

Taiwan - La loi électorale de 2021 pour l'élection présidentielle

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Title : [Presidential and Vice Presidential Election and Recall Act CH](#)
Amended Date : 2021-12-15
Category : Ministry of the Interior (内政部)

• Chapter 1 General Principles

Article 1

This Act is enacted pursuant to Article 46 of the Constitution and Paragraph One of Article 2 of the Supplementation and Amendment of the Constitution.

Election and recall of President and Vice President shall be governed by the provisions of this Act; for any affairs other than prescribed in this Act, the other related laws and regulations shall apply.

Article 2

Election and recall of President and Vice President shall be implemented by way of common, fair, direct and secret vote, unless otherwise prescribed.

Article 3

For the election of President and Vice President, the electoral districts shall be the free regions of the Republic of China (ROC).

Article 4

The age and period of residence of electors and candidates shall be calculated up to the day before the polling day based on the household registration data, unless otherwise prescribed.

Calculation of the period of residence referred to in the preceding Paragraph shall commence from the day of household registration of immigration.

In case of re-voting, the calculation shall be made according to the original polling day all the same.

Article 5

Calculation of the periods of election and recall shall be made in accordance with the provisions of the Administrative Procedure Code. Nonetheless, if the last day of such a period is Saturday, Sunday, National Holiday, or other rest day, the period shall not be prolonged, unless the administrative organs stop working due to natural disaster.

In this Act, the day a given number of days before the polling day refers to the day counted backwards the given number from the day before the polling day; the day a given number of days after the polling day refers to the day counted forwards the given number from the day next to the polling day; and the terminating day of the period a given number days before the polling day refers to the day counted the given number backwards from the day before the polling day.

Where an application for election or recall is filed with the government agency of election by post, the date of application shall refer to the day when the government agency receives the application.

• Chapter 2 Government Agencies of Election and Recall

Article 6

Election and recall of President and Vice President shall be superintended by the Central Election Commission, and implemented by the provincial (city) and county (city) election commissions under the direction and supervision of the Central Election Commission. However, the proposal of recall of President and Vice President and the by-election of Vice President shall be conducted by the Legislative Yuan.

The election commissions of all levels shall perform their authorities justly according to law.

Article 7

The Central Election Commission shall deal with the following affairs:

1. Issuance of public notice for election or recall.
2. Proceeding and planning of election and recall affairs.

3. The candidates' applications for registration.
4. Examination of the candidates' qualifications.
5. Planning for propaganda of election.
6. Organization of the candidates' TV politics presentation.
7. Supervision of election and recall.
8. Examination and approval of election and recall results.
9. Fabrication and issuance of electee's certificates.
10. Subsidization of campaign funds for the candidates.
11. Other matters related to election and recall.

Article 8

The provincial election commissions shall command and supervise the county (city) election commissions to deal with the affairs prescribed in this Act.

Article 9

The municipal and county (city) election commissions shall separately handle the following affairs:

1. Establishment and management of polling stations and ballot counting stations.
2. Printing of election and recall ballots.
3. Supervision of publication of the list of electors.
4. Printing of election communique?
5. Implementation of propaganda for election.
6. Supervision of election and recall.
7. Other affairs related to election and recall.

The municipal and county (city) election commissions shall command and supervise the township (city/district) offices to handle the following election and recall affairs:

1. Implementation of the publication of the list of electors.
2. Implementation of the establishment and management of polling stations and ballot counting stations.
3. Selection of the staff of polling stations and ballot counting stations.
4. Distribution of election and recall ballots.
5. Distribution of the election communique? and polling notice.
6. Propaganda of the laws and regulations on election.
7. Other executive affairs related to election and recall.

Article 10

During the period of election and recall, the election commissions of specific levels may call the staff of the governments of specific levels to handle the related affairs.

- **Chapter 3 Election**

- **Section 1 Electors**

Article 11

Any citizen in free region of ROC reaching 20 years of age shall have the right of suffrage , unless the declaration of guardianship has yet been revoked.

Article 12

A person having the right of suffrage as referred to in the preceding Article, who meets any of the following conditions, is an elector:

1. He/she has been living in the free regions of the ROC for not less than 6 consecutive months.
2. He/she has once lived in the free regions of the ROC for not less than 6 consecutive months, and is now living in a foreign country holding the passport of the ROC, and has within the specified time limit handled the registration of elector with the government agency of household registration at the location of the original domicile when he/she migrated to the foreign country.

