

# **Presidential and Vice Presidential Election and Recall Law**

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## **Chapter One General Provisions**

### **Article 1**

This law is drawn up in accordance with the forty-sixth Article of the Constitution and Paragraph 1, Article 2 of the Amendments of the Constitution.

The election and recall of the president and vice president shall be governed by the provisions of this law ; for 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 information.

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 re-holding 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 Administrative Act, Unless because a disaster is not business, provided that the length shall not be lengthened where its last day is on a Saturday, Sunday, national holiday or other off-work day.

The several days before the balloting day stipulated by this law shall count up from the preceding days of the balloting day to immediately.

The several days after the balloting day stipulated by this law afterwards shall count up to the day immediately

## **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 Legislative Yuan.

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.The preparation and issuance of election certificate.
- 10.The Subsidy for candidates' campaigning expensive.
- 11.Other affairs pertaining to election and recall.

### **Article 8**

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

### **Article 9**

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

1. The establishment and management of ballot casting and opening stations.
2. The preparation of election and recall ballot.
3. The supervising of public reading and promulgation of the electoral register.
- 4.The preparation of election bulletins.
- 5.The carrying out-of election publicity.

6.The inspection of election and recall activities.

7.Other affairs pertaining to election and recall.

During the period of conducting election or recall, the Municipal and County (City) Election Commissions shall set up election affair center in Township (City, District) to be in charge of the following affairs:

1. Affairs of Electoral Registers promulgating for public reading.
- 2.The establishment and management of ballot casting and opening stations.
- 3.The recruiting and reporting of ballot casting and opening station staff.
- 4.The trans-distribution and keeping affairs of election and recall ballot.
- 5.Affairs of the distribution of election bulletin as well as filling and distribution of voting notice.
- 6.Affairs of electoral regulation publicity.
- 7.Other affairs pertaining to election and recall that needed assistance.

#### **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 One Electors**

#### **Article 11**

Unless have civil rights been declared incompetent and the declaration has not been abrogated , All citizens of the Republic of China who have attained the age of 20 shall be eligible to vote.

#### **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 six months.
- 2.Persons have resided in the Free Areas of the Republic of China sequentially for more than six 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. The workers of the polls are at the same Municipal City or County (City) of his/her household registration. When the Presidential and Vice Presidential election is held simultaneously with other categories of public official election, elector shall cast ballot in the area of other categories of public official election is held.

### **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.

An elector shall bear signature, chop, or fingerprint when obtaining his/her ballot. In the case of using fingerprint, one administrator and one inspector shall seal on the fingerprint to prove its fact. One shall not be issued any ballots when his/her name is not on or not congruous with the electoral registers. However, if the cause of discrepant name is obviously written mistake, or the name is not congruous with the one on national identification card or passport because of marriage, ballot shall be issued after chief administrator in conjunction with chief inspector approve the situation.

Elector shall circle his/her vote after ballot is claimed. However, blind or disable people who may not be able to practice the vote but can express his/her will shall require to be assisted in circling ballot or circle ballot for him/her in accordance with his/her will by one of his/her families. Those without families' company shall require one administrator and one inspector to assist circling or circle for him/her in accordance with his/her will.

### **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 Two Electoral Registers**

### **Article 16**

Unless the law otherwise provides, the electoral register shall be compiled by the household office of Township (City, District) based on the household registration information. The electoral register shall include number, name, sex, date of birth, address of his/her household registration. 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, and keep his/her place of residence for overseas.

Upon the completion of the compilation of the electoral registers, except usage, which the law permits, for election commissions, Township (City, District) offices, and the household offices, it prohibits the provision of Household Registration Books by transcribing, photocopying, photographing, video taking, voice recoding, or any means for reproduction.

### **Article 17**

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

### **Article 18**

Upon the completion of the compilation of the electoral registers, the household offices shall turn in the form to Township (City, District) offices for transmittal to Municipal City, County (City) Election Commission. The electoral registers put on display, public reading, and promulgation respectively by Township (City, District) offices. Any elector 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, the Township (City, District) office 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 office for re-checking and re-correcting purposes.

