that 7-7.5% of the votes were ‘frauds’.

Professor Mebane noted that that alone doesn't mean 'illegality', since there may be some other reason – such as an unusual number of people went to early voting for some reason. But Mebane stated that the South Korean election results were in the top 10% of the several hundred elections he has studied in terms of frauds.

SPECIALIZED EXPERTISE REQUIRED

Assessing the allegations based on technical and statistical claims requires specialized expertise and is not something the laymen can do. However, the experts who have raised the electoral fraud charges have made their findings and calculations public – and are available to explain and defend their work. This challenge does not appear to have been taken up.

Not even the media – local or foreign – has shown much interest in examining, or having their own experts examine the April 15th election voting patterns.

Another data point that was bound to raise suspicions, is that the day after the election, a key DP election strategist posted on the internet that the results were exactly what he predicted. His posting notes that he had estimated the required number of votes needed to win by applying an “Early Voting correction value.” The post was removed after two hours although a screenshot exists. The meaning of the statement and the term ‘correction value’ has not been explained.

Adding to the suspicions are allegations that closed circuit TV (CCTV) cameras in early voting polling locations were covered up during the two-day early voting period for ‘personal privacy’ reasons. The cameras were reportedly not covered during election day voting – when there presumably was no less need for personal privacy protections.

Other claims include 37 districts where there were more votes than voters.

And a detailed examination of ‘voting speeds’ – the time it would take for reported numbers of voters in given polling locations to physically cast ballots produced odd results indicating very ‘fast’ voting. In one location, during a one-hour period votes appeared to have been cast every 1.7 seconds.

MISUSE OF BIG-DATA?

The ruling party reportedly made use of so-called Big-Data prior to the election to gather a detailed understanding of the electoral landscape in South Korea. The Democratic Party signed deals with local governments and Korean telecom companies to obtain personal data. Besides the legality and ethics of an incumbent administration signing such deals with local governments and

private (but government regulated) companies, it is alleged that the information received potentially violated South Korean personal privacy laws.

DP efforts to utilize Big Data might just be considered ‘doing one’s homework’ and good electioneering. But one observer noted it can also allow precise pre-vote estimates of how many votes will be needed in given districts to prevail – and how many ‘extra’ votes will be required.

Also raising concerns are claims Chinese companies, such as Tencent, were involved with the DP in the Big Data analysis efforts.

NO SMOKING GUN, BUT SUSPICIONS RAISED

The aforementioned data points do not include a ‘smoking gun’ that conclusively proves election fraud. And incompetence and inefficiency in running an election do not automatically indicate fraud. But taking the information uncovered in totality ought to at least raise concerns for government, media, citizenry – and even democracies overseas – to include South Korea’s treaty ally, the United States.

Yet, there hasn’t been much interest inside or outside of South Korea in digging into the allegations.

THE MOON ADMINISTRATION’S RESPONSE

Most notably, the official South Korean government response – or lack thereof – to the alleged election fraud does not exactly resolve many doubts. Indeed, a reasonable interpretation of the Moon administration’s behavior is that it is hiding something.

Not surprisingly the Moon administration dismisses charges of election rigging as ‘fake news’ and ‘conspiracy theories.’ But like Sherlock Holmes’s ‘dog that didn’t bark,’ what the Moon administration is not doing is noteworthy.

Moon officials are not addressing and refuting the specific charges even though the allegations of manipulation via ECM’s, other hardware, software, and QR codes as well as the suspicious statistical voting patterns are subject to scientific examination and repudiation (or even confirmation) using one’s own experts.

The Moon administration might have ordered a thorough recount using paper ballots in several hotly contested districts in an attempt to allay suspicions. It has not. Of course, given allegations of huge numbers of fraudulent or counterfeit ballots, even a ‘paper’ recount may not be enough to resolve things.

But rather than answering or addressing the claims of fraud and manipulation, the Moon administration has instead brought charges of libel and interference with election process against journalists and at least one losing candidate who challenged what he claims is a suspicious election outcome.

Efforts to suppress opposition and critics of the Moon administration have been ongoing since President Moon took office in 2017 – and even before. These include intimidating the media and even one-man YouTube operations – that are threatened with sanctions under public broadcast laws, ‘demonetized,’ or suffering other forms of official harassment. This effort to stifle free speech should be of prime interest to foreign media, but they have ignored it.

As for the curious symmetry of the early voting results compared with election day voting results, the Moon administration claims that this was simply owing to more DP supporters going out for early voting than UFP supporters.

And as part of this argument, DP supporters have claimed that ‘young people’ (who are considered more likely to support the DP) went out in larger numbers. Yet official statistics indicate that almost one-half of early voters were over 50 years old – and around 21% were over 60 years old. Older voters are believed to lean and vote conservative.

THE JUDICIARY’S RESPONSE

Despite an unprecedented number of cases being brought alleging election wrongdoing, the South Korean judiciary has not moved on them. This is perhaps unsurprising given that the judiciary is considered to be stacked with Moon’s appointees at Supreme Court and District Court levels. And it is notable that judicial officials sometimes serve as NEC officials as well.

THE NATIONAL ELECTION COMMISSION’S RESPONSE

The NEC’s credibility is being directly attacked by the election rigging charges. Yet, its responses have not been compelling, and range from denials to half-hearted efforts at transparency. Concerns have also been raised that the NEC is not preserving evidence – documentary, electronic, and physical needed to address the charges of electoral fraud.

In response to claims of Huawei hardware in the electronic systems, the NEC stated: “...Chinese Huawei (equipment) is irrelevant.”

As for the charges of voting systems being hacked, the NEC said: “The early voting communication network is a dedicated network that connects the NEC central computer center

with each early voting polling station, so there is no possibility that the data can be leaked and manipulated.”

These aren't exactly compelling rebuttals given what is known of Huawei. They also suggest complacency, at best, given the skills of competent hackers at penetrating computer systems – no matter how well protected – as the U.S. Office of Personnel Management can attest from a 2013 Chinese cyber attack that stole information from millions of SF-86 forms which contain extremely personal information of Americans gathered in background checks for people seeking U.S. government security clearances, along with records of millions of people's fingerprints.

Moreover, it is significant that the NEC has not allowed a thorough forensic examination of the hardware, software and QR codes used in the election balloting process.

When a citizen blockade prevented election officials from removing ECM machines from one polling place, they allowed the machines to be opened and examined for ‘one minute’. And on one occasion when it allowed a limited display of an ECM, it did not show the actual laptop computer used with the ECM. Officials said that this didn't matter since laptops are all the same. The particular model is said to be specialty built for the NEC and assembled in China.

In another instance, the NEC reportedly allowed reporters to examine an ECM -- but they were careful to exclude hardware, software, and computer experts from this examination.

Many other claims still haven't been answered, to include the stacks of pristine ballots marked for the DP, the covered CCTV's at early voting locations, the improbably fast speeds at which votes were cast, or the questionable records of ballot deliveries by mail, nor how ballots were in NEC HQ possession or found ‘out of district.’

The NEC's response should perhaps not be entirely surprising. One video clip exists of a poll watcher pointing out problems with the ballot counting process being warned by a local NEC official that they could be charged with obstruction.

And in another curious twist, the South Korean chairman of the NEC is always a sitting Supreme Court justice. If the justice retires, he/she also resigns as the head of the NEC. However, former Justice Kwon Soon-il reportedly continues as the head of the NEC even after he quietly retired from the Supreme Court on September 8, 2020 and without a retirement ceremony.

A South Korean lawyer commented “This has never happened before in South Korea – a retired justice continuing as the head of the NEC, and a justice retiring without a retirement ceremony.”

THE SOUTH KOREAN MEDIA’S RESPONSE

The mainstream South Korean media have not covered the election-rigging story with any enthusiasm. Reasons include the story being too complicated, fear of being legally charged or harassed by the Moon administration, and in some cases the media is simply sympathetic to the Moon administration

As a result, independent journalists – and ‘YouTubers’ have carried the story and continue digging. Skeptics and even the government deride them as mere ‘YouTubers’. But since the Moon administration is targeting and trying to silence these critics, one might assume the ‘YouTubers’ are onto something.

RESPONSE BY THE MAIN OPPOSITION PARTY – THE UNITED FUTURE PARTY

The United Future Party was the first to declare that it would not challenge the election results. This, to some observers, suggested the charges of election fraud were unfounded since the party most affected was unwilling to pursue the claims.

However, keep in mind that at least 25 unsuccessful candidates did file charges. Also, the United Future Party is not quite what it seems. One observer referred to the UFP as ‘opportunists’ – rather than a principled, coherent conservative party. This is perhaps an excessive characterization, but it is not necessarily incorrect either.

Other observers point out that some of the top UFP leaders are considered to be too close to the DP and are tainted. Others point to a fear of ‘dying twice’ – trying to overturn the election and still losing again. And the UFP is also described as having a number of ‘status quo’ members who are satisfied with holding their own office and don’t wish to upset things.

Moreover, bringing a case of election rigging is hard work and risky – both politically and personally. The UFP’s reluctance to do so therefore may be less odd than it appears at first glance.

CHINESE INVOLVEMENT

The April 15, 2020 election rigging allegations claim that China played a direct role in the election rigging scheme, to include technical aspects such as computer hacking and Big Data analysis. Huawei hardware in the election infrastructure also has been cited in these allegations.

From an operational perspective, with access to networks, equipment, and software, it is feasible China could have deployed the necessary technical expertise to manipulate vote totals or otherwise assist with rigging the April 2020 election. And with local cooperation in South Korea, this may have been easy to do. This is not conclusive evidence, of course, but given that China arguably had motivation, opportunity, access, and expertise, one should at least consider this possibility as plausible.

Chinese influence efforts in South Korea have been ongoing for many years with Chinese money spread throughout South Korea's economy and reputedly in the political world. China is South Korea's leading trade partner and Beijing has applied severe economic pressure on South Korea and South Korean companies operating in China on occasion to obtain political concessions.

China's response to South Korea's efforts to deploy the THAAD missile defense system in 2016 is a case in point. Economic pressure on the South Korean Lotte Group led to Lotte pulling out of China. Samsung faced similar pressure. And Beijing's cutting the flow of Chinese tourists to South Korea delivered a severe blow to the ROK economy.

Perhaps not surprisingly, the PRC even prevailed on President Moon to issue his 'three-no's' policy: 1) no additional THAAD deployments in South Korea; 2) no joining in a U.S.-led strategic missile defense system; and 3) no creation of a South Korea-U.S.-Japan trilateral military alliance.

This may not have been particularly difficult. Beijing seeks to split U.S. alliances – such as the South Korea-U.S. alliance – and wants to see U.S. forces leave the Korean peninsula. This aligns with Moon's and his close advisors' reputed objective of replacing South Korea's long-term alliance with the United States with a close relationship with China.

The April 15th election should be viewed in this light – as a step towards Moon's (and China's) ultimate objectives. The overwhelming victory for the DP gives Moon freedom to enact any legislation desired and to potentially change the constitution. And done right, obtain political control for the foreseeable future.

Critics warning of election fraud point out that long-time Moon colleague Yang Jang-chul, the head of the Democratic Party's official think-tank, travelled to China in July 2019. While there, he signed a 'policy cooperation agreement' with a Chinese Communist Party-related organization. He also reportedly met with Chinese company Tencent during the visit.

In a curious move, the day after April 15th election, Yang announced he was fearful of the election result and was going to retire.

This is odd behavior. It's hard to imagine a Republican or Democratic election strategist in the U.S. announcing something similar the day after engineering an overwhelming victory – rather than basking in his success.

Although the specifics vary, there is precedent for Chinese interference in foreign elections. Consider Chinese efforts to influence recent Taiwan election campaigns – to include cyber-based social media manipulation – along with widespread bribery and intimidation.

American intelligence services have warned recently of Chinese interference in the upcoming U.S. election.

WESTERN MYOPIA ABOUT ELECTION RIGGING IN SOUTH KOREA?

Despite the circumstantial evidence uncovered by South Korean citizens working on their own, a rigged election in South Korea can still seem unthinkable. In a Third World country, perhaps, but not in the Republic of Korea. And a digitally-rigged election is even harder to imagine – not least given the sheer complexity of it all.

Yet this brusque dismissal is strangely myopic.

Consider how warnings about cyber-security are a standard part of one's daily experience. We are warned to protect and change passwords, use firewall software and update anti-virus software, be alert for phishing, etc. Indeed, one might conclude we are under constant cyber assault.

That may be so. Consider the many instances of sophisticated cyber attacks by government actors on government targets. As noted, U.S. officials warn of Chinese and other foreign computer hackers and specifically mention concerns of Chinese interference in the November 2020 U.S. presidential election.

Yet somehow the digital rigging of an election in South Korea is unthinkable? That doesn't make sense. Indeed, the payoff from ensuring an overwhelming DP victory in the April 15th election just might have been well worth the risk for Beijing – and the Moon administration.

WASHINGTON OUGHT TO TAKE THIS SERIOUSLY

The U.S. government hopefully takes seriously the allegations of fraud in the South Korean election and considers it a warm-up for the U.S. election in November 2020. Even America's decentralized electoral system should not be considered invulnerable to manipulation by

imaginative and criminal minds. And one only needs to target a handful of key closely contested districts to tip an election.