Regulations governing registration and examination of the ROC citizens who live in a foreign country and apply for returning to execute their rights of suffrage as referred to in Subparagraph 2 of the preceding Paragraph shall be prescribed elsewhere by the Central Election Commission jointly with the Ministry of Foreign Affairs and the Overseas Chinese Affairs Commission.

Article 13

An elector shall vote at the polling station at the location of domicile unless otherwise prescribed.

An elector who returns from a foreign country to execute the right of suffrage shall vote at the polling station at the location of the original domicile when he/she migrated to the foreign country.

The staff of polling stations may vote at the polling station at the location of domicile or at the place of work. However, they may vote at the polling station at the place of work only if the location of domicile and the place of work are in a same municipality or county (city). Besides, if voting is held on the same day for both election of President and Vice President and for election other civil servants, the location of domicile and the place of work shall be within the electoral district where the elector executes the right of suffrage for the election of other civil servants.

Article 14

To take a vote, an elector shall receive a ballot by his/her ID card unless otherwise prescribed.

An elector who returns from a foreign country to execute the right of suffrage shall receive the ballot by his/her effective ROC passport.

To receive the ballot, an elector shall sign, seal or press a fingerprint on the list of electors. If an elector presses a fingerprint on the list of electors, the fingerprint shall be accompanied by the seal of an administrator and a supervisor as evidence. Anyone may not receive the ballot if his/her name is not listed in the list of electors or if his/her name is not identical to the name listed. However, if it is obvious that the unconformity between the name listed in the list of electors and the name recorded in the ID card is caused by clerical error, or naming after husband's surname or recovery the original surname due to marriage or divorce, the person shall be permitted to receive the ballot after it is confirmed by the chief administrator together with the chief supervisor.

After having received the ballot, the electors shall vote by themselves. However, if an elector cannot vote by himself/herself due to disability but can express his/her will, a family member or accompanying person may accompany at the request of the elector and provide assistance or vote on behalf according to the will of the elector. In absence of a family member or accompanying person, an administrator and a supervisor may provide assistance or vote on behalf according to the will and at the request of the elector.

The preventive regulations shall be prescribed to prevent the repeated voting or the personation for receiving a ballot; the measures shall be prescribed by the Central Election Commission.

Article 15

The electors shall arrive at the polling stations within the specified time limit to vote, and may not enter the polling stations out of time. However, if an elector has arrived at the polling station within the specified time limit but has not voted yet, he/she still may vote.

• Section 2 List of Electors

Article 16

The list of electors, unless otherwise prescribed, shall be compiled by the township (city/district) government agency of household registration according to the household registration data, and shall include such information as S/N, name, sex/gender, date of birth and address of domicile. All those who have their household data registered by the twentieth day before the polling day and thus enjoy the qualification of elector according to relevant provisions shall be listed, and the electors who migrated after the twentieth day before the polling day shall execute their rights of suffrage at the original location of domicile all the same.

The list of the electors who returns from a foreign country to execute the right of suffrage shall be compiled by the government agency of household registration at the original location of domicile when they migrated to the foreign country, and shall be marked with the alien residence address.

After being compiled, the list of electors shall only be used by the election commissions, township (city/district) offices and government agencies of household registration according to the provision of this Act, and may not be provided to the outside by transcription, xeroxing, photo, tape or any other means.

Article 17

If the voting is held on the same day for both the election of President and Vice President and for other civil servants, the list of electors may be compiled together for both elections .

Article 18

After the list of electors is compiled, the government agencies of household registration shall submit it to the municipal or county (city) election commissions through the township (city/district) offices for examination, and the township (city/district) offices shall display it publicly and give a public notice for the people to read it. If an elector finds any error or pretermision in the list, he/she may apply for correction within the period of reading.

Article 19

After the time limit for reading the list of electors, the township (city/district) offices shall send the original list and the applications for correction to the government agencies of household registration for examination and correction.

After the process of public notice and correction, the list of electors shall be determined, and the municipal and county (city) election commissions shall publicize the number of electors.

• Section 3 Candidates

Article 20

An elector who has lived in the free regions of the ROC for not less than 6 consecutive months, has set his/her domicile in the ROC for not less than 15 years, and has completed his/her fortieth year of age may apply for being registered as the candidate for President or Vice President.

