

**ELECTION  
FRAUD**

LEGAL  
DOCUMENTS

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

*Min Kyung-wook*

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

This document is another legal brief prepared by the legal team of former South Korean National Assemblyman, Mr. MIN Kyung Wook, in a suit filed against the District Election Commissioner of the Yeonsu-gu District, City of Incheon.

The lawsuit centers on allegations of election fraud perpetrated during the April 15, 2020 general election held in South Korea. The filing includes photographic evidence, screenshots of relevant information/evidence, and other visual aids to help the court (and the reader) understand better the allegations of election fraud during the recent South Korean general election.

Among the claims included in the brief are serious allegations of ballot paper mishandling and other chain-of-custody irregularities. For example, the brief cites as evidence details of ballot papers being found among election-related documents discarded by the National Election Commission at a local junkyard. \*Reference: (Exhibit No. 120 JoongAng Ilbo article, “Why does the Buyeo ballot come out of the Siheung junk shop? The NEC: “don’t know”).

Other allegations include evidence of irregularities involving electoral observers being obstructed and/or not permitted to carry out their assigned, and lawful, functions. The legal basis for establishing and operating temporary voting stations is also challenged by the plaintiff.

The plaintiff also argues that the NEC’s response to the several allegations raises serious doubt about the authenticity and integrity of the April 15<sup>th</sup> election and on South Korea’s electoral system, such that public trust has been eroded.

## Document for Preliminary Brief

Case           2020-30 National Assembly Election Nullification  
Plaintiff       Min Kyung-wook  
Defendant      Yeonsu-gu, Incheon District Election Commissioner

Regarding the aforementioned case, the plaintiff's legal representative(s) have prepared a brief as follows.

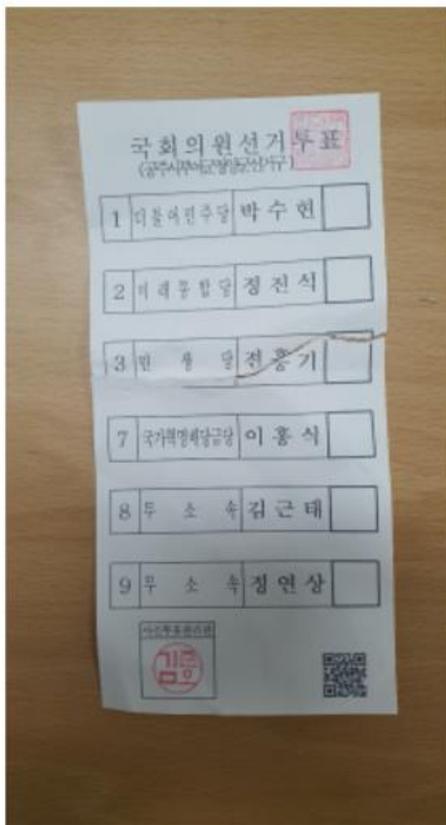
### **1. The fact that ballot papers were found among election-related documents discarded by the National Election Commission.**

**(Exhibit No. 120 JoongAng Ilbo article, “Why does the Buyeo ballot come out of the Siheung junk shop? The NEC “don’t know”)**

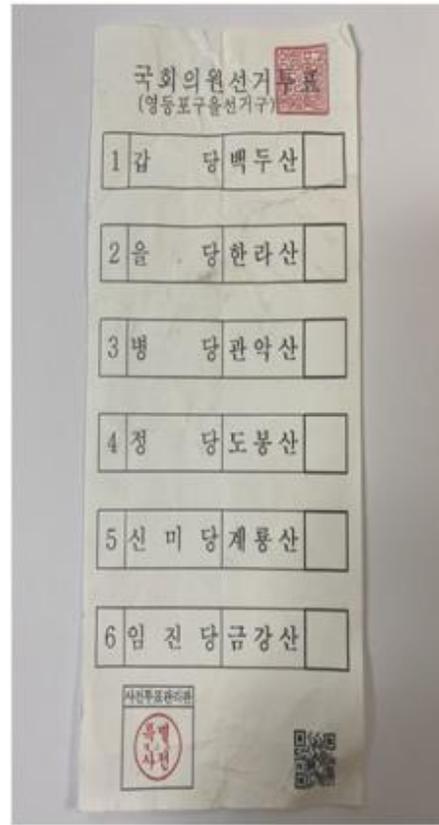
Even though it was Saturday, July 4, 2020, a weekend, several citizens who were holding a rally in front of the National Election Commission (hereinafter referred to as the ‘NEC’) complex in Gwacheon, Gyeonggi-do, witnessed a five-ton truck leaving at around 14:00. The above citizens, who were suspicious of this, followed the route of the above truck and saw that the above vehicle entered a junk shop in Siheung, Gyeonggi-do, and leaving something like wastepaper there.

As a result of checking the wastepaper from the above vehicle, all of these wastes were documents produced by the National Election Commission, and shockingly, the same ballot paper as the real ballot paper as shown in the picture below was found.

<Exhibit No. 121 Picture of real ballot paper>



<Exhibit No. 122 Picture of ballot paper>



First of all, if you look at Exhibit No. 122 the model ballot that was found, to distinguish it from the real ballot, it contains the party name and the candidate's name under an assumed name, or it is supposed to be distinguished simply by looking at the seal of the “model”.