It would be appropriate for the U.S. government to quietly turn its smartest minds loose on the subject and either prove or disprove the allegations regarding the April 15th South Korea national elections. With an \$80 billion budget, cost should not be an issue for the U.S. intelligence community.

Nongovernment organizations (NGOs) interested in democratic governance and fair elections might also take up this challenge. And cyber security companies should be interested in a potential case study – and potential business development opportunities – of the technical possibilities for election fraud – and preventing them.

THE FOREIGN MEDIA: MISSING IN ACTION

Scandals such as the alleged April 15th election rigging require sunlight to attract both official and public attention to either prove or refute the allegations. That is the role of the media. As noted, the South Korean media has not been interested.

But one marvels at the lack of interest by the foreign press. Instead, they are more likely to write about K-Pop Boy Bands or else write sympathetic pieces about Moon and his administration.

If a fair examination concludes there is nothing to the story, that's fine. But to not even try, especially when the people making the charges are willing to talk and explain the basis for their suspicions? That is baffling.

One recalls the media's years-long full-court press over claims of foreign interference in the U.S. 2016 election that put Donald Trump into office. But why is the foreign media not interested in investigating credible evidence of something very strange in the recent South Korean elections? Is this too much trouble to look into or have foreign media outlets written this off as fake news or conspiracy theories?'

But even if the election rigging story is too difficult to investigate, consider the larger story beyond the April 15th election. That is: the possibility of a longtime U.S. ally in northeast Asia moving away from a consensual multiparty democracy towards a quasi- authoritarian (quasi-totalitarian according to some South Koreans) system and aligning itself with China.

Indeed, Moon and his administration's behavior bears a troubling resemblance to Turkey when Recep Tayyip Erdogan got started, or Venezuela under Hugo Chavez. Both Erdogan and Chavez took office via elections and gradually tightened control over their respective countries to the point that neither elections nor opposition political parties mattered much.

As that was happening, the U.S. foreign policy class mostly explained away what was happening. There was nothing to worry about. Erdogan and Chavez were just nationalists or populists looking to right social injustices and give their nations some breathing space.

Over time, however, Erdogan and Chavez got their hands on enough levels of power and snuffed out freedom. This has caused plenty of headaches for U.S. foreign and defense policy.

So maybe election fraud in South Korea is a story worth covering from this angle alone?

IN CONCLUSION

This writer began his research as something of a skeptic about the election rigging charges. He is not any longer. And viewing things like a lawyer (which he is) proven by ‘preponderance of the evidence’ verdict is within reason.

Honest South Korean citizens are doing their best to preserve consensual government. They need some help.

What would this help look like?

The U.S. Government’s own quiet review – especially of the technical and statistical claims of election rigging in South Korea – would be a start (assuming this hasn’t already been done.)

Also, a properly worded statement or two from Washington that it is aware of the issue and is always concerned about fair, honest elections – in the U.S. and elsewhere – would be helpful. This could both encourage South Korean citizens who are defending their democracy and also let any potential miscreants know they are being watched. Sometimes, knowing somebody is watching has a deterrent effect.

And finally, maybe the foreign media might show some interest in doing their jobs.

**ELECTION
FRAUD**

PRIMARY DOCUMENTS

AN URGENT APPEAL FOR JUSTICE

Doe, Tae-woo

Synopsis for “An Urgent Appeal for Justice”

This paper by South Korean attorney Doe Tae Woo begins with an international plea highlighting the election fraud that allegedly occurred in South Korea during the April 15, 2020 general elections. Attorney Doe is part of the legal advocacy group representing the Hon. Kyung-wook Min, the former National Assemblyman of the United Future Party (the Korean Conservatives), that is endeavoring to inform the international community of irregularities in the South Korean election held on April 15, 2020, to include technological manipulation. Such actions, the paper argues, amount to a blow to South Korea and 72-years of freedom and democracy on the Korean peninsula.

Following on a condensed summary of the history of South Korea and its maturing into a functioning democracy – albeit with a number of internal political challenges – Attorney Doe lists nine points of irregularities that suggest electoral fraud. One such point is found in the section: “Circumstantial Evidence of Fabrication: How an electoral system is vulnerable to large-scale digital manipulation.” This section describes the particular vulnerabilities of South Korea’s Early Voting system that has expanded from a relatively small-scale operation to assist a relatively small number of voters who are unable to vote in-person on Election Day. The Early System has expanded to the point it is available to all voters, and this paper argues lacks adequate security measures to ensure sanctity of this portion of the voting process.

The paper closes out with a discussion of the obstacles and roadblocks that have hindered a proper investigation into the alleged irregularities, to include judicial delay in hearing the unprecedented number of lawsuits claiming electoral wrongdoing. Attorney Doe declares that owing to substantial evidence of electoral wrongdoing (to include possible foreign involvement) intended to manipulate the election outcome, there is a clear need for a neutral and international examination into the South Korean electoral process – even if there is domestic political opposition to such outside observation.

AN URGENT APPEAL FOR JUSTICE
2020 GENERAL ELECTION FRAUD IN SOUTH KOREA
(USING 5G-TECHNOLOGY)
NOW YOUR FREEDOM AND DEMOCRACY
CAN BE LEGALLY HACKED

PLEASE JOIN THE BATTLE TO SECURE
THE LAST FREEDOM FRONT FOR SOUTH KOREA

Author

Tae-woo Doe, Esq.

taewoodoe@gmail.com

Executive Summary

The results of the 21st General Election in South Korea on April 15, 2020 enabled the Democratic Party of Korea (DPK) to become the majority party in the nation's unicameral legislature, the National Assembly, by winning 180 out of 300 seats. As a result, the incumbent leftist regime since President Park Geun-hye's impeachment three years ago, has now acquired full control over the legislature in addition to the executive and judiciary branches of government.

The great concern is not just the concentration of power itself but also the ruling party's political sympathies for the dictatorships of China and North Korea. The DPK could even try to pass a constitutional amendment to abandon the principle of free democracy that has been the inalterable constitutional cornerstone, the true foundation of *The Miracle on the Han-River*.

However, the election result is now being challenged because of apparent data fabrications.

Dr. Walter Mebane's research and other relevant evidence of discrepancies between Early Voting and Election Day votes suggest election fraud, involving the use of high technology computers and machines used for identity checks and vote counting. However, although they are obliged to conduct an expeditious and accurate review on this case, the judiciary has been delaying such a review. Even worse, the outcry from civil society against what has happened is a very weak one.

The last resort for us is to make this appeal for justice to the international community that participated in the fight for freedom and democracy on the Korean peninsula over 70 years ago. *The Miracle on the Han-River* had its origins in the universal suffrage establishing the Republic of Korea in 1948, which was supervised by the UN. Therefore, we believe that South Korea has a duty to share her story of blood, sweat and tears with other countries because she owes it to them in gratitude for their

contributions.

So, this alleged electoral fabrication must be subjected to a fair and righteous examination, and if necessary, judgment by the international community. The domestic efforts of ordinary Korean citizens alone are insufficient to overcome South Korea's incumbent regime. Many countries experiencing election fraud have suffered from catastrophic internal clashes, but we want to proceed by means of the free democratic rule of law without any bloodshed. To do so we urgently and desperately appeal for your immediate attention and involvement to help this country, which is on the front line of freedom fighting to defend its democracy.

Preface

Unbelievable News

We, the legal advocacy group representing Honorable Kyung-wook Min, a former National Assemblyman of the United Future Party), but also representing all citizens concerned with preserving free elections and consensual democracy are informing the international community of how the election held on April 15, 2020 was, based on the evidence uncovered by many South Korean citizens, in all likelihood technologically manipulated. This is the subject of a lawsuit by which we are attempting to nullify the election results. We sincerely request your immediate attention to this high technology election fraud. It amounts to stealing the 72-year-old freedom and democracy of the Korean peninsula. This was fought for in the Korean War and maintained through the international cooperation of 65 countries, including 25 which committed combat troops under the United Nations Command in that conflict.

In the months since the election, we have been engaged in legal proceedings to secure an expeditious and fair judicial review of this case. We have disclosed evidence of fabrication and fraud through YouTube, social media, rallies, protests, and other actions by civic groups. However, the dominant political influence of the Democratic Party of Korea (DPK), the incumbent party, has been preventing us from revealing the evidence because the party has already amassed power not only in the executive branch but also in the judiciary and the media. By means of this apparently fraudulent election, the DPK has gained overwhelming power as the majority party in the National Assembly. Therefore, as a last resort we are disclosing South Korea's current plight to free democratic groups across the world, as we need your help and assistance to ensure a fair examination of these alleged electoral irregularities uncovered by concerned citizens.

***South Korea: The Front Line of Freedom—
A Debt to the International Community***

Below the 38th parallel on the Korean peninsula, the Republic of Korea (South Korea) was founded in 1948 by an UN-supervised Constitutional Assembly election. Communism was sweeping the Asian continent at that time, and South Korea was one of the poorest countries in the world and had only just been established. It was almost communized in 1950 by North Korea's invasion, which was supported by the Soviet Union and Communist Chinese. However, South Korea was able to defend its freedom thanks to the participation of multinational forces under the United Nations Command.

By 1987, South Korea had dramatically modernized and industrialized itself over a period of about 40 years. This was achieved despite the incomplete rule of law, but it practiced democracy under a constitution based on free democratic principles. In 1987, South Korea revised its constitution to introduce the principle of *due process of law* and took the first step towards Western rule of law and democracy.

However, some political groups, rejecting the concept of a free democratic Korea, remained in South Korea as well as in North Korea from 1948 when the country was founded. After 1987, over a period of more than 30 years, such groups grew to become the key leadership groups exercising power in all areas of Korean society.

An Attempt to Remove a Constitutional Cornerstone

The current President Mr. Moon Jae-in was elected in 2017 by taking political advantage of the impeachment of the former President Ms. Park Geun-hye. After his election win, Moon set about denouncing and suppressing those groups and institutions in society which have protected free and democratic Korea against Chinese and North Korean communism for 70 years.

He also gradually imposed his influence over the media, the executive branch, the judicial branch, national intelligence agencies, the public prosecutor's office, the police,

various civic organizations, and political parties.

In response, the protests of citizens who want to protect free democracy increased. However, the current opposition party that conspired in the former President Park's impeachment (when it was the incumbent party) rarely protested, and the involvement of citizens is still not organized in a coordinated and effective manner.

The recent 21st General Election was a “crossroads” event that provided South Korea a last chance. Citizens trying to protect the free democratic system were planning to deter the Moon Jae-in administration's plans for radical transformation of the country and establish a future basis for opposing Moon by gaining a majority in this legislative election. However, the Moon administration understood the meaning and importance of the vote most clearly.

They realized that their defeat in the election would mean they could be subject to: prosecution and judgment; abandoning the accomplishments they have built over the last three years; losing their power and the social status they achieved by fighting for 70 years; and losing their interest in the possible long-term seizure of power.

However, if they could win the election and become an overwhelming majority by gaining three-fifth of the seats (180 out of 300 seats), then they would be able to pass laws without opposition. It would be the completion of an irreversible transformation of the nation and an opportunity to permanently eradicate the opposition.

At the time of the 21st General Election, Moon's administration already dominated most of the National Election Commission (NEC, the country's election watchdog) and other government authorities.

Since 2002, when the digital vote-counting machine was first introduced, South Korea has never conducted a post-election audit.

In the 2018 local elections, when South Korea chose a system of centralized voter

identification running on a 2014 client-server set-up, the Early Voting turnout had already reached 33% of total votes. Many of the allegations of electoral misconduct – including digital manipulation – have centered on South Korea’s ‘early voting’ system. As will be described later, the conditions, capabilities, and motivations were in place to permit electoral manipulation. This included using 21st century tools to manipulate the targeted numbers in real-time with big data and artificial intelligence, in addition to using the physical ballots as an additional tool to achieve the manipulators’ goals.

The stunning results of the April 15, 2020 General Election became clear after midnight. The vote counting of Early Voting began at about 2 a.m. on April 16. In 40 voting districts (20% of the total districts) the candidates for the opposition party who were ahead in Election Day voting ended up being defeated by a candidate from the ruling party (DPK).

The public discovered troubling evidence of electoral rigging, such as dubious counting procedures; evidence of manipulation in the figures of the election results; illegal ballots and vote counting videos. Twenty-five candidates in 25 districts, including the Honorable Kyung-wook Min, instantly filed an election lawsuit. However, for over a period of two months, the courts, media, and political parties have kept silent on this matter, and sometimes vilified or mocked the efforts of those questioning the election results. The judiciary, in particular, has largely ignored statutory requirements for hearing and resolving lawsuits.

Next, we will explain in detail the circumstantial evidence of fabrication in the voting process and the delay in judicial review, followed by the actions we ask of the international community.

Circumstantial Evidence of Fabrication

How an electoral system that is vulnerable to large-scale digital manipulation operates.

- 1) South Korea’s Early Voting system is not a traditional method such as receiving

the early voters' absentee ballots preparing a separate electoral roll and delivering the ballots by mail for a small number of voters who are unable to vote in-person on Election Day. This traditional method has a relatively low risk of large-scale rigging because the registration process is strict, and it does not use a computer system.

- 2) In South Korea's modern system, if a voter has a Certificate of Residence registration, then he or she can vote anywhere from among the 3,500 polling stations available nationwide in the Early Voting system. An Early Voting ballot paper is issued with a QR code, after an election official checks the voter's registered personal information by connecting to the NEC's central server.

