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**PUBLIC OFFICIALS ELECTION AND RECALL LAW
DURING THE PERIOD OF NATIONAL MOBILIZATION
IN SUPPRESSION OF COMMUNIST REBELLION**

Promulgated on May 14, 1980;

Amended on July 7, 1983 and February 3, 1989

**CHAPTER I
GENERAL PROVISIONS**

Article 1

The election and recall of public officials during the period of mobilizations for suppressing Communist rebellion shall be governed by the provisions of this law. Matters regarding their election and recall not herein stipulated shall be governed by other relevant and applicable laws and orders.

Article 2

The public officials herein referred to mean the following personnel:

- 1) Of the Central Government: Members of the National Assembly, of the Legislative Yuan, and of the Control Yuan.
- 2) Of the local governments: Provincial assemblymen, councilmen of cities of provincial status, county councilmen, councilmen of cities of county status, *hsiang* (town and *shih*) representatives, magistrates, mayors of cities of county status, *hsiang* (town and *shih*) chiefs, village leaders and *li* leaders.

Article 3

The election of public officials shall be conducted on the basis of universal suffrage, equality among citizens and direct and secret ballots. But the members of the Control Yuan shall be elected with secret ballots cast by provincial assemblymen and councilmen of the cities of provincial status. The number of names entered on each ballot in the election of Control Yuan members shall not exceed one-third of the number of the members to be elected in the same election.

The recalls of public officials shall be decided by the electors of their respective constituencies with secret ballots.

Article 4

The deadline day for calculating the ages and the lengths of residence of the

electors and the candidates shall be that immediately preceding the election day, and the facts concerning their ages and lengths of residence shall be those recorded in their household registration books.

The length of residence shall begin and shall be counted from the day of registration of the fact of moving into a new residence.

In reholding a balloting, the balloting day last fixed for the election shall be the criterion day for calculating the ages and the lengths of residence.

Article 5

The stipulations for the calculation of the various periods herein shall be in accordance with the provisions of the civil code, and a fixed period shall not be lengthened when its last day is a holiday.

CHAPTER II ELECTION AND RECALL ORGANS

Article 6

For the election of public officials, a central election commission, provincial election commissions, election commissions of cities of provincial status, county election commissions, and election commissions of cities of county status shall be established.

Article 7

The Central Election Commission shall be in charge of the elections of the members of the National Assembly, the Legislative Yuan, the Control Yuan, the provincial assemblies and the councils of cities of provincial status. The Commission shall also direct and supervise the related inferior election commissions to conduct these elections.

The provincial election commissions shall be in charge of the elections of county councilmen, city councilmen, magistrates and mayors, and shall also direct and supervise the county and city election commissions to conduct these elections.

The county election commissions shall conduct the elections of representatives and the chiefs of *hsiangs*, towns and *shih*s (municipalities).

The county election commissions shall conduct the elections of the leaders of villages and *lis*, and the city election commissions shall conduct the elections of *li* leaders.

The elections provided for in Paragraph 2, 3 and 4 shall also be under the supervision of the respective superior election commission(s).

During the election period, the election commissions of the cities of provincial

status and the election commissions of the counties and the cities of county status shall establish offices in the districts, *hsiangs*, towns, and *shihs* to manage election affairs.

Article 8

The Central Election Commission shall be under the jurisdiction of the Executive Yuan and shall consist of certain number of members among which the number of members of the same political party shall not exceed one half of the total number of members. All members shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan. One of them shall be designated as its chairman. The organic rules and regulations of the Commission shall be drafted by the Executive Yuan and shall be submitted to the President of the Republic for his approval.

The provincial election commissions (and the election commissions of the cities of provincial status) shall be subordinate to the Central Election Committee and shall each consist of a certain number of members. All members shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One member of each commission shall be designated as its chairman.

The county election commissions and the election commissions of the cities of county status shall be subordinate to the provisional election committee and shall each consist of a certain number of members appointed by the Central Election Commission upon the recommendation of the provincial election commission. One member of each commission shall be designated as its chairman.

The organic rules and regulations of the provincial election commissions, the election commissions of the cities of provincial status, and the election commissions of the counties and of the cities of county status shall be drafted by the Central Election Commission and shall be subject to the approval of the Executive Yuan.

The election commissions at various levels shall exercise their respective duties and powers in an impartial manner in accordance with the laws and regulations.

Article 9

The recalls of public officials shall be handled by appropriate election commissions. For the purpose of handling recalls, Article 7 shall be applied *mutatis mutandis*.

Article 10

During the time of conducting an election or recall, the related election commission of any level shall be competent to have the staff members of any government agencies transferred and placed under its supervision to do election or recall business.

Article 11

The election commissions of all levels shall be in charge of the following affairs:

- 1) The proclamation of elections and recalls.
- 2) The procedures and plans for elections and recalls.
- 3) The screening of the qualifications of candidates.
- 4) The planning for election publicity.
- 5) The inspection of election and recall activities.
- 6) The establishment and management of ballot casting and opening stations.
- 7) The examination of the results of elections and recalls.
- 8) The preparation and issuance of election certificates.
- 9) Other affairs related to elections and recalls.

Article 12

The Central Election Commission shall opt several impartial persons who have the right to vote as inspectors at large. They shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One of them shall be designated as convener. The election commissions of the cities of provincial status, counties, and the cities of county status shall each have an inspection group of several members. The respective election commissions shall recommend impartial persons having voting rights to the Central Election Commission or the provincial election commissions for appointment. One member of each group shall be designated as its convener. Each inspection group shall execute the following affairs:

- 1) To see if there is violation of any law and regulation regarding elections and recalls by any candidate, campaign assistant, recall sponsor or public official under recall process.
- 2) To see if there is violation of any law or regulation regarding elections and recalls by an elector or a recall sponsor.
- 3) To see if there is any law violation by the persons executing election or recall business.
- 4) To oversee other affairs related to elections and recalls.

All inspectors shall be honorary without salary. The terms of office and the number of members shall be stipulated in the organic rules and regulations of the Central Election Commission, of the election commissions of the cities of provincial status, and of the election commissions of counties and the cities of county status.

The election commissions of the cities of provincial status and of the counties and the cities of county status shall each opt impartial persons having voting rights as inspectors to work in the meetings of political views presentation.

The work code for inspectors and inspection groups of all levels shall be fixed

by the Central Election Commission.

Article 13

The budget of the election commissions of all levels shall be made by the central, provincial (city) and county (municipal) governments in accordance with the law.

CHAPTER III ELECTIONS

Section 1 -- Electors

Article 14

All nationals of the Republic of China who have attained the age of 20 and who do not have any of the following disqualifications shall be eligible to vote:

- 1) His civil rights have been deprived and have not been restituted.
- 2) He has been declared incompetent and the declaration has not been abrogated.

Article 15

In an election of public officials representing geographical areas a person having the right to vote shall be an elector either in the place of his domicile of origin or in the constituency where he has lived continuously for six months or longer.

The regulations regarding domicile of origin shall not apply to the elections of representatives of *hsiangs*, towns and *shihs* or to the elections of the leaders of *hsiangs*, towns, *shihs*, villages and *lis*.

In the elections of local officials of the cities of provincial status, counties, cities of county status, *hsiangs*, towns and *shihs*, the length of residence of a person as stated in Paragraph 1 shall be based on the length of his residence in the administrative area where he lives, even if the said administrative area is divided into several constituencies. A person who moves into a new constituency after the proclamation of election is made shall have no right to vote in the election.

Article 16:

The electors in an election of the public officials with special life habits shall be the electors also with special life habits who have the other qualifications set forth in Article 15.

