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**THE PRESIDENTIAL AND VICE
PRESIDENTIAL ELECTION
AND RECALL LAW**

Republic of China

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CONTENTS

Chapter One	General Provisions.....	1
Chapter Two	Election and Recall Organs	2
Chapter Three	Elections	3
Section One	Electors	3
Section Two	Electoral Registers	4
Section Three	Candidates	5
Section Four	Election Proclamations	9
Section Five	Election Activities	10
Section Six	Casting and Opening of Ballots.....	15
Section Seven	Election Results.....	17
Section Eight	Filling of Vacancy in the Vice Presidency	18
Chapter Four	Recall.....	18
Chapter Five	Punishment of Offenses Against Election and Recall	20
Chapter Six	Election and Recall Suits.....	26
Chapter Seven	Supplementary Provisions	29

PRESIDENTIAL AND VICE PRESIDENTIAL ELECTION AND RECALL LAW

Promulgated by presidential decree (84)hwa tsung (1) yi No. 5889, on August 9, 1995

CHAPTER ONE GENERAL PROVISIONS

Article 1

This law is drawn up in accordance with the forty sixth article of the constitution and paragraph one, article two of the amendments to the constitution.

The election and recall of the president and vice president shall be governed by the provisions of this law. Matters not provided for in this law shall be governed by other relevant and applicable laws and regulations.

Article 2

Unless otherwise stipulated, the election of the President and Vice President shall be conducted by universal, equal, direct, and secret suffrage.

Article 3

The constituency of the President and Vice President shall be the free areas of the Republic of China.

Article 4

Unless otherwise stipulated, the calculation of the age and length of residence of the electors and candidates shall count up to the day immediately preceding the balloting day, and shall be according to those recorded on the household registration books.

The length of residence mentioned in the preceding paragraph shall begin and calculate from the date of submitting of an application for registration of moving in household.

Where reholding a balloting, the precedent original balloting day shall be the criterion day.

Article 5

The calculation of the various lengths stipulated by this law shall be in accordance with the provisions of the Civil Code, provided that the length shall not be lengthened where its last day is a holiday.

CHAPTER TWO

ELECTION AND RECALL ORGANS

Article 6

The Central Election Commission shall be in charge of the election of the President and Vice President. The Commission shall also direct and supervise various levels of election commissions to conduct election affairs. However, the motion and proposal of a recall for the President or Vice President, as well as the filling of a vacancy in the Vice Presidency shall be conducted by the National Assembly.

The election commissions at various levels shall discharge their functions and duties impartially in accordance with the law and regulation.

Article 7

The Central Election Commission shall be in charge of the following affairs:

- 1) The proclamation of elections and recalls.
- 2) The preparation of the procedures and plans for elections and recalls.

- 3) The application and registration of candidates.
- 4) The screening of the qualifications of candidates.
- 5) The planning for election publicity.
- 6) The holding of television meetings of political views presentation.
- 7) The inspection of election and recall activities.
- 8) The examination of the results of election and recall.
- 9) Other affairs pertaining to election and recall.

Article 8

The Provincial Election Commission shall direct and supervise the Hsien (City) Election Commissions to conduct affairs as stipulated by this law.

Article 9

The Municipal and Hsien (City) Election Commissions shall be in charge of the following affairs:

- 1) The conducting of election and recall affairs.
- 2) The carrying out of election publicity.
- 3) The inspection of election and recall activities.
- 4) The establishment and management of ballot casting and opening stations.
- 5) Other affairs pertaining to election and recall.

Article 10

During the period of conducting election or recall, the election commissions of various levels may be competent to have the staff of any government agencies transferred to do election or recall business.

CHAPTER THREE

ELECTIONS

Section 1 Electors

Article 11

People in the Free Areas of the Republic of China who have attained the age of 20 and do not have any of the following circumstances shall be eligible to vote:

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

Where the sentence ruled in accordance with the Regulations Governing the Punishment of Seditious Elements during the period of enforcement of the Martial Law, the provisions in item 1 of the preceding paragraph shall not be applied.

Article 12

People eligible to vote referred to in the preceding article who fit one of the following conditions shall be eligible electors:

- 1) Persons presently residing in the Free Areas of the Republic of China who have resided sequentially for more than four months.
- 2) Persons who have resided in the Free Areas of the Republic of China sequentially for more than four months, presently reside abroad, and hold a valid Republic of China passport. These persons must register to vote within the stipulated time period with the appropriate organ of their last place of residence before moving abroad.

Registration procedures for people from the Free Areas of the Republic of China currently residing abroad referred to in the preceding item to return to the Republic of China to exercise their voting right will be prescribed by the Central Election Commission together with the Ministry of Foreign Affairs and the Overseas Chinese Affairs Commission.

Article 13

Unless the law otherwise provides, an elector shall cast ballots at the polls in the place of his/her household registration.

Electors returning from overseas to exercise their voting right shall cast their ballots at the polls in the place of their last place of residence before moving abroad.

The workers of the polls may cast their ballots either in the place of their household registration or in the place of work.

Article 14

Unless the law otherwise provides, an elector shall obtain his ballot on the presentation of his identification card.

An elector returning from overseas to exercise his voting right shall obtain his ballot on the presentation of his valid Republic of China passport.

Article 15

All electors shall go to the polls to obtain and cast their ballots within the prescribed casting time. After the deadline no one shall be permitted to enter the polls; however, those who have entered before the deadline but have not yet cast their ballots may proceed to cast.