Each QR code's serial number is recorded on the Early Voting electoral roll called the "Integrated Electoral Roll," and the roll is stored in the central server. The QR code's serial number in the "Integrated Electoral Roll" is the most critical factor in deciding whether or not ballot papers has been fabricated.

However, despite our repeated requests, the roll has not been submitted for inspection even after several months since the election.

- 3) Early Voting took place for two days, for twelve hours a day. The first Early Voting day was April 10, 2020, five days prior to Election Day, and the second was April 11, 2020, four days prior to Election Day. Furthermore, President Moon encouraged Early Voting with the warning that the COVID-19 virus was spreading in South Korea. Eventually, the Early Voting votes increased to 40% of the total votes.

The higher the turnout for Early Voting, it is even more feasible to move a small number of votes between districts. It is like an online version of gerrymandering. Under such a scheme, it is alleged that where votes were insufficient to meet the target result, people could 'digitally' stuff the box with fake ballots to create the

desired change to the final figures.

- 4) Generally, early voters are classified into two groups – voters who vote earlier within their districts (Within-District Early Voting) and voters who vote earlier in other districts (Outside-District Early Voting). In the case of Outside-District Early Voting, ballots are usually delivered by mail to a voter’s original district. In this year’s election, the ballots were delivered by the post office or even by a private delivery service company without the NEC monitoring these deliveries.

Since Outside-District Early Voting uses the mail to deliver the ballots and there are no specific regulations, it is the most vulnerable area for fraud. Actually, it produced the most unusual figures in the election. In addition, in the process of preserving evidence, a bundle of the Outside-District Early Voting ballots was discovered that appeared to be a bundle of brand-new paper.

- 5) The ballot-sorting machine (also known as a digital vote-counting machine) used in counting sites have unique specifications that are optimal for the operation of an illegal program and destruction of evidence.

They were equipped with a sensor (to recognize QR codes), supercomputer-level D RAM, high-performance ARM to save logged data, and Xilinx (Data Distribution System).

- 6) The total number of seats in South Korea’s National Assembly is 300, out of which 253 are directly elected from each district, and 47 are proportional representatives from a party’s list. The voting for the 253 directly elected seats is by a single-member electoral system whereby a candidate who earns the most votes, even by a single vote, is elected. In other words, in the single-member electorate system, it appears that only a very small number of illegal votes are needed to win in competitive districts.

In 253 districts, the ruling party gained 14,345,425 votes accounting for a 49.9% share of votes, and the leading opposition party won 11,915,277 votes accounting for 41.5% share of votes. The difference in votes is about 2,430,000 and the difference in share was 8.4%. However, the corresponding number of seats won is 163 and 84, respectively, which is nearly double. In most of the competitive districts, the ruling party (DPK) won. In 40 districts, the ruling party's candidates who were trailing in Election Day voting obtained about 20~30 percent more than their counterparts in Early Voting, and so they came from behind to win.

- 7) Since 2002, South Korea accelerated the computerization of election equipment, but it did not implement an effective post-election auditing system. The system of Early Voting, which is easily meddled with by outsiders, has been gradually modified to the point that there are now huge loopholes in the monitoring systems in the Outside-District Early Voting.

It seems that weaknesses in the NEC's system and a lack of strict adherence to the law in the election process provided the opportunity for large-scale digital manipulation in the election.

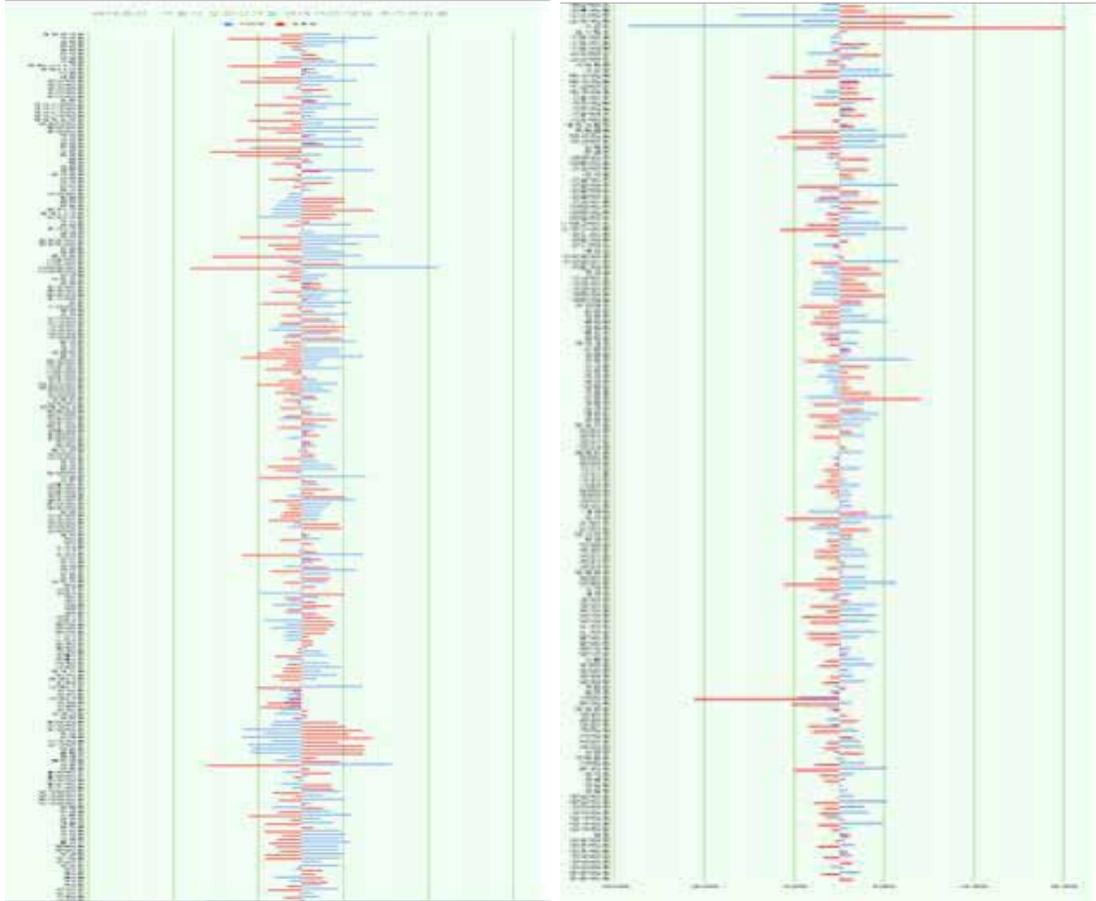
- 8) The ruling party gathered extensive amounts of Big Data as part of its electoral strategy and conducted sophisticated analysis of the South Korean voting environment. This is not unusual in modern elections. However, cyber hacking and digital manipulation (sometimes involving 'state actors' operating for political and commercial and economic purposes) is simply a reality in today's world. Allegations have been made of foreign involvement in South Korea's April 15th, 2020 election. These are admittedly circumstantial – and include senior ROK Democratic Party election officials having demonstrably close ties with PRC entities capable of electronic manipulation, as well as the use of Chinese-made

hardware in the South Korean election's electronic network – but must be taken seriously nonetheless. At a minimum, the South Korean electoral process cries out for greatly increased transparency and examination.

The Extremely Unusual Results

- 1) The focus of our suspicion about the 21st General Election is Early Voting, which accounted for about 40% of the total votes. The reasons why Early Voting is vulnerable to electoral rigging are mentioned above. The following are our analysis and evaluation of the specific cases regarding numerical abnormalities in the election results.
- 2) A comparison of the election result of the 20th General Election four years ago with those of the 21st General Election two months ago indicates that there was a dramatic change in Early Voting results.
- 3) We examined the percentage of votes won by each party in Early Voting and on Election Day in polling stations in Seoul (total 424) in the 20th General Election held four years ago.

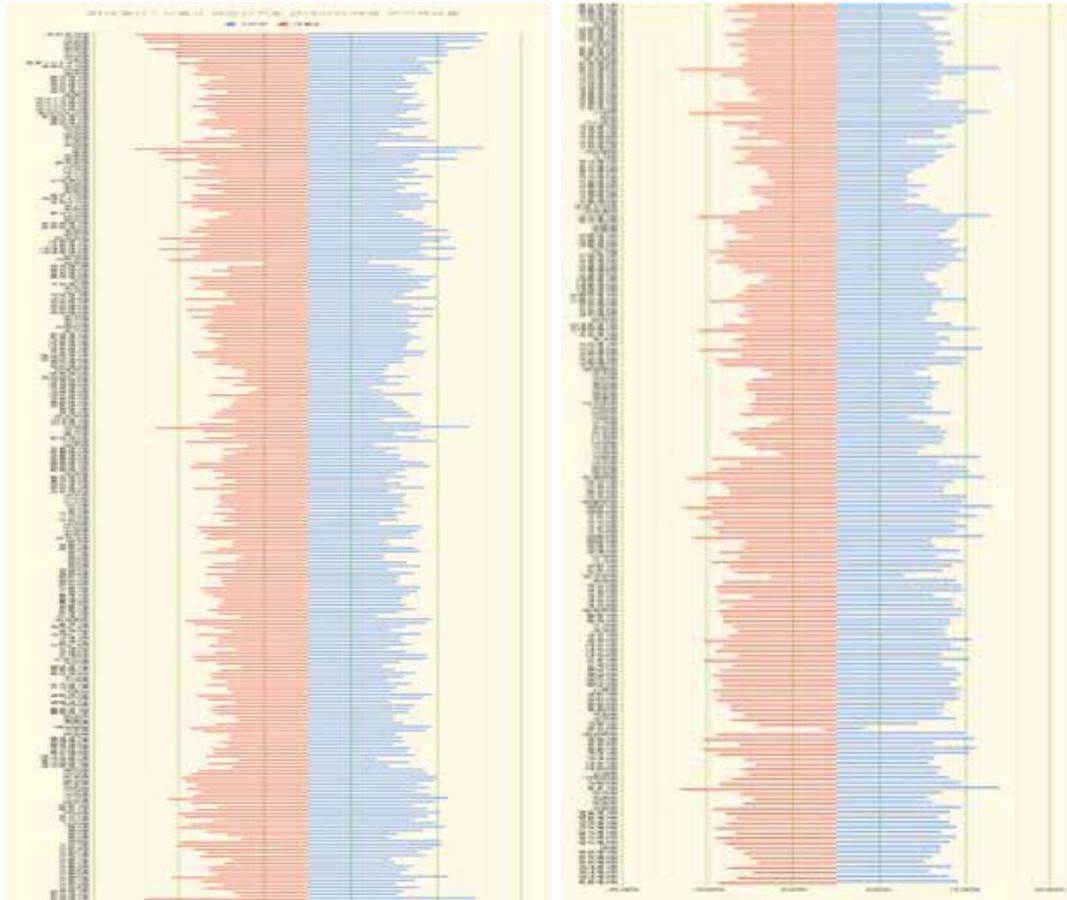
We found that the DPK had a higher proportion of votes in Within-District Early Voting than on Election Day in some polling stations and a lower proportion in others, and so did the UFP (the leading opposition party). The gap between the rate of votes won by the DPK in Early Voting and on Election Day was usually within 5%, and the average rate of the additional vote was only 1.12%.



Results from the 21st General Election are shown above. The DPK votes are in red and UFP votes are in blue for the different districts.

- 4) However, in the 21st General Election, the percentage of votes won by candidates for the DPK in Within-District Early Voting was 12.62% higher on average than that earned on Election Day in all 424 polling stations of Seoul without exception.

The diagram below shows the artificially symmetric structure for the UFP candidates who won votes an average of 12% lower than DPK candidates.