However, the real ballot paper of Exhibit No. 121 shows the actual candidates' numbers and names listed in the Gongju-Buyeo-Cheongyang district in Chungnam, and there is a QR code on the bottom right side of the ballot, so you will know that it is an 'early voting' ballot paper. If you scan the QR code, it shows 31 numbers: "202004150002 02440202 4414 0005642" and clearly demonstrates that the above ballot is a "real ballot" with numbers that correspond to the real ballot paper:

<Exhibit No. 121: Results of the QR code scan on the ballot>  
 202004150002 April 15, 2020 The 21st National Assembly Election <Election Name>  
 02440202 Gongju Buyeo Cheongyang Electoral District <Electoral District Name>  
 4414 Cheongyang-gun Election Commission <Managing Election Commission>  
 0005642 5,642th Issued Ballot <Issuance Serial Number>

In addition to the QR code, an early voting officer's name “Kim, Jun-oh” is stamped on the bottom left of the ballot paper above, and the person above was identified as an employee of the National Election Commission. The ballots found are the 'real ballots' in terms of the appearance or the scan contents of the QR code, and it has been discovered that the NEC has kept them without any authority and tried to dispose of them without permission.

## **2. The NEC’s explanation means that the current voting system has completely collapsed.**

Regarding the fact that the above real ballots were found in the junk shop, the NEC acknowledged that the wastes were documents discarded by the NEC on July 4, 2020, and admitted that the ballots were printed at the "2nd early voting station of Yangnam-myeon in Gyeongju-si, Gyeongbuk (**Exhibit No. 123 July 22, 2020, the NEC's explanatory material on the press article "Buyeo ballot paper was found in a junk shop of Siheung."**)

A thorough fact-finding check is needed on whether the explanation above by the NEC is in line with actual facts, but even if the NEC assumes the facts based on the explanatory materials below, the authenticity and integrity of the voting cannot be guaranteed at all. This case, the general election of the National Assembly which took place under a voting system that cannot cover the authenticity of the real vote, is invalid.

### **A. The fact that the same QR code was issued repeatedly means that there is no device to guarantee the authenticity or integrity of the ballot paper.**

The defendant per the NEC has argued that the function of the QR code on the early voting ballot is 'anti-forgery' or 'identification of forgery' but just before the election they gave reasons that they use the QR code to accurately manage the number of ballots issued and because it has a resilience, etc.

(Previously, as the plaintiff pointed out, there was no reason to substitute the bar code to a QR code that has no legal basis from the Public Official Election Act, so the explanation by the NEC will be considered true and to be used for this preliminary brief.)

The NEC has argued that ‘the QR code guarantees the integrity of the ballot paper, and that integrity can be found by checking the serial number of the QR code issued according to the quantity issued.’ The NEC's claim was that the QR code was the only function to ensure the authenticity or integrity of the ballot, given that the authentic early voting ballot paper is well cared for, the early voting manager's seal is printed together with the ballot when printing out the ballot paper instead of actually sealing it.

However, according to the NEC's explanation on the discovery of the ballot, they are acknowledging themselves that the QR code, the only device that guarantees the authenticity of the ballot paper, has completely lost its function.

<Exhibit No. 123 Excerpt from the National Election Commission's explanatory material>

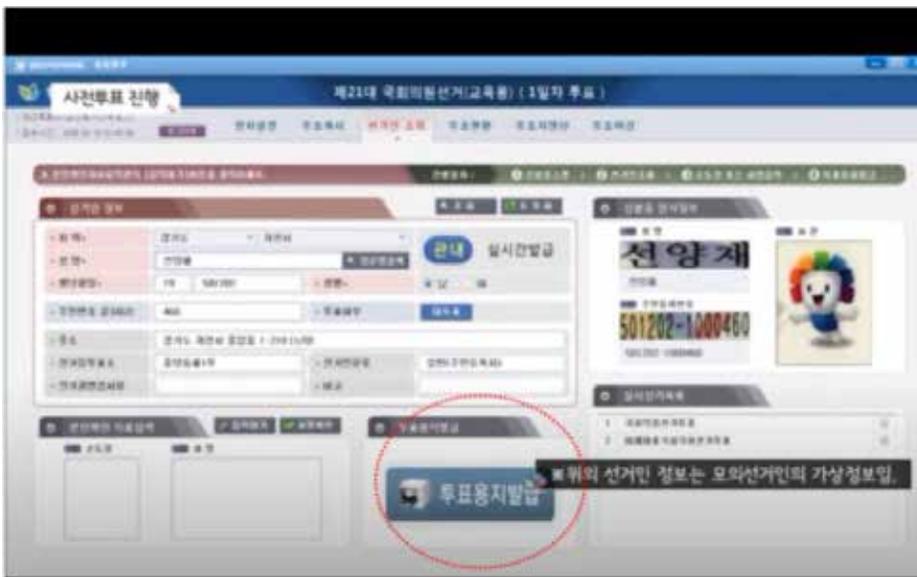
### 1. About the ballot issuance process

The early voting ballot was identified as a damaged early voting ballot paper during printing at a special early voting station (2nd early voting station in Yangnam-myeon, Gyeongju-si, Gyeongbuk, Hyundai Motor's Gyeongju Training Center) set up for COVID-19 confirmed patients, and the detailed process is as follows.

The voter's constituency ballot was printed normally and during the printing of the proportional representation ballot, the ballot jammed (jam), so the printing was suspended. When the front and back covers of the ballot issuing machine were opened, the roll paper was aligned and restarted, each of the proportional representation ballots and one of the ballot papers in the district was re-printed.