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

## **Section Three Candidates**

### **Article 20**

An elector has attained the age of 40, has resided sequentially in the Free Areas of The Republic of China for more than six 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, Hong Kong, Macao may not register as candidates for the Presidency or Vice Presidency.

#### **Article 21**

Candidates for the Presidency and Vice Presidency shall prepare forms and deposit of security apply to the Central Election Commission register jointly Within applying for registration. Applications of those who do not register jointly or whose applications are incomplete will not be accepted. When register as candidate, one should which is in charge of taking applications. Lack of documents and forms, discrepancy of relevant provisions, lack of deposit of security or application that is not proposed by deadline would be rejected.

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 a party letter of recommendation to the Central Election Commission when registering. The letter of recommendation must be stamped with the party's seal, which was proved by the Ministry of Interior. When a same group of candidates recommended by two or more political parties, the letter of recommendation must list these political parities in order of priority, and be stamped with their seals. A political party cannot recommend two or more groups of candidates for a Presidential and Vice Presidential election. If a political party does, only the first group of candidates who has registered will be accepted only.

The political parties referred in the preceding paragraph are those whose recommended candidates received an aggregate at least five percent of the total valid votes in past elections of President and Vice President or Legislators of Legislative Yuan. When a same group of candidates is on recommendations of two or more political parities, votes that political parity has received will be counted by dividing the aggregate into the number of political parities of recommendation.

#### **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 County (City) Election Commissions to accept joint signature forms from the object of a joint signature campaigner his representative for 45 days beginning the day after the election proclamation is issued; however, a supplementary election or re-holding an election shall be Accomplished on the second day within 25 days for

proclamation.

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 staling 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. It does not reach one half of the number required, 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 and recognizance 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 County (City) Election Commissions.

Upon receiving joint signature documents referred to in the preceding paragraph, the Municipal or County (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 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 5.
- 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.

Joint signature documents of time of keeping election registers, those parts that are related to prosecutions should be practiced until 3 months after the end of prosecutions if there are any election prosecution cases.

Regulations governing joint signatures and the verification of joint signatures shall be provided for the Central Election Commission.

## **Article 24**

Presidential 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 with other categories of public officials elections on the same day, 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 Paragraph 1 and Paragraph 2 of Article 84, Subparagraph 1 of Paragraph 1 of Article 85 and An attempt to commit an offense, Paragraph 1 of Article 86, Subparagraph 1 of Paragraph 1 of Article 87, Paragraph 1 of Article 88, Paragraph 1 of Article 89 of the Law, Paragraph 1 and Paragraph 2 of Article 89, Subparagraph 1 of Paragraph 1 of Article 90, Subparagraph 1 of Article 90-1, Paragraph 1 of Article 91-1 of the Public Officials Election and Recall Law or Articles 132 and 144 of the Criminal Code.
- 4.To have committed the offenses of Organized crime Prevention Act.
- 5.To have committed a crime other than the offenses set forth in the preceding forth Subparagraphs and been convicted and sentenced to a fixed prison term which has not been or entirely been served or have been adjudicated reprieve.
6. To have yet committed a crime punished with death penalty, imprisonment for life or with imprisonment for not less than ten years.
7. To have been confined command work under peace and safety preservation measures or have been ordered to receive apache reformatory education and have not served or finished the confinement or education or served finished the confinement for more than ten years.
- 8.To have been confined under other peace and safety preservation measures or have been ordered to receive reformatory education and have not served or finished the confinement or education.
- 9.To have been declared bankrupt and the rights there of have not been restored.
- 10.To have been suspended investiture or position in accordance with law and have not been expired.



11.To have been deprived of civil rights and not been restored.

12.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 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 subparagraph 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.