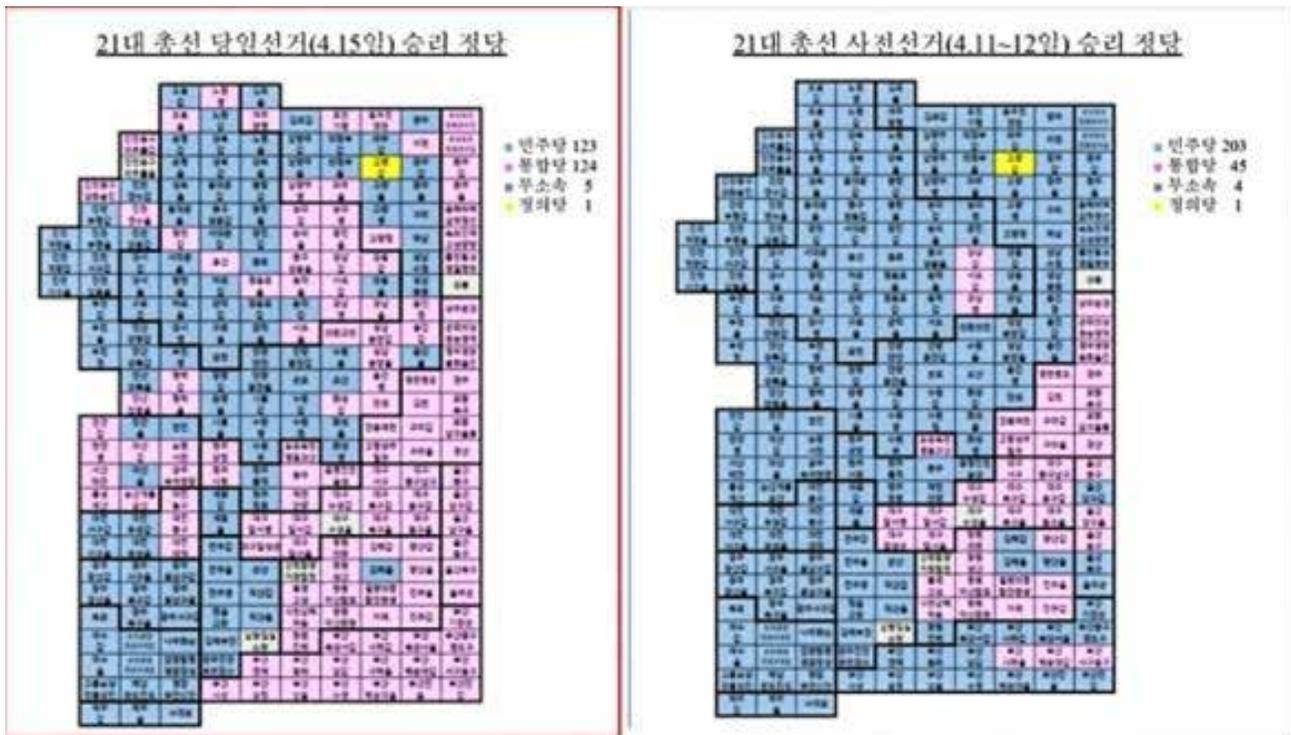
Artificial Symmetry shows up as red and blue votes and reflect each other in the vertical axis. It is artificial as the vote count was much lower for the UFP, yet it shows up as equal for both DPK and UFP.

- 5) This phenomenon was discovered nationwide (including Seoul) except for certain regions (Jeonbuk, Jeonnam, and Gwangju) in which the DPK was absolutely dominant, and there was almost no candidate for the UFP. No manipulation was needed for these exceptions.

As you see in the table below, in most cases there is no difference between the distribution graphs showing the gap between the percentage of votes gained in Early Voting and on Election Day in the 20th General Election, and it displays a normal distribution with a bell-shaped curve within $\pm 5\%$ tolerance.

However, in all polling stations in the 21st General Election, the percentage of votes gained by the ruling party in Early Voting is 10% higher than that on Election Day, and it is exactly opposite the trend of the leading opposition party whose percentage of votes gained in Early Voting is 10% lower than that on Election Day. As a result, the graph for the 21st General Election has a bimodal symmetric distribution, as if the normal distribution was artificially separated.

- 6) The cartograms below show (1) how the Early Voting results differ from the results of Election Day voting and are favorable to the ruling party (DPK) and (2) how much the final results expected on Election Day voting were distorted.



- 7) The cartogram on the left is the result of Election Day voting (April 15), and the right shows the result of Early Voting (April 11-12). If we calculate seats for each party based only on the Election Day voting result, then the UFP (pink color) secures the largest number of seats, 124, and the DPK (blue color) secures 123 seats, one less than the UFP. So, the UFP (the leading opposition party) won going by Election Day voting results.

- 8) In contrast, according to a distribution based only on Early Voting, the DPK secured 203 seats and UFP secured 45 seats. The Election Day situation is reversed with a big difference in the number of votes for each party.
- 9) The final result announced on April 16 was 163 seats for the DPK and 84 seats for the UFP. The winning votes for the UFP amounted to half the votes for the DPK and it was a crushing defeat for them. Overall, the UFP lost 40 seats and the DPK gained 40 seats after the Early Voting ballots were counted and added in to obtain the final result.
- 10) These facts led to the widely held suspicion of vote fabrication and illegal meddling with the results of the election.

Reports by Dr. Walter Mebane, including South Korean experts' opinions

- 1) Dr. Walter Mebane, a professor at the University of Michigan, and an expert on detecting electoral fraud, suggested the probability of fraud in five reports about the 21st General Election in South Korea.¹
- 2) According to his analysis, almost all electoral rigging happens in the Early Voting phase. This tendency was found in districts where the UFP won, as well as in those where the DPK won.
- 3) According to Professor Mebane's statistical model, 7.26% of the vote was due to fraudulent voting. When the districts studied were limited to DPK wins, 10.43% of the vote was estimated to be due to fraudulent voting.
- 4) As mentioned above, the DPK gained only 8.4% more of the vote compared with UFP. However, in terms of seats, the DPK gained almost twice as many as UFP. If Professor Mebane's theory is correct, then most of the districts where the DPK (the ruling party) won by a small margin against the UFP (the leading opposition party) would have been manipulated by 7~10% due to fraudulent votes.
- 5) Professor Mebane wrote that electoral rigging cannot be "confirmatory evidence" that there actually was an illegal electoral rigging in the real world. He said it would need further investigation.

- 6) Professor Mebane’s report led some experts in South Korea to comment that it could lead to the wrong results because of his lack of understanding of the South Korean electoral system. Following these comments, Professor Mebane released four more revised reports after considering the criticisms. But his conclusion did not change.
- 7) Since the revised reports were published, people who criticized Professor Mebane (such as Mr. Won-ho Park and Gi-joon Yoo) ceased further comment on Professor Methane’s report and its conclusion.
- 8) As Professor Mebane has pointed out, other statistics experts in South Korea (such as Mr. Sung-hyeon Park or Young-a Park) also continue to argue that the result of this general election was abnormal, and probably involved manipulation.¹

The possible scenario of electoral rigging and the evidence

- 1) Research conducted for over two months after the election, and evidence collected by ordinary citizens, suggest a fabrication simulation process that is close to actual rigging of the election.

Electoral Fabrication Simulation

Step1.

- Big data opinion poll
- Outcome analysis to the smallest district level
- Preparing fake ballots needed to satisfy win ratio

Step2.

- Presurvey of program feasibility
- System design (logic and algorithm)
- Program coding and installation

Step3.

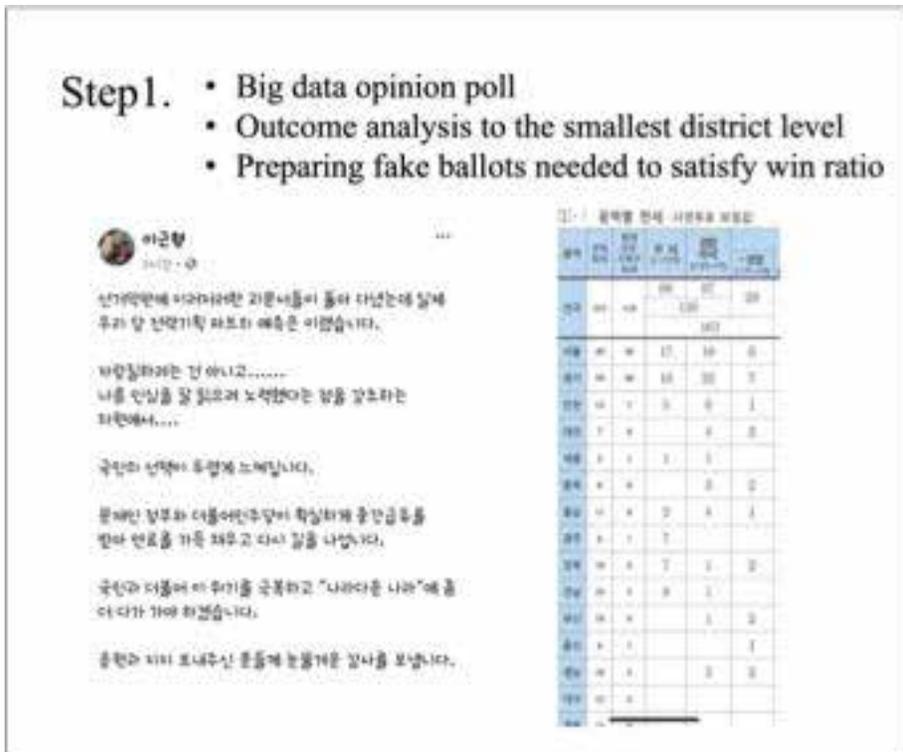
- Generating target number of seats through real-time calculation during vote count process
- Verifying the fabricated number of votes to anticipate of recount claim (spoliation of evidences)

- 2) Step 1 of 3 is analyzing likely results using big data opinion polls—even at the smallest district level. The next step is preparing and inserting fake ballot papers after calculating the required number of votes to achieve the targeted number of seats in the election.

- 3) The evidence for Step 1 is the Facebook post of Lee Geun-hyeong, a strategic planning manager in the ruling party’s election campaign, and the discovery of a bundle of ballot papers for Outside-District Early Voting. He uploaded a table, saying he estimated the required number of votes to win by applying an “Early Voting correction value.”

The details of the table suggested a victory for the DPK in 163 seats that are exactly the same as the actual result. The DPK prevailed by winning in all districts that were closely contested.

In the real election, Lee Geun-hyeong’s “corrected value” prevailed and the addition of the Early Voting ballots reversed the results in all districts that were closely contested. The ruling party (DPK) gained the 163 seats exactly as the DPK and Lee Geun-hyeong had designed into the system.



- 4) A photo of a bundle of ballot papers for Outside-District Early Voting implies that these were not the actual ballot papers used in the Outside-District Early Voting. These are usually issued one by one and aggregated by mail from different places.

In addition, according to a video, the ballot papers were attached to each other like a bundle of receipts. They can never be assembled like that because they are issued one by one, and an election official usually detaches them one from another. The video shows that the illegally produced fake ballot papers were included in a previous stage of balloting, before the counting took place.

- 5) Their sophisticated planning shows that they deliberately covered up the surveillance cameras on a national scale in Early Voting polling stations. They were supposedly covered up for personal information protection, but by covering them up, evidence that could have proved the correct number of voters who cast ballots in Early Voting simply does not exist.

Since surveillance cameras used at polling stations on Election Day were not covered, it is argued that the real reason for covering the cameras of Early Voting polling stations was not for the protection of personal information.

Step 1.

- Big data opinion poll
- Outcome analysis to the smallest district level
- Preparing fake ballots needed to satisfy win ratio

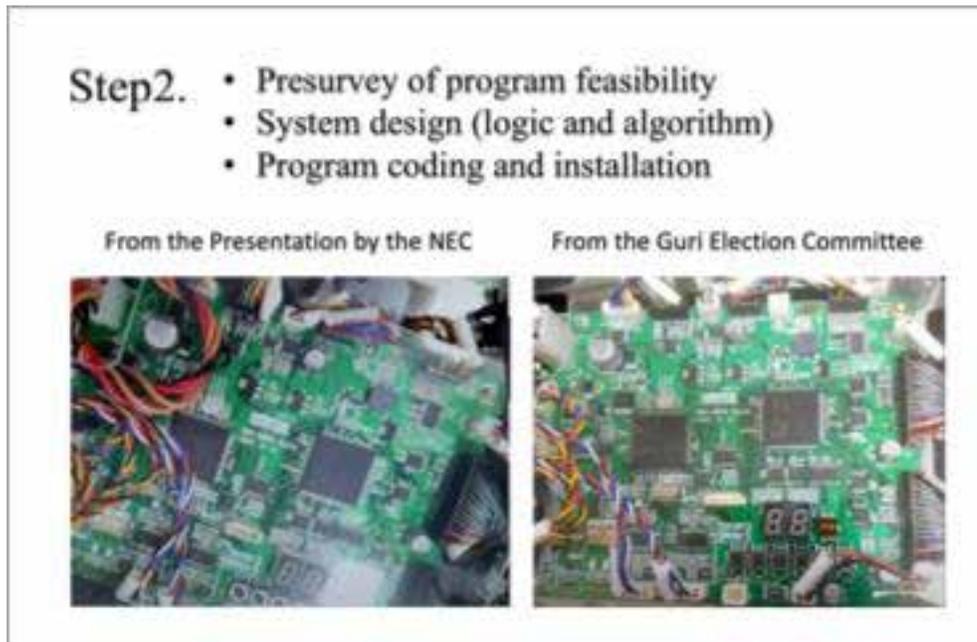


- 6) Step 2 of 3 is to investigate the feasibility of pre-programming and to develop and install a program by designing a system and a special algorithm that would calculate the winning requirements in real time.

A useful analogy is an oil refinery program that checks and controls real-time flow to produce the most economical and efficient gasoline with required properties—such as octane number 92—by combining three different raw materials. In our

case there are three “properties”. There is Outside-District Early Voting, Within-District Early Voting and Election Day voting, and they are mixed in appropriate proportion to reach the target number of votes, and therefore seats, in real-time at the national level.

- 7) To achieve this goal, it is essential that a high-performance chip be installed in the digital vote-counting machine, and Xilinx (data distribution system) must also be installed to avoid leaving any traces of manipulation. Sensors, network communication capability and USB ports are also available in order to enter and process information through a QR code, as required.

