

THE PUBLIC OFFICIALS ELECTION AND RECALL LAW

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Amended in 1983, 1989, 1991, 1992, 1994, 1997 2000, 2002, 2003.

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Chapter One: General Provisions

Article 1

The election and recall of public officials shall be governed by the provisions of this law; matters not provided in this Law shall be governed by other relevant and applicable laws and regulations.

Article 2

The public officials herein referred to include the following:

1. Central public officials: delegates of the National Assembly, members of the Legislative Yuan.
2. Local public officials: councilors of the Provincial Assembly and of the Municipal Council, councilors of County (City) Council, representatives of the Township (City) Representative Conference, Provincial governors and Municipal mayors, County magistrates and City mayors, Township (City) chiefs, Borough (Village) chiefs.

Article 3

The election of public officials shall be conducted by universal, equal, direct, and secret suffrage and by single ballots.

The election of central public officials through nation-wide and overseas Chinese constituencies shall be based on proportional representation among the political parties.

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

Article 4

The calculation of the age and length of residence of electors and candidates shall follow the dates recorded on the household registration books, as of the day immediately preceding polling day.

The length of residence mentioned in the preceding Paragraph shall be calculated from the date of submission of an application for change of household registration address.

When balloting is re-held, the original balloting day shall be used for these calculations.

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

For the election of public officials, there shall be established Central, Provincial (Municipal), and County (City) Election Commissions which shall conduct election affairs at their respective levels.

Article 7

The Central Election Commission shall be in charge of the elections of the central public officials, councilors of the Provincial Assembly and Municipal Councils, Provincial governors and Municipal mayors. The Commission shall also direct and supervise various levels of election commissions to conduct election affairs.

The Provincial Election Commissions shall be in charge of the elections of County (City) councilors, County magistrates and City mayors. The Commission shall also direct and supervise the County (City) Election Commissions to conduct elections affairs.

The County Election Commission shall conduct the elections of the Township (City) representatives and Township (City) chiefs.

The Municipal Election Commissions and County (City) Election Commissions shall conduct the elections of Borough (Village) chiefs.

The elections stipulated in Paragraph 2, 3, and 4 shall also be under the supervision of the superior election commission thereof.

During the election period, the Municipal and County (City) Election Commissions shall also establish offices of election affairs in each Township (City, District).

Article 8

The Central Election Commission shall be under the jurisdiction of the Executive Yuan and shall consist of several commissioners. The commissioners shall be appointed by the President upon the recommendation of the Premier of the Executive Yuan. One appointee shall be designated as chairman. The organization shall be prescribed in other laws.

Provincial and Municipal Election Commissions shall be under the jurisdiction of the Central Election Commission and shall consist of several commissioners, appointed by the Premier of the Executive Yuan upon the recommendation of the Central Election Commission, and one appointee shall be designated as chairman.

The County (City) Election Commissions shall be under the jurisdiction of the Provincial Election Commissions and shall consist of several commissioners, appointed by the Central Election Commission upon the recommendation of the Provincial Election Commission, and one appointee shall be designated as chairman.

The Organic Rules of Provincial (Municipal) Election Commissions and County (City) Election Commissions shall be prescribed by the Central Election Commission and shall be submitted to the Executive Yuan for approval.

There shall be non-partisan commissioners in each election commission. The number of commissioners from any single party shall not exceed two-fifths of the total commissioners of the Central Election Commission and shall not exceed one-half in case of the Provincial (Municipal) Election Commissions and County (City) Election Commissions respectively.

The election commissions at all levels shall officiate their duties impartially in accordance with the relevant laws and regulations.

Article 9

The recalls of public officials shall be conducted by the election commissions at all levels, applying the provisions of Article 7 mutatis mutandis.

Article 10

During the period of conducting election or recall, the election commissions of various levels may transfer civil servants from any level of government to carry out election or recall affairs.

Article 11

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

1. Proclamation of elections and recalls.
2. Preparation of the procedures and plans for elections and recalls.
3. Screening of the qualification of candidates.
4. Planning for election publicity.
5. Inspection of election and recall activities.
6. Establishment and management of polling and counting stations.
7. Examination of the results of election and recall.
8. Preparation and issuance of certificates for the elected persons.
9. Enactment of the rules for the utilization of television and other forms of mass media by the political parties for campaigning and propaganda activities.
10. Other affairs pertaining to election and recall.

The Municipal and County (City) Election Commissions shall be in charge of supervising Township (City) offices to conduct the following affairs of various of public service election and recall:

1. Public promulgation of electoral registers.
2. Establishment and management of polling and counting stations.
3. Recruiting and deployment of polling and counting station staff.
4. Distribution of election and recall ballots.
5. Distribution of election bulletins and voting notices.
6. Publication of electoral regulations.
7. Other matters pertaining to election and recall affairs.

Article 12

The Central Election Commission shall select several impartial persons qualified to vote to serve as circuit inspectors. They shall be appointed by the Premier of the Executive Yuan upon the recommendation of the Commission. One appointee shall be designated as convener. The Municipal, County (City) Election Commissions shall each establish an inspection task force composed of several members. These members shall be selected by the Commission thereof among impartial persons qualified to vote, and shall be recommended to the Central Election Commission or the Provincial Election Commissions for appointment. One inspector of each panel shall be designated as its convener. Each inspection task force section shall carry out the following duties:

1. To supervise if there is any violation of election laws and regulations by candidates, campaign staff, recall initiators or officials to be recalled.
2. To supervise if there is any violation of election laws and regulations by voters.
3. To supervise if there is any law violation by elections officials or staff.
4. Other inspectional affairs pertaining to election and recall.

All inspectors in the preceding Paragraph shall be honorary positions without salary. The terms of office and the number of inspectors shall be prescribed in the Organic Rules and Regulations of the Central, Municipal and County (City) Election Commissions.

The Municipal, County (City) Election Commissions shall each select

impartial persons qualified to vote as inspectors to work at the public meetings for presentation of candidates' political views.

The "Regulation for Execution of Inspection Functions and Duties" shall be prescribed by the Central Election Commission.

Article 13

The regular annual budget for the election commissions of various levels shall be coordinated and appropriated by the central government. Expenditures for holding elections and recalls shall be budgeted as follows: for election and recall of central public officials, expenditures shall be budgeted by the central government; for election and recall of Municipal City councilors and mayors, expenditures shall be budgeted by Municipal City governments; for election and recall of County (City) councilors and magistrates and mayors, expenditures shall be budgeted by the County (City) government; for election and recall of Township (City) representatives, Township (City) chiefs and Borough (Village) chiefs, expenditures shall be budgeted by the Township (City) offices; for election and recall of Borough chiefs in a Municipal City or City, expenditures shall be budgeted by the Municipal City or City government.

Chapter Three: Elections

Section One: Electors

Article 14

All citizens of the Republic of China who have attained the age of 20 shall be eligible to vote, except:

1. If they have been deprived of civil rights, which deprivation has not yet been restituted.
2. If they have been declared incompetent, which declaration has not yet been abrogated.

Where deprivation of civil rights results from a sentence ruled in accordance with the Regulations Governing the Punishment of Seditious Elements during the period of enforcement of Martial Law, the provisions in Subparagraph 1 of the preceding Paragraph shall not be applied.

Article 15

In an election of public officials, a person having the right to vote shall be an elector in the constituency where he/she has resided sequentially for more than four months.

The length of residence as provided for in preceding Paragraph shall be the length of his/her residence in the administrative district where he/she lives even if a new constituency has been created; however, a person who moves into a new constituency after the election proclamation is made shall have no right to vote in that constituency.