Section 2 Electoral Registers

Article 16

Unless the law otherwise provides, the electoral register shall be compiled by the household office of Hsiang (Chen, Shih, Ch) based on the household registration books. All those who have duly registered on the day of twenty days before the balloting day and in accordance with the law have the right to vote shall be included in the register. Those electors who have moved out from their registered residences within twenty days before the balloting day shall exercise

their right to vote in the constituency where they were originally qualified to vote.

An elector returning from overseas to exercise his voting right shall be included in the electoral register of his last place of residence before moving abroad.

Article 17

When the election of the President and Vice President is held simultaneously with the election of other categories of public officials, the electoral registers shall be compiled jointly.

Article 18

Upon the completion of the compilation of the electoral registers, the household offices shall submit to the Hsiang (Chen, Shih, Ch) office. At the same time it shall send a copy to the respective Tsn, Li office for display, public reading, and promulgation in each Lin office respectively for five days. Any citizen who finds a mistake or an omission on the copy may apply for correction during the period thereof.

Article 19

At the expiration of public display, reading, and promulgation days, the Tsn, Li leader shall immediately submit the electoral register together with a report on the applications for corrections, if any, to the Hsiang (Chen, Shih, Ch) office for transmittal to the household office for rechecking and recorrecting purposes.

The electoral registers shall be finally established and fixed after public promulgation and corrections, and the Municipal, Hsien (City) Election Commissions shall proclaim the number of electors.

Section 3 Candidates

Article 20

An elector who has attained the age of 40, has resided sequentially in the Free Areas of The Republic of China for more than four months, and who has previously established a household record of more than 15 years may register as a candidate for the Presidency or Vice Presidency.

Those whose citizenship of the Republic of China has been restituted, those who are naturalized citizens and those who have legally entered from the mainland areas may not register as candidates for the Presidency or Vice Presidency.

Article 21

Candidates for the Presidency and Vice Presidency shall register jointly. Applications of those who do not register jointly or whose applications are incomplete will not be accepted.

Candidates referred to in the preceding paragraph shall be recommended by political parties or by the joint signatures of joint signers.

If upon screening, the qualifications of one or both members of a Presidential and Vice Presidential ticket are found not to satisfy the regulations, that ticket will not be allowed to register.

Article 22

Presidential and Vice Presidential candidates who register as the recommended candidates of a political party shall submit the party letter of recommendation to the Central Election Commission when registering. The same party may not recommend two or more Presidential and Vice Presidential tickets. If two or more tickets are recommended by the same political party, only the registration of the first ticket to register will be accepted.

The political parties referred to in the preceding paragraph are those whose recommended candidates received an aggregate total of at least five percent of

the total valid votes in the immediately preceding election of Provincial (Municipal) level or higher.

Article 23

Those applying to register for the Presidency and Vice Presidency by method of joint signatures should apply to the Central Election Commission within five days after the proclamation of the election to be the object of a joint signature campaign. At this time they should obtain joint signature registration forms and make a security deposit of one million New Taiwan Dollars.

Upon receiving an application referred to in the preceding paragraph, the Central Election Commission shall, within a fixed time period, proclaim the applicant to be the object of a joint signature campaign. The Central Election Commission shall notify Municipal and Hsien (City) Election Commissions to accept joint signature forms from the object of a joint signature campaign or his representative for 45 days beginning the day after the election proclamation is issued.

People of the Free Areas of the Republic of China who have attained the age of 20 on the date of the election proclamation may be joint signers as referred to in the previous paragraph.

If within the period of time referred to in the second paragraph, the number of joint signers reaches at least 1.5 percent of the total number of electors in the most recent election of central popular representatives, the Central Election Commission will, within a fixed time period, issue a proclamation stating the completion of the joint signature campaign and will issue a certificate of completion to the object of the joint signature campaign. The Central Election Commission will also return the security deposit.

If, within the period of time referred to in the second paragraph, the number of joint signers does not reach one half of the number required in the preceding paragraph, the security deposit will not be returned.

The object of a joint signature campaign or his representatives shall collect joint signatures on a copy of the joint signature register form issued by the Central Election Commission. When a joint signer signs, he should fill out the joint signature petition. He should also submit a copy of his identification card

to which his personal seal has been affixed. One joint signer may only jointly sign for one Presidential and Vice Presidential ticket. The joint signature of any joint signer who signs for two or more Presidential and Vice Presidential tickets will be ruled invalid.

The object of the joint signature campaign or his representatives shall, in the period of time referred to in paragraph 2, submit joint signature registers, joint signature petitions, and copies of the joint signers, identification cards to which their seals have been affixed to Municipal or Hsien (City) Election Commissions.

Upon receiving joint signature documents referred to in the preceding paragraph, the Municipal or Hsien (City) Election Commissions shall verify selected signatures. After completing verification, the reception of the documents and the result of the verification shall be reported to the Central Election Commission. Any joint signer signature which meets one of the following conditions shall be deleted:

- 1) The joint signature is not in accordance with the regulations stated in paragraph 3 or paragraph 6.
- 2) The information on the joint signer identification card is not legible, or the copy of the identification card is unclear so that it is impossible to determine the joint signer name, date of birth, or identification card number.
- 3) The joint signer has not signed or affixed his seal to the joint signature register.
- 4) Forgery is involved in the joint signer signature.

Rules governing joint signatures and the verification of joint signatures shall be decided by the Central Election Commission.

Article 24

Presidential and Vice Presidential candidates who register by joint signature method should submit the certificate of completion of a joint signature campaign to the Central Election Commission.

Article 25

When the Presidential and Vice Presidential election is held simultaneously with other categories of public officials elections, if a candidate registers in two or more categories, his registration in the other categories will be null and void.