The NEC self-acknowledged that the ballot paper with the same QR code was issued multiple times and explained that the ballot jam occurred during the ballot printing process, which caused duplicate issuance. In addition, according to the plaintiff's verification on the above explanatory material of the National Election Commission, it was not automatically re-printed when the jam was resolved and the printer lid was closed, but the election management system input the command 'print the ballot' several times (It is the click of the ballot issuance button over again on the screen according to the system, **see the screen capture from the early voting management training video for the 21st National Assembly election, below in Exhibit No. 124**) so the ballot paper with the same QR code printed again.

<Figure 1 – Exhibit No. 124 A screen capture from the early voting management training video for the 21st National Assembly election (Refer to 16 minutes and 37 seconds of the video)>



This fact represents a major flaw in the election system. As previously explained by the NEC, the serial number of the QR code is issued in response to the quantity printed, and accordingly, even if it appears to be a real ballot, one serial number corresponds to one issuance, so if you check the serial number, the authenticity of the corresponding ballot paper can be checked; it turns out that the NEC's explanation was completely fictional.

According to the defendant's explanation so far, the QR code on the ballot is the only device to identify whether the ballot was forged or not, however, according to the NEC's explanation, even the QR code on the ballot cannot guarantee the authenticity of the ballot since they admitted that one ballot with the same QR code is cast and another ballot is discarded in the garbage; it also suggests even if multiple ballots are forged or issued, no ballot can be known as the real ballot.

The defendant is responsible for proving the legitimacy of the election management in that the administrative litigation is applied in this case, but there is no means to prove that the election of this case was legitimate since the QR code, which is the only means to prove the legitimacy or verity of the ballot, is no longer trusted.<sup>51</sup> Eventually, due to the above circumstances, the election in this case can only be considered invalid, and the plaintiffs' claim should be admitted.

**B. The fact that a ballot with the same QR code (serial number) is issued even if a ballot issuance order is entered several times based on one elector means that the 21st general election was held under an unconstitutional election system in violation of 'the principle of secret ballot'.**

As mentioned earlier, the fact that a ballot with the same QR code is issued by pressing the ballot issuance button again on the terminal list system proves that the current election system is a complete violation of the 'secret ballot principle,' as described below.

If you look at the system screen on the list terminal in Figure 1, you can see that the personal information of the elector is registered in the middle of the right side. According to the explanation of the NEC, even if an elector enters the order of issuing a ballot several times in the same state, a ballot with the same QR code is printed. This is the result of not having a complete separation of the list terminal which is to verify the elector's identity and the ballot printer<sup>52</sup>, and **the function of the QR code does not guarantee the authenticity of the ballot, but rather it means that it functions to verify for which elector the ballot was issued.**

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<sup>51</sup> Assuming the only way to prove the authenticity or integrity of ballot papers or ballots cast, the only way is to verify and prove whether or not all electors voted on the election day, and whom they voted for. If circumstances reach such a point, it leads to the conclusion that the 21st general election should be nullified, and re-election should be carried out.

<sup>52</sup> Since there is a risk of violating the secret ballot principle, in the US, the voter is checked on the electoral roll, and the voter identification terminal or the electoral roll and ballot making machine are completely separated physically and electronically. Therefore, if you check the voter on the electoral roll, you can input the command directly to the ballot making machine and print out the ballot.

< Figure 1 - Exhibit No. 124 The 21st National Assembly Election early voting management training video screen capture >



< Figure 2 - Exhibit No. 123 The 21st National Assembly Election early voting management training video screen capture >



\* According to the processing method and photo above, it can be seen that the ballot issuing machine and the list terminal are physically completely linked.

Ultimately, it suggests that the serial number of the QR code corresponding to the voter information exists when the information of a particular voter is entered, and **the QR code is given in response to the information of the voter, not in response to the quantity or order of the printed ballot paper.** Therefore, looking at the serial number of the QR code, you get to know to which voter the ballot was issued to and **it directly violates one of the four major principles of the election, 'secret ballot principle':** if you check the mark on the ballot paper, you can find out which candidate a specific voter voted for.

Therefore, the 21st general election is invalid, which has a serious defect by violating the principle of secret elections. In addition, it is essential in this case to verify the central server of the election management system that recorded all electronic integrated voters' list, QR code data, and ballot issuing machine logs in order to confirm whether QR code data corresponding to integrated voters' list is recorded. And it is a verification that must be accepted in order to reveal the legitimacy of the election also for the NEC including the defendant.

**C. There is no means to institutionally secure the integrity and authenticity of the ballot by neutralizing the Election Commission itself, such as the seal to guarantee the authenticity of the ballot.**

As stipulated in section 3 and below on page 4 of the preparatory documents filed on June 30, 2020, valid ballots shall be stamped and sealed by the chairman of the election commission at each level as stipulated by Articles 184 and 186 of the Public Official Election Act and the National Election Commission rules, and all ballots, including valid and invalid ballots, must be kept by each gu/si/gun election commission until the election invalidity suit is over.

In addition to the current invalidity suit raised by each electoral district in the Supreme Court, the entire 21st general election invalidity suit filed by the Christian Liberty Unification Party as well as by voters, ballots should be kept by the Election Commission at all levels in accordance with the Public Official Election Act regardless of validity or invalidity.

Nevertheless, if you look at the NEC's explanatory material, they are acknowledging themselves that they have violated the regulations under the Public Official Election Act.

<Excerpts from Exhibit No. 122 NEC's explanatory material>

Among the election equipment and election documents that were in the acquired vehicle, the NEC sent the early voting records that needed to be handed over to the Gyeongju-si Election Commission by registered mail. But in this process, the second early voting station of Yangnam-myeon's 'envelope for damaged ballot paper, etc.' was missing and it is believed to have been discarded later mixed with other items.