The electors in an election of the public officials representing an occupational or a women organization shall be the electors who have been members of their

organization for at least six months and also have the other qualifications set forth in Article 15.

The electors in an election of the members of the Control Yuan shall be the provincial assemblymen and the councilmen of the cities of provincial status.

Article 17

A person having the right to vote who in one category of election has two or more capacities to cast ballots shall choose one of them to exercise his right to vote.

Article 18

A person having the right to vote shall choose a place to exercise this right in accordance with the following provisions:

- 1) A person qualified to vote both in the place of his domicile of origin and in the place of his residence shall exercise his right to vote in the latter place unless he, twenty-five days before the balloting day, files a declaration with the household office of the *hsiang* (town, *shih*, district) of his domicile of origin to the effect that he will exercise this right in the place of his domicile of origin.
- 2) A person qualified to vote both in an occupational or a women organization and in a geographical constituency shall exercise the right to vote in the occupational or women organization unless he (she), sixty days before the balloting day, files a declaration with his (her) organization to the effect that he (she) will exercise this right in the geographical constituency.
- 3) A person qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the women organization unless she, sixty days before the balloting day, files a declaration with the occupational organization to the effect that she will exercise this right in the occupational organization.
- 4) A person qualified to vote in two or more occupational organizations shall, sixty days before the balloting day, file a declaration with the organization of his choice to the effect that he will vote in this organization, and he shall inform the other organizations he belongs of this fact. The one who does not declare shall vote in the organization to which he was admitted earlier. If he was admitted to two or more organizations on the same day, he shall exercise the right to vote in his geographical constituency.
- 5) A person with special life habits and qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the constituency of persons with special life habits unless he (she), sixty days before the balloting day, files a declaration with the organization of

his (her) choice to the effect that he (she) will exercise this right in the occupational (women) organization.

Article 19

If a member of an occupational organization or a women organization loses its membership 20 days before the balloting day, he or she shall not be qualified to vote in the occupational or women organization. But he or she may exercise the right to vote in his (her) geographical constituency or the constituency of persons with special life habits in accordance with the law.

Article 20

Unless stipulated otherwise, an elector shall cast his ballot at the poll of his residence.

The electors of occupational and women organizations and the workers of the polls may cast their ballots at the polls either in the places of their household registration or in the places where they work. A member of a women or an occupational organization who chooses to vote in his (her) working place shall, sixty days before the balloting day, file a declaration with his (her) organization to the effect that he (she) will vote in his (her) working place.

Electors who elect to exercise their right to vote in an election for electing two or more kinds of public officials at the same time, may cast their ballots at one poll only. This provision also apply to the electors who have declared to exercise their voting right at their working place.

The electors who shall elect the members of the Control Yuan shall cast their ballots at the polls installed by the election meetings held by the provincial assemblies (councils of cities of provincial status).

Article 21

An elector shall obtain his ballot in the poll on the presentation of his identification card.

In the election of the members of the Control Yuan, an elector shall obtain his ballot in the poll on the presentation of his credential identifying his provincial assemblymanship or city councilmanship.

Article 22

All electors shall go to the poll to obtain and cast their ballots in the prescribed time. After the deadline no one shall be permitted to enter the poll. Those who have entered timely but do not yet cast their ballots may proceed to cast them.

Section 2 – Electoral Registers

Article 23

The electoral register of a geographical constituency shall be compiled by the household office of a *hsiang* (town, *shih*, district) based on the household registration books. All those who have duly registered and in accordance with the law have the right to vote shall be included in the register. Those who have moved away from their registered residences or changed their domicile registration on any of the twenty days before the balloting day shall exercise the right to vote in the constituency where they are originally qualified to vote.

Article 24

The electoral register of an occupational or a women organization shall be compiled by the household office in conformity with the provisions of Article 23 above and based on the membership roster made and reported by the occupational or women organization. Those who have lost their membership on any of the twenty days before the balloting day shall exercise the right to vote in the organization in which they are originally qualified to vote.

There shall be compiled separate electoral registers of the electors of occupational and women organizations who have declared to the effect that they will cast their ballots in the places where they work.

Article 25

The electoral register of the citizens with special life habits shall be compiled by the household office in accordance with the provisions of Article 23 above, and the identification of a citizen as one having special life habits shall be based on the record in the household registration books.

Article 26

When elections of two or more categories of public officials are held at one and the same time, the electoral registers may, according to the actual need, be compiled either separately for different elections or jointly for all the elections.

Article 27

The electoral registers for the election of the members of the Control Yuan shall be compiled by the civil affairs departments of the provincial governments and the governments of the cities of provincial status based on the name lists of provincial

assemblymen and city councilmen.

Article 28

The electoral registers of occupational and women organizations shall be compiled by the respective organizations and shall be displayed publicly at the office of each organization 50 days before the balloting day for five days for their members to read. Any member who finds a mistake or an omission on the register may apply for correction during the period of display.

Article 29

Upon completion of the compilation of the electoral registers the household offices shall submit them to the *hsiang* (town, *shih*, district) office for transmittal to the election commission of the city of provincial status or county or city of county status for reference. At the same time it shall send a copy to the respective village or *li* office. The village or *li* office shall put the copy on display in the office for five days. Any citizen who finds a mistake or an omission on the copy may apply for correction during the period of display.

Article 30

At the expiration of public display days the village or *li* leader shall immediately submit the electoral registers together with a report on the applications for corrections, if any, to the *hsiang* (town *shih*, district) office for transmittal to the household office for re-checking and re-correcting purposes.

The electoral registers shall be finally established and fixed after public display and corrections, and the election commissions of the cities of provincial status and of the counties shall proclaim the numbers of electors.

Section 3 — Candidates

Article 31

An elector who has attained the age of 23 may register as candidate for a public office, in the constituency where he exercises his right to vote, but to be a candidate for county magistrate or for mayor of a city of county status one must attain the age of 30, and to be a candidate for *hsiang* (town or *shih*) chief one must attain the age of 26.

A person, who have the right to vote, attained the age of 35, and has been residing either in the place of his domicile of origin or in the administrative district of the respective province or city of provincial status for a consecutive period of six month,

may register himself as a candidate for the member of the Control Yuan.

A person whose nationality of the Republic of China has been restored for three years or who has been naturalized in the Republic of China for ten years shall be eligible to apply for registering as a candidate in accordance with the provisions of the preceding two paragraphs.

Article 32

A person intending to register as a candidate in an election for public officials shall have to have the following scholastic background and experience:

- 1) A candidate for member of the National Assembly, the Legislative Yuan.
A senior high school or a higher school graduate, or having passed an ordinary or a higher civil service examination, or having served as a provincial assemblyman or a councilman of a city of provincial status or as a higher public official for one term.
- 2) A candidate for member of the Control Yuan: A college or a higher school graduate, or having passed the high civil service examination or a higher examination and having had experience in administration or judicial work for more than four years, or having served as a teacher in college or higher school or having practiced as a lawyer or certified public accountant for more than four years, or having served as a provincial assemblymen or a councilman of a city of provincial status for one or more terms.
- 3) A candidate for provincial assemblyman or councilman of a city of provincial status: a senior high school or a higher school graduate, or having passed an ordinary or a higher civil service examination, or having served as a county councilman or a councilman of a city of county status or as a higher public official for one term.
- 4) A candidate for county councilman or councilman of a city of county status: a junior high school or a higher school graduate, or having passed a Grade D or a higher special examination, or having served as a *hsiang*, town or *shih* representative or as a higher public official for one term.
- 5) A candidate for *hsiang*, town or *shih* representative: a junior high school or a higher school graduate, or having passed a Grade D or a higher special examination or having served as a *hsiang*, town or *shih* representative or as a higher public official or village or *li* leader for one term.
- 6) A candidate for county magistrate or mayor of a city of county status: a junior college or a higher school graduate, or having passed a high civil service examination with four or more years of administrative experience, or having served as a lecturer or a higher teaching position at a junior college or higher school for more than four years or having practiced the profession qualified

through the high civil service examination for more than four years, or a senior high school or a higher school graduate or having passed the ordinary service examination or a higher examination and having served as *hsiang*, town or *shih* representative or as a higher public official for two years.