The elected who has described in Subparagraph 2 to 4 of Paragraph 1 of Article 91 of the Law, shall not be registered as this candidate for the Presidency or Vice Presidency

#### **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 105.

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 to prescribe in Paragraph 1 and Paragraph 3 of Article 27.

4.Candidacy registration is forbidden to prescribe in Paragraph 1 of Article 78.

#### **Article 29**

After the deadline of Presidential and Vice Presidential candidate registration and before the balloting day, if any of the Presidential candidates dies, the Central Election Commission 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 has recommended persons 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 NT 15 million.

The security deposit in the preceding paragraph 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.

#### **Article 32**

Payment of deposit in 1<sup>st</sup> Paragraph of the 23<sup>rd</sup> Article and 1<sup>st</sup> Paragraph of the previous article has to be made by one of following means only: cash, Commercial Paper, Certified Check, or Postal Giro Saving Check.

#### **Article 33**

The qualification of candidates shall be provided for the Central Election Commission. The Central Election Commission shall inform every ticket of candidates that passed the screening, and the name and number on the list of candidates shall be drawn in public three days before proclamation of the candidates list.

The preceding lot-drawing of name and number of candidates shall be exempted if there is only one ticket of candidates, and the their number should be Number 1.

The lot-drawing of name and number of candidates should be supervised by inspectors. One of every ticket of candidates should be present to carry out the lot-drawing. If both of the candidates of the ticket are not present to draw the lots or not draw the lots after their names has been read for three times although they are present, the Central Election Commission shall draw the lots for them.

### **Section Four Election Proclamations**

#### **Article 34**

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 re-holding an election or a re-balloting, or supplementary election, the 120 days stipulation shall not apply.
2. Days for candidate registration shall be proclaimed fifty days before the balloting day. The duration of registration shall not be less than seven days. However, Days for candidate registration of by-election or re-balloting shall be proclaimed thirty-five days before the balloting day. The duration of registration shall not be less than three 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 35**

The elections and balloting 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 re-holding an election, and of a re-balloting or of a supplementary election.

### **Section five Election Activities**

#### **Article 36**

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 from 7 AM to 10 PM.

#### **Article 37**

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.Hong Kong or Macao 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.
- 4.Another political party or candidate of the same category of election; however, this provision shall not apply in case of a same group of candidates is recommended by two or more political parties
- 5.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 to prescribe Article 83 of this Law.

#### **Article 38**

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 Twenty New Taiwan Dollars, and then adding 100 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. .

The population of the free areas of the Republic of China prescribed in preceding Paragraph 2 means the total population of recorded household registration six months before the balloting day.

### **Article 39**

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.

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 95 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 95 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.

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 shall be published in a government proclamation.

### **Article 40**

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 38, 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 38.

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 has lost money for three or more consecutive years may not donate any campaign contribution.

#### **Article 41**

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. A same group of candidates is recommended for two or more political parties shall fill join.

Subsidy of the campaign expenditures of candidates prescribed in Paragraph 1 should be checked and calculated by the Central election Commission within 20 days after the proclamation of the Presidential and Vice Presidential candidates' list and give notices to the same ticket of candidate who may not be recommended by any political parties or those political parties that recommend candidates. Subsidies shall be claimed from the Central election Commission with receipts in 3 months.

If the preceding candidates or political parties do not claim their subsidies before the prescribed period of time, the Central Election Commission should admonish them to claim in 3 months, subsidies unclaimed over the prescribed period of time would be Regards, him/her as back down.

#### **Article 42**

During the period of campaign activities, each ticket of candidates may setup 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; however, the provisions shall not be applied the parties offices.

\*Any violator shall be punished according to Paragraph 2 of Article 96 of this Law.

#### **Article 43**

Any levels of election commissions including commissioners, inspectors, staff, staff handling election affairs in Township (City, District) offices shall not include any of the following acts after an election proclamation is issued.