Even according to NEC's explanation, the NEC admits that the NEC discarded the torn ballot paper without handing it over to the Election Commission in charge; they also admit that in this case it should be put in the 'envelope for damaged ballot paper, etc.' and kept by the 'Gyeongju-si

Election Commission' regardless of its authenticity. Above all, the explanation itself is shocking since the National Election Commission does not have the right to keep the ballot regardless of whether the ballot is valid or invalid under the Public Official Election Act, and the right to destroy it, much less.

This is a direct violation of the obligation to preserve ballots and the like under the Public Official Election Act, and **it is clear that the Election Commission, which is only a party to the election invalidity suit, has taken the lead in discarding the evidence of the election invalidity suit in this case.** This is why the preservation of evidence filed by each plaintiff in the other election invalidity suits including this case, should be admitted and the verification procedure must be carried out as soon as possible.<sup>53</sup>

In addition, the NEC's explanation below shows that the election commission, including the defendant, has no understanding of the preservation obligations under the Public Official Election Act.

< Excerpts from Exhibit No. 122 NEC explanatory material >

Meanwhile, on July 21, 2020 (Tue), the Cheongyang-gun Election Commission confirmed that the number of ballot papers issued and the number of votes matched (1,778) when the votes cast outside of the voters' registered district were reviewed under the observation of members recommended by the political parties, among valid ballots (1,1751), we confirmed the early voting ballot cast outside of the district that is identical to the serial number of the media article.

Although it was confirmed that the voter's early voting was normally handled, received, and counted, there was a mistake in the management of the damaged early voting paper in the process of taking over and handing over non-face-to-face to prevent the spread of COVID-19. We are deeply aware of the responsibility for this incident, and we apologize for causing concern to our people.

The NEC instructed the Cheongyang-gun Election Commission to open the ballot that was cast by the voters from outside of their registered district to see if another substance with the same QR code of the above ballot paper exists. Although they claim that the ballot was reviewed in the presence of members recommended by the political parties, they do not reveal who the attended members were, and who performed each ballot checking with the same QR code, the same with the identified ballot that they claim to have found.

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<sup>53</sup> Nevertheless, the preservation of evidence requested for servers, electronic integrated voters' list, and other electronic counting equipment, etc. to the National Election Commission filed with the Supreme Court are dismissed because they are still 'expected to be submitted if necessary'. This fact that the National Election Commission, including the defendant, is discarding the evidence without preserving it, has proved that the reason for the rejection is not valid at all and against the purpose of the preservation of evidence.

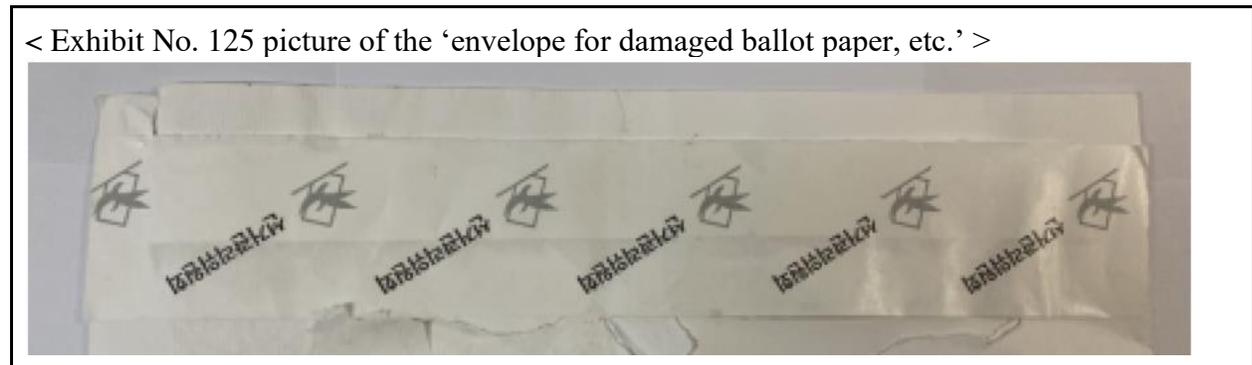
Each plaintiff, including this case, cannot see the destruction of the evidence of the defendants as described above, so we will apply for a preservation of evidence to the Supreme Court again.

Above all, the idea that the election commission can open the ballots held by the election commissions at different levels is due to misunderstanding the Public Official Election Act and seriously undermines the integrity of the ballot. In accordance with Article 186 of the Public Official Election Act, the ballot boxes stored by election commissions at each level are to be stamped and sealed by the chief judge of each level, who also serves as the chairman of the election commission at each level, and in order to release them, it must be carried out through strict procedures with the approval of the NEC chairman and the observation of party observers of each candidate.

Nevertheless, the fact that Cheongyang-gun Election Commission randomly opened the valid ballot box and used physical means to find a ballot that matches the QR code damaging and releasing the seal on the ground that a ballot paper discarded by the National Election Commission has been discovered will completely undermine the purpose and function of sealing documents, such as 'securing the identity and integrity of related documents such as ballots through sealing'.

According to the explanation of the NEC, the ballot paper that was re-issued this time was sealed and stored by saying, "the first printed electoral district ballot paper was torn in front of the voter, put it in a 'envelope for damaged ballot paper, etc.' and sealed it after voting." However, given the condition of the envelope found, it was simply taped without the seal of the chairman of the district election commission as well as the early voting officer's seal, and nothing of the 'seal' as defined by the Public Official Election Act has been made at all. (**Exhibit No. 125 picture of 'envelope for damaged ballot paper, etc.'**).