- 7) A candidate for *hsiang*, town or *shih* chief: a junior high school or a higher school graduate, or having passed an ordinary civil service examination or a higher examination with four years of administrative experience, or having served as *hsiang*, town or *shih* representative or as a higher public official for two years.
- 8) A candidate for village (*li*) leader: a primary school or a higher school graduate, or having passed a Grade D or a higher special examination or having served as a *hsiang*, town or *shih* representative or as a higher public official or as a village or *li* leader for one term.

The scholastic background and experience set forth in the foregoing paragraphs shall be determined through a screening process. The rules governing the screening of candidates for public offices shall be decided by the Examination Yuan.

A person who has passed the screening process required of a candidate for a certain public office before the coming into force of this law shall be qualified for that office without repeating the screening process.

A person who has passed the screening process as a qualified candidate for any of the public officials as provided for in Item (1), Paragraph One, shall be qualified as a candidate for other public officials as provided in the same Item or in Items (3) through (5). A person who has passed the screening process as a qualified candidate under Item (2) shall also be qualified as a candidate for the public officials as provided for in Item (1) and Items (3) through (5). A person who has passed the screening process as a candidate for public officials as provided for in Item (3) shall also be qualified as a candidate for the public officials as provided for in Item (4) and Item (5). A person who has passed the screening process as a candidate qualified for public officials as provided for in Item (4) shall also be qualified as a candidate for the public officials as provided in Item (5). A person who has passed the screening process as a qualified candidate for public officials as provided in Item (5) shall also be qualified as a candidate for the public officials as provided in Items (7) and (8). A person who has passed the screening process as a qualified candidate for public officials as provided for in Item (7) shall also be qualified as a candidate for the public officials as provided in Item (8).

Article 33

When elections of two or more categories of public officials are held simultaneously, a person shall be permitted to register as candidate only for one of them.

A person who has two or more qualifications of candidacy in the election of one category of public officials shall be permitted to register only one candidacy.

The registration of a person who has registered simultaneously as a candidate for two or more different public offices or as two candidates for one public office shall be null and void.

Article 34

A person who has one of the following disqualifications shall not be permitted to apply for registration as a candidate:

- 1) Having committed an offense against national internal security or national external security and having been convicted.
- 2) Having committed the crime of corruption and having been convicted.
- 3) Having committed offenses against any of the articles from Article 87 to Article 89 of this law or Article 144 of the Criminal Law and having been convicted.
- 4) Having committed a crime other than the offenses set forth in the foregoing paragraphs and having been convicted and sentenced to a fixed prison term which has not been wholly or partly executed. However, reprieved convicts shall be excepted.
- 5) Having been subjected to a final ruling of peace and safety preserving measures or reformatory education for juvenile delinquent; and the punishment having not been executed or having not been wholly executed.
- 6) Having been proclaimed bankrupt and having not been rehabilitated.
- 7) Having been suspended from official appointment or having received punishment on suspension from official duty in accordance with the law and the period of suspension having not expired.
- 8) Having been deprived of civil rights and his civil rights having not been restored.
- 9) Having been proclaimed as an interdicted person and the proclamation having not been abrogated.

Article 35

The following people shall not register as candidates:

- 1) Militarymen and policemen in active service.
- 2) Full-time students still in school.
- 3) Persons handling election business.

If the militarymen in active service mentioned in Item (1) are reservists or militiamen called to service, this Article does not apply to them either before they shall have been called to service or when they are called for re-education, for temporary assignment or for roll-call inspection.

An incumbent functionary shall not register as a candidate for member of the National Assembly in the constituency where his office is located.

Article 35-1

A legally organized political party may nominate candidates to participate the election for public officials. The candidates so nominated shall submit the letter of nomination issued by the political party concerned when apply to the election committee for registration as a candidate for public official.

Article 36

When any of the following disqualifying facts is discovered, either before the name lists of registered candidates are made public or before the balloting is conducted, the registered candidacy shall be canceled by the election commission. The election commission shall also bring a lawsuit against an elected person to invalidate his election if a disqualifying fact is found after the balloting under Article 103-1 of this law:

- 1) The qualifications of the candidate are not accordant to the requirements specified in Article 31, or the qualification acquired through the screening process has been nullified.
- 2) The candidacy is in violation of Article 34 or Paragraphs 1 and 3 of Article 35.
- 3) Candidacy registration is forbidden by Paragraph 1 of Article 85.

Article 37

A person who has registered his candidacy shall not be permitted to withdraw his registration after the registration deadline. A person who has withdrawn his registration before the deadline shall not be permitted to apply for registering as a candidate for a public office in the same category of election.

A political party may withdraw the nomination of any of its nominated candidates for election of public officials before the deadline of registration.

Where a registered candidate moves out of his constituency or is disenrolled from his constituency, or his membership in an occupational or women organization is invalidated after the deadline of registration, his qualification as a candidate shall not be affected, and he shall still be eligible to exercise his right to vote in the original constituency or the organization concerned.

Article 38

At the time of registration, a candidate shall pay a deposit. The election

commissions shall give a public notice of the amounts of such deposits in advance. Candidates for village (*li*) leaders shall be exempted from making payment of a deposit.

The candidate(s) nominated by a political party may pay one half of the required deposit, but a candidate whose nomination is withdrawn by the political party shall pay the deposit in full amount.

The deposits referred to in the preceding two paragraphs shall be refunded within ten days after the name lists of the elected have been publicly announced. But the deposit shall neither be refunded to a candidate for member of the Control Yuan who receives no vote, nor to other candidates who receive ballots less than 10 percent of the quotient obtained by dividing the number of the qualified electors in their respective constituencies by the number of officials to be elected in the election.

Section 4 – Constituencies

Article 39

For the election of public officials, the constituencies shall be demarcated in accordance with the following provisions:

- 1) For members of the National Assembly to be elected by the cities of provincial status and by counties (including the cities of county status), the administrative areas of the respective counties and cities shall be the constituencies which may further be subdivided into several constituencies.
- 2) For members of the Legislative Yuan to be elected by a province or a city of provincial status, the respective administrative areas shall be the constituencies and an administrative area may be divided into several constituencies.
- 3) For members of a provincial assembly to be elected by counties and cities of county status, the respective administrative areas of the counties and cities shall be the constituencies. For members of a council of a city of provincial status, its administrative area may be divided into several constituencies.
- 4) For members of a county council or a council of a city of county status and for representatives of a *hsiangs* (town or *shihs*), the respective administrative areas of the counties, cities and *hsiangs* (towns or *shihs*) shall be the constituencies, and one administrative area may be divided into several constituencies.
- 5) For magistrates of counties, mayors of the cities of county status, chiefs of *hsiangs* (towns and *shihs*) and leaders of villages and *lis*, the respective administrative areas of the counties, cities, *hsiangs* (towns and *shihs*), villages and *lis* shall be the constituencies.

Article 40

For members of the National Assembly and the Legislative Yuan to be elected by occupational organizations, all occupational organizations of the same category shall constitute a constituency.

For members of the National Assembly to be elected by women organizations, the women organization of a province and that of a city of provincial status shall each constitute a constituency.