Article 16

In an election of public officials representing aboriginal tribes, the electors shall be those possessing both aboriginal identification and the qualification set forth in the preceding Article.

Article 17 *(Deleted)*

Article 18 *(Deleted)*

Article 19 *(Deleted)*

Article 20

Unless otherwise provided by law, an elector shall cast ballots at the polling station in the place of his/her household registration. The staff of the polling station may cast their ballots either in the place of their household registration or in the polling station to which they are assigned, if the two places are located in the same constituency and the same Municipality or County (City).

Article 21

An elector shall obtain his/her ballot in the polling station upon the presentation of his /her national identification card.

When obtaining his/her ballot, the elector shall sign or affix a seal or fingerprint on the electoral register. For those who give their fingerprints, one poll worker and one monitor should both affix seals as certification. One shall not obtain a ballot if his/her name does not match that in the electoral register or is not present in the electoral register. However, if a discrepancy of name between the electoral register and the national identification card is due to clerical error or to a change in marital status, one may obtain a ballot after examination by the director together with the chief monitor.

Each elector shall mark his/her vote after obtaining the ballot. However, a disabled person unable to mark the ballot but able to express his/her will may be assisted in marking the ballot in accordance with his/her will by a family member. Such persons not accompanied by family members may request one poll worker and one monitor to render such assistance.

Article 22

All electors shall go to polling stations to obtain and cast their ballots during the prescribed polling time. After time, electors shall not be permitted to enter polling stations; however, those who have entered the polling station but not yet finished casting their ballots may continue doing so.

Section Two Electoral Registers

Article 23

The electoral register shall include a serial number, name, sex, date of birth, and address of household registration and shall be compiled by the household registration authorities of each Township (City, District) based on the household registration books. All those whose household registration has been completed on twentieth day before polling day have the right to vote and shall be included in the register. Those electors who change their registered residence less than twenty days before polling day may exercise their right to vote in the constituency where they are originally registered.

After the electoral register is compiled, it may not be provided to anyone else, apart from election commissions and Township (City, District) offices and household registration authorities for use as provided by this Law, in any ways including transcribing, copying, photography or any other methods.

Article 24 *(Deleted)*

Article 25

The electoral register of the aboriginal tribes shall be compiled by the household registration authorities in accordance with the provisions of Article 23. The identification of an aborigine shall be based on the record in the household registration books.

Article 26

When elections of more than two categories of public officials are held simultaneously, the electoral registers may, according to the actual need, be compiled either separately or jointly.

Article 27 *(Deleted)*

Article 28 *(Deleted)*

Article 29

Upon completion of the compilation of the electoral registers, the household registration authorities shall submit them to the Township (City, District) office for transmittal to the respective Municipal, County (City) Election Commission for reference. At the same time it shall send a copy to each Borough (Village) office to be put on display, public reading, and promulgation in each Neighborhood office respectively for five days. Any elector who finds a mistake or an omission on the copy may apply for correction during that period.

Article 30

At the expiration of public display, reading, and promulgation days, the Borough (Village) chief shall immediately submit the electoral register together with a report on the applications for corrections, if any, to the Township (City, District) office for transmittal to the household registration authorities for re-checking and correcting.

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

Section Three Candidates

Article 31

An elector who has attained the age of 23 may register as a candidate for public official in the constituency in which he is eligible to vote; however, for a candidate for Provincial governor or Municipal mayor, the age shall be 35, for County magistrate or City mayor the age shall be 30, and for Township (City) chief the age shall be 26.

An elector who has attained the age of 23 may be registered by a legally established political party as a candidate for central public official of the nation-wide constituency.

A citizen of the Republic of China who has attained the age of 23 but who has no household registration or who has resided abroad sequentially not less than eight years may be registered by a legally established political party as a candidate for public official representing Overseas Chinese.

The calculation of period of residence abroad shall be counted from the day of moving out of his/her household registration address.

Those who are to be registered by a political party as a candidate for the nation-wide or Overseas Chinese constituencies shall be members of that political party and agree with the nomination in a written agreement; the list of a party's candidates shall be made in written form with the order specified.

A person whose ROC nationality has been restituted for not less than three years or has been procured by naturalization for not less than ten years may be registered as a candidate in accordance with the provisions set forth in the preceding four paragraphs.

The calculation of the time periods in this article shall be made from the day before polling day.

Article 32 *(Deleted)*

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 is qualified for two or more types 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 for two or more different categories or two or more candidacies shall be null and void.

Article 34

The following persons shall not be registered as candidates:

1. Those who have been finally convicted in accordance with Criminal Code, after the termination of the Period of Mobilization for Suppressing of the Communist Rebellion, for the offenses of rebellion or sedition.
2. Those who have been finally convicted for an offense of corruption.
3. Those who have been finally convicted under Articles 142 and 144 of the Criminal Code.
4. Those who have been finally convicted for a crime, other than the offenses set forth in the preceding three Subparagraphs, and sentenced to a fixed prison term which has not been fully served; however, this provision shall not be applied to those who have been granted parole.
5. Those who have been confined under peace and safety preservation measures or ordered to receive reformatory education, the term of which has not yet been completed.
6. Those who have been declared bankrupt and not yet declared restored.
7. Those whose official position has been suspended in accordance with law and has not been restored.
8. Those who have been deprived of civil rights, which deprivation has not yet been restituted.
9. Those who have been declared incompetent, which declaration has not been abrogated.

Article 35

The following persons shall not be registered as candidates:

1. Those in active service in the Military or Police, or enrolled in Military and Police schools.
2. Students currently attending schools.
3. Persons handling election affairs at any levels of election administration including election commissioners, election inspectors, election commission staff, staff handling election affairs in Township (City, District) offices, and staff of polling stations and counting stations.

Persons in active military service as mentioned in the preceding paragraph shall not include those who are in the reserves or military on call before they are ordered to enlist for active service, or when they are on educational service or muster duties.

Incumbent public officials currently attending school shall not be limited as mentioned in Subparagraph 2 of preceding paragraph.

Article 35-1

All legally established political parties may nominate candidates to participate in the elections for public office. Such candidates shall be members of the party and submit the party's letter of nomination with the official seal of the party's central authority to the relevant election commission for registration during the candidate registration period.

The preceding letter of nomination shall be submitted when candidates apply for registration. Any submission after the end of the registration period shall not be accepted.

Article 36

After the list of candidates has been proclaimed, if any of the circumstances below is found to have arisen, the election commission concerned shall revoke the candidate's registration. If such fact is found after the election of a candidate, the election commission concerned shall bring a lawsuit against him/her to invalidate the election in accordance with the provision set forth in Article 103-1.

1. The qualifications of the candidate do not meet the requirements specified in Article 31 or such qualifications have been nullified.
2. Any of the circumstances in Article 34 or Article 35 (1) and (4).
3. The candidate's registration is forbidden by Article 85 (1).

Article 36-1

If, because of death of a candidate between the deadline of candidates' registration and balloting day, the number of candidates does not exceed the number to be elected in the concerned constituency, all election activities shall be suspended and a new date for the election be fixed.

Article 37

A person who has registered as candidate may not withdraw such registration.

A political party which has nominated persons to register as candidates in geographical constituencies or aboriginal tribe constituencies may withdraw its nomination by submitting, before the deadline of the registration period, a withdrawal statement with the official seal of the party's central authority to the relevant election commission. Withdrawal after the deadline shall not be accepted.