< Excerpts from Exhibit No. 122 NEC explanatory material >  
Early voting staff informed the voter that he would issue a new printed ballot paper and notified the observer; the previous printed ballot paper was torn in front of the voter, placed in the 'envelope for damaged ballot paper, etc.' and sealed after the voting was completed.



As the plaintiff has pointed out several times, the "seal" by the National Election Commission has been carried out in the opposite sense to the "seal" in the Public Official Election Act, which guarantees the authenticity and integrity of the contents until it is opened with a legitimate title

after being stamped and sealed by the election commissioner or officials while observers are watching.

This means that the Election Commission, including the defendant, who bears the responsibility to prove the legitimacy of the election, has no means to prove and verify that the 21st general election was truly a result of reflecting the will of the voters, which means that the 21st general election is invalid even legally.

**3. The 21st general election is invalid because it is clear that voting was conducted unfairly without the presence of observers of political parties, and that temporary voting station was established and operated randomly without any legal grounds.**

**A. Article 148(1) of the Public Official Election Act stipulates that only one early voting station should be installed in eup, myeon, and dong.**

Article 148(1) of the Public Official Election Act stipulates that one (1) early voting stations must be installed and operated at each eup/myeon/dong. In other words, no more than one can be installed in each eup/myeon/dong unit in the administrative district, and there are no exception rules that can be installed arbitrarily more than one.

The Bucheon Election Commission stated, in relation to the counting of 18,210 votes from the early voting station in Shinjung-dong Bucheon-si district on the premise that only one early voting station should be installed in each eup, myeon, and dong, "Bucheon has been integrated into the metropolitan dong since last year and has a large population, so it has not been accurately grasped though, we explained earlier that there must have been a lot of ballot paper printing machines and polling booths (in one early voting station of Shinjung-dong)." (**Exhibit No. 126-1 article, 'Voting time in early voting only took 4.7seconds per voter in Shinjung-dong, Bucheon.. Guinness Record level', Exhibit No. 126-2 article, 'Bucheon-si suffers from the election, metropolitan dong sparks'**).

As such, setting up only one early voting station for each eup, myeon, and dong is an enforcement regulation to prevent from damaging election fairness by so-called recruitment vote, which allows a voter to set up a polling station arbitrarily so that a certain region or region can vote intentionally. These exceptions could not be found anywhere under the Public Official Election Act, so the Bucheon-si Election Commission had to install one early voting station despite the excessive population as the administrative district was changed to metropolitan dong.

**B. The 21st general election is invalid due to the establishment and operation of an illegal early voting station, so-called 'special early voting station' without any legal basis.**

NEC claimed that the double-issued ballot paper was printed at the "special early voting station (2nd early voting station of Yangnam-myeon, Gyeongju-si, Gyeongbuk)," and the NEC installed and operated eight so-called 'special' early voting stations nationwide. (**Exhibit No. 127 press release "NEC operates a special early voting station within the Life Therapy Center).**

< Excerpts from Exhibit No. 127 press release “NEC operates a special early voting station within the Life Therapy Center >

NEC will operate a special early voting station on April 10th and 11th at the Life Therapy Center, where COVID-19 confirmed patients are being treated.

The NEC revealed that the decision was made in consultation with health authorities to guarantee the voting rights of voters who were confirmed with COVID-19 after the expiration date of the mail-in voting report.

Special early voting stations are installed in eight Life Therapy centers in Seoul, Gyeonggi, Daegu, and Gyeongbuk, which have a large number of confirmed patients and medical and support personnel, and the operation hours are five to eight hours a day during early voting period, taking into account the number of people in quarantine in the Life Therapy Center.

This 2nd early voting station in Yangnam-myeon corresponds to the special early voting station mentioned in the press release above, and it is an early voting station to allow voters to participate in early voting regardless of what the NEC calls it.

In the case of early voting stations, Article 148 (2) of the Public Official Election Act stipulates that the gu/si/gun Election Commission shall announce its name, location, and installation and operation period on the 9th before the election day.<sup>54</sup> According to the Gyeongju-si Election Commission's announcement on the establishment and operation of the early voting station, the 2nd early voting station in Yangnam-myeon is nowhere to be found other than the original Yangnam-myeon, which was set up by the Gyeongju-si Election Commission, and only the press release of the National Election Commission shows the aforementioned special early voting station (**Exhibit No. 127**). Given that the aforementioned press release was dated 4/7/2020, it can be seen that even this unauthorized announcement of the National Election Commission's special early voting station was not made 9 days ago from the early voting days of 4/10/2020 - 4/11/2020. (**Exhibit No. 128 picture from Gyeongju-si early voting station guide announcement**).

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<sup>54</sup> Article 148(2) of the Public Official Election Act, the gu/si/gun Election Commission shall announce its name, location, and installation and operation period by the ninth day before the election day (the rest omitted)

< Exhibit No. 128 Excerpts from Gyeongju-si early voting station guide announcement >



The image shows a blue banner with the Gyeongju-si logo and the title '경주시 사전투표소' (Gyeongju-si Early Voting Station). Below the banner is a table listing 13 early voting stations across various districts.