Article 41

For members of the National Assembly, the Legislative Yuan, the provincial assemblies, and councils of cities of provincial status or for representatives of a *hsiang*, town or *shih* to be elected by citizens with special life habits, the constituencies shall be fixed in accordance with the following provisions:

- 1) For members of the National Assembly and the Legislative Yuan this group of citizens shall be divided into a constituency of those living on the plains and a constituency of those living in the mountainous areas.
- 2) For provincial assemblymen, councilmen of the cities of provincial status, county councilmen and councilmen of the cities of county status and for *hsiang*, town and *shih* representatives to be elected by the citizens with special life habits, the citizens of this group in the administrative area of a province, a city of provincial status, a county, a city of county status, a *hsiang*, a town or a *shih* shall each constitute a constituency. These citizens in any administrative area may also be divided into a constituency of those living in the plains and a constituency of those living in the mountainous areas.

Article 42

The demarcation of constituencies provided for in Paragraphs 2 and 4 of Article 39 and Paragraphs 1 and 2 of Article 41 for the election of provincial assemblymen and councilmen of the cities of provincial status shall be carried out by the Central Election Commission; that set forth in Paragraph 5 of Article 39 and Paragraph 2 of Article 41 for the election of county councilmen (councilmen of a city of county status), *hsiang*, town and *shih* representatives shall be carried out by the respective election commissions. The proclamation of constituency demarcation shall be made simultaneously with the election proclamation. If there is a change in the demarcation of constituency, the proclamation shall be made six months before the expiration of the terms of office of the public officials concerned, or before the prescribed dates.

The administrative areas, population distribution, geographical environment, transportation conditions and the number of public officials to be elected shall be taken

into account in demarcating constituencies.

Section 5 – Election Proclamations

Article 43

The election commissions shall issue various proclamations in accordance with following provisions:

- 1) An election proclamation shall set forth the category of election, the number of public officials to be elected, the demarcation of constituencies, the election date and the times of balloting. The proclamation shall be issued forty days before the expiration of terms of office of public officials concerned or before the prescribed dates, but in reholding an election or a balloting and in supplementary elections the forty days stipulation shall not apply.
- 2) Days of candidates registration shall be proclaimed twenty days before the election day. The duration of registration shall not be less than five days. But in the elections of representatives of *hsiangs*, towns or *shihs*, chiefs of *hsiangs*, towns or *shihs*, and leaders of villages and *lis*, the duration shall not be less than three days.
- 3) The name lists of the electors shall be proclaimed fifteen days before the election day and shall be for public reading for at least five days.
- 4) The name lists of registered candidates shall be proclaimed one day before the beginning of campaign activities.
- 5) The number of electors shall be proclaimed three days before the election day.
- 6) The name lists of persons elected shall be proclaimed within seven days after the election.

When no candidate is registered in a constituency during the duration provided for in Paragraph 1; Article 2, a second proclamation for candidates registration shall be issued for a duration of not less than two days.

Article 44

The elections of public officials shall be completed ten days before the expiration of their respective terms of office or before the prescribed dates. But this provision shall not apply in reholding an election, or a balloting or in supplementary elections.

Section 6 – Election Activities

Article 45

The duration of campaign activities of the candidates for public offices shall be

in accordance with the following provisions:

- 1) Fifteen days for the candidates for members of the National Assembly, the Legislative Yuan and the Control Yuan.
- 2) Ten days for the candidates for members of provincial assemblies, councilmen of the cities of provincial status, county councilmen, councilmen of the cities of county status, magistrates and mayors.
- 3) Five days for the candidates for representatives of *hsiangs*, towns and *shihs*, and for the candidates for chiefs of *hsiangs*, towns and *shihs*.
- 4) Three days for the candidates for village and *li* leaders.

Campaign activities shall end on the day immediately before the election day. The duration of campaign activities referred to in this article shall be counted backward from the concluding date. The beginning and closing times of each day of campaign activities shall be decided by the election commissions.

Article 45-1

The maximum campaign expenditures of a candidate for each public office shall be set by the election commissions and announced together with the election proclamation.

To set the maximum campaign expenditures of the candidates a basic amount shall be determined, in accordance with the categories of the public offices concerned and the length of period of election campaign, and taking into account the area of constituency involved, the transportation condition, the campaigning activities and essential expenditures, and the price index. The calculation shall be based on the number of the total population of the constituency involved divided by the number of officials to be elected from that constituency and then multiplied by the basic amount.

Article 45-2

Candidates shall not accept campaign contributions from the following sources:

- 1) Foreign groups, juridical persons or individuals, or groups or juristic persons whose major members are foreign nationals;
- 2) Contributions made by other candidates of the same category in the same election.

Article 45-3

A candidate or his designated person shall keep records of campaign funds.

Within 30 days after the election, the candidate shall report the receipts and expenditures to the related election commission. The report shall be signed by one of

the said persons.

If the election commission, in view of the facts on hand, suspects the truth of the report, it may require the candidate to file proof or documentation.

These shall be kept on file for six months after the submission of the report. In the event of a lawsuit involving him, the proof and or documentation shall be kept for three more months from the time of judgment.

The rules for checking campaign receipts and expenditures shall be decided by the Central Election Commission.

Article 45-4

Where the total amount of campaign funds of a candidate is under the mandatory ceiling of campaign expenditures and without any contributions from others, such amount may be entered into the annual income tax return as an item of deductibles.

The amount of campaign contribution to a candidate shall not exceed NT\$20,000, if contributed by an individual, nor exceed NT\$300,000, if contributed by a profit-seeking enterprise. The total amount of campaign contributions to be received by a candidate shall not exceed the ceiling of campaign expenditures to be determined under Article 45-1 hereof.

The amount of campaign contribution to a legally organized political party from an individual shall not exceed 20% of the total amount of his consolidated income, with the total amount of campaign contribution to be made by him being limited to not more than NT\$200,000. The amount of campaign contribution to a political party from a profit-seeking enterprise shall not exceed 10% of its total income, with the total amount thereof being limited to not more than NT\$3,000,000.

The campaign contributions referred to in the preceding two Paragraphs may be declared in the annual income tax return as an item of deductibles for the then current year, in the case of an individual contributor, or as an item of expenditures or loss in the then current year, in the case of a profit-seeking enterprise contributor.

A profit-seeking enterprise is operating at a loss for three consecutive years is not permitted to make election campaign contribution.

Article 45-5

A candidate for a public official who has received favorable ballots in a number in excess of 3/4 of the minimum number of ballots to be received by a successful candidate as determined for his constituency shall be entitled to a subsidy to his campaign expenditures at the rate of NT\$10 per ballot provided, however, that the total amount of such subsidy shall not exceed the ceiling of campaign expenditures fixed hereunder for a candidate in his constituency.

Where the elected person who receives the minimum stipulated number of ballots

is elected due to reserved women quota, the number of ballots received by the elected person who receives the next higher number of ballots than that received by the abovesaid woman candidate elected shall be taken as the minimum number of ballots for a candidate to become an elected person.

The subsidy required under Paragraph One of this Article shall be covered in a budget to be formulated by the election committees at various levels.

Article 46

Except for election of members of the Control Yuan, candidates for election of campaign assistants in their respective constituencies.

Regulations governing establishment of campaign headquarters and employment of campaign assistants by candidates shall be prescribed by the Central Election Commission.

Article 47

The following persons shall not be qualified for campaign assistants:

- 1) Registered candidates;
- 2) Public functionaries;
- 3) Those who have any of the disqualifications set forth in Article 34 and those listed in Item (1) of Article 35 above.