Article 26

A person who has any of the following circumstances shall not be registered as a candidate for the Presidency or Vice Presidency:

- 1) To have committed offenses against the external security of the state, and interference with relations with other states and been convicted in accordance with Criminal Code after the termination of the Period of Mobilization for Suppressing of the Communist Rebellion.
- 2) To have committed the offense of bribery and been convicted.
- 3) To have committed any of the offenses set forth in Articles 132 and 144 of the Criminal Code or Article 89, Paragraph 1 of Article 90 bis, Item 1 of Paragraph 1 of Article 91 of the Public Officials Election and Recall Law and been convicted.
- 4) To have committed a crime other than the offenses set forth in the preceding three items and been convicted and sentenced to a fixed prison term which has not been or entirely been served; however, this provision shall not apply to those who have been adjudicated reprieve.
- 5) To have been confined under peace and safety preservation measures or have been ordered to receive reformatory education and have not served or finished the confinement or education.
- 6) To have been declared bankrupt and the rights there of have not been restored.
- 7) To have been suspended investiture or position in accordance with law and have not been expired.
- 8) To have been deprived of civil rights and not been restored.
- 9) To have been declared unfit to dispose of property and have not been restored.

Article 27

The following persons shall not be registered as candidates for the Presidency or Vice Presidency:

- 1) Military men or policemen in active service.
- 2) Persons handling election affairs.
- 3) Any person who has a foreign nationality.

The military men in active service as mentioned in item 1 of the preceding paragraph shall not apply to those who are in the reserves or militia men on call before they are ordered to enlist for active service, or when they are on educational service or muster duties.

Article 28

After the name list of Presidential and Vice Presidential candidates has been proclaimed, if any of the following circumstances is found before the proclamation or balloting day, the Central Election Commission shall revoke candidacy registered. If such fact is found after the candidate being elected, the Central Election Commission shall bring a lawsuit against him/her to invalidate the election in accordance with the provision set forth in Article 95.

- 1) The qualifications of the candidate are not accordant to the requirements specified in Article 20.
- 2) There is any circumstance of Article 26.
- 3) Candidacy registration is forbidden by paragraph 1 of Article 27.
- 4) Candidacy registration is forbidden by Article 70.

Article 29

After the deadline of Presidential and Vice Presidential candidates registration and before the balloting day, if any of the Presidential candidates dies, the overseeing body shall proclaim the election activities quit and fix another date for a new election.

If the election is proclaimed quit, a certificate of completion of a joint signature campaign obtained before the cessation of the election shall still be valid for the new election.

Article 30

A person who has registered as a candidate for the Presidency or Vice Presidency may not withdraw the candidacy registration.

A political party which has recommended persons to register as candidates for the Presidency or Vice Presidency may not withdraw its recommendation.

Article 31

At the time of registering as a Presidential or Vice Presidential candidate, each ticket shall make a security deposit in the amount of one half of the maximum amount of campaign expenditures prescribed in Article 36.

The calculation of the security deposit mentioned in the preceding paragraph where the odd sum is less than one thousand New Taiwan Dollars shall count as zero New Taiwan Dollars.

The security deposit referred to in the first paragraph shall be refunded within ten days after the announcement of the name list of the elected; however, no refund shall be made if the number of votes the candidate receives is less than five percent of the total number of electors.

Section 4 Election Proclamations

Article 32

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

- 1) An election proclamation shall set forth the category of election, the constituency, the election date and the beginning and ending time of balloting. The proclamation shall be issued 120 days before the expiration of term of office of the President; however, that where reholding an election or a reballoting, or supplementary election, the 120 days stipulation shall not apply.
- 2) Days for candidates registration shall be proclaimed fifty days before the

balloting day. The duration of registration shall not be less than seven days.

- 3) The name list of the election shall be proclaimed fifteen days before the balloting day, and the duration thereof shall not be less than five days.
- 4) The name list 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 balloting day.
- 6) The name list of the elected persons shall be proclaimed within seven days after the balloting day.

Article 33

The elections and ballotings of the Presidential and Vice Presidential election shall be completed thirty days before the expiration of their terms of office; however, this provision shall not apply in case of reholding an election, and of a rebaloting or of a supplementary election.

Section 5 Election Activities

Article 34

The duration of campaign activities of the candidates for the Presidency and Vice Presidency shall be twenty-eight days.

The duration of campaign activities referred to in the preceding paragraph shall be counted backward from the day before the balloting day, and the beginning and ending time of each campaign day shall be prescribed by the Central Election Commission.

Article 35

No political party and no candidate may receive contribution of campaign

expenditures from the following sources:

- 1) A foreign group or juridical person or individual, or groups or juridical persons whose main membership is composed of aliens.
- 2) A mainland area group or juridical person or individual or other body, or group, juridical persons or other body whose main membership is composed of mainland area people.
- 3) Another political party or candidate of the same category of election.
- 4) A government enterprise or a juridical person of an association which receives contribution(s) from the government.

Political parties, candidates, or their assistants may not raise campaign funds by issuing fixed term or unfixed term, interest or no interest bonds or other valuable coupons to unspecified people.

*Any violator shall be punished by Article 75 of this Law.

Article 36

The maximum amounts of campaign expenditures of for each ticket of candidates shall be calculated by the Central Election Commission and announced simultaneously together with the election proclamation.

The maximum amounts of campaign expenditures mentioned in the preceding paragraph shall be the sum of seventy percent of the total population of the Free Areas of the Republic of China multiplied by the basic amount of fifteen New Taiwan Dollars, and then adding 80 million New Taiwan Dollars.

The calculation of the maximum amounts of campaign expenditures where the odd sum less than one thousand New Taiwan Dollars shall still count as one thousand New Taiwan Dollars.

Article 37

Each ticket of candidates shall jointly prepare an account book of campaign expenditures. The candidate shall designate a certified public accountant to be responsible for accounting and ready for inspection and reference.