사전투표소 명	설치장소 (건물명)	소재지
감포읍 사전투표소	경주시수산인회관	감포읍 감포항구길 34-11
안강읍 사전투표소	북경주행정복지센터	안강읍 비화원로 47
건천읍 사전투표소	건천초등학교 체육관	건천읍 내서로 1105
외동읍 사전투표소	외동읍행정복지센터	외동읍 읍청사로 25
양북면 사전투표소	양북면민복지회관	양북면 감은로 17
양남면 사전투표소	양남주민활력센터	양남면 해변공원길 101
내남면 사전투표소	내남면복지회관	내남면 이조중앙길 31
산내면 사전투표소	산내면행정복지센터	산내면 문북로 1822
서면 사전투표소	서면행정복지센터	서면 내서로 458
현곡면 사전투표소	현곡면복지회관	현곡면 용담로 311
강동면 사전투표소	강동면복지회관	강동면 강동로 17

< Exhibit No. 127 Excerpts from press release “NEC operates a special early voting station within the Life Therapy Center” >

Press release			
Release date April 7, 2020	2 pages in total	<a href="http://www.nec.go.kr">www.nec.go.kr</a>	Public Affairs Division 02)503-2791 02)507-2758

NEC operates a special early voting station within the Life Therapy Center  
 = Covid-19 confirmed patients who failed to report vote-by-mail, medical and support personnel can vote

In the explanatory material related to the duplicate ballot paper issuance, the NEC acknowledges at least two facts: “management of special early voting stations must be under the management of each gu/si/gun election commission,” “ballot paper, ballot and election-related documents of early voting stations should be kept by each gu/si/gun election commission.”

< Excerpt from Exhibit No. 123 NEC explanatory material >

Generally, the voting management of early voting stations is handled by local government employees, and election related documents such as early voting logs are handed over to the jurisdictional gu/si/gun NEC officials. However, considering the difficulties of securing manpower due to concerns of COVID-19 infection and the burden of voting management of the gu/si/gun on election day, the special early voting stations secured manpower appointing the NEC staffs,

However, the 2nd special early voting station in Yangnam-myeon was installed and operated only by the National Election Commission without any legal basis, and there was no announcement on the installation of the early voting station, and it has been revealed that the NEC tried to dispose of the related documents such as ballot paper and ballots without permission, without handing them over to the local election commission. This makes the presumption that the other seven special early voting stations could have been the same, and **this is a discovery itself that the National Election Commission was caught trying to arbitrarily destroy all data on the operation of the special early voting station, which is not legally based.**

In particular, each gu/si/gun Election Commission consistently explains that the special early voting station was ‘done by the National Election Commission, so they don't know about it at all,’ and considering that the NEC managed everything about the special early voting station and discarded documents related to elections after storing them, the explanation for each gu/si/gun Election Commission appears to be true (**Exhibit No. 129 Recording file of calls with Gyeongju Election Commissions Officials**).

In the end, **special early voting station is a total 'illegal polling station' installed in violation of the regulation that only one early voting station can be installed in one eup/myeon/dong administrative district, the regulation that the installation and operation authority is the Election Commission at each level, and the regulation on preliminary announcement of the installation and operation of early voting station.**

**C. Special early voting station is illegal in that it is directly managed by the unauthorized National Election Commission and operated without the participation of the party candidate’s election observer.**

In the case of early voting stations, the Public Official Election Act stipulates that the gu/si/gun Election Commission appoints one early voting officer for each early voting station from 60 days before the election to 10 days after the election (**Article 146-2 (1) and (4) of the Public Official**

**Election<sup>55</sup>, Article 67 (1) and (2)6) of the Public Official Election Management Regulations<sup>56</sup>**). In the case of early voting clerks, it is stipulated that the Eup/Myeon/Dong Election Commission, which is a subordinate organization, is required to commission.

Therefore, the NEC does not have the authority to appoint a voting officer, and even if it appoints an early voting officer, it is stipulated that the announcement must be made 60 days before the election, and the early voting officer must perform his duties in accordance with the direction and supervision of the competent local election commission, considering Article 67 of the Public Election Rules. This is not simply a procedural regulation, but it is a rule that the Public Official Election Act stipulated in the text to prevent the concentration of authority on the National Election Commission and to set the authority and responsibility to the election commissions at each level, so called, a regulation that defined vertical separation of power expressly stipulated in the text in order to implement the constitutional ideology, that is, the separation of powers and checks and balances.

Despite the regulations of the Public Official Election Act above, the NEC has appointed an early voting officer exclusively supervised by the NEC to operate special early voting stations. This is something that cannot be justified by the alleged purpose that the special early voting station claims; to guarantee voting rights for COVID-19 patients and **is a serious violation of election procedures**<sup>57</sup>. In fact, if you look at the explanation of this part of the NEC, it is an excuse that you can freely operate a special early voting station without legal grounds to achieve an urgent purpose while acknowledging the existence of all the above-mentioned illegal facts. This is not an argument that is worth hearing but just an excuse because it is a selfish interpretation that is directly against the statute reservation principle.

< Excerpt from Exhibit No. 122 NEC explanatory material >

Generally, the voting management of early voting stations is handled by local government employees, and election related documents such as early voting logs are handed over to the jurisdictional gu/si/gun NEC officials. However, considering the difficulties of securing

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<sup>55</sup> Article 146-2 of the Public Official Election Act (voting officers and early voting officers)

① Gu/si/gun Election Commissions have one voting officer per polling district and one early voting officer per early voting station to manage voting-related affairs.

④ Appointment, dismissal, allowance and other necessary matters of the voting officer and early voting officer shall be stipulated as National Election Commission rules.