The party list registered by a political party of the candidates in the nationwide and overseas Chinese constituencies may be withdrawn or changed by submitting, before the deadline of the registration period, a withdrawal statement with the official seal of the party's central authority to the relevant election commission. Withdrawal after the deadline shall not be accepted. Such changes include the total number of candidates, replacement of candidates, and adjustment of order. If any new candidates are added, the political party shall submit necessary forms and documents and security deposit as regulated.

The candidacy of a registered candidate who, after the end of the registration period, changes residence or whose household registration is revoked shall not be affected, and he/she may still exercise his/her right to vote in that constituency.

Article 38

At the time of registration, a candidate shall make a security deposit, the amount of which shall be duly announced in advance by the election

commission; however, candidates for Borough (Village) chief shall be exempted.

The security deposits of candidates in the nation-wide and overseas Chinese constituencies shall be paid by the political party which registers them.

The security deposit referred to in the preceding two Paragraphs shall be refunded within ten days after the official announcement of the election results; however, no refund shall be made in any of the following circumstances:

1. For candidates of the nation-wide and overseas Chinese constituencies who fail to be elected.
2. For candidates who have failed to receive ten per cent of the quotient resulting from dividing the total number of eligible electors in the candidate's constituency by the number of seats to be elected therein.

Article 38-1

When registering, a candidate should prepare the forms and security deposit regulated by the election commission, and apply to the relevant election commission. Applications lacking or having discrepancy of documents and forms, lacking security deposit, or submitted after the deadline shall be rejected.

Article 38-2

The qualifications of candidates for election to public office shall be examined by the relevant election commission.

Candidates for nation-wide and overseas Chinese constituencies shall be disqualified if they are found not to meet the regulations. The other names on the list will move up in sequence.

In geographical constituencies, aboriginal tribes constituencies, and elections for all local offices, after the list of candidates is verified, the election commission shall notify candidates to draw lots for ballot position number three days before proclamation of the candidate list. However, such drawing of lots for candidates for Township (City) representatives, Township (City) chiefs, and Borough (Village) chiefs shall be carried out by Township (City, District) offices.

Such drawing of lots shall be supervised by inspectors. Any candidates who do not attend the drawing, or, although being present, do not exercise his/her drawing after being called three times, lose their right to draw lots, and the election commission or Township (City, District) offices shall draw the lots on their behalf.

The sequence of candidates in the nation-wide and overseas Chinese constituencies shall follow the sequence of each party's certificate as issued by the Ministry of Interior.

Section Four Constituencies

Article 39

For the election of public officials, the constituencies shall be prescribed as follows:

1. For delegates of the National Assembly to be elected by Municipality and County (City): each Municipality and County (City) shall be a constituency, but may be subdivided.
2. For members of the Legislative Yuan to be elected by Province (Municipality): each Province (Municipality) shall be a constituency, but may be subdivided.

3. For members of the Provincial Assembly to be elected by County (City): each County (City) shall be a constituency; for Municipal city councilors, each city shall be a constituency, but may be subdivided.
4. For County (City) councilors and Township (City) representatives: the administrative areas they shall be their respective constituencies, but may be subdivided.
5. For Provincial governors and Municipal mayors, County magistrates and City mayors, Township (City) chiefs and Borough (Village) chiefs, each of these administrative areas shall be their respective constituencies.

Article 40 (*Deleted*)

Article 41

For delegates of the National Assembly, members of the Legislative Yuan, Provincial (Municipal) councilors, County (City) councilors, and Township (City) representatives to be elected by aboriginal tribes, the constituencies shall be fixed according with the following provisions:

1. For delegates of the National Assembly and member of the Legislative Yuan to be elected by aboriginal tribes, all such tribes shall constitute a constituency, which may also be demarcated between "plains aborigines" and "mountain aborigines".
2. For Provincial (Municipal) councilors, County (City) councilors, Township (City) representatives to be elected by aboriginal tribes, the constituencies shall be the administrative areas of Province (Municipality), County (City), and Township (City), which may also be subdivided into "plains aborigines" and "mountain aborigines" or within the administrative areas thereof.

Article 42

The constituencies provided for in Article 39, Subparagraph 1 to 3 and Article 41, Subparagraph 1 and 2 for the election of Provincial (Municipal) councilors shall be demarcated by the Central Election Commission; the constituencies set forth in Article 39, Subparagraph 4 and Article 41, Subparagraph 2 for the election of County (City) councilors shall be demarcated by the Provincial Election Commissions; the constituencies set forth in Article 39, Subparagraph 4 and Article 41, Subparagraph 2 for the election of Township (City) representatives shall be demarcated by the County Election Commissions; the constituency demarcations shall also be proclaimed simultaneously together with the election proclamation. Where there is a change in constituency demarcation, the proclamation shall be made one year before the expiration of the terms of office of the public official concerned, or before a prescribed date.

In making the constituency demarcations, administrative districts, population distribution, geographical environment, transportation situation and the number of public officials to be elected shall all be taken into account.

Section Five Election Proclamations

Article 43

Election commissions shall issue various proclamations in accordance with the 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 beginning and ending time of polling. The proclamation shall be issued forty days before the expiration of terms of office of the public official concerned or before the prescribed dates; however, when holding a re-balloting or supplementary election, the forty days stipulation shall not apply.

2. Days for candidate registration shall be proclaimed twenty days before polling day. The registration period shall not be less than five days; however, in elections for Township (City) representatives or chiefs and Borough (Village) chiefs, the duration shall not be less than three days.
3. The electoral register shall be proclaimed fifteen days before polling day, and shall be made public for not less than five days.
4. The 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 polling day.
6. The list of elected persons shall be proclaimed within seven days after polling day.

When the number of Public officials to be elected prescribed in subparagraph 1 of the preceding paragraph is to be calculated in accordance with population, the relevant number shall be the population data from the household registration as of the end of the sixth month before the month of the election.

When no candidate registers in a constituency during the period prescribed in Subparagraph 2 of the preceding paragraph, a second proclamation for candidate registration shall be issued, the duration of which shall not be less than two days.

Article 44

The election of public officials shall be completed ten days before the expiration of their respective terms of office or the prescribed dates; however, this provision shall not apply in case of holding a re-balloting or supplementary election.

Section Six Election Activities

Article 45

The duration of campaign activities of candidates for public office shall be as follows:

1. Twenty-five days for candidates for Provincial governor.
2. Fifteen days for candidates for Municipal mayor.
3. Ten days for candidates for delegates to the National Assembly, members of the Legislative Yuan, Provincial (Municipal) councilors, County (City) councilors, County magistrates and City mayors, and Township (City) chiefs.
4. Five days for candidates for Township (City) representatives, and for Borough (Village) leaders.

The duration of campaign activities referred to in the preceding Paragraph shall be counted backward from the day before polling day, and the beginning and ending time of each campaign day shall be prescribed by the respective election commission.

Article 45-1

The maximum amounts of campaign expenditures of various public officials shall be calculated according to provisions by the election commission and be announced simultaneously together with the election proclamation.¹

The maximum amounts of campaign expenditures mentioned in the preceding paragraph shall be calculated in accordance with the following provisions:

1. For the election of delegates to the National Assembly, members of the Legislative Yuan, Provincial (Municipal) and County (City) councilors, and Township (City) representatives, the amount shall be equal to 70 percent of the population of the constituency divided by the number of seats multiplied by 15 New Taiwan Dollars, plus a fixed amount.
2. For the election of Provincial governors or Municipal mayors, County (City) mayors, Township (City) Chiefs, or Borough (Village) chiefs, the amount shall be the sum of resulting from 70 percent of the total population of the constituency concerned multiplied by 8 New Taiwan Dollars, plus a fixed amount.