One person shall not serve as a campaign assistant for two candidates.

Article 48 (deleted)

Article 49

With the exception of the political views presentation meetings of the candidates for members of the Control Yuan, all of which shall be sponsored by the election commission, political views presentation meetings shall be divided into candidate-sponsored meetings and election commission-sponsored meetings. Candidate-sponsored meetings shall be held before election commission-sponsored meetings, and the number of days for the latter shall not exceed those for the former.

The election commission-sponsored meetings shall be held by the election commission during the days set for them. The candidates concerned shall personally attend any or all meetings to present their views. Whether election commission-sponsored meetings in the election of village and *li* leaders are held or not shall be decided by the election commission in accord with the situation.

The candidate-sponsored meetings shall be held by the candidates on the days

specified. No more than six meetings shall be held in any single day, and each meeting shall last no more than two hours. Candidates concerned shall be present. No one other than the candidate and his campaign assistant(s) shall make speeches at the meeting. The time and place of a meeting shall be reported to the election commission in charge for its approval two days in advance.

The election commission may send authorized inspectors to oversee the proceedings at the political views presentation meetings.

Article 50

The election commission shall compile the candidates' views, serial numbers, photographs, names, ages, sexes, domiciles of origin, place of birth, party affiliations, scholastic backgrounds, experiences, occupations and addresses, and shall print in a gazette all these together with the legal provisions related to the election and balloting for distribution to each household or the electors of the election of members of the Control Yuan in the constituencies two days before the balloting day and for posting in appropriate places.

When registering their candidacies, the candidates shall submit the above-mentioned political views and personal data to the election commission.

If the political views of a candidate violate any of the provisions of Article 54 above, the election commission shall notify him and demand that he correct them within a fixed period. In case he fails the demands, or the corrected portion still violates such provisions, the portion that violates one or more of the provisions shall not be published in the gazette. Neither will the untrue personal data of a candidate be published in the gazette.

Candidates shall be responsible for the contents of their own personal data. Any personal data of a candidate which is found untrue by the election committee concerned, ex officio or through investigation, shall not be published in the gazette.

For a candidate nominated by his political party, the nomination of his political party shall be published in the gazette. For a candidate who is not a nominee of his political party or whose nomination has been withdrawn by his political party, his party affiliation shall be published in the gazette.

Keeping the requirement of the practical circumstances in views, the election commissions may arrange other election activities through the mass media for designated kind(s) of election of public officials.

Article 51

Propaganda materials carrying words and/or pictures printed and disseminated by a candidate in campaign activities shall be signed in person by the candidate.

The campaign materials referred to in the preceding Paragraph shall not be posted

at places other than those provided or designated by the election committee in charge. The specifications of such campaign materials shall be prescribed by the Central Election Commission.

Advertising materials in the form of slogans, signboards, banners and/or strips of cloth used in campaign activities by a candidate may be hanged up or erected only at places within 30 meters from his campaign headquarters, except for those used on campaign vehicles.

Article 51-1

During the period of campaign activities, a political party may sponsor political view presentation meeting(s) and printing and disseminating propaganda materials for the candidate(s) nominated by such political party.

In addition to the candidate(s) and his (their) campaign assistants, persons who have been reported to and registered with the election committee in charge by his (their) political party may also deliver speeches at the political view presentation meeting(s) to be held in accordance with the provisions of the preceding Paragraph.

Propaganda materials to be printed and disseminated by a political party for election campaign purposes shall carry thereon the title of the said political party.

The political view presentation meetings set forth in Paragraph One of this Article shall be held during the period designated for holding candidate-sponsored political view presentation meetings and shall be governed by the provisions of Paragraphs Three and Four of Article 49 here of *mutatis mutandis*.

Article 52

With the exception for election of member of the Control Yuan, a candidate may use campaign vehicles and loudspeakers during the campaign period.

The campaign vehicles used by a candidate shall fly banners issued by the election commission in charge, and shall not exceed five vehicles in number. However a candidate whose constituency is a city of provincial status, a county or a city of county status shall not employ more than three campaign vehicles. A candidate whose constituency is a *hsiang*, a town or a *shih* shall not employ more than two campaign vehicles. A candidate whose constituency is a village or *li* shall not employ more than one vehicle.

Campaign vehicles shall fly banners issued by the election commission in charge.

Loudspeakers used for campaign activities shall be installed only on campaign vehicles, at sites of candidate-sponsored political views presentation meetings and at campaign headquarters. Their use shall not interfere with the presentation of political views by other candidates.

Article 53 (deleted)

Article 54

The utterances of a candidate and of his campaign assistants shall not commit any of the following offenses:

- 1) Instigating persons to commit offenses against the internal security or external security of the state.
- 2) Inciting persons to undermine social order with violence.
- 3) Committing other offenses set forth in the criminal code.

Article 55

The campaign activities of a candidate or his assistants shall not include any of the following acts:

- 1) Making public speeches in any place other than at the political views presentation meetings.
- 2) Engaging in public campaign activities not during the prescribed period or the prescribed time of the day.
- 3) Assembling a crowd for a parade.
- 4) Instigating the electors in a name signing movement or using broadcasting and/or television systems for campaign advertising.

Article 55-1

A political party shall not conduct any of the following acts:

1. Delivering speecher in public at any place other than at the political view presentation meetings for a candidate;
2. Establishing campaign headquarters or employing campaign assistants;
3. Making propaganda for a candidate or candidates by using campaign vehicles or by using loudspeakers at any place other than at a political view presentation meeting;
4. Assembling a crowd for a parade aiming to make propaganda for a candidate or candidates;
5. Making propaganda for a candidate or candidates by posting campaign materials or hanging up or erecting slogans, signboards, banners and/or strip of cloth carrying campaign statements at any place beyond the range of 30 meters from the office of such political party;
6. Instigating the electors in a name signing movement or transmitting campaign advertisings via a broadcasting or television system for a candidate or candidates;

7. Setting off firecrackers.

Article 56

During the campaign, only candidates and their campaign assistant can carry on legalized campaign activities, and no other person shall be permitted to engage in any of the following acts:

- 1) Making public speeches or broadcasting or playing in public the video or sound tapes of campaign speeches for a candidate.
- 2) Printing, disseminating or posting propaganda materials or hanging up or erecting slogans, signboards, banners or strips of cloth carrying campaign statements for a candidate.
- 3) Operating motor vehicles and loudspeakers not authorized to participate in campaign activities to show support for a candidate.
- 4) Assembling a crowd for campaigning purposes.
- 5) Instigating the electors to sign campaign papers or to use mass media to do campaign propaganda for a candidate.
- 6) Setting off firecrackers to show support for a candidate.

Section 7 – Casting and Opening of Ballots

Article 57

In the election of public officials, polls shall be established in the office buildings, schools, public places and other appropriate places in keeping with the size of the constituency and the geographical distribution of electors.

In the election of the members of the Control Yuan, the poll shall be established at the provincial assemblies or the councils of cities of provincial status.

Upon completion of balloting, a poll shall be turned into a ballot-opening station and the ballots shall be counted aloud in the presence of spectators. After all the ballots are opened and counted, the chief administrator and the chief inspector of the ballot-opening station shall proclaim together in writing the result of the opening of the ballots.

Article 58

Each poll and each ballot-opening station shall have one chief administrator and several administrators appointed by the election commission to take charge of ballot casting and opening business.

Article 59

Each poll and each ballot-opening station shall have one chief inspector and several inspectors to inspect the casting and opening of ballots.