1. Making public speeches for the candidates Campaign propaganda.

2. Acting of platform or appearance for the candidates.
3. Holding press conference or accept the interview of the medium for the candidates Campaign propaganda.
4. Campaign propaganda materials be printed and be posted for the candidates Campaign propaganda.
5. Hang and erect slogans, billboards, pennants, banners, cloth or other advertising items or the candidates campaign propaganda.
6. Admass for the candidates Campaign propaganda.
7. Enter the candidates to parade or campaign or contribute.

#### **Article 44**

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

Educational backgrounds, experiences mentioned in the preceding Paragraph, have formally registered and graduated in legally or granted established schools of the authorizing education organizations. Those candidates shall prepare the attest documents when applying for the registration. Those candidates do not prepare the attest documents. It shall not print them.

The data of candidates set forth in the Paragraph 1 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 candidates registration method column denoting the recommending political party, a same group of candidates is recommended by two or more political parties, the letter of recommendation list these political parties in order of priority, and be stamped with their seals. . Those applying to register for the Presidency and Vice Presidency by method of joint signatures should be printed joint signatures.

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 45**

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 shall be prescribed in 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 Regulations of compensation shall be provided for the Central Election Commission.

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 46**

Radio or Television broadcasting companies offering chargeable advertising time for campaign propagandas must stand equal and impartial to political parties or candidates. Radio or Television broadcasting companies conducting talk shows or news reports in association of electoral issues, or inviting candidates on broadcasts must stand equal and impartial to them and political parties.

Radio or Television broadcasting companies who violated against the law can be accused with evidences, videotapes, or records within one month after the publicity of the program to the Central Election Commission.

#### **Article 47**

Newspaper or magazine advertisements for campaign purpose must indicate the advertiser, or advertising candidates and political parties.

#### **Article 48**

Campaign propaganda materials with word or picture to be printed and distributed shall be personally signed for the candidates concerned. During the period of campaign activities, political parties may print and distribute campaign propaganda materials with word and picture, they have recommended. It shall not, except those places on campaign headquarters, political parties offices and vehicles, be posted.

\*Any violator shall be punished according to Paragraph 1 of Article 96 of this Law.

Political parties Candidate and any body shall not be allowed to hang and erect slogans, billboards, pennants, banners, cloth or other advertising items at roads, bridges, parks, organs, schools or other public services; however, the provisions shall not be applied appointed locus by the Municipal, County (city) Government proclamation.

The preceding Paragraph appointed locus by the Municipal, County (city) Government proclamation. The political parties and candidates shall be produced for rational applying justly. The Regulation shall be prescribed by the Municipal, County (city) Government.

Campaign advertisements 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 49**

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 79 of this Law.

#### **Article 50**

The political party and any body there of shall not have any of the following circumstances:

1. Conduct campaign activities publicly beyond the prescribed hours of each day beginning of 7 AM and ending time of 10 PM the prescribed days; however, the provisions shall not be applied to no block dweller custom or social peace.
2. No political party and no individual shall be permitted to conduct any campaign activity on the balloting day.
3. Interfere with the campaign activities of other political parties or candidates.
4. Invite A foreign demos, A mainland area demos, Hong Kong or Macao demos to act in all Subparagraph of Article 43.

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

#### **Article 51**

The political party and candidate cannot noise to conduct any campaign activity. Any violator shall be punished according with relevant laws and regulations by Conserving Environment Agencies or Police Departments.

#### **Article 52**

\*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 Six Casting and Opening of Ballots**

#### **Article 53**

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.

Apart from electors and his/her families prescribed in Paragraph 4 of Article 14, any person without wearing identification issued by Election Commissions of all levels shall not entering poll station. However, prosecutors who exercise his/her duty in



accordance with the relevant regulations would not be included in this article.

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 ballots opening station shall proclaim the results of the opening of the casting according 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 the persons designated by political parties of recommended candidates, or joint signatures candidates.