The fixed amount as prescribed in the preceding paragraph shall be 10,000,000 New Taiwan Dollars for Provincial governors or Municipal mayors; 6,000,000 New Taiwan Dollars for delegates of the National Assembly, members of the Legislative Yuan, County (City) mayors; 4,000,000 New Taiwan Dollars for Provincial (Municipal) councilors; 2,000,000 New Taiwan Dollars for County (City) councilors or Township (City) chiefs; 500,000 New Taiwan Dollars for Township (City) representatives; and 80,000 New Taiwan Dollars for Borough (Village) chiefs.

These maximum amounts shall be rounded down to the nearest 1,000 New Taiwan Dollars. The total population of the constituency mentioned in Paragraph 2 means the total number of the population in the household registration of the constituency as of the end of the sixth month before the month of the election.

Article 45-2

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 a group or juridical person whose main membership is composed of aliens.
2. Another political party or candidate for the same office.
3. A government enterprise or a juridical person which receives contribution(s) from the government.²

Article 45-3

Every candidate shall establish an account book, ready for inspection, for campaign revenues and expenditures. The account book shall be maintained either by the candidate personally or by a designated person.

Each candidate shall, within 30 days after polling day, submit this account book together with the campaign revenues and expenditures reckoning form, both bearing the official seal of the candidate or the designated accountant, to the relevant election commission.

If the election commission finds any items in the account book or reckoning

¹ Violators of this article shall be punished according to Article 95-1 of this Law.

² Violators of this article shall be punished according to Article 88 of this Law.

form which appear to be inaccurate, it shall request the original receipts or documents for inspection.

All receipts and documents regarding campaign revenues or expenditures shall be preserved for six months after submission of the account book and reckoning form. However, if a lawsuit is filed, they shall be preserved until three months after the final verdict is announced.

Campaign finance accounting standards shall be set by the Central Election Commission.³

Article 45-4

If, from the day of election proclamation to the thirtieth day after polling day, the candidate's payable campaign expenditures pertaining to campaign activities is within the maximum amount as prescribed by Article 45-1, these expenditures, minus the portion collected as contributions, may be claimed as a tax deduction in the income tax report of that year.

An individual's campaign contribution to a candidate may not exceed 20,000 New Taiwan Dollars. A profit-seeking enterprise's contribution may not exceed 300,000 New Taiwan Dollars. The sum of contributions received by a candidate may not exceed the maximum amount as prescribed by Article 45-1.

All individual's contribution to a legally established political party may not exceed 20% of his/her annual total income and may not exceed 200,000 New Taiwan Dollars. A profit-seeking enterprise's contribution may not exceed 10% of its annual total income and may not exceed 3,000,000 New Taiwan Dollars.

The contributions mentioned in the preceding two Paragraphs may be claimed by individuals as tax deductions in the income tax report of that year, or claimed by profit-seeking enterprises as expenses or losses of that year. However, these claims may not be made in the case of contributions to a political party, if the candidates of that party failed to obtain an average of 5% of the ballots cast in an election of public officials at the Provincial (Municipal) level or higher. If there was no election in that year, the data from the most recent election shall be used. For a newly established political party, the average shall be the average in the year of the next election.

A profit-seeking enterprise which has failed to record a profit for three or more consecutive years may not make any campaign contributions.

Article 45-5

Candidates, other than those in the nation-wide and overseas Chinese constituencies, shall be subsidized 30 New Taiwan Dollars for each vote exceeding one third of the votes sufficient to win a seat in the constituency concerned, if it is a single-seat constituency, or one half of the votes sufficient to win a seat if multiple seats are elected in the constituency; however, the sum so subsidized may not exceed the maximum amount of campaign expenditures prescribed in that constituency.

In a constituency with more than one seat, the number of votes mentioned in Paragraph 1 shall be the smallest number of votes gained by an elected candidate. If the elected candidate receiving the smallest number is a female candidate whose seat is guaranteed by the law, the second smallest number of votes received by an elected candidate shall be used.

The amount of subsidy mentioned in Paragraph 1 shall be examined and

³ Violators of these standards shall be punished according to Article 97 of this Law.

calculated by the election commission within twenty days after the day following proclamation of the election results, and the election commission shall notify candidates to bring receipts to claim the subsidy within three months.

The government shall issue subsidies for election campaign expenditures of each political party every year. The amount of subsidy is based on the results of the most recent election of members of the Legislative Yuan. The political party's campaign expenditures of the nation-wide and overseas Chinese constituencies shall be subsidized 50 New Taiwan Dollars for each vote exceeding five percent of total. The amount of subsidy shall be examined and calculated by the Central Election Commission each fiscal year until the expiration of the current term of members of legislators, and the Central Election Commission shall notify political parties to claim the subsidy by showing their receipts to the Central Election Commission within one month.

The election commission shall warn those candidates and political parties who do not claim their subsidy for campaign expenditures to do so within three months, otherwise the subsidy would be withdrawn and kept in accordance with the law. However, those who forgo their claim by means of a written statement shall not be included.

The allocation for such subsidies shall be prepared in the budget in accordance with the provisions of Article 13.

Article 46

Each candidate during the period of campaign activities may set up a campaign headquarters in his/her constituency and employ campaign staff.

Regulations pertaining to campaign headquarters and to the employment of campaign staff shall be prescribed by the Central Election Commission.

Article 47

The following persons shall not be qualified to serve as campaign staff:

1. Registered candidates, except for those registered in the nation-wide and overseas Chinese constituencies.
2. Public functionaries.
3. Those who have any of the disqualifications set forth in Article 34 or any of the circumstances in Article 35 (1).

"Public functionaries" in this paragraph shall be those public officials prescribed in Article 24 of the Public Service Law.

Article 48 *(Deleted)*

Article 49

For elections of public officials, except for representatives of nation-wide and overseas Chinese constituencies, the election commissions in each constituency shall hold public meetings during the period of campaign activities at which all candidates shall personally present their political views. However, with the unanimous consent of all the candidates in a constituency, the event may be cancelled. For elections of Township (City) representatives and (Borough) Village chiefs, commissions may decide whether or not to hold such meetings.

At these meetings, each candidate should use more than fifteen minutes to present their political points of view. Detailed regulations, including number, time and procedure for such presentations, shall be prescribed by the Central Election Commission.

The Municipal, County (City) Election Commissions shall proclaim in advance the locations within their jurisdictions suitable for campaign activities, after consulting and obtained the consent and rental terms, if any, from the managing agencies, managers, and or property owners.

Article 50

Election commissions shall compile data pertaining to the candidates' political views, ballot position numbers, photographs, names, ages, sexes, places of ancestry, birthplaces, party affiliations, educational backgrounds, experiences, occupations, addresses, and print all these data, together with election regulations, in an election bulletin.

The compilation and printing of the candidates' political views, ballot position numbers, photographs and places of ancestry set forth in the preceding paragraph shall not apply in an election for nation-wide and overseas Chinese constituencies.

Content of the candidate's political points of view shall not exceed 600 words, and educational background and experiences shall not exceed 150 words. However, educational background and experiences of candidates for nation-wide and overseas Chinese constituencies shall not exceed 75 words.

The data of candidates and political parties set forth in paragraphs 1 and 2 shall be submitted to the election commission in charge during candidacy registration.

If the content of a candidate's political views violates Article 54, it shall be revised after notification by the relevant election commission. If it is not duly and timely revised or continues in violation after revision, the violating portion shall not be printed in the bulletin.

Candidates and the political parties shall be responsible for their own data respectively. When an election commission finds that any data are not correct, it shall not print them. The candidates nominated by political parties shall be so identified. For candidates who are not nominated by any party or in cases where a party's formal nomination had been withdrawn, the candidates' party affiliation shall be left blank.