Anyone who restores the ROC nationality or acquires the ROC nationality by naturalization or the people in the People's Republic of China or the residents in Hong Kong and Macao who are permitted to enter Taiwan may not be registered as the candidate for President or Vice President.

Article 21

The candidates for President and Vice President shall prepare the forms set forth by the Central Election Commission and the deposit to apply for registration with the Commission in conjunction. If the application is not filed for registration in conjunction, or the forms or the deposit does not meet the relevant provisions, and the application is not filed within the specified time limit, it will not be accepted.

The candidates referred to in the preceding Paragraph shall be recommended by their political party or by the means of joint signature of the signers.

If it is found through examination that one or both of the candidates for President and Vice President of a same group does not meet the qualification requirements, the group of the candidates shall not be registered.

Article 22

If the application for being registered with the Central Election Commission as the candidates for President and Vice President is filed by the way of political party recommendation, a letter of recommendation stamped with the political party's seal issued by the Ministry of the Interior shall be submitted together with the application. If two or more political parties jointly recommend a same group of the candidates, a letter of recommendation separately stamped with the political parties' seals in order shall be submitted together with the application. A same political party may not recommend two or more groups of the candidates, and if two or more groups of the candidates are recommended by a same political party, the application for registration filed later will not be accepted.

In the latest election of President, Vice President or members of the Legislative Yuan, the sum of the votes of the candidates recommended by the political party referred to in the preceding Paragraph shall reach not less than 5% of the total effective ballots of the election. If two or more political parties jointly recommend one group of the candidates for President and Vice President, the votes of the candidate recommended by each political party shall be calculated by dividing the votes of the candidates by the number of the political parties.

Article 23

Those who apply for being registered as the candidates for President and Vice President by the way of joint signature shall, within 5 days after the public notice for election is issued, apply to the Central Election Commission for being the presentees recommended by way of joint signature and to receive a list of joint signers, and pay the deposit of NT\$1,000,000.

After receiving the application referred to in the preceding Paragraph, the Central Election Commission shall give a public notice at a specified time to declare the applicants as the presentees recommended by joint signature, and request the municipal or county (city) election commission to accept the joint signature documents submitted by the presentees or their agent within 45 days commencing from the day after the public notice is issued. However, in case of by-election or reelection, the documents shall be accepted within 25 days commencing from the day after the public notice is issued.

A citizen in the free regions of the ROC who has completed his/her twentieth year of age by the day when the public notice for election is issued may be a joint signer as referred to in the preceding Paragraph.

If the number of joint signers, within the period set forth in Paragraph Two, has reached 1.5% of the total electors in the latest election of the members of the Legislative Yuan, the Central Election Commission shall give a public notice at a specified time for the completion of joint signature, grant the presentees a certificate on the completion of joint signature and return the deposit. If the number of joint signers does not reach a half of the value prescribed, the deposit will not be returned.

The presentees or their agent shall print the list of joint signers and the affidavit in the formats prescribed by the Central Election Commission to collect signatures. Upon performing the joint signature, the joint signers shall produce a photocopy of ID card. A same signer shall only sign for one group of presentees, and if he/she signs for two or more presentees, both the signatures will become invalid.

After receiving the joint signature documents referred to in the preceding Paragraph, the municipal or county (city) election commissions shall perform selective examination and then report the result of examination to the Central Election Commission level by level. Under any of the following circumstances, the signature of a joint signer shall be deleted:

1. Where the joint signer does not meet the provision of Paragraph Three or Five.
2. Where the data recorded in the photocopy of the joint signer's ID card is not clear so that the name, date of birth or ID No. of the joint signer can not be identified.
3. Where the list of joint signers is not signed or sealed by the signer.
4. Where the signature of the joint signer is forged.

The joint signature documents referred to in the preceding Paragraph shall be kept for three months after ballot counting. However, if any lawsuit regarding the election is raised during the period of keeping, the period shall be prolonged to three months after the judgement is determined.

Regulations governing the joint signature and examination of signatures shall be prescribed by the Central Election Commission.

Article 24

To apply for being registered with the Central Election Commission as the candidates for President and Vice President by the way of joint signature, a certificate on the completion of joint signature shall be submitted together with the application.