When casting ballot finishes, the chief administrator, together with the chief inspector, should keep valid ballots and invalid ballots, number of issued ballot, remaining number of ballot and electoral registers separately and seal the packages. Those packages shall be delivered to the local Township (City, District) office and then being trans-delivered to keep in the Municipal and County (City) Election Commissions.

The packages shall not be opened unless the prosecutor or the court exercises their duties according to the laws. During the electoral registers within 10 days after the ballot day, electors or candidates can consult Municipal and County (city) Election Commissions. A candidate commends any body to consult. When a elector, a candidate or a consignee consults electoral registers with his/her identification card by his/herself. A elector consult only the electoral register of his/her polling place.

The period of keeping electoral registers and ballots in Paragraph 4 shall follow rules listed below when ballot-opening finishes:

1. One month for remaining ballots.
2. Six months for valid ballots and invalid ballots.
3. Six months for electoral registers.

In the preceding period of time of keeping election registers, those parts that are related to prosecutions should be practiced until 3 Months after the end of prosecutions if there are any election prosecution cases.

#### **Article 54**

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

One chief administrator and administrators shall be appointed in preceding Paragraph. The Municipal and County (City) election Commissions shall ask government offices and public schools recommend appointees, and those appointed personnel of government offices and schools shall not refuse the appointment.

Safeguards of poll stations and ballot opening stations shall be appointed from local police authorities by the Municipal and County (City) election Commissions.

#### **Article 55**

Each polls and each 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 County (City) Election Commission for screening and appointment; however, this recommending right of a party recommended candidate shall be exercised only by that political party. If a same group of candidates is recommended for two or more political parties, it regards counting as a political party. and the letter of recommendation list these political parties in order of priority charges affair of recommendation. 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.

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 regulations governing the competency of inspectors, the process of the recommendation of inspectors and their services shall be decided by the Central Election Commission.

#### **Article 56**

Staff in poll stations and ballot-opening stations should participate in the workshops held by Municipal City and County (City) Election Commissions.

#### **Article 57**

Levels of election commissions including commissioners, inspectors, staff, staff handling election affairs in Township (City, District) offices and staff work in poll stations and balloting-opening stations administer duty to befall death, deformity or damage. He/She acquires solatium by the provisions of his/her state.

He/She cannot acquire solatium in the provisions of the preceding Paragraph mutadis mutantis Distribution of the Condolence Supplement for Disablement and Death of Civil Servants.

#### **Article 58**

The ballots shall be printed and distributed by each Municipal and County (City) Election Commission. The ballot shall bear the serial numbers, names, registration method and photographs of each ticket of Presidential and Vice Presidential candidates. The candidates, who register as the recommended candidates of a political party, shall be run name of party and recommendation word. When a same group of Those applying to register for the Presidency and Vice Presidency by method of joint signatures should apply to is recommended by two or more political parties, the letter of recommendation must run these political parties in order of priority. Those applying to register for candidates by method of joint signatures should run joint signatures word

The ballots mentioned in the preceding Paragraph shall be prescribed by Central

Election Commission, printed by Municipal City and County (City) Election Commission and supervised by committees of inspecting group. 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 59**

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.

The model of marking tools prescribed in Paragraph 1 shall be regulated by the Central election commission and prepared by Municipal City and County (City) Election Commissions.

\*Any violator shall be punished according to Article 91 of this Law.

#### **Article 60**

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 not according to mark for one single ticket of candidates by the provisions of the preceding Paragraph.
- 3.The mark is put outside the marking column of the ballot or 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.he ballot is not marked with the tool prepared by the election commission in charge.

The invalid ballot as prescribed shall be determined in the preceding Paragraph 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 61**

The chief administrator shall, jointly with the chief supervisor, drive out anyone who conducts any of the following in the polling station or ballot counting station:

1. Make noise or disturb or induce others to vote or not to vote, and do not obey the persuasion.
2. Carry weapons or hazardous goods into the station.
3. Commit any other misconduct and do not obey the persuasion.