The election bulletins shall be distributed to every household in the constituency and be posted on the proper places, at least two days before polling day. Bulletins for election to nation-wide and overseas Chinese constituencies may instead be published in newspapers by the Central Election Commission.

Election commissions may, as needed, make use of television and other mass media to conduct election affairs and for the campaign activities of the political parties. The regulation of such use shall be prescribed by the Central Election Commission.

Article 50-1

With regard to the election for nation-wide constituencies, Provincial governors, and Municipal mayors, the relevant election commissions shall appropriate public funds for candidates and political parties thereof to conduct not less than two televised meetings for presentation of political views. The television or broadcasting period shall not be shorter than one hour each time. The designated television station may not refuse the designation.

Radio stations, television stations, and cable broadcasters shall be just and fair in handling news pertaining to candidates and their affiliated political parties.

Political parties, candidates or other persons themselves, except prescribed by Paragraph 1, may not engage in campaign activities or make publicities and advertisements through radio or television broadcasting.

Article 51

Campaign propaganda materials printed with words or pictures and distributed shall be personally signed by the candidates concerned. They shall not be posted, except on campaign headquarters and campaign vehicles.

Slogans, billboards, pennants, banners, cloth or other advertising materials posted or erected by candidates shall not obstruct public safety or traffic order, and shall be removed within seven days after polling day. Violators shall be punished in accordance with relevant laws and regulations.⁴

Article 51-1

During the period of campaign activities, political parties may print and distribute campaign propaganda materials with words and pictures, as well as hang or erect slogans, billboards, pennants, banners, cloth or other advertising materials for the candidates they have nominated.

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

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

Article 52

Political parties and candidates may use campaign vehicles and loudspeakers during the period of campaign activities.

For campaign activities the number of such vehicles for any candidate shall not exceed 20; however, vehicles for a candidate whose constituency is a Municipality or County (City) shall not exceed 10, those for a candidate whose constituency is a Township (City) shall not exceed three, and those a candidate whose constituency is a Borough (Village) shall not exceed one. Political parties may not use more than 10 such vehicles in each Municipality or County (City), or 1 in each Borough (Village).

The campaign vehicles used by the political parties and by the candidates shall fly the pennants prepared and issued by the election commissions.

The loudspeakers used by the political parties and candidates thereof for campaign activities shall be installed on the campaign vehicles and campaign offices only, and shall be used properly so as not to interfere with the presentation of political views by other political parties and candidates.⁵

Article 53 *(Deleted)*

Article 54

The utterances of political parties and candidates and/or their campaign staff shall not include any of the following:

1. Incitement to commit offenses against the internal or external security of the state.
2. Incitement to undermine social order by rioting.

⁴ Violators of this article shall be punished according to Article 97 of this Law.

⁵ Violators of this article shall be punished according to Article 97 of this Law.

3. Commission of other offenses set forth in the Criminal Code.⁶

Article 55

Political parties and candidates or their staff shall not conduct public campaign activities during the prescribed campaign period outside the prescribed beginning and ending times of each day.⁷

Article 55-1 (Deleted)

Article 56 (Deleted)

Article 56-1

No political party and no individual shall be permitted to conduct any campaign activity on polling day.⁸

Article 56-2

In elections for nation-wide and overseas Chinese constituencies, no candidate registered by a political party may accept campaign contributions. The campaign activities of such candidates shall be limited to those set forth in Article 51-1.

Section Seven Casting and Counting of Ballots

Article 57

Polling stations shall be established in public office buildings, schools, public places and other appropriate places in keeping with the size of the constituency and the geographical distribution of the electors.

Election for aboriginal tribes constituencies shall be practiced by setting up separate polling stations, or where the need is determined by the relevant election commission, in the local polling station.

Apart from those family members prescribed in Article 21 of the Law, no one lacking identification issued by the appropriate election commission shall enter polling stations, except for prosecutors executing his/her legal duty.

Upon completion of voting, each polling station shall become a counting station, and the ballots shall be orally counted in public. After all ballots are counted, the director and the chief monitor of the counting station shall proclaim the results of the count in a written statement. The statement shall be posted outside the counting station, and one copy shall be signed and given to each of the agents of candidates' political parties and of independent candidates.

In case of any discrepancy between the signed statements and the one posted at the counting station, the former shall govern.

After counting finishes, the director and the chief monitor shall pack the unused ballots, valid ballots, invalid ballots and electoral registers separately and seal the packages. These packages shall be delivered to the local Township (City, District) office and then transferred to the Municipal or County (City) Election Commission for safekeeping. The packages shall not be opened except by a prosecutor or court in the course of executing legal duties.

The electoral registers and ballots in the preceding paragraph shall be preserved for the following periods:

1. One month for unused ballots.
2. Six months for valid ballots and invalid ballots.

⁶ Violators of this article shall be punished according to Article 86 of this Law.

⁷ Violators of this article shall be punished according to Article 97 of this Law.

⁸ Violators of this article shall be punished according to Article 97 of this Law.

3. Six months for electoral registers.

During these periods, any materials that are part of evidence related to an election lawsuit shall be preserved by the court until the conclusion of the suit.

Article 58

Each polling and counting station shall have one director and several poll workers appointed by the election commission to take charge of polling and counting affairs.

These personnel shall be recommended and assigned by governmental organizations at all levels and public schools by request. Such assignments shall not be refused.

Security guards at polling and counting stations shall be assigned and deployed from local police stations by the request of Municipal, County (City) election commissions.

Article 59

Each polls and each ballot-opening station shall have one chief monitor and several monitors to supervise the polling and counting.

These monitors shall be recommended by the candidates and submitted to the election commission in charge for screening and appointment; however, for a party-nominated candidate, this recommending right shall be exercised only by that political party. The candidate or the political party may assign their recommended monitors to designated polling and counting stations to monitor. If the assigned monitors are more than the prescribed number for a polling or counting station, the final selection shall be made by drawing lots. However, it must not be that all the monitors at a polling or counting station are representing the same political party.

When the total number of monitors is less than the number needed, the election commission in charge shall appoint additional monitors from among the following persons:

1. Local impartial individuals.
2. Personnel of government offices, private organizations and schools.
3. Adult university students.

Regulations governing the recommendation of inspectors and their service shall be decreed by the Central Election Commission.

Article 59-1

All staff in polling and counting stations shall attend training workshops held by the election commissions.

Article 60

The ballots shall be printed and distributed by the election commission, taking into account the different constituencies. The ballot shall bear the ballot position numbers, names, and photographs of all candidates. However, in an election for central-level public officials, the ballots shall also bear the party affiliation for party candidates.

Ballots shall be printed by the Municipal, County (City) Election commission in accordance with the regulations prescribed by the Central Election Commission. The printing shall be supervised by the respective inspection task force, and the ballots shall be transmitted to each polling station one day before polling day to be checked in public by the polling station director and chief inspector.

Article 61

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

After marking on the ballot, the elector shall not show the marked ballot to others.⁹

Marking tools shall be prepared by the Municipal (City), County (City) election commissions following the format regulated by the Central Election Commission.

Article 62

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 candidates.
3. The mark is put in such a place that the elector's 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 in such a way that part is missing.
7. The ballot is so stained that the elector's 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.

Invalid ballots shall be determined by the director together with the chief monitor of the counting station. If there is a disagreement between them, it shall be voted upon and decided by all monitors. In the event of a tie, the ballot shall be declared valid.