*Any violator shall be punished according to paragraph 1 of Article 87 of this law.

Within thirty days after the balloting day, the candidates mentioned in the preceding paragraph shall jointly submit a settlement of pay-receive accounts of campaign expenditures to the Central Election Commission for final settlement of accounts of campaign expenditures. The candidates and their designated certified public accountant shall sign and bear responsibility for the submitted proof of expense or evidence.

*Any violator shall be punished according to paragraph 1 of Article 86 of this law.

The Central Election Commission, in view of the facts on hand, upon finding the settlement mentioned in the preceding paragraph to be untrue, may require the candidate to file proof of income or expense or evidence.

*Any violator shall be punished according to paragraph 1 of Article 86 of this law.

The proof of income or expense, evidence etc. shall be kept on file for six months after being submitted; however, in the event of a lawsuit involved, the filing shall be kept for three months from the time of final judgment.

*Any violator shall be punished according to paragraph 1 of Article 87 of this law.

Within 45 days of receiving the settlement of pay-receive accounts of campaign expenditures, the Central Election Commission shall arrange the reported materials into a volume which shall be published in a government proclamation.

*Those who knowingly report inaccurate information will be punished according to paragraph 2 of Article 86 of this Law.

Article 38

From the day of election proclamation to the day after thirty days after the balloting day, the candidate payable campaign expenditures pertaining to campaign activities within the maximum amount as prescribed by Article 36, minus the portion of contribution, may jointly be entered in the income tax report of the current year for claiming the amount of tax reduction.

An individual contribution of campaign expenditures to a candidate may not exceed 20 thousand New Taiwan Dollars. A profit-seeking enterprise

contribution may not exceed 300 thousand New Taiwan Dollars. The sum of contributions received by a ticket of candidates may not exceed the maximum amount as prescribed by Article 36.

The contributions mentioned in the preceding paragraph, in case of an individual may be entered in the income tax report of the current year for tax reduction purpose, of a profit-seeking enterprise may be entered in as expenses or losses of the current year.

A profit-seeking enterprise which has lost money for three or more consecutive years may not donate any campaign contribution.

Article 39

Each ticket of candidates shall be subsidized 30 New Taiwan Dollars for each ballot exceeding one third of the ballots sufficient to win a seat; however, the sum so subsidized may not exceed the maximum amount prescribed campaign expenditures.

The subsidy of candidates recommended by a political party shall be paid to that political party.

Article 40

During the period of campaign activities, each ticket of candidates may set up campaign headquarters. If more than two campaign headquarters are set up, besides the candidate being responsible for the campaign headquarters, the candidate may designate a person to be responsible for the remaining campaign headquarters. The address of the campaign headquarters as well as the name of the responsible person shall be registered with the Central Election Commission.

Candidates campaign headquarters may not be set up at bodies, schools, groups, places commonly designated as a ballot casting and ballot opening site, or other public places.

*Any violator shall be punished according to paragraph 2 of Article 87 of this Law.

Article 41

The Central Election Commission shall compile data pertaining to each ticket of candidates' serial numbers, photographs, names, dates of birth, sexes, places of birth, recommending political parties, educational backgrounds, experiences, occupations, addresses, election balloting etc. and print all these data in an election bulletin.

The data of candidates set forth in the preceding paragraph shall be handed in to the Central Election Commission during candidacy registration.

The candidates shall be responsible for their own data. When the election commission by dint of its duties knows or after checking finds that those data are not true, it shall not print them. The column denoting the recommending political party, other than printing the name of the recommending political party for all candidates recommended by a political party, shall remain blank for all other candidates.

The election bulletin shall be distributed to all households of the constituency and be posted on the proper places two days before the balloting day.

Article 42

For the Presidential and Vice Presidential election, the Central Election Commission shall appropriate public funds for political views presentation meetings on time provided by national wireless television channels. Each ticket of candidates will have not less than 30 minutes of time during each meeting. The designated television station may not refuse the designation. The format of the meetings will be prescribed by the Central Election Commission.

If two or more tickets of candidates agree, individuals or groups may hold a national wireless television debate. The television station should accept the request and may apply to the Central Election Commission for compensation.

The Presidential television debates mentioned in the previous paragraph are limited to three debates. Each person will be limited to thirty minutes in each debate. Vice Presidential debates will be held according to the same rules; however, there may be no more than one Vice Presidential debate.

The candidates will be personally responsible for the contents of the political views presentation meetings and debates mentioned in paragraphs 1 and 2.

Article 43

Campaign propaganda materials with word or picture to be printed and distributed shall be personally signed by the candidates concerned. It shall not, except those places on campaign headquarters and vehicles, be posted.

*Any violator shall be punished according to paragraph 1 of Article 87 of this Law.

Candidate hanged and erected slogans, billboards, pennants, banners, cloth or other advertising items, shall not obstruct public safety or traffic order and shall be eliminated within seven days after the balloting day. Any violator shall be handled in accordance with relevant laws and regulations.

Article 44

During the period of campaign activities, political parties may print and distribute campaign propaganda materials with word and picture, and hang or erect slogans, billboards, pennants, banners, cloth or other advertising items for the candidates they have recommended.

The propaganda materials printed and distributed by the political parties shall bear clearly the responsible party name. It shall not, except the parties' offices and campaign vehicles, be posted.

*Any violator shall be punished according to paragraph 1 of Article 87 of this Law.

The hanging and erecting of slogans, billboards, pennants, banners, cloth or other advertising items by political parties shall mutatis mutandis be regulated by the provisions of paragraph 2 of the preceding article.