When driving out an elector who commits any of the misconducts prescribed in the

preceding Paragraph, the ballot held by the elector shall be called back and the fact shall be recorded under the name of the elector in the list of electors. In case of severe circumstances, it shall be reported to the election commission.

The electors and the relatives prescribed in Paragraph Four of Article 14 may not carry mobile phones or any other photography equipment into the polling stations.

Anyone may not install photography equipment in the polling stations to detect the selection made by the electors.

## **Article 62**

If the casting or opening of ballots is prevented by a natural calamity or by reasons of uncontrollable force, the chief administrator of the polls or ballot opening station shall report the situation to the Municipal, County (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 Seven Election Results**

## **Article 63**

A ticket of candidates receives a majority or plurality of ballots shall be elected. If two or more tickets of candidates receive equal numbers of ballots, a re-balloting shall be held within 30 days after the balloting day.

If there is only one ticket of candidates, the ballots it receives must beat least 20 percent of the total number of electors to be elected. If the election result is that no one is elected, a re-balloting shall be held within 30 days after the balloting day.

## **Article 64**

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 before taking office, 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 before taking office, both positions shall be regarded as vacant and a new election shall be held should be conducted in six months from the day of death or the day receiving the verdict from the court.

## **Article 65**

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 re-holding of an election or after a re-balloting 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 66**

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.

#### **Article 67**

The election of a person ( s ) shall be null and void after the court has adjudicated the suit for nullifying his/her being election. The Central Election Commission shall reexamine the result of the election if the court declared the truth facts according to the accurate number of ballots. In the mentioned circumstances, the Central Election Commission shall withdraw or reissue the proclamations of the name list of the elected persons instead of re-holding an election.

The elected persons reissued by the Central Election Commission shall take the office on the day of the expiration of the term of the incumbent President and Vice President.

### **Section Eight Filling of Vacancy in the Vice Presidency**

#### **Article 68**

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

#### **Article 69**

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

### **Chapter Four Recall**

#### **Article 70**

In the case of a recall of the President or Vice President, after one fourth of the total number of the Legislative Yuan initiate the case, and two thirds approve of the case, the Legislative Yuan shall proclaim the case of recall established. However, an elected official who has not yet served one full year after taking office, shall not be subject to recall process.

Within ten days of the establishment of a case of recall mentioned in the preceding Paragraph, the Legislative Yuan 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 71**

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 Legislative Yuan:

- 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 72**

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

#### **Article 73**

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 Legislative Yuan. However, the balloting shall not be held simultaneously with the election balloting of any other category.

#### **Article 74**

A recall ballot of the President or Vice President is printed severally. However, the Legislative Yuan send the case of recall shall to be printed one single ticket of candidates register jointly.

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 75**

The provisions of this Law regarding the ballot casters, electoral register, ballot casting and ballot opening shall apply mutadis mutantis on the ballot casters, electoral register, ballot casting and ballot opening in the case of balloting on a recall case.

#### **Article 76**

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 77**

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 78**

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.

Where the case of recall is rejected, no more recall proposal against the same official shall be permitted during his/her terms of office.

### **Chapter Five Punishment Of Offenses Against Election And Recall**

#### **Article 79**

Violators of the provisions of Subparagraph 1 of Article 49 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. The penalty for a violation of Subparagraph 3 of Article 45 shall be decided in accordance with each of the relevant laws governing punishment.

## **Article 80**

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 81**

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 82**

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 83**

A candidate violating the provisions governing contribution acceptance set forth in Subparagraph 1,2 or 3 of Paragraph 1 of Article 37 shall be punished with imprisonment for not more than five years; in Subparagraph 4 or 5 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 37 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 I, 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 84**

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 less than three years but not more than ten years, and may, in addition thereto, be imposed a fine of not less than 2 million but not more than 20 million New Taiwan Dollars.

The above provisions shall also apply to a candidate and a person possessing candidacy, 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.