Article 25

If the voting is held on the same day for the election of President and Vice President and for election(s) of other civil servants, and a person is registered as the candidates for two or more kinds of election, the registration of other civil servants shall be invalid.

Article 26

Under any of the following circumstances, a person may not be registered as the candidate for President or Vice President:

1. Where the person has committed the crime of insurrection or the crime relating to foreign regression after the period of suppressing communist rebellion, and the sentence is determined.
2. Where the person has committed the crime of corruption and the sentence is determined.
3. Where the person has committed the crime prescribed in Paragraphs One and Two of Article 84 and Subparagraph 1 of Paragraph One of Article 85 or the corresponding attempted offense, the crime prescribed in Paragraph One of Article 86, Subparagraph 1 of Paragraph One of Article 87, Paragraph One of Article 88, Paragraph One of Article 89; Paragraphs One and Two of Article 89, and Subparagraph 1 of Paragraph One of Article 90 of Civil Servants Election and Recall Act or the corresponding attempted offense, or the crime prescribed in Paragraph One of Article 90-1, Subparagraph 1 of Paragraph One of Article 91 and Paragraph One of Article 91-1 of Civil Servants Election and Recall Act and Article 142 or 144 of the Criminal Code, and the sentence is determined.
4. Where the person has committed any crime prescribed in the Organized Crime Prevention Act, and the sentence is determined.
5. Where the person has committed any crime other than prescribed in the preceding four Subparagraphs and is sentenced to fixed-term imprisonment, and the imprisonment has not been executed or has not been finished yet, or is under probation.
6. Where the person is sentenced to death, life imprisonment or fixed-term imprisonment of not less than 10 years, and the sentence is not determined yet.
7. Where the person is sentenced to the security punishment of enforced work or reclamation, and the judgement is determined but not executed or not finished, or has not been finished for 10 years.
8. Where the person is sentenced to other security punishment, and the judgement is determined but not executed or not finished.
9. Where the person is announced to be bankrupt and has not recovered the property rights.
10. Where the person is dismissed or recalled according to law and the period has not expired.
11. Where the person is deprived of public rights.
12. Where the person has become subject to the order of the commencement of guardianship or assistantship has not been cancelled yet.

Article 27

The following persons may not apply for being registered as the candidate for President or Vice President:

1. Armyman in active service.
2. The personnel handling election affairs.
3. The persons holding the nationality of a foreign country.

If the armyman referred to in Subparagraph 1 is mustered from reservist, or has not enrolled in the army, or is mustered for education, service or drilling, he shall be exempted from the restriction.

If the election is judged by the court as invalid due to the reason as prescribed in Subparagraphs 2 to 4 of Paragraph One of Article 104, electees may not apply for being registered as the candidate for the by-election of President or Vice President.

Article 28

After the list of the candidates for President and Vice President is announced in public notice, if it is found a candidate conforms to any of the following circumstances before the public notice or before the voting, the Central Election Commission shall cancel the registration of the candidate before the voting; or if the candidate is elected, raise a lawsuit claiming the electee's being elected is invalid in accordance with the provision of Article 105:

1. Where the candidate does not meet the qualification requirement set forth in Article 20.
2. Where the candidate conforms to any of the Subparagraphs of Article 26.
3. Where the candidate may not be registered as the candidate according to the provisions of Paragraphs One and Three of the preceding Article.
4. Where the candidate may not be registered as the candidate according to the provisions of Paragraph One of Article 78.

Article 29

If one of the candidates for President dies after the deadline for registration and before the polling day, the Central Election Commission shall immediately give a public notice to stop the election, and determine another time for reelection.

For the reelection handled in accordance with the provision of the preceding Paragraph, the certificates on the completion of joint signature acquired by the candidates for President and Vice President before the public notice is issued to stop the election shall also apply to the reelection.

Article 30

The persons who have been registered as the candidates for President and Vice President may not relinquish the registration.

For the registered candidates for President and Vice President recommended by political parties, the political parties may not relinquish the recommendation.

Article 31

When being registered as the candidates for President and Vice President, each group of candidates shall pay the deposit of NT\$15,000,000.

The deposit referred to in the preceding Paragraph shall be returned within 10 days after the list of electees is publicized. However, the deposit will not be returned to the candidates who get votes of less than 5% of the total electors.