Article 45

The utterances of a political party and candidate and/or his campaign assistant shall not have any of the following circumstances:

- 1) Incites another to commit offenses against the internal or external security of the state.
- 2) Incites another to undermine social order with riot.

3) Commits other offenses set forth in the Criminal Code.

*Any violator shall be punished according to Article 71 of this Law.

Article 46

The political party and candidate or assistants there of shall not have any of the following circumstances:

1) Conduct campaign activities publicly beyond the prescribed hours of each day beginning and ending time of the prescribed days.

2) Interfere with the campaign activities of other political parties or candidates.

*Any violator shall be punished according to paragraph 2 of Article 87 of this Law.

Article 47

No political party and no individual shall be permitted to conduct any campaign activity on the balloting day.

*Any violator shall be punished according to paragraph 2 of Article 87 of this Law.

Political parties, individuals, or the representatives of juridical persons may not announce popular survey materials concerning candidates or elections in the ten days preceding the balloting day.

*Any violator shall be punished according to paragraph 2 of Article 86 of this Law.

Section 6 Casting and Opening of Ballots

Article 48

In an election of the President and Vice President, polls shall be established in office buildings, schools, public places, and other appropriate places in

keeping with the geographical distribution of the voters.

Upon completion of casting, the polls shall be turned into a ballot opening station, and the ballots shall be orally counted in the presence of spectators. After all ballots are opened and counted, the chief administrator and the chief inspector of the ballot opening station shall proclaim the results of the opening of the casting together with a written statement of ballots opening. The statement shall be posted on the gate of the station, and a copy of the same content shall be signed and handed over to the candidates, political parties or to the persons designated by non-partisan candidates.

Where the results of the opening of the casting happened to be different from the written statement of ballots opening, the latter shall govern.

Article 49

Each polls and each ballot opening station shall have one chief administrator and several administrators appointed by the Municipal and Hsien (City) Election Commissions to take charge of ballot casting and opening affairs.

Article 50

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

The inspectors mentioned in the preceding paragraph shall be recommended by each ticket of candidates according to the average number of persons actually needed and submitted to the Municipal or Hsien (City) Election Commission for screening and appointment; however, this recommending right of a party recommended candidate shall be exercised only by that political party. The candidate or the political party may assign the inspectors so recommended to the designated polls and ballot opening stations to inspect the casting and opening of ballots. If the assigned inspectors are more than the prescribed number for a polls or ballot opening station, the choices shall be determined by drawing lots. Unless all the candidates belong to the same political party, it must not be that all the inspectors at a polls or ballot opening station are members of the same political party. If the inspectors all belong to the same political party, one

determined by drawing lots will be replaced.

If the chief inspectors and the recommended inspectors are less than the number needed the election commission in charge shall opt and appoint inspectors from among the following personnel:

- 1) Local impartial individual.
- 2) Personnel of government office, private organization and school.
- 3) Adult student of the college and university.

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

Article 51

The ballots shall be printed and distributed by each Municipal and Hsien (City) Election Commission. The ballot shall bear the serial numbers, names and photographs of each ticket of Presidential and Vice Presidential candidates. However, the ballots shall also bear the candidates, party affiliation from which the candidates were recommended.

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

Article 52

The casting of ballot in an election, an elector shall vote for a single ticket of candidates with a marking tool prepared by the election commission. The mark shall be put on the marking column of the ballot.

After marking, the elector shall not show the marked ballot to anyone.

*Any violator shall be punished according to Article 82 of this Law.

Article 53

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

- 1) It is not prepared and distributed by the election commission in charge.

- 2) It is marked for two or more tickets of candidates.
- 3) The mark is put in such a place that the elector choice cannot be ascertained.
- 4) The ballot is altered after marking.
- 5) The ballot bears a signature, name chop, fingerprint, words or any other writing sign.
- 6) The ballot is torn so as to cause imperfection.
- 7) The ballot is so stained that the elector choice cannot be ascertained.
- 8) The ballot is completely blank without marking.
- 9) The ballot is not marked with the tool prepared by the election commission in charge.

The invalid ballot as prescribed in the preceding paragraph 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 54

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

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

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

*Any violator shall be punished according to Article 82 of this Law.

Article 55

If the casting or opening of ballots is prevented by a natural calamity or by

reasons of force majeure, the chief administrator of the polls or ballot opening station shall report the situation to the Municipal, Hsien (City) Election Commission who will transmit and report the situation to the Central Election Commission and shall ask for approval to change the date or place for casting or opening the ballots.

Section 7 Election Results

Article 56

A ticket of candidates which receives a majority or plurality of ballots shall be elected. If two or more tickets of candidates receive equal numbers of ballots, a reballoting shall be held within a fixed period.

If there is only one ticket of candidates, the ballots it receives must be at least 20 percent of the total number of electors to be elected. If the election result is that no one is elected, another election shall be proclaimed and held within a fixed period.

Article 57

If a Vice Presidential candidate dies and the Presidential candidate of the same ticket is elected to the Presidency, the Vice Presidency shall be regarded as vacant.

If either the elected President or the elected Vice President dies before taking office or has his election declared null and void by judgment, the position will be regarded as vacant.

If both the elected President and the elected Vice President die before taking office or have their election declared null and void by judgment, both positions shall be regarded as vacant and a new election shall be held within a fixed period.

Article 58

The elected President and Vice President shall take office on the day of the expiration of the term of the incumbent President and Vice President. For any persons who are elected in the reholding of an election or after a reballoting and who thus cannot take office on the day of the expiration of the incumbent President and Vice President, the terms of office shall still be calculated as beginning from this date.