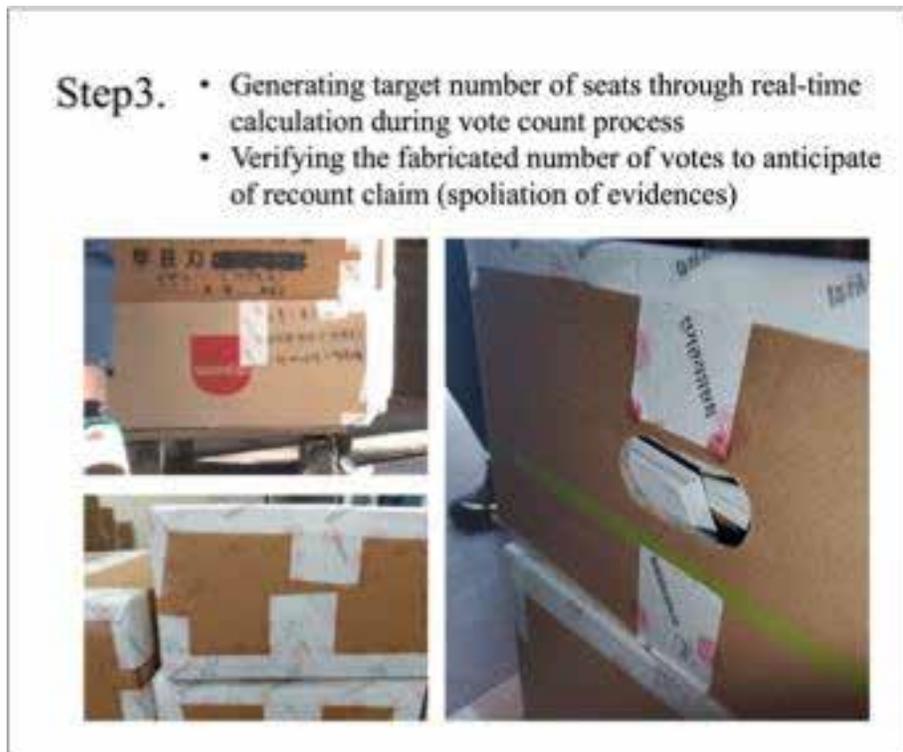


- 8) In the Buyeo district, it has been demonstrated that a ballot-sorting machine (digital vote-counting machine) is operated by more than one program.

According to a referenced article², the ballot counting machine in question first counted about 180 for candidate A, about 80 for candidate B, about 100 for unclassified. However, after being reset, it produced a significantly different result: 159 for candidate A, 170 for candidate B, 59 for unclassified votes. It hardly seems to be a physical error, and it is the result of at least two different programs working—one before and one after a reset. Given that a single digital vote-counting machine can run two types of programs, running dozens of different programs by the time of the day cannot be difficult in light of the current digital vote-counting machine’s specifications^{3,4}.

- 9) The last of the 3 steps achieves the goal—to reach the targeted number of seats through real-time calculation during the counting process. This is done by inserting additional fake ballot papers that match the number of votes required. This is different from the number of real votes (i.e., those not manipulated) and the process has to be completed in time for a recount of all the votes.

During the whole process, unacceptable scenes unfolded one after another: sealing papers used in ballot boxes were damaged; disqualified sealing stamps were affixed; three-year old cardboard boxes for bread were used as ballot boxes; and ballot boxes with holes on the side were treated as sealed.



- 10) Additionally, there were places where "-1" was written as a result of counting when the NEC announced nationwide election results for the first time. This appeared in 37 districts (10 voting districts and 27 proportional representatives' places) where the number of votes was higher than the number of electors who voted in Within-District Early Voting. The NEC refuses to explain this. This type of anomaly in the programming world is presumed to be a representative "bug" and it arguably demonstrates that a manipulation program was used.

11) Finally, a number of function formulas were found that calculated the number of Early Voting votes won for each candidate of 253 districts within a 1% error range. These calculations used the voting rates of Election Day voting and the Early Voting rates that were cast before Election Day. This phenomenon is only possible by artificially accumulating the numbers.

Defect and Delay of Domestic Judicial Proceeding for an Investigation

Collapse of prerequisite conditions for safe and reliable preservation of ballot papers

- 1) The most reliable procedure to reveal the truth about electoral rigging is an election lawsuit and prosecution investigation. It is hard to launch an investigation on election fraud crime because it will be seen by the Moon administration as an explicit political attack.
- 2) As for any election lawsuit, the Korean Supreme Court processes it in a single-trial system. Currently, candidates of 25 districts and one party (Christian Liberty Unification Party) who do not have seats brought election lawsuits attempting to nullify the General Election and invalidate the elected positions. However, since the Moon administration has an extensive grip on the Korean Supreme Court, it is not easy to actively investigate the case.
- 3) A prerequisite condition to ensure the validity of an election is a safe and reliable preservation of ballot papers until after verification. However, in this Election, this precaution collapsed. This collapse became widely known to the public through photographs taken at the preservation site by advocates who were in charge of the election lawsuit.
- 4) The photographs show that the ballot boxes were stored in an empty field warehouse that was secured by one shabby padlock. They also show that a surveillance camera was not installed. It is rare that boxes which are safely and reliably stored from a ballot count location are not stored in case they are needed as evidence in any lawsuit following the election.
- 5) There were countless non-standard ballot boxes used in the election. There was even a plastic ballot box where removing and attaching sealing tape would not be detected.

- 6) Marks of a sealing tape's removal and attachment were found in almost all the storage sites. Sometimes, a remaining portion of the attachment of a sealing stamp on boxes showed evidence of damage to the sealing itself.
- 7) What is worse is that inserting fake ballot papers can easily happen, as many of the ballot boxes have holes on their sides for the purpose of gripping them. However, the NEC argued that such boxes are still valid, stating that sealing tape on the boxes was used to secure them.
- 8) The storage of blank and remaindered ballot papers was also very careless. The ridiculous instance of a person who reported that blank ballots were brought into the ballot counting location was investigated for theft.
- 9) Likewise, the authenticity of ballot papers is not guaranteed because the actual ballots were not safely and reliably preserved. Therefore, just recounting digitally would favor those who did the electoral rigging and who matched the number of ballot papers before and after the counting.

Hindrance in proving the truth and the delay in judicial proceeding

- 1) The NEC has rejected the submission of the "Integrated Electoral Roll" with the last numbers of serial numbers of Early Voting ballots. For an objective investigation of whether the number of early voters was inflated, or whether fake ballot papers were inserted, the submission of the Integrated Electoral Roll recorded is a necessity by law. The roll can only be stored in the central server when issuing ballot papers because of the methods of operation of the election.
- 2) Also, the NEC has rejected the submission of the image files of ballots, which the ballot-sorting machine automatically creates and saves by scanning the ballots when they are inserted into the machine. The manual of a ballot-sorting machine and official publications by the NEC highlight that image files of ballots make possible the post-examination on illegal fake ballot stuffing. The NEC has however rejected the submission of image files when it was necessary to prove that fake ballot stuffing did not happen.
- 3) The NEC has also rejected a forensic investigation of the digital election equipment and servers, as well as the submission of the operational program and a log of the election data.

- 4) In addition, the Korean Supreme Court dealing with the election lawsuit has not replied to an investigation inquiry for fact-finding and authentication information. It has not even scheduled a pretrial hearing for several months since the lawsuit was first brought to their attention.
- 5) The candidate who brought the lawsuit has filed five separate briefs and presented evidence that amounts to two full books in his effort to gain an accurate examination.

The counterpart party only submitted a two-page response, saying they will answer specifically later. It seems that they aim to make the plaintiff lose motivation, become isolated, and remain troubled by the case he or she has put forth.

The Need for a Neutral Audit by International Organizations, and Our Appeals

Controlling South Korea

- 1) The current governing groups of South Korea dominates almost everywhere, including the executive branch, the National Assembly and the judicial branches, the military, prosecutors, the police, intelligence agencies, constitutional overseers (such as the National Election Commission, the Constitutional Court, the Board of Audit and Inspection), major media, labor unions, and many civic organizations. Opposition groups are being marginalized.

Insufficient Power of Opposition Groups

- 1) The current administration plans to create and operate a “Corruption Investigation Office For High-ranking Officials (CIO)” under the President’s jurisdiction from July 2020. It will ensure that every high-ranking official will increase their accommodation to the Moon administration under the fear of a purge by the CIO, and this will accelerate the degeneration of society towards neo-authoritarianism.
- 2) The leading opposition party (UFP) could not make its voice heard regarding the investigation for truth because it would give an advantage to the opposing counterpart in terms of ideology, organization, and public characters. The UFP could not even assist an advocacy group representing the election lawsuit, to gain the use of a conference room in the National Assembly chamber for a conference call to discuss the case.

- 3) The power of civil society organization arguing for the investigation of truth on the electoral rigging is trivial, weak, and disorganized.

The need to halt the imposition of a ‘one-party state’ and the destruction of the rule of law

- 1) In South Korea, since the presidential impeachment three years ago, the tendency to ignore the rule of law has increased almost to the point of destruction. The weakness of voices opposing this apparent and large-scale electoral fraud implies an imminent collapse of the social foundation and a lack of will to struggle for the sake of freedom.
- 2) This case is a significant and gloomy indication that eventually a single-party state will develop in South Korea – making elections irrelevant – and consensual government a thing of the past. Free and fair elections are the backbone of South Korea’s democracy.
- 3) Even now after 70 years, South Korea is the front line of the ideological struggle between two political streams –one *for* the rule of law, and the other *against* it under a single-party dictatorship.
- 4) 70 years ago, the first General Election under UN supervision laid the groundwork for a free democracy in South Korea. Today, just as then, we are in desperate need of international engagement by conscientious groups all over the world who love freedom, rule of law and civilization.
- 5) Victory in the Korean War paved the way for a liberal democracy by preventing the expansion of forces that were eradicating freedom. We are sure that now is the decisive opportunity to stop the expansion of single-party dictatorships, the suppression of freedom and the rule of law, as we have a timely chance to spread freedom and democracy in Asia.

Conclusion

Based on the evidence described herein, we have strong reasons to believe that our nation’s April 15, 2020 election was unfairly manipulated and tainted and did not reflect the free will of the electorate. We humbly request that the international community –

particularly organizations that support electoral integrity – help us to examine and expose the many electoral irregularities and troubling challenges to South Korea’s electoral process.

If the international community does not learn from this apparent miscarriage of justice and learn from what has happened in South Korea, this will surely happen again in another country in the near future.

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**ELECTION
FRAUD**

BIOGRAPHIES

OF CONTRIBUTORS



Chan, Annie

Annie M.H. Chan is the founder of KCR Development, Inc. that developed real estate projects in excess of \$1 billion in California and Hawaii since 2004. Prior to that, Chan worked in the hi-tech sector of Silicon Valley for over two decades, first at Motorola, then Intel and then as one of the founders of ESS Technology, Inc. (ESS) in 1996. ESS pioneered the development of leading-edge audio and video solutions that are now commonly found.

Chan is a strong believer in philanthropy and Christian efforts worldwide. Annie founded the Ohana Foundation in 1998 to provide standards-based educational content interactive web-supported teaching materials.

The Ohana Foundation was invited by the Ministry of Education of North Korea in 2012 and 2013 to teach English to the master teachers in Pyongyang, North Korea using multi-media DVDs and K-12 English textbooks developed by the Ohana Foundation. The Ohana Foundation helped the young generation in the nation to experience the Western cultures and values through the language instruction.

Chan also founded other foundations to support Christian seminary, Christian camps for youth, and leadership training programs.

She is the founder of KCPAC, One Korea Network (OKN), and New Institute Hawaii.

Cho, Chung-yeol



Mr. Cho Chung-yeol, Director of the Andong Daily, graduated with a degree in business administration from Myongji University, and then went on to study abroad in the UK at St. Giles College. However, his desire to work as a journalist called him back home, where he gained experience as a reporter in Andong, South Korea. In July of 2016, he started a media outlet called ‘The Andong Daily’ with the motto, “From Regional to Global”, and has since worked as the director.

In 2017, after the impeachment of then-President Park Geun-hye, and covering the illegal change of administration, Cho came into contact with many organizations and began to further investigate and report on the issue of early voting and election fraud occurring through the National Election Commission.

He is also a member of the steering committee of the North Korea Economic Development Institute, where he researches data needed for infrastructure development in North Korea.

Despite the mainstream media in South Korea completely ignoring this issue, Cho has focused on this issue, and in particular, the Chinese Communist Party’s involvement. Most importantly, Cho continues to report, collect evidence and interview relevant sources regarding the fraudulent elections held on April 15.

Choi, Won-Mog



Dr. Choi is a full-time law professor of Ewha Law School and the Director of the WTO Law Center of Ewha Women's University in South Korea. He received his LL.B. and MPA from Seoul National University and LL.M. and J.D. from Georgetown Law School. Prior to joining Ewha Women's University, he worked for the Foreign Ministry of South Korea as a diplomat and legal officer in charge of numerous international and trade issues.

Dr. Choi was a visiting professor at National University of Singapore, Hong Kong University, University of New South Wales in Sydney, and Southwest University of Political Science and Law of China. He has been a member of the New York Bar since 1999.

Dr. Choi's expertise includes, but is not limited to, international trade law, trade remedy law, WTO law, law of treaty, law and diplomacy, international dispute resolution, trade negotiations, and trade and environmental law.

Dr. Choi is a strong conservative, a proud Korean, a true friend of America, and a humble citizen of a free world seeking truth and justice. He continues to be vocal about the April 2020 general election through his role with the Professors' Solidarity for Freedom & Justice (PFJ).