Article 32

The deposit referred to in Paragraph One of Article 23 and Paragraph One of the preceding Article shall be paid in cash, promissory note or certified check issued by financial institutions, or giro check of the Post Office only.

Article 33

The qualifications of candidates shall be determined and publicized by the Central Election Commission, and anyone who does not meet the qualification requirements may not be registered. To decide the numbering of the candidates in the determined list of candidates, the Central Election Commission shall notify each group of candidates to draw lottery publicly 3 days before the list of candidates is publicized. If there is only one group of candidates, it shall be numbered the No.1, and the lottery referred to in the preceding paragraph may be exempted.

The lottery for determining the numbering of the candidates shall be conducted under the on-site supervision of supervisors. One candidate of each group shall arrive at the spot to draw lottery personally. If a group of candidates cannot arrive at the spot to draw lottery personally, someone else may be commissioned to draw the lottery on behalf by right of the power of attorney produced by the group of candidates. If a group of candidates does not attend the lottery and does not commission

anyone else to draw the lottery, or does not draw the lottery after being called for three times although they are present, the Central Election Commission shall draw the lottery on behalf of the group of candidates.

- **Section 4 Public Notice for Election**

Article 34

The election commissions shall issue various public notices pursuant to the following provisions:

1. The public notice for election shall state the type of election, electoral districts, date of voting, and the commencing and terminating time of voting, and shall be issued 120 days before expiration of the tenure of President and Vice President. However, this shall not apply to the date of the public notice for reelection, re-voting or by-election.
2. The public notice for registration of candidates shall be issued 50 days before the polling day, and the period of registration shall be not less than 5 days. However, in case of by-election or reelection, the public notice for registration of candidates shall be issued 35 days before the polling day, and the period of registration may not be less than 3 days.
3. The public notice of the list of electors shall be issued 15 days before the polling day, and the period of the public notice may not be less than 3 days.
4. The public notice of the list of candidates shall be issued 1 day before the campaign begins.
5. The public notice of the number of electors shall be issued 3 days before the polling day.
6. The public notice of the list of electees shall be issued within 7 days after the polling day.

Article 35

The voting for the election of President and Vice President shall be completed 30 days before expiration of the current tenure of President and Vice President. However, this shall not apply to the completion date of the voting for reelection, re-voting or by-election.

Section 5 Election Activities

Article 36

For the election of President and Vice President, the period of campaign is 28 days.

The period referred to in the preceding Paragraph shall be counted backwards from the day before the polling day, and the campaign hours everyday during the period are from 7:00am to 10:00pm.

Article 37 (deleted)

Article 38

The maximum of campaign fund of a same group of candidates shall be prescribed by the Central Election Commission, and publicized on the same day when the public notice for election is issued.

The maximum of campaign fund referred to in the preceding Paragraph shall be the sum of the product of 70% of the total population in the free regions of the ROC multiplied by the basic amount of NT\$20 plus NT\$100,000,000.

If the maximum of campaign fund has a mantissa of less than NT\$1000, it shall be rounded to NT\$1000 by transfer method.

The total population in the free regions of the ROC referred to in Paragraph Two refers to the total population counted up in household statistics at the end of the sixth month before the month of polling.

Article 39 (deleted)

Article 40

The expenses relating to campaign paid by a same group of candidates within the period from the day when the public notice for election is issued to 30 days after the polling day, within the maximum of campaign funds prescribed in Article 38, subtracted by the donations accepted may be listed in the deduction of the every year upon declaration of income tax.

Article 41

If the votes gained by a group of candidates reaches not less than 1/3 of the votes of electee, their campaign expenses shall be subsidized by a rate of NT\$30 per vote. However, the maximum subsidy may not exceed the maximum campaign fund of the candidates.

Subsidies for a group of candidates recommended by a political party shall be received by the political party; if two or more political parties jointly recommend one group of candidates, they shall jointly sign the receipt.

The Central Election Commission shall work out the amount of subsidy for the campaign funds of candidates referred to in Paragraph One within 20 days commencing from the day after the list of electees is publicized, and notify the candidates registered by the way of joint signature or the recommending political party to prepare the receipt and receive the subsidy from the Central Election Commission within 3 months.