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

The offers, agreements to pay or bribes the person has accepted which constitute an offense set forth in Paragraph I, the preceding Paragraph 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 85**

A person who has committed one of the following of Tenses 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 86**

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 less than three years but not more than ten years; in addition thereto, a fine of not less than 1 million but not more than 10 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 87**

A person who has committed any of the following offenses shall be punished with imprisonment for not less than one year but not more than seven years; and may, in addition thereto, be imposed a fine of not less than 1 million but not more than 10 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 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 88**

A person who with intention for benefit to monopolize the affairs specified in Paragraphs 1 and 2 of Article 84, Paragraph 1 of Article 86, and/or all the Subparagraph of Paragraph 1 of the preceding Article shall be punished with imprisonment for more than three years but less than ten years, and may, in addition thereto, be imposed a fine of not less than 1 million but not more than 10 million New Taiwan Dollars.

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

#### **Article 89**

Within nominate of a political party as a Presidential or Vice Presidential candidate, Beginning the day of the proclamation of the nominate activity. During the nominate act, The candidate had behaved in Paragraphs 1 and 2 of Article 84 in a political party, shall be punished in accordance with the provisions of Paragraphs 1 and 2 of Article 84. a qualified voter had behaved Paragraph 1 of Article 86, shall be punished in accordance with the provisions of Paragraphs 1 and 2 of Article 86.

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

The offers, agree to pay or bribe the person has accepted and thus has committed offense set forth in preceding two Paragraph, shall be confiscated whether or not it belong to the offender. If the whole or a part thereof cannot be confiscated, a fine shall be ordered to make up the difference.

To commit an offense specified in Paragraph 1 or 2, the offender 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 principal offender or a joint offender through his/her surrender, the punishment shall be remitted.

To commit an offense specified in Paragraph 1 or 2, the offender confesses during investigation, his/her punishment may be reduced; where a candidate is found to be a principal offender or a joint offender by such confession, his/her punishment may be reduced or remitted.

A person with intention for benefit to monopolize the affairs specified in Paragraphs 1 ; shall be punished in accordance with the preceding Article.

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

#### **Article 90**

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 91**

A person who has committed any of the offenses set forth in Paragraph 2 of Article 59 or Paragraph 3 of Article 74 or has any of the circumstances specified in all Subparagraphs of Paragraph 1 of Article 61 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 92**

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 joint signature campaigner, joint signers, candidates, 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 joint signature campaigner, joint signers, candidates, the person involved in the recall to perform duty, or the initiator or approver to carry out the recall process.

## **Article 93**

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.

The person has made a din or has interfered with or persuaded others to vote or not to vote, in defiance of interdiction in 30 meters around casting stations. and has refused to leave the place after having been ordered to so shall be punished with imprisonment for not more than one years, detention, or a fine of not more than 15 thousand New Taiwan Dollars.

## **Article 93-1**

Anyone who infringes the provision of Paragraph Three of Article 61 shall be condemned to fixed-term imprisonment or penal servitude of not more than 1 year or fined a sum of not more than 30 thousand New Taiwan Dollars

Anyone who infringes the provision of Paragraph Four of Article 61 shall be condemned to fixed-term imprisonment of not more than 5 years and fined a sum of not more than 50 thousand New Taiwan Dollars , and the seized photography equipment shall be confiscated

A violator of the provisions set forth in Paragraph 3 of Article 61, shall be punished with imprisonment for not more than one year, detention, or a fine of not more than

A violator of the provisions set forth in Paragraph 4 of Article 61, shall be punished with imprisonment for not more than five years, and may, in addition thereto, be imposed a fine of not more than 500 thousand New Taiwan Dollar ; the acquired cameras shall be confiscated.

## **Article 94**

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 95**

A candidate violating the provisions of Paragraph 2 of Article 39 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 39 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 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 96**

A violator of the provisions set forth in Article 42, Article 43, Paragraph 1 and Paragraph 2 of Article 48 or Article 72 will be punished by, a fine of not less than 10 thousand but not more than 1 million New Taiwan Dollars.