Article 63

The director together with the chief monitor shall order a person to leave the polls or the counting station if any of the following events occur:

1. The person has made a disruption or has interfered with or persuaded others to vote or not to vote, in defiance of orders to desist.
2. The person carries a weapon or dangerous articles into the polls.
3. The person has committed other improper acts and has defied orders to desist.¹⁰

If an elector is ordered to leave for any of these reasons, any ballot received 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.

Electors, and their family members as prescribed in Article 21 (3), shall not take cell (mobile) phones or cameras into the polling station.

No person shall use any kind of camera to record an elector's marked ballot.

¹¹

Article 64

If polling or counting is prevented by a natural calamity or an unavoidable accident, the director of the polling or counting station shall report the situation

⁹ Violators of this paragraph shall be punished according to Article 93 of this Law.

¹⁰ Violators of this paragraph shall be punished according to Article 93 of this Law.

¹¹ Violators of these two paragraphs shall be punished according to Article 93-1 of this Law.

to the Municipal, County (City) Election Commission, and shall ask for approval to change the date or place for polling or counting the ballots. If the election is for central public officials, Provincial (Municipal) councilors, Provincial governor or Municipal mayor, County (City) councilors, County magistrate or City mayor, the case shall also be reported and transmitted to the Central or Provincial Election Commissions respectively for reference.

Section Eight Election Results

Article 65

Unless otherwise provided, in elections for public office, the candidates shall be elected in order of numbers of votes received, up to the number of seats to be elected in each constituency. When two or more candidates receive equal numbers of ballots, the winner shall be determined by drawing lots.

The apportionment of seats in the nation-wide and overseas Chinese constituencies shall be as follows:

1. The number of ballots received by a political party shall be the sum of all the ballots received by all candidates nominated by the party for delegates of the National Assembly or members of the Legislative Yuan in the geographical and aboriginal tribe constituencies. The quotient of this number divided by the sum total of the ballots received by all political parties shall be the proportion of votes won by that political party.
2. This proportion, multiplied by the number of seats to be elected, rounded down to the nearest whole number, shall be the quota of seats for that political party. The seats shall be apportioned among candidates of that political party according to the sequence fixed on the party list.
3. If, after this apportionment, one or more seats are left unfilled, it (they) shall be apportioned to the political parties according to the size of the remainder of ballots. When there are equal remainders of ballots, the seat apportionment shall be determined by drawing lots.
4. When fewer women are elected than the quota of seats for women, the respective political parties shall give precedence to their female candidates so as to fill the quota.
5. When a party list as registered contains fewer names than the number of seats that political party is entitled to, or when the female candidates are fewer than the prescribed number of guaranteed seats, the resulting unfilled seats shall be regarded as vacant.
6. A political party which fails to receive five percent of the ballots cast shall not be entitled to seat apportionment, and the number of ballots received by that party shall not be included in the calculation of the total sum of ballots in Subparagraph 1.
7. The ballots received by candidates not nominated by any political party shall not be included in the counting as provided in Subparagraphs 1 and 6.
8. Proportions of votes referred to above shall be calculated to four decimal places, and the fifth decimal place shall be rounded off.

Article 65-1

When there is a quota for women in an election for public office, but the number of elected women is less than the quota, the ballots received by the

female candidates shall be counted separately, and the one who receives a plurality of these ballots shall be elected, but this provision shall not apply in a constituency where there is no woman candidate. The calculation shall be made as follows:

1. In geographic constituency elections for delegates of the National Assembly or members of the Legislative Yuan, if the counted ballots do not result in sufficient women being elected to meet the quota, the total amount of ballots for all female candidates who are not yet elected should be counted separately. The candidates shall be elected in order of amount of ballots obtained in the constituency, up to the number of unfulfilled seats in the quota.
2. Geographic constituency elections of Municipal City Councilors, County (City) Councilors, and Township (City) representatives shall be handled in the same manner, *mutatis mutandis*.
3. Elections for aboriginal tribes constituencies for County (City) Councilors, Township (City) representatives, shall be handled in the same manner, *mutatis mutandis*.

The quota for women of each political party prescribed in Paragraph 2, Subparagraph 4 of the preceding article shall be distributed as follows:

1. When the number of women elected is less than the prescribed quota, the priority should go to those female candidates on the list in order of the sequence of the list.
2. If the number of female candidates on the party list is fewer than quota of seats reserved for women, the unfilled seats shall be considered vacant.

Article 66

When the number of candidates does not exceed or is less than the seats to be elected in a constituency, except in elections for Borough (Village) chiefs, only the candidates who have received the following prescribed number of ballots shall be declared elected:

1. In elections for delegates of the National Assembly or members of the Legislative Yuan, Provincial (Municipal) councilors, or Township (City) representatives: 10 percent of the quotient resulting from dividing the total number of the electors in the constituency by the number of seats to be elected.
2. In elections for Provincial governors or Municipal mayors, County magistrates or City mayors, or Township (City) chiefs, 20 percent of the total number of the electors in the constituency.

When, in an election for Provincial governor, Municipal mayor, County magistrate or City mayor, or Township (City) chief, even after applying the preceding paragraph, no one is elected, another election shall be proclaimed and held within a fixed period after polling day. When, in an election for delegates of the National Assembly or members of the Legislative Yuan, Provincial (Municipal) councilors, County (City) councilors, or Township (City) representatives, no one is elected or the number of persons to be elected does not reach the number of seats to be filled, the unfilled seats shall be considered vacant. If such vacancies reach one-half of the total number of the seats to be elected in a constituency, a by-election shall be held within three months after the day this occurred.

The provisions set forth in the preceding two paragraphs shall not apply in

nation-wide and overseas Chinese constituencies.

Article 67

If, before taking office, an elected person dies or a court judgment annuls his/her election, the following provisions shall apply:

1. For a Municipal Mayor, County magistrate or City Mayor, Township (City) chief, or Borough (Village) chief, the election shall be re-held within a fixed period.
2. For a delegate of the National Assembly, member of the Legislative Yuan, Municipal City councilor, County (City) councilor, or Township (City) representative, when the death is by unnatural causes, the seat shall be regarded as vacant. If such vacancies reach one-third of the total number of seats to be elected in the constituency, a by-election shall be held within a fixed period. In the case of nation-wide and overseas Chinese constituencies, such seats shall be filled by candidates according to the sequence of the party list; if there are not sufficient candidates on that party list, the seat shall be considered vacant.
3. For a delegate of the National Assembly, member of the Legislative Yuan, Municipal City councilor, County (City) councilor, or Township (City) representative, when the death is by natural causes, or when his/her election is annulled by a court judgment, the seat shall be filled by the remaining unelected candidates in order of the amount of received ballots. If there are no more candidates to fill the seat, a by-election shall be held within a fixed period of time. In the case of nation-wide and overseas Chinese constituencies, seats shall be filled as in the previous paragraph.

Re-election as prescribed in Subparagraph 1 of the preceding paragraph and by-election prescribed in Subparagraphs 2 and 3 of the preceding paragraph shall be completed within three months after the elected candidate dies or the election commission receives the decision from the court. Proclamation of substitute candidates as prescribed in Subparagraph 2 and Subparagraph 3 of the preceding paragraph shall be done by the election commission within fifteen days after the elected candidate dies or the election commission receives the decision from the court.

If a candidate elected in the nation-wide and overseas Chinese constituencies is deprived of party affiliation before inauguration, he/ she shall lose the qualification of election as of the day after such deprivation. His/her seat shall be filled by the next candidate of the party according to the sequence of the party list; if there are not sufficient candidates on that party list, the seat shall be considered vacant.