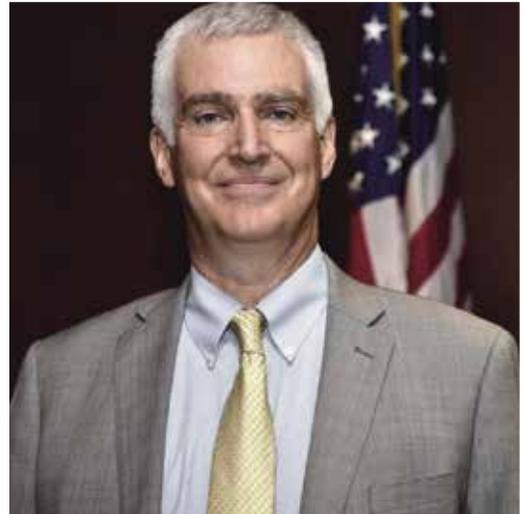
Doe, Tae-woo



Attorney Doe Tae-woo is an author and lawyer that represents former President Park Geun-hye and is part of the litigation team fighting to invalidate the April 15th fraudulent election. He enrolled into Seoul National University's College of Engineering to study Industrial and Chemical Engineering in 1987, but then graduated with a degree in Korean Language and Literature. After graduating, he entered and won a contest with Munhakdongnae and began his career as a novelist. He enrolled into Seoul National University's graduate program in political science, then passed the bar exam and have since been working as a lawyer.

Doe's novel 'The Death of Dionysus' criticizes the Juche ideology and has published 'Challenge' which defends the rule of law and the values of liberal democracy in the Republic of Korea. After the announcement of the September 19th Inter-Korean Agreement, he was the first to accuse President Moon Jae-in of cooperating with an enemy against the Republic of Korea and the first to accuse Kim Jong-un of crimes against humanity in a public court during Kim's attempt to visit the South.

Doe has held positions as the policy director of the Bar Association for Freedom and Unification, the first chairperson for New Paradigm of Korea, and the co-chair for the National Movement for the Taegukgi Revolution. Currently, he is the acting secretary general of the National Resistance Against the April 15 Election Fraud.



Fleitz, Fred

Fred Fleitz is the President and CEO of the Center for Security Policy. He served in 2018 as a Deputy Assistant to President Trump and Chief of Staff to National Security Adviser John Bolton. Before his White House position, Fleitz was Senior Vice President of the Center for Security Policy. He also previously served in U.S. national security positions for 25 years with the CIA, DIA, the Department of State and the House Intelligence Committee staff.

Fleitz is the author of *Peacekeeping Fiascoes of the 1990s* (2002); *Obamabomb: A Dangerous and Growing National Security Fraud* (2016); and *The Coming North Korea Nuclear Nightmare* (2018).

Fleitz has appeared on many U.S. and international TV and radio programs to discuss international security issues including on Fox News, Fox Business, MSNBC, CNN, BBC, TBS, NHK, KBS, Sky News, Sky News Arabia, al-Hurra, One America News and others. Fleitz's op-eds and articles have appeared in the Wall Street Journal, New York Post, National Review, Investor's Business Daily, the Jerusalem Post, the Federalist, Fox News Opinion, the International Journal of Intelligence and Counterintelligence and other publications.

Fleitz holds a BA in Politics from St. Joseph's University in Philadelphia and an MA in Political Economy from Fordham University in New York.

The Center for Security Policy (CSP) was founded by 30 of President Ronald Reagan's national security aides with the mission to be a non-partisan, educational public policy organization "to secure freedom for American citizens of today and tomorrow." CSP has been praised by President Reagan for being an organization devoted "to the pursuit of peace and national security." And former Secretary of Defense Donald Rumsfeld has said that the CSP "has helped ensure a vigorous national security debate and, in doing so, strengthened our national security..."

Gong, Byung-ho



Dr. Byung-ho Gong is currently the head of the Gong Byung-ho Institute of Management and the Director of the Lee Sang-il Cultural Foundation. After graduating from Korea University with an economics degree, he attended Rice University and received his master's and doctorate degree in economics.

Dr. Gong was a researcher at the Korea Economic Research Institute, head of the Industrial Research Institute, and a member of the Supreme Prosecutors' Office's Future Planning Group and is recognized as one of the best self-sustaining, change management, and economic management experts in Korea. He was also ranked 4th as the 'management guru' who represents Korea in the 30th anniversary survey by MK Economy and was awarded the Grand Prize for 'Best Instructor' who represents Korea by the HRD Association of Korea in 2009.

After the April 15th general election, he has dedicated to spreading the news of the election fraud through his YouTube channel, Gong Byung-ho TV, and has been concentrating on the efforts on analyzing the situation and the truth behind the U.S. presidential election fraud.

Dr. Gong has also published such works as <Books as Weapons>, <Kim Jae-cheol's Battle of Peace>, <Self-management Note>, and <Korea 10 Years Later> and through 400 lectures, broadcasting and publishing activities, he clearly defines the economic and political trends.



Jang, Young-hu

Jang, Young-hu is currently managing a start-up company that develops and supplies software solutions for its own production sites for the petrochemical industry. He spent 26 years at the number one oil and petrochemical company in South Korea, SK Innovation. During his time at SK Innovation, he spent over 20 years being responsible for the design, development and operation of important information systems used at the SK production facilities and has experience with process automation controls and gained data analytics and programming capabilities.

Jang earnestly began in June 2020 spending time trying to get to the bottom of the April 15th election fraud and in July, he proved Roy Kim's hypothesis that the Chinese Communist Party had indeed left behind the "Follow the Party" message during the election. He also supported another of Roy Kim's theory by presenting that the technical way to control the final votes of the early voting was similar to that of controlling the real-time control of the oil refinery's gasoline mix. He also presented in September to various YouTube channels that 57 out of 253 constituencies that were manipulated to determine the outcome of the election.

Jang is currently writing "Records to Find the Truth of the April 15th General Election Counts" to reveal the efforts being made to expose what had happened during the election.

Jang holds a bachelor's degree in chemical engineering.



Jo, Sung-Hwan

Jo Sung-Hwan is a professor at the Graduate School of Politics and Policy at Kyonggi University. He was the dean of the Graduate School of Politics and Policy at Kyonggi University and the president of Korean Association of Political and Diplomatic Historical Studies.

Jo served as an advisory member of the Korean National Assembly Reform Committee and as a policy advisor to the Ministry of National Defense. He served as a chair of the China Research Center at the Sejong Institute and co-authored several books, including "Political Dialogue," "South Korea's Liberal Democracy and Its Enemies."

Jo completed his master's degree in foreign affairs at Seoul National University and earned a Ph.D. in political science from Ecole Des Hautes Etudes En Sciences Sociales (Paris, France).

Jo has been contributing his expertise in the fight against the April 15, 2020 general election fraud.



Joshua [Vasilia TV]

Joshua, through his YouTube channel 'Vasilia TV', first claimed that the 21st National Assembly election held in South Korea on April 15, 2020 was rigged. It was revealed by analyzing an Excel sheet that 25% of the early voting votes were manipulated in 253 districts across the country, and the method of operation was coined 'Pyogalgi: Changing Ballot'. The operation method was reversed to find that the operating formula was estimated, and constant values were derived. In addition, the manipulated votes of the proportional representative election and in 3,404 detailed regions were analyzed.

He actively participates in the campaign to investigate the fraudulent election by speaking at various rallies and protests about preserving the election servers and ballot sorting machine, urging others to report the fraudulent election, and he also conducted presentations and on-site surveys, including briefing sessions on parliamentary events and surveys on electors.

Regarding the suspicion of election fraud in the most recent US presidential election, Joshua analyzed the problems of the Dominion electronic voting machine and whether they were manipulated, as well as an analysis of the similarities in the manipulation method with the electronic counting machine in Korea.

He is working on producing YouTube content to investigate the fraudulent elections in Korea and the United States.



Reverend Jun, Kwang-hoon

Reverend Kwang-hoon Jun is a Protestant minister belonging to the Presbyterian Church of Korea and has served the Sarang Jeil Church since 1983 and is currently the senior pastor of the church.

He served as the 45th and 46th president of the Christian Council of Korea from 2019 until May 2020. He has previously held various positions within the Christian Council of Korea as well as in the Presbyterian Church of Korea.

Jun follows and supports the founding president Dr. Syngman Rhee's four major philosophy: liberal democracy, free market economy, the ROK-US alliance, and the Christian theory of entry [into Heaven]. He also led a pan-national movement in 2019 for Moon Jae-in's resignation and has been fighting for the truth of the April 15, 2020 election fraud.

Jun graduated from Anyang University's Graduate School of Theological Seminary and Pastoral Research in February 2000.



Kim, Hyungchul, Lt. Gen. (Ret.) ROK Air Force

Hyungchul Kim was a general officer who served in the Republic of Korea (ROK) Air Force for more than 35 years. He was a combat pilot who flew the F-5E fighter jet, with more than 2,700 hours of flying time.

Before Lt. Gen. Kim retired from the Air Force, he served as the Superintendent of the ROK Air Force Academy, Vice Chief of Staff of the Air Force, and Commander of Training and Education Command, ROK Air Force.

Lt. Gen. Kim also served as the Deputy Chief of Staff, Intelligence, ROK-US Combined Forces Command from 2010 to 2012, and the Chief of Operations Plan, C-3, ROK-US CFC in 2007. He also served as an Air Attaché at the South Korean Embassy in Washington, D.C. from 2002 to 2005.

Lt. Gen. Kim graduated from the ROK Air Force Academy in 1980. He later graduated with a master's degree in Systems Management from the Air Force Institute of Technology, USAF, in Ohio in 1986. After he retired from the ROK Air Force, he earned a Ph.D. in Science of International Politics from Kyungnam University.

Lt. Gen. Kim is now a Co-Representative of the Korean Retired Generals and Admirals Defending the Nation (KORGAD), which is a non-profit, non-partisan NGO established on January 30, 2019 to strengthen the national security of the Republic of Korea.

Lt. Gen. Kim is also a contributor and supporter of the fight against election fraud in the April 15, 2020 general election and has analyzed the use of QR codes during the election and has great concern of its role.



Kim, Jung-hyun

Jung-hyun Kim was a journalist at Chosun Weekly and Chosun Monthly specializing in international issues. He currently runs the YouTube channel BEXUS Network that reports on information related to international affairs and the channel has 139,000 subscribers.

He currently holds additional positions as the head of BEXUS CLAN, a civic group, and the Gideon Academy, an educational platform.

Kim moved on from being a journalist to establishing his own start-up company, Happy Unemployed People, in 2016. He carried out a number of joint projects with IT, food and investment companies in areas of product development, mergers and acquisitions, and marketing and planning. Mainly participates in social-friendly projects to solving social issues.

Kim received his bachelor's degree in Communications at Kansas State University.



Kim, Miyoung Monica

Miyoung Monica Kim graduated from the Seoul National University with a degree in Korean Literature, and also attended graduate school at SNU. In addition, she studied at the Handong University International Law School, and international law at the Notre Dame Law School.

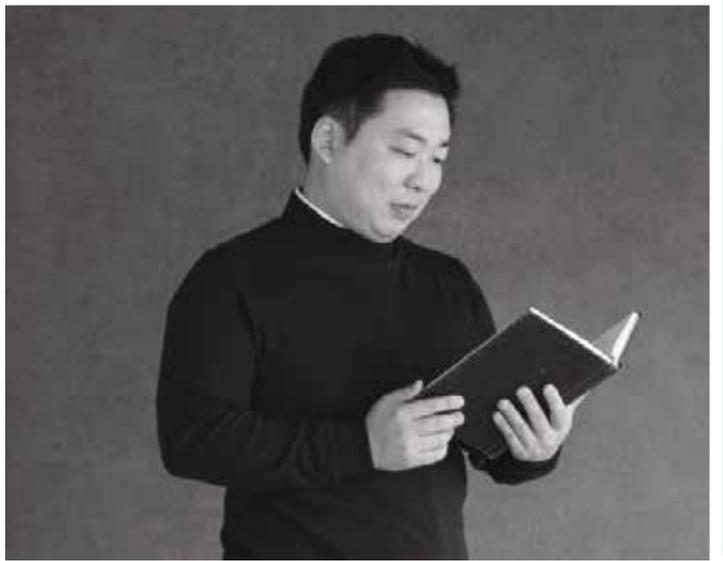
Kim also worked as a journalist at the Chosun Ilbo on special assignment, covering North Korea as well as the issue of the conversion of student activists in the ‘Jusapa’ (‘Followers of Juche Ideology’) movement.

As a visiting professor at Handong University supported by the school’s Science and Technology Department Fund, Kim contributed to setting up a department of convergence education of science and technology, law, management, and humanities.

Since 1999, Kim has dedicated her life to North Korea human rights activism, and has served as a Senior Researcher at the Korean War Abduction Research Institute, as well as the Founder and Executive Director of SAGE Korea, which led the movement to abolish political prison camps in North Korea. In 2014, she worked to apply crimes against humanity laws against the Kim Il Sung, 3-generation, dictatorial regime.

Kim is currently the Director at the Transitional Justice Mission, which works on research into the resolution of the human rights issues in North Korea through legal means; the Secretary-General of the New Paradigm of Korea; and the Director of VON News.

Kim is also involved in the fight against the April 15, 2020 General Election Fraud by contributing her expertise as a literature and law school graduate.