For the candidates or political parties who do not receive the subsidy for campaign expenses within the specified time limit, the Central Election Commission shall hasten them to receive it within 3 months. In case they do not receive before the aforesaid time limit expires, it shall be regarded as abandonment of the subsidy.

Article 42

A same group of candidates may establish campaign office(s) during the period of campaign. If two or more campaign offices are established, the candidates shall be the principal of the principal office and designate dedicated personnel to take charge of the other offices, and shall register the addresses of the offices and the names of the principals with the Central Election Commission.

Candidates' campaign offices may not be established in the government agencies (institutions), schools, civil associations legally established, the places frequently used as polling stations or ballot counting stations, or other public places. However, this shall not apply to the offices of political party committees of specific levels.

Article 43

After the public notice for election is issued, the commissioners, supervisors and staff of the election commissions of all levels and the personnel handling election affairs in the township (city/district) offices may not conduct the following actions:

1. Give public lecture to propagandize any candidate.
2. Get on the stage to help propagandize any candidates.
3. Call press conference or interview with the media to propagandize any candidate.
4. Print, distribute and paste promotional literatures to propagandize any candidate.
5. Hang or erect slogan, bulletin, banner, streamer or other advertising articles to propagandize any candidates.
6. Utilize the public communication media to propagandize any candidates.
7. Participate in the activities held by candidates like procession, canvass, or fund collection.

Article 44

The Central Election Commission shall collect the S/N, photos, name, date of birth, sex/gender, birthplace, way of registration, address, educational background and experiences of each group of candidates as well as relevant regulations on election and voting to compile and print the election bulletin, and may record acoustic election bulletin.

The educational background and experiences referred to in the preceding Paragraph shall be described in 300 words totally, and only those who graduate from the universities registered with or recognized by the competent authority in charge of education may be recognized as university graduates. Upon registration, the candidates shall submit evidential documents on their educational background; otherwise, the educational background will not be published in the election bulletin.

The candidate data referred to in Paragraph One shall be submitted to the Central Election Commission when applying for registration.

The candidates shall be responsible for their personal data. The personal data known or proved false on duty by the Central Election Commission shall not be published in the election bulletin. For the candidates recommended by political parties, the "way of registration" column shall be filled in the name of the recommending political party plus "Recommendation", if the group of candidates for President and Vice President is recommended by two or more political parties, the sequence of the political parties' name shall be determined according to the sequence in the letter of recommendation; for the candidates registered by way of joint signature, the column shall be filled in "Joint signature".

The election bulletin shall be delivered to the families in each electoral district and separately pasted in appropriate places 2 days before the pulling day.

Article 45

For the election of President and Vice President, the Central Election Commission shall provide the candidates with hours to express their politics through national wireless TV channel at public expenses, and each group of candidates shall have not less than 30 minutes every time, and the designated TV stations may not refuse. The operating regulations shall be prescribed by the Central Election Commission.

With the consent of two or more groups of candidates, an individual or association may hold a national wireless TV debate; the TV station shall undertake such debate and may apply to the Central Election Commission for subsidy. Regulations governing the subsidy shall be prescribed by the Central Election Commission.

The TV debate for President referred to in the preceding Paragraph may be held up to three times, and every time each candidate has up to 30 minutes. The TV debate for Vice President may be held similarly, but shall be held only once.

The candidates shall be responsible for the contents of the politics or debate referred to in Paragraphs One and Two by themselves.

Article 46

Broadcast and TV enterprises may provide hours for value for the political parties recommending candidates or the candidates to perform campaign propaganda, and shall treat them in a just and fair way.

Broadcast and TV enterprises shall stand justly and fairly in the politics review and news report or when inviting candidates to participate in programs, and may not do discrimination without any due reason.

If a broadcast or TV enterprise infringes the provisions of the preceding two Paragraphs, anyone may submit the video tape, audio tape and other specific material evidence to the Central Election Commission to expose the infringement within one month after the program is played.

Article 47

In the campaign advertisement published on newspapers and magazines, the political party name(s) or the names of the candidates shall be marked.

Article 48

The candidates shall personally sign the promotional literatures published in text and pictures; during the period of campaign, a political party may print and distribute promotional literatures in text and picture for the candidates recommended by it, and the name of the political party shall be marked on the literatures; if two or more political parties jointly recommend one group of candidates, the literatures shall be marked with the names of all the political parties. The promotional literatures shall only be pasted in the candidates' campaign offices and the offices of the political party (political parties) and onto the propaganda vehicles.