Deprivation of party affiliation shall be reported to the Central Election Commission together with a certificate of deprivation for reference. The Central Election Commission shall proclaim the substitute within fifteen days after receipt of the certificate.

Article 67-1

All elected persons possessing any foreign nationality must renounce it before taking office. Failure to do so shall nullify his/her election, and the seat shall be filled according to the preceding Article.

Article 68

The persons duly elected in an election shall take office at a stipulated date. In the case of a person who, having been elected in a by-election or a re-balloting, cannot take office at the stipulated date, his/her term of office shall nonetheless be considered to have begun from the original stipulated date.

Article 68-1

Filling a vacant position of a central public official created by death, resignation, or other causes shall be handled as follows:

1. If the seat represents a geographical or aboriginal tribes constituency, and the vacancies reach one-half of the number of the seats to be elected, the Central Election Commission shall fix a date to hold a by-election. However, when the term of office left to be served is shorter than one year, a by-election shall not be held.
2. If the seat represents the nation-wide or overseas Chinese constituencies, it shall be filled according to the sequence on the party list, and it shall be regarded as vacant when there are insufficient candidates on the list.

A central public official elected in the nation-wide or overseas Chinese constituencies who is deprived of his/her party affiliation after taking office shall be disqualified from office. The Central Election Commission shall request a formal disqualification from the National Assembly or the Legislative Yuan. His/her seat shall be filled according to the sequence fixed on that party list, and it shall be considered vacant if there are insufficient candidates on the list.

By-elections as prescribed in Paragraph 1, Subparagraph 1 should be finished within three months of the day of death, resignation or receipt of the court decision by the election commission. The names of substitutes prescribed in Paragraph 1, Subparagraph 2 and in the preceding paragraph should be proclaimed by the Central Election Commission within fifteen days after the official National Assembly or Legislative Yuan document confirming the disqualification has been received.

Deprivation of party affiliation shall be reported to the Central Election Commission together with a certificate of deprivation for reference.

Chapter Four

Recalls

Section One Initiation of a Recall Case (Articles 69-72)

Section Two Establishment of a Recall Case (Articles 73-79)

Section Three Balloting on a Recall Case (Articles 80-85)

Chapter Five

Punishment of Election and Recall Offenses

Article 86

Violators of the provisions of Article 54, Subparagraph 1 shall be punished with imprisonment for not less than seven years; violators of Subparagraph 2 shall be punished with imprisonment for not less than five years. Penalties for violations of Subparagraph 3 shall follow the relevant provisions of the Criminal Code.

Article 87

Any person who, during campaigning or assisting in a campaign, openly assembles a crowd to disturb social order by rioting 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 such an offense is punishable.

Article 87-1

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

If such an offense leads to the event of the death of a public functionary, the offender shall be punished with imprisonment for life or not less than seven years. If it leads to severe injury of a public functionary, the offender shall be punished with imprisonment for not less than three years but not more than ten years.

Article 87-2

Openly assembling a crowd to commit the offenses in the preceding Article shall be punished with imprisonment for not more than three years, detention or a fine of not more than 300,000 New Taiwan Dollars, the ringleader and perpetrators shall be punished with imprisonment for not less than three years but not more than ten years.

If the offenses provided in the preceding Paragraph result in death of a public functionary, the ringleader and perpetrators shall be punished, with imprisonment for life or for not less than seven years; if the offenses result in severe injury of a public functionary, the same persons shall be punished with imprisonment for not less than five years but not more than twelve years.

Article 88

A candidate violating Article 45-2, Subparagraph 1 shall be punished with imprisonment for not more than five years; those violating Subparagraph 2 and 3 of the same Article shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 100,000 New Taiwan Dollars.

If a political party, a responsible person or representative of a political party, or the agent or employee of a candidate commits the offenses set forth in the preceding Paragraph, he/she/it shall also be punished accordingly. Where the offenses pertain to the first part of the preceding Paragraph, the political party or candidate may, in addition, be imposed a fine of not less than 100,000 but not more than 500,000 New Taiwan Dollars; if the offenses pertain to the last part of the preceding Paragraph, the fine imposed shall be less than 100,000 New Taiwan Dollars.

The property accepted as contributions by those who commit the offenses listed in the preceding two Paragraphs 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 89

A person who offers, agrees to pay, or pays a bribe, or offers other improper benefits to a candidate to make him/her withdraw from the election or engage in particular campaign activities shall be punished with imprisonment for not more than five years and may, in addition, be imposed a fine of not less

than 600,000 but not more than 6,000,000 New Taiwan Dollars.

The above provisions shall also apply to a candidate who demands, agrees to accept, or accepts such a bribe or benefits.

The bribes involved in an offense under Paragraph 1 shall be confiscated, whether or not they belong to the offender. In the case of offenses under 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 90

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

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

Attempts to commit such offences shall be punishable.

Article 90-1

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, he/she shall be imposed a fine of not less than 400,000 but not more than 4,000,000 New Taiwan Dollars.

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

Any such bribes or benefits shall be confiscated, whether or not they belong to the offenders.

Persons committing such offenses who surrender for trial within six months may have their punishments reduced or remitted; where such surrender results in a conviction against a candidate as an accomplice, the punishment shall be remitted.

Persons committing such offenses who confess during investigation may have their punishments reduced; where such confession results in a conviction of a candidate as an accomplice, the punishment may be reduced or remitted.

Article 91

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, be imposed a fine of not less than 500,000 but less than 5,000,000 New Taiwan Dollars:

1. To offer, pay, or agree to pay money, goods, or other improper benefits to a group or organization in the constituency under the pretext of donation in order to induce the members of the group or organization not to exercise their right to vote or to exercise it in a particular manner.
2. To offer, pay, or agree to pay money, goods, or other improper benefits to an initiator or cosigner of a case of recall in order to induce him/her to refrain from initiating or cosigning the case or to proceed to initiate or cosign in a particular way.

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 money, goods, or benefits shall be confiscated, whether or not they belong to the offenders.

Article 91-1

A person who intentionally assumes the guilt of another for offenses specified in Article 89 (1) and (2), Article 90-1 (1), or Article 91 (1) shall be punished with imprisonment for more than one year but less than seven years, and may, in addition, be imposed a fine of more than 500,000 but less than 5,000,000 New Taiwan Dollars.

An attempt to commit such an offence shall be punishable.

Article 92

Anyone employing with intent to influence the election of a candidate writing, pictures, audiotape, videotape, speech or other methods to circulate rumors or falsehoods sufficient to damage the public or another person shall be punished with imprisonment for not more than five years.

Article 93

A person who has committed any of the offenses set forth in Article 61 (2), Article 81 (2), Article 63 (1) and has refused to leave the place after having been ordered to so shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 200,000 New Taiwan Dollars.

Article 93-1

A violator of the provisions set forth in Article 63 (3) shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 30,000 New Taiwan Dollars.

A violator of the provisions set forth in Article 63 (4) shall be punished with imprisonment for not more than five years, and may, in addition, be imposed a fine of not more than 500,000 New Taiwan Dollars. Any camera equipment discovered shall be confiscated.

Article 94

During the recall process, a person who commits any of the following offenses shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 100,000 New Taiwan Dollars; the ringleader and perpetrators of any of these offenses shall be punished with imprisonment for not more than five years:

1. Assembling a crowd to surround the person involved in the recall, the initiators or cosigners of the recall, or of the organization, headquarters, domiciles or residences of the staff thereof.
2. To employ violence, threat or other illegal means to obstruct the person involved in the recall to perform their duties or the initiator, cosigners, and their staff members to proceed with the recall process.