Article 59

The certificate of election for the Presidency and Vice Presidency shall be drawn up and issued by the Central Election Commission. When there is a by-election to fill a vacancy in the Vice Presidency, the certificate of election shall be drawn up and issued by the National Assembly.

Section 8 Filling of Vacancy in the Vice Presidency

Article 60

When there is a vacancy in the Vice Presidency, the President shall nominate a candidate for the Vice Presidency and convene the National Assembly for a by-election within three months

Article 61

A Vice President elected by the National Assembly in a by-election shall take office within twenty days of the election.

CHAPTER FOUR

RECALL

Article 62

In the case of a recall of the President or Vice President, after one fourth of the total number of delegates of the National Assembly initiate the case, and two thirds approve of the case, the National Assembly shall proclaim the case of recall established.

Within ten days of the establishment of a case of recall mentioned in the preceding paragraph, the National Assembly shall send the case of recall together with a statement of reason(s) and the statement of reply of the official to be recalled to the Central Election Commission within ten days.

Article 63

The Central Election Commission shall proclaim the following items within twenty days after receiving the statement of reason(s) and the statement of reply from the National Assembly:

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

Article 64

From the date that the recall case is proclaimed established, no person may hold propagandistic activities favoring or opposing the recall case.

Article 65

The Central Election Commission shall hold balloting on a recall case within sixty days starting the day after receiving the statement of reason(s) for recall and the statement of reply from the National Assembly. However, the balloting shall not be held simultaneously with the election balloting of any other category.

Article 66

A recall ballot shall have two printed columns bearing the wording "agree to recall" and "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 anyone.

*Any violator shall be punished according to Article 83 of this Law.

Article 67

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 68

In the recall case, if more than one half of the total numbers of electors in the Free Areas of the Republic of China cast ballots, and more than one half of the valid ballots agree to recall, the recall case shall be carried.

Article 69

Within seven days beginning from the balloting day, the Central Election Commission shall proclaim the results of the balloting on the recall case. Where the case is carried, the recalled person shall be relieved of his/her official duty on the day of the proclamation.

Article 70

After the case of recall is carried, the recalled person shall not be permitted to be a candidate for the Presidency or Vice Presidency for four years beginning from the day of the deprivation of official duty. This provision shall also be applied to a person who has resigned in consequence of the establishment of a case of recalling him/her.

CHAPTER FIVE

PUNISHMENT OF OFFENSES AGAINST ELECTION AND RECALL

Article 71

Violators of the provisions of Item 1 of Article 45 shall be punished with imprisonment for not less than seven years; violators of Item 2 shall be punished with imprisonment for not less than five years. The penalty for a violation of Item 3 of Article 45 shall be decided in accordance with each of the relevant laws governing punishment.

Article 72

Any person who during campaigning or assisting in a campaign openly assembles a crowd and incites a riot to disturb social order shall be punished with imprisonment for not less than seven years. The ringleader shall be punished with imprisonment for life or with imprisonment for not less than ten years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 73

During the period of election or recall, any person who intends to obstruct election or recall and commits acts of violence or duress against a public functionary executing official duties, shall be punished with imprisonment for not more than five years.

In the event of the death of a public functionary resulting from the violating of the preceding paragraph the offender shall be punished with imprisonment for life or not less than seven years. Where the public functionary is severely injured, the offender shall be punished with imprisonment for not less than three years but not more than ten years.

Article 74

For openly assembling a crowd to commit the offenses provided in the preceding article, the participants shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300 thousand New Taiwan Dollars; a ringleader and a person who actually commits violence or employs threats shall be punished with imprisonment for not less than three years but not more than ten years.

Of those who commit the offenses provided in the preceding paragraph, the ringleader and a person who actually commits violence or employs threats putting a public functionary to death shall be punished with imprisonment for life or for not less than seven years; and those who severely injure a public functionary shall be punished with imprisonment for not less than five years but not more than twelve years.

Article 75

A candidate violating the provisions governing contribution acceptance set forth in Item 1 or 2 of paragraph 1 of Article 35 shall be punished with imprisonment for not more than five years; in Item 3 or 4 of the same paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 100 thousand New Taiwan Dollars.

A candidate or a person campaigning for a candidate violating the provisions set forth in paragraph 2 of Article 35 shall be punished with imprisonment for not more than five years.

The responsible person, representative of a political party, the political party or the agent, employee of its candidate who commits the offense set forth in the preceding two paragraphs shall be punished in accordance with the provisions thereof; where the offenses pertain to the first part of the paragraph 1 or paragraph 2, the political party or its candidate may, in addition thereto, be imposed with a fine of not less than 100 but not more than 500 thousand New Taiwan Dollars; if the offenses pertain to the last part of paragraph 1, the fine imposed shall be less than 100 thousand New Taiwan Dollars.

The property accepted as contributions by those who commit the offenses

listed in paragraphs 1 and 3 shall be confiscated. If the whole or a part of the property in question cannot be confiscated, a fine shall be ordered to make up the difference.

Article 76

A person who offers, agrees to pay or pays a bribe or offers other improper benefits to a candidate or a person possessing candidacy to make him/her withdraw from the election or to engage in particular campaign activities shall be punished with imprisonment for not more than five years and may, in addition thereto, be imposed a fine of not less than 600 thousand but not more than 6 million New Taiwan Dollars.

The above provisions shall also apply to a candidate and a person possessing candidacy, who demands, agrees to accept or accepts a bribe or other improper benefits in exchange for his/her promise to withdraw from the election or to engage in particular campaign activities.

The offers, agreements to pay or bribes the person has accepted which constitute an offense set forth in paragraph 1, shall be confiscated whether or not it belongs to the offender; in the case of a committed offense set forth in paragraph 2, the accepted bribe shall be confiscated. If the whole or a part thereof cannot be confiscated, a fine shall be ordered to make up the difference.