Kim, Roy (SangHoon)

Roy (SangHoon) Kim is an entrepreneur. He has served as a board member of venture company It Color and served as the senior researcher at Sung Kyun Kwan University and Seoul National University for the international project headed by Nobel Prize-winning Professor Sir Andre Geim for nano materials. He went on to manage MNK Group and then 7 years in Owner Operation at McDonald's Korea Limited. He also was an advisor to the Operation Consultant at McDonald's Korea for 2 years.

As an expert in accounting and data analysis, Kim has also been active on New Paradigm of Korea (NPK)'s YouTube channel, VON News, and has contributed various articles to OKN on the Chinese Communist Party and the Moon Jae-in administration. He is a consultant to KCPAC, Korean Conservative Political Action Conference dedicated to the conservative political action, and has written reports and materials presented to the White House.



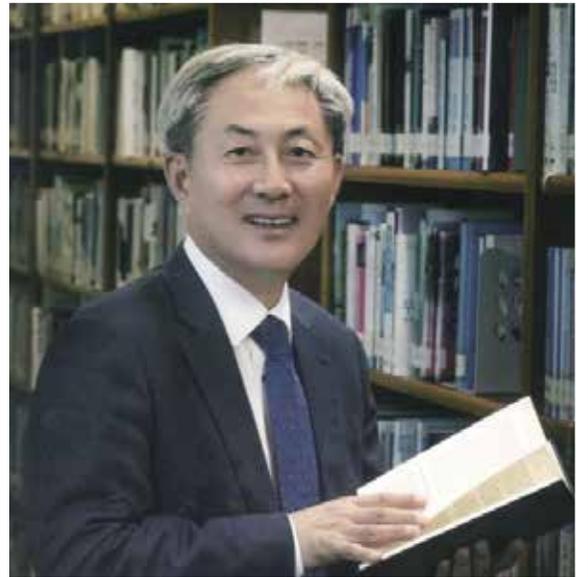
Kim, Su Jin

Kim Su Jin holds various positions, such as the standing representative of the National Association of School Parents, the standing representative of the National Hope Education Alliance, the president of the Citizens' Coalition for the Right Values, and co-president of the Headquarters of the Citizens' Fight Against the 4.15 Election Fraud.

Kim is a school-parent activist as well as a civic activist who believes that education must be developed and nurtured in order to protect the free democratic state of the Republic of Korea. As a mother of five and as an educator with first-hand experience with what the far-left is teaching and distorting the textbooks, she is working to correct and promote the values and nationalities for the next generation through mass media, such as YouTube, newspaper, and educational magazines. She also gives lectures at youth meetings and religious organizations to right the distorted textbooks as well as sex education and issues with education.

She has accused the education minister of corruption, conducted various forums and seminars on education, and organized a parent-led campaign during the superintendent's election by promoting the conservative values of the candidate and was well-received by the supporters.

Kim immediately suspected that the April 15th general election was manipulated due to the strange proportion of the Inside Jurisdiction and Outside Jurisdiction votes were equal amongst the candidates. She has since dedicated herself as the co-chairperson of the National Resistance Against the April 15 Election Fraud by informing the public what had happened through various rallies, press conferences, and forums and having the strong belief of "Trust, but Verify" to reveal the truth of the election fraud in order to protect the future of the free democracy.



Kweon, Oh-Yong

Attorney Oh-Yong Kweon is a human rights lawyer who calls for the protection of the human rights of the mentally disabled in South Korea. In September 2016, during the Constitutional trial on Article 24 of the Mental Health Act, he argued that it was unconstitutional to forcibly hospitalize mentally disabled persons and the Constitutional Court ruled in favor of him. He established South Korea's first private organization for the mentally handicapped, Korean Alliance for Mobilizing Inclusion (KAMI), which provided the foundation for the consumer movement to improve the welfare and rights of the mentally disabled.

Kweon was a former prosecutor who suffered from obsessive compulsive disorder and depression due to his caseload. He then decided to help people who were suffering the same as he was. In order to expose the realities of involuntary hospitalization in South Korea, Kweon submitted the 'KAMI report' to the United Nations Commission on Human Rights for Persons with Disabilities which they then made a recommendation to the South Korean government.

Kweon is currently the managing partner of the Yaein JP Law firm, the secretary-general of KAMI, and the CEO of the Coalition for the Human Rights of the Mental Disorder. He has also published works on psychiatry, human rights and law, and a joint publication of the United Nations Convention on the Rights of Persons with Disabilities.

In order to inform the citizens of the April 15, 2020 Election Fraud, he has joined former Assemblyman Min Kyung-wook and have appeared on various networks and YouTube channels presenting statistical, legal, and material evidence of the rigged election as well as joining many rallies. He is part of the legal team that is fighting to invalidate the election.



Lee, Byung-hwa
(former Ambassador to Norway)

Byung-hwa Lee is a former career diplomat in South Korea currently engaged in activities related to the promotion of human rights in North Korea and is also teaching English to middle and high school students who have defected from North Korea.

Lee, being a former mathematics champion in an international mathematics competition held in Taiwan, looked at the statistics from the April 15th general election and was certain of voter manipulation that he is now actively participating in the civic movement to expose the truth of the rigged election. He believes that China had interfered with the election and has expressed on his social media account that he will always be wary and cautious of China.

Lee has spent 35 years as a diplomat, including as an economics minister in Russia, Ambassador to Kazakhstan and to Norway (concurrently to Iceland). During his time as a diplomat, he has put in a lot of effort into expressing his gratitude to the veterans of the Korean War and promoted the importance of the ROK-US alliance through his social media.



Lee, Dong-hwan

Attorney Dong-hwan Lee manages a law firm located in Cheonan, South Chungcheong Province. Lee graduated from Seoul National University with a bachelor's degree in political science and from Chungnam National University's Law School.

For the past 3 years, Lee has been representing Media Watch's CEO Byun Hee-jae for being imprisoned on the charge of defamation due to criticizing JTBC's Sohn Suk-hee lying about the tablet, which caused former President Park Geun-hye's impeachment.

Lee also represents former Assemblyman Cha Myung-jin, who was criminally charged and sued for hundreds of millions of Won in civil suits for writing on his Facebook that the bereaved families of the Sewol ferry accident, who have been protesting for the past 7 years, should stop with the political approach. He has been charged with defamation and contempt.

Lee is part of former Assemblyman Min Kyung-wook's litigation team who has declared that the April 15, 2020 General Election was digitally manipulated and is currently proceeding with the lawsuit to invalidate the election with the Supreme Court.

Lee believes that Mao Zedong's quote, "Political power grows out of the barrel of a gun," is mistaken, but that the true power of conservatism comes from the truth.

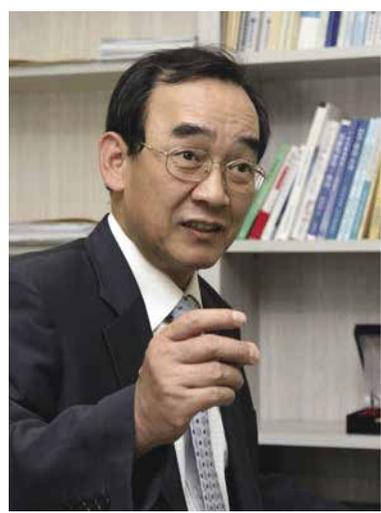


Lee, Yongsik

Yongsik Lee is a head and neck surgeon (otolaryngologist) since 1989 and is an advocate of patient-centered care by promoting to limit the use of ultrasonography unless necessary as well as limited surgical resection of thyroid cancer since 2014.

Lee is a strong supporter of democracy and denounces communism. He has been vocal about the death of Baik Nam-Gi during the anti-government riot of November 14, 2015 was caused by the Korean Confederation of Labor Union, and because of this, he was almost prosecuted for expressing his views. He was convinced that the April 15th general election was rigged as soon as the results were announced, and he has published a book about the technique used by the ruling party during the election to manipulate the results with two of his colleagues.

Lee has a M.D. and Ph.D. in otolaryngology-head and neck surgery from Seoul National University and Hallym University respectively and is a professor of ENT Head and Neck Surgery at Konkuk University since 2009.



Maeng, Joo-sung

Dr. Joo-sung Maeng earned his DEA (MS) and Ph.D in 1980 from ENSEEIHT, France. Dr. Maeng was a professor at Hanyang University for nearly 33 years at the Department of Mechanical Engineering for Fluid Dynamics, focused on the Computational Fluid Dynamics.

He held the position of Dean of Academic Affairs and Graduate School from 2006 to 2010 and has been an Emeritus Professor at Hanyang University since 2012.

Dr. Maeng is the Chairman of Directors of New Paradigm of Korea (NPK)-Rules of Law and Freedom Democracy Alliance. He stated after the April 15, 2020 election in South Korea of the possibility of digital election fraud through manipulating an algorithm in the digital program used in the election. He also believes in the existence of illegal ballots.

Dr. Maeng suggested that the ballots, source code and server must be preserved as evidence for a recount.



Min, Kyung-wook

Min Kyung-wook graduated from Yonsei University with a degree in Public Administration. He received a master's degree in Public Administration from the International Graduate School of Yonsei University. Min was a journalist and even worked as a political investigative reporter stationed in Washington, D.C. for four years between 2004 through 2007. He became a spokesperson of the chief presidential secretary's office under the Office of Presidential Secretary during former President Park Geun-hye's administration.

In May 2016, Min was elected as the 20th member of the National Assembly. In 2017 and 2018, he served the Liberty Korea Party as the Assistant Leader, Chief of the Public Relations Committee, Vice Chairman of the Policy Committee, and Secretary of the Special Committee for Victims of the Press under the Leftist Administration. Between March and September 2019, Min served the Liberty Korea Party as a spokesperson.

After losing the April 15th General Election, Min has dedicated his time to fighting election fraud as the Representative of 4.15 Election Fraud Citizens' Struggle H.Q. This organization's main goal is to restore the free and transparent electoral process in South Korea.



Moon, Soojung

Soojung Moon is a South Korean attorney. Moon graduated from Seoul National University with a degree in Law. After passing the national bar exam, Moon trained at the Judicial Research and Training Institute. Moon worked as a junior attorney of a tax law firm and was an inhouse lawyer for a securities company. Moon is currently a member of the legal advisory group of the People Power Party and is the secretary general of the Lawyers for Human Rights and Unification of the Korean Peninsula.

Moon suspected that the 21st Korean Legislative Election was rigged because of its unnatural statistics and joined in on the election lawsuit filed by former Assemblyman Kyung-wook Min. She has planned and written most of the documents submitted for the lawsuit.



Nettmann, Justin

Justin Nettmann is a Senior ICT Management Consultant, specializing in elections in countries such as Ethiopia, the Democratic Republic of Congo, Syria, Bangladesh, Botswana, and South Africa, for the United Nations.

Nettmann has held various positions in business analysis, project management, and architecture to deliver solutions in technology for many organizations and corporations. While contracted with EISA, Nettmann was deployed as an ICT election systems specialist in South Africa and Africa from 2011 to 2017. He has since been a consultant to the United Nations Development Program and the Westminster Foundation for Democracy reviewing and giving assessment to various countries' electronic election systems.

Nettmann was approached to be a contributor of the investigative project into the South Korean 2020 General Election issue and lent his expertise by analyzing the papers detailing the technology that was used during the election.



Newsham, Grant

Grant Newsham is a Senior Research Fellow with the Center for Security Policy in Washington, D.C. – particularly focusing on Asia/Pacific security, political and economic matters. He is a retired US Marine Colonel and served as reserve head of intelligence for Marine Forces Pacific, and was the US Marine Attaché, US Embassy Tokyo on two occasions.

Newsham lived in Tokyo for over twenty years and worked in executive roles at a Western investment bank and a major American high-tech firm. He is also a former US Foreign Service Officer – with work covering a number of regions – including East and South Asia, and specializing in insurgency, counterinsurgency, and commercial matters.

Newsham is also an attorney with experience in international trade, public international law, and criminal law.



Ok, Eun-ho

Ok, Eun-ho is a YouTube content creator of the 'MediaA' channel with over 1.1 million views. He served as the CEO of Avix, who oversaw the development of firmware, network systems and patent applications from 2005 until 2019. He has a 15-year experience in various IT industries and organizations in researching and developing electronic and communication devices. He is also listed as an inventor, having applied and registering various patents and has experience managing a preparatory school for many years.

Ok's YouTube channel, MediaA, features contents in following and seeking the honest truth for liberty. The content doesn't support anyone in particular but emphasizes being in agreement to the facts and the truth. MediaA gathers and receives information from the general public and reports and disseminates news through its channel.

Ok majored in Rural System Engineering from Seoul National University and holds both a bachelor's and master's degree from the university.



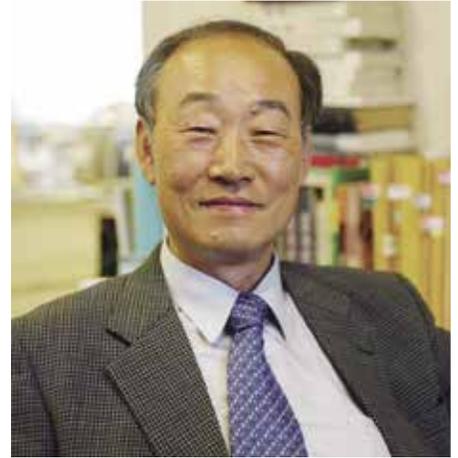
Park, Ju-hyun

Attorney Ju-hyun Park is the managing partner of the Law Firm Golden Law, chair of the “Young Lawyers for the Future”, and the chairperson of the Korea Bar Association’s IT Blockchain Special Committee for Foreign Cooperation Planning.