Radio or Television broadcasting companies have infringed the provisions set forth in Paragraph 1 or Paragraph 2 of Article 46. They shall be punished by a fine of not less than 200 thousand but not more than 2 million New Taiwan Dollars.

Newspaper or magazine advertisements for campaign purpose did not indicate the advertiser, or advertising candidates and political parties in accordance with prescription of Article 47. They shall be punished by a fine of not less than 200 thousand but not more than 2 million New Taiwan Dollars.

A violator of the provisions set forth in Article 50 or Article 52 will be punished for a fine of not less than 500 thousand but not more than 5 million New Taiwan Dollars. Whenever a violator of the provisions set forth in Article 50 in case they do not obey inspector's attempt to curb the representative and the offending behavior, shall be imposed with the continual punishment. A violator of the provisions set forth in Article 50 or Article 52 in accordance with prescription of preceding Paragraph.

Parties, juridical persons or non-register groups have violated the provisions set forth in Paragraph 1 and Paragraph 2 of Article 48. They who surrenders as described in the Paragraph 1 shall be punished their re

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.

Authorize mass medium' insert campaign or authorize to hand out in newspapers have violated the provisions set forth in Subparagraph 2 of Article 50. The depositor and the depository are punished.

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 97**

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 98**

A political party which has recommended persons register as candidates have committed Article 80 to Article 82, Paragraph 1 and Paragraph 2 of Article 84, Subparagraph 1 of Paragraph 1 of Article 85 or an attempt to commit an offense, Paragraph 1 of Article 86, Subparagraph 1 of Paragraph 1 of Article 87, Article 94 of the Law, Article 142 or Article 145 to Article 147 of the Criminal Code. The political party imposed a fine of not less than 5 million but not more than 50 million New Taiwan Dollars.

A political party which has recommended persons register as candidates for other candidates have committed Article 271, Article 277, Article 278, Article 302, Article 304, Article 305, Article 346 to Article 348 of the Criminal Code or its special Law. The political party shall be punished in accordance with prescription in preceding Paragraph.

## **Article 99**

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 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 100**

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 abovementioned 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 101**

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 102**

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 103**

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 re-balloting on the nullified part shall be held within a fixed period.

## **Article 104**

When an elected official has one of the following deeds, the election or recall organ, the prosecutor, or a candidate may, within thirty 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 84, Subparagraph 1 of Paragraph 1 of Article 87, Paragraph 1 of Article 89 or Paragraph 1 of Article 146 of the Criminal Code.
- 4.A person commits acts specified in Paragraph 1 Article 86 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 105**

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 106**

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. The persons duly elected in an election had taken office; the date from the court has adjudicated and declared the invalidity of the elected official, the elected official is canceled

#### **Article 107**

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 108**

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, with 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 86 sufficient to affect the outcome of the recall case.

5.The person involved in the recall case commits acts specified in Subparagraph 3 of Paragraph 1 of Article 87.

If a recall case rejected to have been ruled null and void by a court, a re-balloting shall be held within a fixed period.

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

#### **Article 109**

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 110**

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

#### **Article 111**

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 112**

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 113**

The fines stipulated in this Law and Paragraph 1 of Article 14 of the offenses of Organized crime Prevention Act shall be punished by the election commission, When a fine is not paid in time after notification, the case shall be referred to a law for compulsory execution.

#### **Article 114**

The National Security Bureau shall provide security for Presidential and Vice Presidential candidates in the Free Areas of the Republic of China from the finished day of candidacy registration until the day after balloting.

#### **Article 115**

Before this Law is promulgated and comes into force, the election and recall of the

President and Vice President or has send to be recalled to the Central Election Commission shall still be governed by the relevant provisions of the Presidential and Vice Presidential Election and Recall Law promulgated.

**Article 116**

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 117**

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

The amendment of May 5, 2006 takes effect on July 1, 2006.