<sup>56</sup> Article 67 of the Public Official Election Management Regulations (voting officers and early voting officers) ① The gu/si/gun Election Commission appoints one voting officer and one early voting officer (hereafter in this Article referred to as "voting officer, etc.") from 60 days before the election 5 days after the reason for the election is confirmed in the case of an by-election where the reason for the election is confirmed less than 60 days before the election day) to 10 days.

<sup>57</sup> In this case, the early voting officer may set the order by date during the early voting period.

② Voting officers, etc., must comply with the laws and regulations, perform their duties in good faith, and follow the instructions of the competent gu/si/gun Election Commission or the eup/myeon/dong Election Commission.

manpower due to concerns of COVID-19 infection and the burden of voting management of the gu/si/gun on election day, the special early voting stations secured manpower appointing the NEC staffs,

< Exhibit No. 130 Excerpt from Oh my News article ‘The Buyeo ballot found at the Siheung Junk shop was issued in Gyeongju’ >

In response, NEC's official report and the official explained, "We operated a special early voting station on April 10-11, the early voting day, to guarantee the voting rights of confirmed patients who are in isolation after entering a life therapy facility in an emergency situation called the spread of COVID-19." At that time, Kim Jong-oh served as a voting officer at the special early voting station that was installed at Hyundai Motor's training center in Gyeongju."

“At that time, the central, municipal, provincial Election Commission employees were dispatched to special early voting stations scattered across the country to take charge of the elections,” he said. “The members of the gu/si/gun Election Commission were busy with their duties alone, so the staff of the central, municipal, provincial Election Commission were forced to take charge of the special early voting station."

Then, when asked whether the “party observers” were at the special early voting station, he said, “No one of the party observers applied to be an observer in fear of COVID-19 infection. So, we appointed an observer among the medical center staff. At the Hyundai Motor Training Center where Secretary Kim Jong-oh worked, two medical staff were observers.”

\*In the content of the article,'Kim Jong-oh' seems to be a mistake of Kim Jun-oh'.

In addition, another serious violation is that, as shown in the article above, **the polling station was operated without any "party observers" being assigned to the special early voting station**. The fact that the NEC announced the illegal installation of the special early voting station only three days before the early voting date is clear that they appointed voting officers hurriedly and they did not even receive an observer request nor provided the candidate an opportunity to apply.

In the end, the special early voting station has no choice but to be concluded as a **“total illegal voting station” that is directly against fair elections**, even in the sense that the NEC excluded observers of the candidate who are directly involved in the election and ran polling stations.

**D. The serial number identified on the QR code certifies that the entire election, including special early voting stations, is invalid.**

<Exhibit No. 121 The result of scanning the QR code of the ballot paper>

202004150002 April 15, 2020 The 21st National Assembly Election <Election Name>  
 02440202 Gongju Buyeo Cheongyang Election District <Electoral District Name>  
 4414 Cheongyang-gun Election Commission <Competent Election Commission>  
 0005642 5642th issued ballot paper <Issued Serial Number>

As previously mentioned, if you scan the QR code of the duplicate ballot paper found this time, the last 7 digits corresponding to the serial number are “0005642”, which means that it is the 5,642th issued ballot paper.

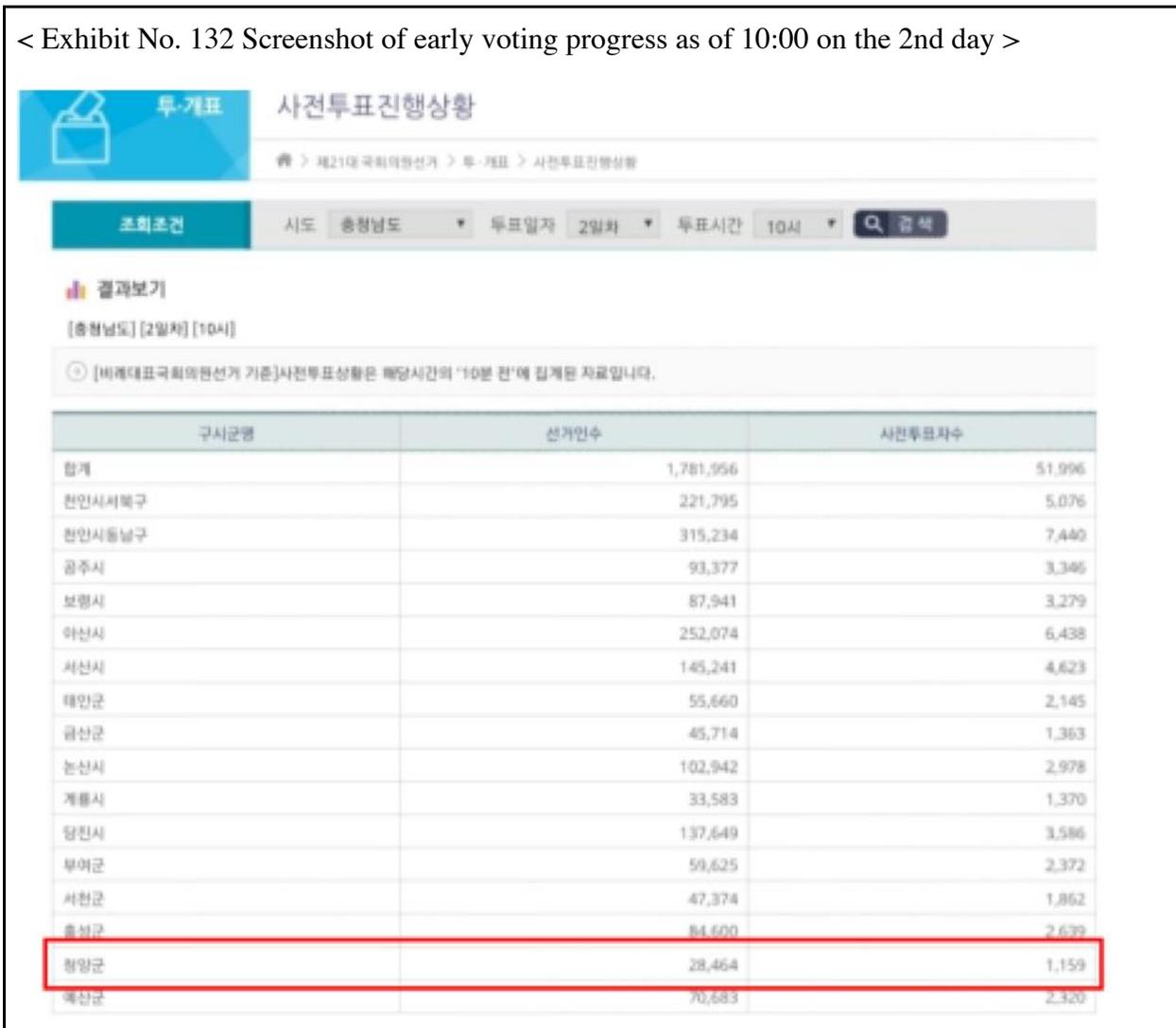
The above sequence means that the voter of Cheongyang-gun was the 5,642th voter of the early voting station nationwide. This means the number of early voters in Cheongyang-gun has already reached 5,101 in the first early voting day.