Article 77

A person who has committed one of the following offenses through violence, duress or other illegal means shall be punished with imprisonment for not more than five years:

- 1) Interfering with other candidates' campaign or forcing others to withdraw from the campaign.
- 2) Obstructing others from legally signing a joint signature petition.
- 3) Obstructing others to initiate or agree to a case of recall, or to force others to initiate or agree to a case of recall.

An attempt to commit an offense specified in the preceding paragraph shall be punishable.

Article 78

A person who promises, offers, or gives a bribe or other improper benefit to a qualified voter for refraining from exercising his/her right to vote or for exercising such right in a particular manner shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not less than 400 thousand but not more than 4 million New Taiwan Dollars.

A person who prepares to commit an offense specified in preceding paragraph shall be punished with imprisonment for not more than one year.

The preparations, or offering, and or bribe shall be confiscated whether or not it belongs to the offenders.

If the offender of the offense specified in paragraph 1 or 2 surrenders him/herself for trial within six months after committing, his/her punishment may be reduced or remitted: where a candidate is found to be a joint offender through his/her surrender, the punishment shall be remitted.

If the offender of the offense specified in paragraph 1 or 2 confesses during investigation, his/her punishment may be reduced. Where a candidate is found to be a joint offender by such confession, his/her punishment may be reduced or remitted.

Article 79

A person who has committed any of the following offenses shall be punished with imprisonment for not more than five years and may, in addition thereto, be imposed a fine of not less than 500 thousand but not more than 5 million New Taiwan Dollars:

- 1) To offer, to pay or agree to pay money and material thing or other improper benefits to an organization or office under the pretext of donation in order to induce the members of the organization or office not to exercise their right or vote or to exercise it in a particular manner.
- 2) To offer, to pay or agree to pay money and material thing or other improper benefits to an eligible joint signer in or to induce him/her to sign or not to sign a joint signature campaign.
- 3) To offer, to pay or agree to pay money and material thing or other

improper benefits to an initiator or approver of a case of recall in order to induce him/her to refrain from initiating or approving the case or to proceed to initiate or approve the case in a particular manner.

A person who prepares to commit an offense specified in the preceding paragraph shall be punished with imprisonment for not more than one year.

The preparations, or offering, and/or bribe shall be confiscated whether or not it belongs to the offenders.

Article 80

A person who with intention for benefit to monopolize the affairs specified in paragraphs 1 and 2 of Article 76, paragraph 1 of Article 78, and/or all the Items of paragraph 1 of Article 79 shall be punished with imprisonment for more than one year but less than seven years, and may, in addition thereto, be imposed a fine of not less than 500 thousand but not more than 5 million New Taiwan Dollars.

An attempt to commit an offense specified in the preceding paragraph shall be punishable.

Article 81

Anyone employing the written word, pictures, audio-tape, audio-video tape, speech, or other methods to circulate trumped up stories sufficient to damage the public or other person(s) with an intent to cause a candidate to be elected or not to be elected shall be punished with imprisonment for not more than five years.

Article 82

A person who has committed any of the offenses set forth in paragraph 2 of Article 52 or paragraph 2 of Article 66 or has any of the circumstances specified in all Items of paragraph 1 of Article 54 and has refused to leave the place after having been ordered to do so shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 200 thousand New Taiwan Dollars.

Article 83

During the recall process, for any of the following offenses, the participants shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 100 thousand New Taiwan Dollars; the ringleader and perpetrators of any of these offenses shall be punished with imprisonment for not more than five years:

- 1) To assemble a crowd to besiege the person involved in the recall, the initiators or approvers of the recall, or the organization, domiciles or residences of the staff thereof.
- 2) To employ violence, duress or other illegal means to obstruct the person involved in the recall to perform duty, or the initiator or approver to carry out the recall process.

Article 84

A person who takes an election or recall ballot away from the polling place shall be punished with imprisonment for not more than one year or a fine of not more than 15 thousand New Taiwan Dollars.

Article 85

A person who, with an intention to hinder or disrupt ballot casting and opening by withholding, destroying, concealing, exchanging, or seizing a ballot box, an election ballot, a recall ballot, an electoral register, a ballot casting report, a ballot opening statistics sheet or a ballot marking tool shall be punished with imprisonment for not more than five years.

Article 86

A candidate violating the provisions of paragraph 2 of Article 37 by not submitting or not submitting in accordance with regulations a settlement of pay-receive accounts; or violating the provisions of paragraph 3 of Article 37 by not submitting proof or evidence of income or expense according to regulations will be punished by a fine of not less than 100 thousand but not more than 500

thousand New Taiwan Dollars and will be required to submit the proof or evidence within a fixed time period. Any candidate who fails to submit the proof or evidence by this deadline will be punished in this manner repeatedly.

Any political party, person, or juridical person violating the provisions of paragraph 2 of Article 47 or any candidate who purposely submits false information concerning campaign income or expenditures will be punished by a fine of not less than 500 thousand but not more than 2 million 500 thousand New Taiwan Dollars.

Article 87

A violator of the provisions set forth in paragraphs 1 and 4 of Article 37, paragraph 1 of Article 43 or paragraph 2 of Article 44 will be punished by a fine of not less than 10 thousand but not more than 100 thousand New Taiwan Dollars.

A violator of the provisions set forth in paragraph 2 of Article 40, Article 46, paragraph 1 of Article 47, or Article 64 who does not obey the inspector attempt to curb the offending behavior shall be punished with the same punishment stated in the previous paragraph.