Each candidate shall be entitled to recommend an average number of necessary inspectors. The election commission shall appoint the qualified ones after screening. However for a candidate nominated by a political party the nominating political party shall recommend the inspector for him. A candidate or a political party may assign the inspectors he (it) has recommended to the polls and ballot-opening stations of his (its) choice to inspect the casting and opening of ballots. If the assigned inspectors are more than the prescribed number for a poll or ballot-opening station, the choices shall be determined by drawing lots. However, not all the inspectors at a poll and a ballot-opening station shall come from the same political party.

When the number of chief inspectors and the number of inspectors recommended by the candidates are less than needed, the election commission shall opt from among the following personnel to fill the vacancy or vacancies:

- 1) Local impartial people;
- 2) Personnel of government organizations and schools;
- 3) Adult students of the colleges and universities.

The rules governing the recommendation of inspectors and their service shall be decided by the Central Election Commission.

Article 60

The ballots shall be printed and distributed by the election commission, taking into account the different constituencies. The ballots shall bear the serial numbers, names and photographs of all candidates.

The above-mentioned ballots shall be delivered to the chief administrators of the polls the day before the balloting day. Each chief administrator shall count the ballots together with the chief inspector in the presence of spectators.

Article 61

Before casting his ballot an elector shall vote for a single candidate with a marking tool prepared by the election commission. In the election for members of the Control Yuan, an elector shall vote for a number of candidates not exceeding the number provided for in Section 2 of Paragraph 1 of Article 3.

After marking his ballot the elector shall not show it to anyone.

Article 62

A ballot shall be invalid in any of the following instances:

- 1) It is not prepared and distributed by the election commission in charge;
- 2) It is marked for two or more candidates or in the case of the election for members of the Control Yuan, for a number of candidates exceeding the number stipulated;
- 3) The mark is put in such a place that the elector's choice cannot be ascertained;
- 4) The mark is altered;
- 5) The ballot bears a signature, name chop, fingerprint, words or any other writing sign;
- 6) The ballot is torn;
- 7) The ballot is so stained that the elector's choice cannot be ascertained;
- 8) The ballot is not marked with the tool prepared by the election commission in charge.

Any question regarding the validity of a ballot shall be determined by the chief administrator together with the chief inspector of the ballot opening station. If there is a disagreement between them, it shall be voted upon and decided by all inspectors. In the event of a tie, the ballot shall be declared valid.

Article 63

The chief administrator together with the chief inspector shall order a person to leave the poll or that ballot opening station if any of the following facts exists:

- 1) He has made a din or has interfered with or persuaded others to vote or not to vote, at defiance of interdiction.
- 2) He carries a weapon or dangerous articles into the poll.
- 3) He has other improper acts and has defied interdiction.

If any of the above-mentioned circumstances happens to an elector and he is ordered to leave, the ballot at his hand shall be taken back and the incident shall be recorded under his name in the electoral register. If the case is serious, a specific report shall be made to the election commission.

Article 64

If the casting or opening of ballots is prevented by a natural calamity or other acts of God, the chief administrator of the poll or ballot-opening station shall report the situation to the election commission of a city of provincial status or that of a county (or city of county status), and shall ask for approval to change the date or place for casting or opening the ballots. If it is an election of public officials of the Central government, provincial assemblymen (or councilmen of a city of provincial status), county councilmen (or councilmen of cities of county status), magistrates or mayors, the case shall also be reported and transmitted to the Central or provincial election commission for reference.

Section 8 – Election Results

Article 65

In an election of public officials there shall be a prescribed number of vacancies. The candidates in a constituency who have won a plurality of ballots shall be elected. When two or more candidates have received an equal number of ballots, the winner shall be determined by drawing lots.

In an election of public officials when there is a women quota and when the women elected are less than the quota, the ballots obtained by the female candidates shall be separated from those obtained by male candidates and shall also be counted separately. The female candidate(s) who has (have) won a plurality of ballots shall be declared elected.

Article 66

Where the number of candidates in a constituency is not in excess of or less than the prescribed quota of public officials to be elected for that constituency, the candidates who have received a total number of ballots over the following criteria shall be deemed elected provided, however, that this provision does not apply to the election of the members of the Control Yuan or of the village or *li* leaders:

- 1) In the election of the members of the National Assembly and the Legislative Yuan, of provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status and *hsiang* (town or *shih*) representatives, the number of ballots a candidate receives shall have to reach or exceed 10 per cent of the quotient obtained by dividing the number of electors in the constituency with the number of the vacancies to be filled in the same constituency;
- 2) In the election of county magistrates, mayors of cities of county status, *hsiang* (town and *shih*) chiefs and village and *li* leaders, the number of ballots obtained by a candidate shall have to reach 20 per cent of the number of electors in the constituency.

If no one is elected or the number of the elected does not reach the number of the vacancies to be filled, a bi-election shall be proclaimed within a fixed period after the balloting day in the case of an election of a magistrate (mayor of a city of county status) or *hsiang* (town or *shih*) chief; and it shall be deemed as vacancies still left unfilled in the case of an election of the members of the National Assembly and the Legislative Yuan, provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status, *hsiang* (town or *shih*) representatives. If the number of vacancies reaches one half of the total number of the public officials to be elected in any one constituency a date shall be fixed for

a bi-election.

Article 67

When an elected person dies or when his election is declared null and void before his taking office, the case shall be handled in accordance with the following provisions:

- 1) In the case of a magistrate, a mayor of a city of county status, a chief of a *hsiang* (town or *shih*), a leader of a village or a *li*, a bi-election shall be held within a fixed period.
- 2) In the case of a member of the National Assembly, the Legislative Yuan, the Control Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or the board of *hsiang* (town or *shih*) representatives, it shall be deemed as vacancies still left unfilled. If the unfilled vacancies reach one half of the total number of the public officials to be elected in any one constituency, a vacancy-filling election shall be held within a fixed period.

Article 68

The persons duly elected in an election shall take office at a stipulated date. Any person elected in a bi-election or after a reballoting in an election and thus cannot take office at the stipulated date, his term of office shall also begin from the stipulated date.

CHAPTER IV RECALL

Section 1 — Initiation of A Recall Case

Article 69

The recall of a public official may be initiated by an elector of the official's constituency. It shall be brought to the election commission. An elected official who has not yet served one full year after taking office shall not be subjected to recall process.

Article 70

A recall paper shall be accompanied with a statement of reason(s), and the initiation shall be made by electors of the official's constituency. The number of the initiators shall have to conform with the following provisions:

- 1) In the case of a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of *hsiang* (town or *shih*) representatives, the number of initiators shall be 5 per cent or more of the quotient obtained by dividing the total number of the electors in the officials's constituency with the number of the public officials to be elected in the constituency;
- 2) In the case of a member of the Control Yuan, the number of initiators shall be 10 per cent or more of the total number of the members of the provincial assembly or the council of a city of provincial status, which has elected that member;
- 3) In the case of a magistrate, a mayor of a city of county status, or a *hsiang* (town or *shih*) chief, or a village or *li* leader, the number of initiators shall be 2 per cent or more of the total number of electors in the official's constituency.

In any of the above-mentioned recall cases, no more than one person shall be subjected to in one proposal, but if in the same constituency there are two cases of recall, they may be voted on at the same time.

Article 71

No militaryman in active service, policemen or functionary can serve as an initiator of a recall proposal.

Article 72

A recall proposal may be withdrawn from the election commission with a written application with the concurrence of two-thirds of the initiators before cosigners are solicited.

Section 2 – Establishment of A Recall Case

Article 73

After having received a recall proposal, the election commission shall check up the initiators of the proposal within fifteen days. If they are found in conformity with the provisions of this law, the commission shall notify the leading initiator to take a book or books of cosigners from the commission in ten days and to solicit cosigners within a fixed period.