< Exhibit No. 131 Screenshot of early voting progress as of 18:00 on the 1st day >

구시군명	선거연수	사전투표자수
합계	1,781,956	210,278
전주시서북구	221,795	18,264
전주시동남구	315,234	29,018
공주시	93,377	14,232
보령시	87,941	14,808
아산시	252,074	24,968
서산시	145,241	17,660
태안군	55,660	9,074
공안군	45,714	5,901
논산시	102,942	12,852
계룡시	33,583	5,698
당진시	137,649	14,041
무안군	59,625	9,512
서천군	47,374	8,482
홍성군	84,600	11,118
<b>청양군</b>	<b>28,464</b>	<b>5,101</b>
해성군	79,683	10,031

Early voting ballot paper for Cheongyang-gun voters issued from the 2nd day would have been issued starting from '0005102'. As of 10 a.m. on the 2nd day, the early voting status for Cheongyang-gun voters is 1,159 as shown in the following figure. If so, the cumulative number of early voters in Cheongyang-gun by 10 a.m. on the 2nd day was 6,261 (= 5101 + 1159), and the serial number of the QR code on the last early voting ballot paper issued by 10 a.m. would have been “0006261”. As described by NEC, the serial number of the ballot paper issued and discarded at the 2nd special early voting station in Yangnam-myeon is “0005642”, so it is possible to predict that the above ballot paper was issued before 10 a.m. on the 2nd day of early voting.

< Exhibit No. 132 Screenshot of early voting progress as of 10:00 on the 2nd day >



However, the 2nd special early voting station in Yangnam-myeon above operated only from 10:00 to 18:00 on the 2nd day of early voting.

< Exhibit No. 127 Excerpt from press release “NEC operates a special early voting station in the Life Therapy Center >

Installation status of early voting stations

Province	gu/si/gun	Facility name	Installed Polling place	Operation date and time
Gyeongbuk	Gyeongju-si (Yangnam-myeon)	Hyundai Motor Gyeongju Training Center	Training Center Isolated Building	April.11(Sat) 10:00-18:00

In the end, unlike the NEC's explanation, **the 2nd special early voting station in Yangnam-myeon cannot issue ballot paper with serial number “0005642” on the QR code as above.** NEC's explanation is clearly false. It makes us reasonably infer two facts from the above conclusion that seems shocking.

First, the QR code that is supposed to function to determine the authenticity of the ballot paper that the NEC has claimed is not reliable at all, and it only results against the secret ballot combining with the voter information, as mentioned earlier. Second, **it can produce the same ballot paper, which overlaps the QR code at a place other than a polling place and at a time other than voting time.**

Even if we rely solely on the NEC's explanation, it is clear that the special early voting station as above is not properly operated and is a total illegal voting station that produces incomprehensible ballot paper. In addition, the aforementioned total illegal voting place is an “early” voting place, and it is possible to vote in all electoral districts across the country other than the area where the polling place is located, the illegality inevitably has spread to the all electoral districts of the pre-21st general election. As a result, both the legality and fairness of the 21st general election were lost, and the entire election above was invalid.

#### 4. Conclusion

The fact that the real ballot paper with the QR code marked was found in the garbage discarded by the NEC is that the current voting system cannot guarantee fairness and authenticity at all, as we saw earlier, and the Election Commission, which should complement and manage it, has rather tried to dispose of election related documents and ballot paper without permission, so the current voting system and elections under the supervision of the Election Commission including the defendants have lost both trust and fairness.

An election system that cannot verify even the very basic fact that the voter actually voted is an **illegal election system** that should be immediately abolished along with the evaluation that it is unfair, and the 21st general elections carried out accordingly, since no evidence of legality can be made, a judgment of invalidity, that is, a judgment admitting all of the plaintiffs' claims, should be made immediately. That is the last chance and only way to straighten out the Republic

of Korea from the defendants who planned and neglected fraudulent elections manipulating the will of the sovereign people.

October 16, 2020

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**Messrs. Supreme Court**