Any political party or person may not hang up or erect slogan, signboard, banner, streamer or other advertising articles for the purpose of campaign in road, bridge, park, government agency (institution), school or other public facilities and the corresponding lands, with the exemption of the places designated by the municipal or county (city) government in public notice.

The places designated by the municipal or county (city) government in public notice referred to in the preceding Paragraph shall be used by the political parties and candidates fairly and reasonably; and the regulations governing the use and management of such places shall be prescribed by the municipal or county (city) government. The hanging or erection of advertising articles for campaign may not encumber the public safety or the traffic order, and such articles shall be cleared by the candidates or their parties themselves within 7 days after the polling day; otherwise, the case will be handled in accordance with relevant laws and regulations.

Article 49

The campaign saying of the candidates or their electioneering personnel may not meet the following:

1. Instigate others to commit the crime of insurrection or the crime relating to foreign aggression.
2. Instigate others to break the social order by insurrection.
3. Offense any other crime prescribed in criminal laws.

Article 50

Any political party or person may not conduct the following:

1. Be engaged in public campaign or electioneering activities before 7:00am or after 10:00pm every day during the period of campaign.
2. Be engaged in campaign or electioneering activities on the polling day.
3. Encumber the campaign of other political parties or candidates.
4. Invite foreigners, the citizens of the People's Republic of China, or the residents in Hong Kong and Macao to conduct the actions prescribed in the Subparagraphs of Article 43.

Article 51

Any political party or candidate may not make noise when using loudspeaker for campaign; otherwise, the case will be handled by the competent authority in charge of environmental protection and the police according to the provisions of the relevant laws.

Article 52

The investigation questionnaires of the public opinion poll or on the candidates issued by any political party or person within the period from the day when the public notice for election is issued to 10 days before the polling day shall state the organizer or presider of the investigation, the sampling method, population, sample size, financial sources, and the error.

During the period from 10 days before the polling day to the deadline for voting, any political party or person may not, by any means, issue any investigation questionnaire on the candidates or the public opinion about the election, and also may not report, diffuse, review or cite it.

• Section 6 Voting and Ballot Counting

Article 53

For the election of President and Vice President, polling stations shall be established in government agencies (institutions), schools, public places or other appropriate places depending on the distribution of electors.

The locations of polling stations should be equipped with barrier-free facilities. If there weren't such choices, the stations should use relating auxiliary equipment or tools to assist those physically-challenged to cast their ballots. The election commission should appropriately increase the number of work force to actively help those physically-challenged people according to the status of barrier-free situation in the stations.

Except the electors, electors' children under the age of 6 and a family member or accompanying person prescribed in Paragraph Four of Article 14, anyone who does not wear the card issued by the election commission of specific levels may not enter the polling stations. However, this is not applicable to the prosecutors who need to enter the polling stations for performing duty according to law.

After the voting is finished, a polling station shall be immediately transformed into a ballot counting station, and the ballots shall be counted in public. After the ballot counting is finished, the chief administrator and the chief supervisor shall announce the result according to the report form of voting and ballot counting and paste it at the gate of the ballot counting station, and shall sign on the spot the duplicates of the report form of voting and ballot counting of the same content, and hand them to the political parties recommending the candidates or the representatives designated by the candidates registered by way of joint signature; each political party or representative shall receive one copy only.

After the voting and ballot counting is finished, the chief administrator of the polling/ballot counting station shall, jointly with the chief supervisor, pack and seal the ballots divided into residual ballots, valid ballots and invalid ballots as well as the list of electors, sign or seal at the sealing, and transfer them to the municipal or county (city) election commission through the township (city/district) office for safekeeping.

The ballots referred to in the preceding Paragraph may not be unpacked except it is necessary to do so for the prosecutors or the court to perform duty according to law. The electors or candidates may apply to the municipal or county (city) election commission for reading the list of electors within 10 days commencing from the day after the polling day. A candidate may commission another person to read the list by power of attorney on the spot, and whether the electors, candidates or commissioned persons shall produce the ID card to read the list. However, an elector may only read the list of electors in the polling station where he/she votes.