Article 94-1

Any person who takes a ballot away from a polling station shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 15,000 New Taiwan Dollars.

Article 95

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

Article 95-1

A person whose campaign expenditures exceed the maximum amount set forth by the election commission in charge in accordance with Article 45-1 (1) shall be imposed a fine of not less than 100,000 but not more than 500,000 New Taiwan Dollars.

Article 96 *(Deleted)***Article 96-1** *(Deleted)***Article 97**

A violator of the provisions set forth in Article 45-3 (1)(2)(4), Article 51 (1), Article 51-1 (2), or the standards of Paragraph 5 of Article 45-3 (5), shall be imposed a fine of not less than 10,000 but not more than 100,000 New Taiwan Dollars.

A violator of the provisions set forth in Article 52(2)(3)(4)(5), Article 55, Article 56-1, Article 79 (2), or the provisions of either Article 46 (2) or Article 79 (3), and who do not obey inspector's attempt to curb the offending behavior, shall be imposed a fine of not less than 10,000 but not more than 100,000 New Taiwan Dollars.

A person who puts anything other than a ballot into a ballot box or deliberately destroys a ballot shall be imposed with a fine of not less than 5,000 but not more than 50,000 New Taiwan Dollars.

Article 97-1 *(Deleted)***Article 97-2**

A person who has committed the crime described in Article 89 (2) of this Law or Article 143 (1) of the Criminal Code, but who surrenders within three months after the offense shall have his/her punishment remitted. Where the person surrenders more than three months after the offense, the punishment may be reduced or remitted. Where the person confesses during the investigation or trial, the punishment may be reduced.¹²

A person who surrenders as described in the preceding Paragraph but fabricates stories with 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 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 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 Chapter 6 of the Criminal Law shall be deprived of civil rights.¹³

¹² For Article 143 of the Criminal Code, see the following footnote.

¹³ The special provisions of Chapter 6 of the Criminal Law pertaining to interference with voting are:

Article 142

A person who by threat, violence, or other illegal means interferes with another in the free exercise of his right to vote in a election duly authorized by law or in the free exercise of his other voting rights shall be punished with imprisonment for not more than five years.

An attempt to commit such an offence is punishable.

Article 143

A qualified voter who demands, agrees to accept, or accepts a bribe or other improper benefit for

Article 99

If a public functionary who has also registered as a candidate has been determined by the election commission to have performed any of the following acts, the commission shall first notify the supervisory authority of the offending functionary to suspend his/her duties and then 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 its staff members.
2. Interfering in the personnel or operations of the election commission.
3. Using under a pretext or embezzling public funds to pay campaign expenses.
4. Demanding an organization and its responsible person subordinate to or under the command or supervision of him/her to support his/her campaign.
5. Abusing his/her power to make campaign personnel arrangements by transferring persons without due reason.

Article 100

In elections for central public offices, the Prosecutor-General of the Supreme Court shall oversee the prosecutors of all levels; in elections for local public offices, the chief prosecutors of the competent courts shall oversee their subordinate prosecutors. The duties of prosecutors shall be to monitor and to prosecute on their own initiatives all criminal cases regarding interference in an election or a recall, and to investigate accusations, complaints, or surrenders to justice brought by an organization, group, or individual. Each prosecutor must immediately investigate.

In conducting the above-mentioned investigations, a prosecutor may command the police in accordance with the provisions of the Code of Criminal

refraining from exercising his right to vote or for exercising such right in a particular manner shall be punished with imprisonment for not more than three years; in addition, a fine of not more than 5,000 New Taiwan Dollars may be imposed.

Any benefit received through the commission of such an offence shall be confiscated; if the whole or part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

Article 144

A person who promised, offers, or gives a bribe or other improper benefit to a qualified voter for refraining from exercising his 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, a fine of not more than 7,000 New Taiwan Dollars may be imposed.

Article 145

A person who induces a qualified voter to refrain from exercising his right to vote or to exercise such right in a particular manner by offering an economic advantage or by threatening an economic disadvantage shall be punished with imprisonment for not more than three years.

Article 146

A person who by fraud or other illegal means procures an incorrect result from voting or alters election results shall be punished with imprisonment for not more than five years.

An attempt to commit such an offence is punishable.

Article 147

A person who interferes with or creates a disturbance at an election shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 New Taiwan Dollars.

Article 148

A person who endeavors to learn the content of a secret ballot shall be punished with a fine of not more than 300 New Taiwan Dollars.

Procedure and the Statute for Transferring and Directing the Police.

Article 100-1

In any cases pertaining to the offenses listed in this Chapter or offenses of interference with voting contrary to the special provisions stipulated in Chapter 6 of the Criminal Code, final judgment shall be made by the competent court within six months.

Chapter Six

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

Article 102

In a suit to nullify the result of an election or recall, 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 then shall be set in which a by-election or supplementary recall be held. Where the legal violation involves only a part of the election or the recall process, only that part of the process shall be null and void, and a re-balloting for that 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 103

When a person who is elected has committed one of the following acts, the election commission, the prosecutor or the other candidate(s) of the same constituency may, within fifteen days after the proclamation of the list of elected persons, sue for the nullification of the election in a court with competent jurisdiction:

1. The number of ballots won by the person elected is so inaccurate as to have affected the election results.
2. The person has employed threat, violence, or other illegal means to obstruct another candidate from campaigning, a qualified voter from freely exercising his/her right to vote, or staff of election affairs from executing their duties.
3. The person has committed offenses under Article 89 or Article 91 (Subparagraph 1) of this Law, or under Article 146 (1) of the Criminal Code.
4. The person has committed acts described in Article 90-1 (1) sufficient as to affect the election results.

When an election result has been nullified by a court in accordance with the preceding paragraph, the nullification shall not be affected if a court subsequently acquits the person of criminal responsibility for the deeds specified in the preceding Paragraph.

Article 103-1

An election commission, a prosecutor or another candidate of the constituency of an elected official may, within the terms of office thereof or a

prescribed date, bring a suit against the elected official before a competent court to request nullifying his/her qualification as an elected official under any of the disqualifying facts set forth in Article 36.

Article 104

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

Article 105

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 between his/her taking office and the judgment.

Article 106

After the approval or rejection of a recall, where the number of ballots is found to be so inaccurate as to affect the balloting result, the election commission, a prosecutor, the recalled person or the initiator of the recall case may, within fifteen days after the proclamation of the results, bring a suit against the initiator of the recall or the recalled person before a competent court to apply for nullifying the approval or rejection of the recall.

After the court has adjudicated and declared that the approval or rejection of the recall is null and void, the approval or rejection shall be null and void, and a period of time shall be set in which a re-balloting shall be held.

After the nullification of the approval of a recall, the official duties of the recalled person shall be restored.

Article 107

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

Article 108

The following courts possess jurisdiction over election and recall suits:

1. The district court and its branch courts located in the constituency where the election or recall suit arises have jurisdiction over the trial in the first instance. When the act(s) or situation(s) straddle(s) two or more constituencies, all the relevant district courts and their branch courts shall have jurisdiction over the suit.
2. In election and recall suits where one party refuses to accept the verdict of a district court or a branch district court and lodges an appeal, the High Courts and branch High Courts superior to that district court shall have jurisdiction over the appeal of election and recall suits.

Article 109

In an election or recall suit, the court shall establish a special chamber and try the case with a panel of judges. 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 application for a retrial shall not be allowed. Each competent court shall make final judgment within six months.

Article 110

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 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 law court for compulsory execution.

Article 112

The Enforcement Rules of this Law shall be prescribed by the Central Election Commission and be submitted to the Executive Yuan for approval.

Article 113

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