A person who puts any thing other than an election ballot or a recall ballot into a ballot box or deliberately tears up an election or recall ballot shall be imposed with a fine of not less than 5 thousand but not more than 50 thousand New Taiwan Dollars.

Article 88

A person who has committed the crime described in paragraph 2 of Article 76 or paragraph 1 of Article 143 of the Criminal Law, but who surrenders within three months after committing the criminal act shall be remitted the punishment. Where the person surrenders over three months after the criminal act, the punishment may be reduced or remitted. Where the person confesses to the crime during the investigation or trial, the punishment may be reduced.

A person who surrenders as described in the preceding 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 89

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/her 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 of offenses of interference with voting contrary to the special provisions of Chapter 6 of the Criminal Law shall be deprived of civil rights.

Article 90

In the election or recall of the President and Vice President, the chief prosecutor of the Supreme Court shall head the prosecutors of all levels of the competent courts. 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 investigations, 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.

Article 91

A case pertaining to the offense listed in this Chapter or offenses of interference with voting contrary to the special provisions stipulated in Chapter 6 of the Criminal Law shall have final judgment made by each competent court within six months.

CHAPTER SIX

ELECTION AND RECALL SUITS

Article 92

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 fifteen days after the proclamation of the name list of elected persons or the proclamation of the result of a recall is made, bring a suit against that election commission before a competent court to request nullifying the election or recall.

Article 93

In a suit of nullifying the result of an election or a recall balloting, when the 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 shall then be set in which a by-election or recall be held. Where 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; however, this shall not apply to a situation in which the nullified part obviously has not affected the result of the election or recall.

Article 94

When an elected official has one of the following deeds, the election or recall organ, the prosecutor, or a candidate may, within fifteen days after the proclamation of the list of the elected officials, sue for the nullification of the election in a court with competent jurisdiction:

- 1) The number of ballots won by the elected official is so inaccurate as to have affected the election results.
- 2) A person who employs threat, violence, or other illegal means obstructs candidates from engaging in campaigning, qualified voters from

exercising casting rights freely, or staff of election affairs from executing duties.

- 3) A person commits acts specified in Article 76, Item 1 of paragraph 1 of Article 79, or paragraph 1 of Article 146 of the Criminal Code.
- 4) A person commits acts specified in paragraph 1 Article 78 sufficient to affect the election results.

The deeds specified in the preceding paragraph shall not, when the court has adjudicated and declared the invalidity of the elected official, be affected by the part of absolution of the criminal judgment in the same case.

Article 95

An election or recall organ, a prosecutor, or a candidate may each, within the term of office, bring a suit against the elected person before a competent court to request nullifying his/her qualification as an elected official under any of the disqualifying facts set forth in Article 28.

Article 96

The election of a person shall be null and void after the court has adjudicated the suit for nullifying his/her being elected and has declared his/her election invalid.

Article 97

A judgment on the invalidity of an election or of a candidate being elected shall not affect official duties undertaken as an elected official during the period of his/her taking office.

Article 98

If in the case of a passage or rejection of a recall case any of the following conditions exist, the election committee, prosecutor, the person involved in the recall case, or the initiator of the recall case may, within fifteen days of the

proclamation of the result of the balloting, bring a suit against the person elected in the recall case or the initiator of the recall case to request the nullification of the passage or rejection of the recall case:

- 1) The number of ballots won favoring passage or rejection is so inaccurate as to have affected the election results.
- 2) The person involved in the recall case or the initiator of the recall case employs threat, violence, or other illegal means obstructs qualified voters from exercising casting rights freely or staff of election affairs from executing duties.
- 3) The person involved in the recall case or the initiator of the recall case commits acts specified in paragraph 1 of Article 146 of the Criminal Code.
- 4) The person involved in the recall case or the initiator of the recall case commits acts specified paragraph 1 of Article 78 sufficient to affect the outcome of the recall case.
- 5) The person involved in the recall case commits acts specified in Item 3 of paragraph 1 of Article 79.

If a recall case which was rejected has been ruled null and void by a court, a reballoting shall be held within a fixed period.

If a recall case which passed has been ruled null and void by a court, the person involved in the recall case shall reassume his/her duties.

Article 99

When an elector discerns a fact that may invalidate an election, the election of a person, the recall of an official, or the approval or rejection of a recall case, he/she may, within seven days after the proclamation of the name list of the elected persons or the balloting result on a recall case, file an accusation with a prosecutor or an election commission together with the support of evidence.

Article 100

The local high court in the place of the central government shall have exclusive jurisdiction over election and recall suits.

Article 101

In an election or recall suit, the court trying the case shall establish a provisional chamber and try the case in joint consultation. The court shall try such cases before handling any suits of other kinds. Election and recall suits shall be finally adjudicated in the court of second instance and be no more de novo trial. Each competent court shall make final judgment within six months.

Article 102

In addition to the provisions regarding procedures for election and recall suits set forth in this Law, those in the Code of Civil Procedure shall apply mutatis mutandis; however, those provisions relating to the effect of abandonment, acceptance of liabilities and admission of undisputed facts that do not apply to the actions shall not apply.

CHAPTER SEVEN SUPPLEMENTARY PROVISIONS

Article 103

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 law court for compulsory execution.

Article 104

The National Security Bureau shall provide security for Presidential and Vice Presidential candidates from the final day of candidacy registration until the day after balloting.

Article 105

The Enforcement Rules for this Law shall be prescribed by the Ministry of the Interior and be submitted to the Executive Yuan for approval.

Article 106

After this Law is promulgated and comes into force, the election and recall of the eighth President and Vice President shall still be governed by the relevant provisions of the Presidential and Vice Presidential Election and Recall Law promulgated on March 31, 1947.

Article 107

This Law shall come into force on the day of its promulgation.