If any of the initiators is found not in conformity with the provisions of this law, his name shall be cancelled and the election commission shall notify the leading

initiator to make up the number of initiators in five days. Any making-up beyond this time limit shall be inadmissible.

Article 74

In cosigning a recall proposal, the cosigners must be the electors of the constituency of the official to be recalled, and the number of the cosigner must be in conformity with the following provisions:

- 1) In proposing to recall a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of a *hsiang* (town or *shih*) representative, the number of cosigners shall be 15 per cent or more of the quotient obtained by dividing the total number of electors of the official's constituency with the prescribed total number of the public officials to be elected in the constituency;
- 2) In proposing to recall a member of the Control Yuan, the number of cosigners shall be 20 per cent or more of the total number of members of the provincial assembly or the council of a city of provincial status, which has elected that member;
- 3) In proposing to recall a magistrate, a mayor of a city of county status, a chief of a *hsiang* (town or *shih*), or a leader of a village or *li*, the number of cosigners shall be 18 per cent or more of the total number of electors in the official's constituency.

Article 75

The total number of electors referred to in Articles 70 and 74 above means the total number of electors of the constituency of the official to be recalled at the time of his election. The criterion day for determining both the ages and the periods of residence of the electors referred to above shall be the day when the case of recall is initiated.

Article 76

After having found that the cosigning for the case of recall conforms with the law, the election commission shall proclaim the case of recall established. If the case of recall is found inconsistent with the law and is proclaimed that it is not established, the original initiator shall not initiate another recall proposal against the same person within a year beginning from the day when the case of recall is proclaimed not established.

Article 77

After a case of recall has been proclaimed and established, a copy of the statement of reason or reasons shall be sent to the official to be recalled and he shall submit a statement of reply in ten days.

Article 78

The election commission shall proclaim the following items within five days after the official to be recalled has submitted a statement of reply:

- 1) The date and the beginning and ending time of balloting on the case of recall;
- 2) The statement of reason or reasons for recall;
- 3) The statement of reply.

The statement of reply shall not be proclaimed if it is not submitted by the official to be recalled within the stipulated time.

Article 79

Except in a proposal to recall a member of the Control Yuan, the initiators of the recall proposal may, while soliciting co-signers, set up a recall headquarters and employ a staff.

Except for the soliciting of co-signers, there shall be no activities favoring or opposing the recall during the proceedings.

Regulations regarding the establishment of the recall headquarters, the employment of staff and the soliciting of co-signers shall be decided by the Central Election Commission.

Section 3 – Balloting on A Recall Case

Article 80

The balloting on a recall case shall be held within 30 days after the establishment of the case has been proclaimed.

Article 81

A recall ballot shall have two printed columns: One bearing the wording “agree to recall” and the other “disagree to recall” to be marked by the electors with tools prepared by the election commission in charge.

The elector shall not show his marked ballot to any one.

Article 82

The provisions of this law regarding the ballot casters, ballot casting, and ballot opening shall apply *mutatis mutandis* on the ballot casters, ballot casting, and ballot opening in the case of balloting on a recall case.

Article 83

A case of recall shall be carried when the ballots agreeing to recall outnumber the ballots disagreeing to recall, but the number of ballot casters shall have to be in conformity with the following provisions:

- 1) In the case of recalling a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, a city of county status, or of a *hsiang* (town or *shih*) representatives, one-third or more of the electors in the official's constituency shall have cast their ballots.
- 2) In the case of recalling a member of the Control Yuan, one half or more of the total number of the members of the provincial assembly or the council of a city of provincial status which has elected him shall have cast their ballots.
- 3) In the case of recalling a magistrate, a mayor of a city of county status, a *hsiang* (town or *shih*) chief or a village or *li* leader, one half or more of the electors of the official's constituency shall have cast their ballots.

If the electors who have cast their ballots on the recall case do not reach the respective numbers set forth in the above provisions or if the ballots agreeing to recall do not outnumber the ballots disagreeing to recall, the case shall be rejected.

Article 84

Within seven days beginning from the balloting day, the election commission shall proclaim the result of balloting on the recall case. If the case is carried, the recalled person shall be relieved of his official duty on the day of proclamation.

Article 85

After the case of recall is carried, the recalled person shall not be permitted to be a candidate for the same public office in four years beginning from the day of the deprivation of official duty. This provision also applies to a person who has resigned in consequence of the establishment of a case of recalling him.

If the case of recall is rejected, no more recall proposal against the same official shall be permitted during his term of office.

CHAPTER V

PUNISHMENT OF OFFENSES AGAINST ELECTION AND RECALL

Article 86

A person who has violated the provisions of Item (1) of Article 54 above shall be sentenced to a prison term of not less than seven years; a person who has violated the provisions of Item (2) of Article 54 above shall be sentenced to a prison term of not less than five years; and the punishment of a person who has violated Item (3) of Article 54 above shall be decided in accordance with the related laws.

Where the speech made by a speaker at a political view presentation sponsored by a political party is in violation of the provisions of Article 54, the case shall be decided in accordance with the provisions of the preceding Paragraph.

Article 87

A person who takes advantage of a campaign or of assisting in a campaign to openly assemble a crowd and to use violence against the social order shall be sentenced to a prison term of not less than seven years. The initiating leader shall be sentenced to a prison term of not less than ten years.

An attempt at the offense set forth in the preceding Paragraph shall be punished.

Article 87-1

During the period of election or recall any person who commits acts of violence or duress against a public servant executing his official duties shall be sentenced to a prison term of not more than five years.

In the event of the death of a public servant is resulted from that violence or duress, the punishment shall be life imprisonment or a prison term of not less than seven years. If the public servant is severely injured, the offender shall be sentenced to a prison term of not less than three years but not more than ten years.

Article 87-2

For those who openly assemble a crowd to commit offenses described above, they shall be sentenced to a prison term of not more than three years, a detention at hard labor or a fine of not more than 30,000 *yuans*. The principal leader and the perpetrators shall be sentenced to prison terms of not more than ten years and not less than three years.

Of those who commit offenses described in Paragraph 1, the leader and perpetrators who put a public servant(s) to death shall be sentenced to life imprisonment or to a prison term of not less than seven years; and those who severely injure a public

servant(s) shall be sentenced to a prison term of not less than five years and not more than twelve years.

Article 88

A person shall be sentenced to a prison term of not more than five years, if he accepts campaign contributions in violation of Item 1 of Article 45; or a prison term of not more than one year, detention or a fine of not more than ten thousand yuan, if he is in violation of the provision of Item 2 of Article 45-2.

The properties of contributions accepted by an offender of the preceding Paragraph shall be confiscated. In case the whole or a part of such properties can not be confiscated, he shall be demanded to pay the price thereof, in whole or in part, as the case may be.

Article 89

A person who offers, agrees to pay or pays a bribe or offers other improper benefits to a candidate to make him withdraw from the election or engage in certain campaign activities shall be sentenced to a prison term of not more than five years and a fine of not more than 50,000 *yuan*s may thereto be imposed.

The above provisions shall apply to a candidate who demands, agrees to accept or accepts a bribe or other improper benefits in exchange for his promise to withdraw from the election or to engage in certain campaign activities.

The bribe or other improper benefits the candidate has accepted and thus has committed one of the foregoing two crimes shall be confiscated. If the whole or a part thereof cannot be confiscated, the value thereof shall be collected from the offender.

Article 90

A person who has committed one of the following offenses through violence, duress or other illegal means shall be sentenced to a prison term of not more than five years:

- 1) Interfering with other's campaign or forcing others to withdraw from the campaign.
- 2) Obstructing others to initiate or cosign a case of recall or to force others to initiate or cosign a case of recall.