Park has previously served as an inspector at the Blue House Special Inspectorate Office, which investigates close aides and relatives to the president, a full-time professor at the National Tax Service’s Education Center, as well as an aide and secretary to the deputy speaker of the National Assembly.

Park is currently a representative of the Lawyers for a Solidarity for Investigating the Truth of the April 15 General Election and uncovering evidence of election fraud, including evidence of manipulation of the mail-in votes.

Park is a graduate of Seoul National University’s College of Social Sciences and School of Law. He has also worked for the Law Firm Gwanghwa and as the judicial director for Huobi.



Park, Sung Hyun

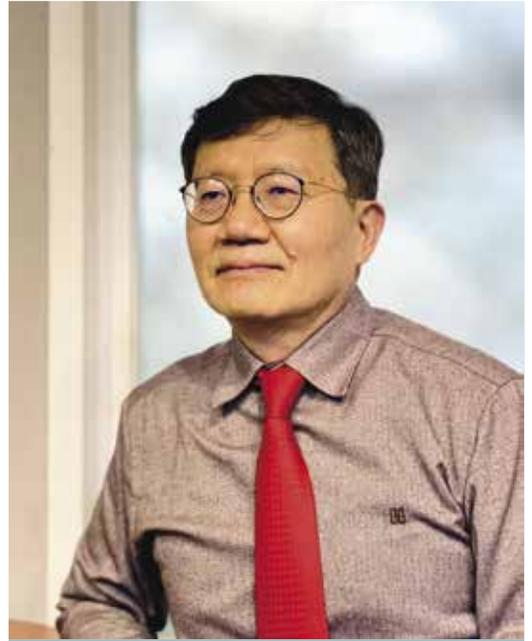
Jung-hyun Kim was a journalist at Chosun Weekly Professor Sung H. Park is an Emeritus Professor in Statistics at Seoul National University, and the president of the Social Responsibility and Management Quality Institute. He was the president of the Korean Academy of Science and Technology, and a member of the Presidential Advisory Council of Science and Technology in Korea. He also served as the director in the Directorate for Basic Research in Science and Engineering, National Research Foundation of Korea.

He has written more than 70 books on statistics and quality management including 11 books in English such as "Robust Design and Analysis for Quality Engineering" (Chapman & Hall), "Statistical Process Monitoring and Optimization" (Marcel Dekker), and "Robust Design for Quality Engineering and Six Sigma (World Scientific).

He graduated from Seoul National University with a Bachelor of Science in Chemical Engineering. And then he went to the US to study Operations Research for his Master of Science Degree, and Statistics for his Ph.D. degree at North Carolina State University (NCSU). After graduating from NCSU in 1975, he went to Mississippi State University as an assistant professor in the business college, and then returned to Korea in 1977. Since 1977 he served as a professor in statistics at Seoul National University (SNU) and retired in 2010.

He was the president of the Korean Society for Quality Management as well as the Korean Statistical Society. He received two prestigious medals from the Korean government—one is the 'Order of Service Merit, Red Stripes Medal' for his contribution to quality management, and another is 'Order of Science and Technology Merit, Hyeoksin Medal' for his contribution of Science and Technology for Korea. He also served as Dean of College of Natural Sciences, SNU, and as the chairman of Faculty Council of SNU. He is a member of the National Academy of Sciences, Republic of Korea.

Dr. Park has been supporting the fight against the April 15, 2020 General Election Fraud and has analyzed and reported that the statistics of the election is anomalous.



Park, Sung-hyun
(a.k.a. Bangmo)

Park Sung Hyun is the Executive Director and Founder of ESUNBON (Citizens for Good Education and Culture in Korea), an educational, cultural, and activist organization. Park studied political science at Seoul National University until he took a leave of absence and moved to the United States, where he studied economics at George Washington University. He also worked as a journalist at Korea Times, and successively served as the CEO of Nowcom. Park is currently the co-Representative of a civic organization called Free Citizen ('Citizens' Solidarity for Freedom of Popular Sovereignty), the Head of Operations for the South Korean version of an online wiki page called the 'WoonamWiki', and has a flourishing and popular social media presence on Facebook, Twitter, YouTube, and other platforms, under the name, "BANGMO."

As an author, Mr. Park has penned the following titles in Korean: 'A Miracle Called an Individual', 'The North Korean Totalitarianism', and 'The Birth of Symbol', and translated the work of Friedrich Nietzsche, titled 'Also Sprach Zarathustra'.

Bangmo continues to be vocal about the dangers of totalitarianism and China and its threat to democracy worldwide. He continues to follow and report on the fight against the April 2020 general election fraud.



Park, Youngah

Dr. Youngah Park has been the Professor of Statistical Mechanics at the Department of Physics at Myongji University since 1989. She now serves as the Secretary-General of the Professors' Solidarity for Freedom and Justice (PFJ). She has been the Chair of the Women in Physics Working Group of Association of the Asia Pacific Physical Societies (AAPPS) since 2006 and chaired the local organizing committee of the 3rd International Conference on Women in Physics (ICWIP) in 2008. She also served as the Vice President of the Korean Physical Society from 2007 to 2010.

Dr. Park was a member of the National Assembly of the Republic of Korea from 2008 to 2012 and served as a member of the Committee on Education, Science and Technology at the National Assembly. She served as the President of the Korea Institute of S&T Evaluation and Planning (KISTEP) from 2013 to 2016.

Dr. Park was one of the first scholars who spoke publicly about the statistical anomalies in the 2020 general elections held in April of 2020. She continues to support the cause through her role in the PFJ.

Dr. Park completed her undergraduate study at the Seoul National University majoring in Physics and received her Ph.D. in Physics at the University of Pennsylvania in 1987. Her research areas include critical phenomena, biological physics, role of innovation in science and technology, education, and women in science.



Sanadiki, Said

Said Sanadiki has more than 15 years' experience in post conflict and emerging democracies specialized in electoral processes, democracy promotion and good governance. He has worked on the technical assistance for Democracy, Elections and Good Governance, analysis and drafting of the legal framework, and elections management planning and structuring in different parts of the world. Sanadiki has designed and managed technical assistance and training programs across the Middle East, North Africa and Sub-Saharan Africa regions.

Sanadiki has held several senior positions with the Carter Center, EU, US and UN System in Democratic Republic of Congo, Jordan, Guinea and Comoros Islands, Lebanon, Libya, Tunisia, Yemen, Iraq, Sudan, South Sudan, Egypt, Afghanistan, Pakistan and Nigeria.

Sanadiki is an author and co-author of several handbooks and manuals related to accountability, media, elections, electoral processes, and democratic governance.

Sanadiki has served as a special advisor to the Lebanese Ministry of the Interior and the Lebanese Parliament. He is the former executive director of the Lebanese Association for Democratic Elections. He holds degrees in Political Science and Public Administration from American University of Beirut, a Bachelor's in Business Management, Master's in Financial Management from the American University of Science and Technology, and a certificate in Project Management from the City University of London.



Schneider, Dan

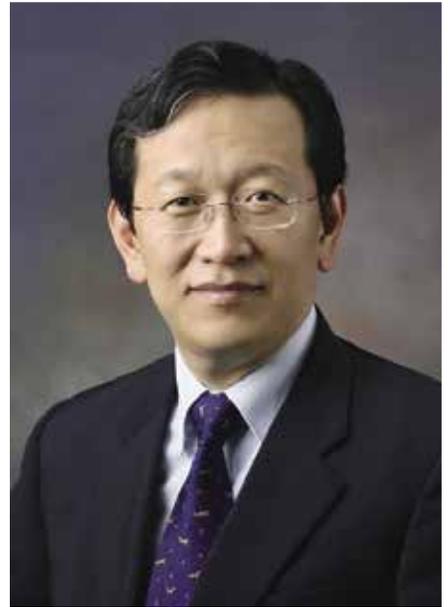
Dan Schneider has been Executive Director of The American Conservative Union (ACU) for nearly five years. He has been instrumental in helping ACU re-imagine its flagship event, The Conservative Political Action Conference, known to most simply as "CPAC." He also launched CPAC 365, an initiative to replicate CPAC in dozens of states around the country, and now around the world.

Dan started his career in Washington, D.C. as chief of staff to Congressman Jim Ryun of Kansas. He went on to serve in the George W. Bush Administration, first as the White House Liaison to Labor Secretary Elaine L. Chao, then as an aid to the President, and finally as an acting assistant secretary at the Department of Health and Human Services.

Dan graduated from Columbia University School of Law and practiced law in New York before beginning his policy career in Washington. He graduated with honors from the University of Kansas with a BA in Economics and a minor in Chinese.

The American Conservative Union (ACU) was created to advocate conservative policies and support candidates. The ACU is deeply connected to American politics and supports the conservative movement through its education foundation, the American Conservative Union Foundation, and hosting the *Conservative Political Action Conference (CPAC)* every year with the mission to equip “conservatives with skills to become more effective activists.”

Seok, Dong-hyeon, Esq.



Seok Dong-hyun is currently a partner at a law firm, and before retiring in 2012 as the Chief Prosecutor of the Seoul Eastern District Prosecutors' Office, he worked for over three decades as a public prosecutor in the Public Prosecutors' Office and the Ministry of Justice in various regions of South Korea.

As a public prosecutor, Seok was in charge of investigating and prosecuting criminal cases, and at the Ministry of Justice, he worked in the Korea Immigration Service as a commissioner.

Seok was instrumental in revising laws and policies that allowed for dual nationalities in South Korea starting from 2010.

After going into private practice, Seok formed an organization with like-minded conservative attorneys to assist in legal aid to conservative citizens, as well as working to improve the human rights of citizens in North Korea.

After the April 15 general elections of 2020, Seok has been representing and defending victims of election fraud in lawsuits to invalidate the 2020 election results.



Wilkerson, Benjamin

Benjamin P. Wilkerson is a computer design expert as well as an IC designer since 1977, specializing in mixed-signal IC design, CPU hardware and software design, memory design, datapath design, full-custom IC design from micro architecture to yield-improvement layout.

Since 2014, he has been the CEO/CTO of PW Semiconductor Labs, Inc. in Texas, a company that has owned 11 patents in South Korea and 3 patents in the U.S. He has previously held positions at IBM, ICS, and Mentor Graphics between 1995 - 2009. It should be noted that during his time at Mentor Graphics, he designed and implemented a multiplication algorithm for the macro library at Stanford University Doctoral Dissertation for Multiplier within 3 months, and the library was then delivered to Samsung Electronics.

He has experience teaching in Pennsylvania from 1986 to 1994 as a consultant and adjunct faculty for CPU and electronics courses.

Wilkerson was also awarded the first Samsung Group Technical Silver Award from CEO Byoung-chol Lee during his time at Samsung Semiconductor for saving the system at the LSI group in Bucheon.

For the past ten years, he has invented 25 mixed-signal circuit patents that are registered in Korea and three registered in the U.S.

In 2020, Wilkerson discovered the fatal problems in the election computer system used by the NEC.

Yoo, Seungsoo



Attorney Seungsoo Yoo is a lawyer affiliated with civic groups engaged in human rights activities to protect liberalism, like Lawyers for Human Rights and Unification of the Korean Peninsula and the National Movement for an Upright Republic of Korea, as well as an adjunct professor of criminal law at School of Law, Chung-Ang University. He also graduated from Chung-Ang University with a law degree.

Yoo is actively fighting against the current administration's anti-democratic behavior, such as the case accusing the Moon Jae-in administration interfering in the Ulsan mayoral election and a constitutional petition against the High Public Officials Investigation Department. He participated in investigations and trials that suppressed free-spirited rallies throughout the country due to the coronavirus, which have led to a series of decisions to reject the arrest warrants. He's also engaged in cases that goes against the freedom of religion, such as orders to close churches and punish worshippers due to the coronavirus.

Yoo is currently part of the litigation team that has filed all 109 suits to invalidate the April 15, 2020 general election. He is the co-chair and board member of the National Resistance Against the April 15 Election Fraud and is part of the trial and non-judicial activities against the fraudulent election.

Yu, Jeong-hwa

Attorney Jeong-hwa Yu specializes in legislative law who analyzes the laws and statutes of various governmental departments, and every time a major issue is raised, she presents a future model of the legal system. She recently received a commendation from the Minister of Health and Welfare for her expert advice on a legislation.

Currently, Yu is part of the litigation team representing former Assemblyman Min Kyung-wook for his lawsuit to invalidate the April 15th general election. She is also co-chair of the “Lawyers Who Think About the Economy” and a spokeswoman for the “Lawyers for Human Rights and Unification of the Korean Peninsula”.

Yu graduated with a law degree from Sookmyung Women’s University and is currently a member of the United Future Party’s Media Special Committee, a committee member for the Seoul Bar Association’s School Violence Countermeasures Committee and manages her own law firm.

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1330 Ala Moana Blvd. Nauru Tower 4th Floor Honolulu, Hawaii 96814 USA
TEL: +1-808-953-4196 events@cpackorea.com
<https://www.cpackorea.com>