An unaccomplished offense specified in the preceding paragraph shall be punished.

Article 91

A person who has committed any of the following offenses shall be sentenced to

a prison term of not more than five years and a fine of not more than 50,000 *yuans* thereto be imposed:

- 1) To offer, to pay or to agree to pay money and material thing or other improper benefits to an organization or office in the constituency under the pretext of donation in order to induce the members of the organization or office not to exercise their right to vote or to exercise it in a certain manner;
- 2) To offer, to pay or to agree to pay money and material thing or other improper benefits to an initiator or cosigner of a case of recall in order to induce him to refrain from initiating or cosigning the case or to proceed to initiate or cosign it in a certain manner.

Article 92

With an intent to influence the outcome of an election, anyone employing written words, pictures, audio-tapes, audio-video tapes, speeches or other methods to circulate trumped-up stories sufficient to damage a public servant or other person(s) shall be sentenced to a prison term of not more than five years.

Article 93

A person who has committed any of the offenses set forth in Paragraph 2 of Article 61, Paragraph 2 of Article 81, or Paragraph 1 of Article 63 and has refused to leave the polling place or the ballot opening station after being ordered to do so shall be sentenced to a prison term of not more than two years or a fine of not more than 20,000 *yuans*.

Article 94

During the recall process, a person who agitates the crowd on the spot where others are committing any of the following offenses shall be sentenced to a prison term of not more than a year or a fine of not more than 10,000 *yuans*, and the principal leader and the perpetrators of any of these offenses shall be sentenced to a prison term of not more than five years:

- 1) To assemble a crowd to besiege the person involved in the recall, the initiators of co-signers of a recall, the staff officers, their recall headquarters, their domiciles or their residences;
- 2) To obstruct by violence, duress or other illegal means the performance of duty by the person under recall process and the initiators and co-signers of recall process and their staff members.

Article 95

With an intent to interfere with or obstruct balloting and ballot opening, a person who detains, destroys, conceals, changes or seizes a ballot box, election ballots, recall ballots, an electoral register, a ballot-casting report, a ballot-opening report, a statistic table or a ballot-marking tool shall be sentenced to a prison term of not more than five years.

Article 95-1

A person whose campaign expenditure exceeds the maximum amount set forth by the election commission in charge in accordance with the provisions of Paragraph 1 of Article 45-1 shall be fined not less than 10,000 *yuans* but not more than 50,000 *yuans*.

Article 96

A person who has violated the provisions set forth in Paragraph 3 of Article 49, Item 1 of Article 55 or Item 1 of Article 56 and has refused to conform after being restrained by an inspector shall be sentenced to a prison term of not more than one year.

Article 96-1

A political party which has violated the provisions of Paragraph Two, Paragraph Four of Article 51-1; or Item 1 Article 55-1, or Item 1 of Article 56, and has ignored the restraint warning given by an inspector, the doer or doers shall be subject to the punishment set forth in the preceding Article; and in addition thereto, the said political party shall be imposed with a fine of not less than 10,000 *yuan* but not more than 50,000 *yuan*.

Article 97

A person who has violated the provisions set forth in, Paragraph 1, 2 or 4 of Article 45-3, or Paragraph 1 or 3 of Article 51, or who has violated the regulations set forth in the provisions of Paragraph 5 of Article 45-3 or the place for posting campaign materials or the specifications of such materials as specified in Paragraph 3 of Article 51, shall be fined not more than 10,000 *yuans* but not less than 1,000 *yuans*.

A person who has violated the provisions set forth in Paragraph 2 or 3 of Article 52, Item 2 to 5 of Article 55, Items 2 to 7 of Article 55-1, Items 2 to 6 of Article 56, Paragraph 2 of Article 79, or who has violated the regulations set forth in the provisions of Paragraph 2 of Article 46 or Paragraph 3 of Article 79 and who has

rejected the order of an inspector, shall be subjected to the same punishment set forth in the previous paragraph of the same article.

A person who puts anything other than an election ballot or a recall ballot into a ballot box or who takes an election ballot or a recall ballot away from the polling place shall be fined not less than 500 *yuan*s but not more than 5,000 *yuan*s.

Article 97-1 (Deleted)

Article 97-2

A person who has committed the crime described in Paragraph 2 of Article 89 or Paragraph 1 of Article 143 of the Criminal Law, but who surrenders within three months after committing the criminal act shall be exempted from punishment. If the person surrenders three months after the commission of the criminal act, the punishment may be commuted or exempted. If the person admits of the crime during the investigation or trial, the punishment may be commuted.

A person who surrenders as described in the previous paragraph but fabricates stories with an intent to have someone else punished shall be punished in accordance with the criminal law provisions regarding false accusation.

Article 98

Where other laws provide for more severe penalties for offenses listed in this chapter, their provisions shall govern.

Any election or recall official who makes use of his official power, opportunity or means of duty to commit the crimes listed in this Chapter shall receive a penalty(ies) one and a half times more severe than that(those) herein prescribed.

A person sentenced to a prison term for an offense listed in this Chapter or offenses of interference with voting contrary to the special provisions of the Criminal Law shall be deprived of civil rights.

Article 99

An incumbent functionary who has registered as a candidate and has committed any of the following offenses and the commission has been proved true by an election commission, the commission shall first notify the competent office of the offending functionary to suspend his duties and at the same time to handle the case in accordance with the law:

- 1) Rejecting without justifiable reason the election commission's request for assisting in certain matters or for assigning staff members.
- 2) Interfering in the personnel or operations of the election commission.

- 3) Using public fund to pay campaign expenses under a pretext.
- 4) Demanding an organization and its head subordinate to him or under his command or his supervision to support his campaign.
- 5) Abusing his power to make campaign personnel arrangements by transferring persons without due reason.

Article 100

In the election of public officials of the Central Government the chief prosecutor of the Supreme Court shall head the prosecutors of all levels, and in the election of local public officials the chief prosecutors of the competent courts of law shall head his subordinate prosecutors. Their duties shall be to monitor and to prosecute on their own initiatives the criminal cases regarding interference in an election or a recall, and meanwhile to dispose of the accusation, complaint or surrender to justice brought by an office, organization or individual. Each prosecutor shall make prompt investigations and take necessary measures.

In conducting the above-mentioned investigation, a prosecutor may command the judicial police in accordance with the provisions of the Code of Criminal Procedure and the Statute for Transferring and Directing the Judicial Police.

CHAPTER VI ELECTION AND RECALL SUITS

Article 101

When an election commission has violated the law so as to affect the results of an election or a recall, a prosecutor, a candidate, the person under recall process and the initiator of a recall case may, within 15 days after the proclamation of the name list of the elected persons or the proclamation of the result of a recall is made, bring a suit against that election commission before a competent court of law to request nullifying the election or recall.

Article 102

In a suit of nullifying the result of an election or a recall balloting, when the law court has adjudicated and declared the invalidity of the election or recall, the election or recall shall be null and void. A period of time then shall be set in which a bi-election or recall be held. If the law violation involves only a part of the election or the recall process, the part of the election or the recall process involved shall be null and void, and a reballoting on the nullified part shall be held within a fixed period.

CHAPTER VII

SUPPLEMENTARY PROVISIONS

Article 111

The fines stipulated in this law shall be ruled by the election commission. When a fine is not paid in time after notification, the case shall be referred to a juristic court for compulsory execution.

Article 112

The enforcement rules for this law shall be drawn up by the Ministry of the Interior, and shall be submitted to the Executive Yuan for approval.

Article 113

This law shall come into force on the date of its promulgation.