The ballots and the list of electors referred to in Paragraph Five shall be kept for the period prescribed below after the ballot counting is finished:

1. The residual ballots shall be kept for 1 month.
2. The valid ballots and the invalid ballots shall be kept for 6 months.
3. The list of electors shall be kept for 6 months.

If any lawsuit is raised, the safekeeping period of the part relating to the lawsuit shall be prolonged to three months after the judgement is determined.

Article 54

In a polling or ballot counting station shall be set a chief administrator and several administrators, assumed by the persons appointed by the municipal or county (city) election commission to handle the polling and ballot counting affairs.

The chief administrator and administrators referred to in the preceding Paragraph may be selected based on the recommendation of the government agencies of specific levels and the public schools, and the selected personnel of the government agencies or the teaching staff of the schools may not refuse the appointment.

The municipal or county (city) election commission shall request the local police to dispatch policemen to safeguard the polling or ballot counting stations.

Article 55

Each poll 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 and submitted to 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 chief inspector and the vacant inspectors shall be designated by the municipal or county (city) election commission from the following persons:

1. Local impartial individual.
2. Staff of government agencies (institutions), associations and schools.
3. Major students in colleges and universities.

The regulations governing the qualification requirements, recommendation procedure and services of the inspectors shall be prescribed by the Central Election Commission.

Article 56

The staff of the polling/ballot counting stations shall attend the lectures held by the election commissions.

Article 57

The commissioners, supervisors, and clerk of the election commissions of specific levels, the personnel handling election affairs in township (city/district) offices, and the staff of polling/ballot counting stations, who die, get disabled or injured on duty, may apply for compensation according to the relevant provisions on the corresponding positions.

For those who cannot apply for compensation according to the provision of the preceding Paragraph, the compensation will be paid by the Central Election Commission. The regulation for the object, amount base, procedures of dispensing compensation and other related matters shall be prescribed by the Central Election Commission.

Article 58

The ballots shall be printed, distributed and applied by the municipal and county (city) election commissions. On the ballots there shall be the S/N, name, way of registration, and photos of each group of the candidates for President and Vice President. For the candidates recommended by a political party, the ballots shall also be printed with the name of each recommending political party plus "Recommendation" in the "way of registration" column; if two or more political parties jointly recommend a same group of the candidates, the political party names shall be printed according to the sequence in the letter of recommendation; for the candidates registered by way of joint signature, the "way of registration" column shall be filled in "Joint signature".

The ballots referred to in the preceding Paragraph shall be printed by the municipal and county (city) election commissions in the format prescribed by the Central Election Commission and under the on-site supervision of the supervisors, and shall be handed to the chief administrator of each polling station 1 day before polling day. The chief administrator shall count and check the ballots received jointly with the chief supervisor in public.

Article 59

To take a vote, an elector shall use the tool prepared by the election commissions to check a group of candidates by marking a circle in the "select" column.

After checking the candidates, the elector may not show the ballot to others.

The tool referred to in Paragraph One shall be fabricated by the municipal and county (city) election commissions in the format prescribed by the Central Election Commission.

Article 60

Under any of the following circumstances, a ballot shall be regarded as invalid:

1. Where the ballot is not fabricated and distributed by the election commission.
2. Where the ballot is not marked for a group only according to the provision of Paragraph One of the preceding Article.
3. Where the marking of the circle can not be identified that which group is selected.
4. Where the marking is altered.
5. Where the ballot is signed, stamped with a seal, pressed by a fingerprint or added by any text or sign.
6. Where the ballot is torn leading to incompleteness.
7. Where the ballot is contaminated so that it can not be identified that which group is selected.
8. Where the tool prepared by the election commission is not used.

The invalid ballot referred to in the preceding Paragraph shall be recognized by the chief administrator of the ballot counting station jointly with the chief supervisor; if any dispute arises, it shall be decided by all the supervisors by vote. If the number of positive votes is equal to that of negative votes, the ballot shall be regarded as valid.

This Article amended on December 20 2007 was enforced on the date of promulgation which shall not apply to the provisions of Article 115.

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. During voting, wear or mark the flags, badges, articles or clothing of political parties, political groups, candidates, and do not obey the persuasion. 4. Disturb the staff of polling stations to ballot counting or obstruct others to visit, and do not obey the persuasion.

5. 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.

Except for performing official duties, anyone shall not carry mobile phones or any other photography equipment into the polling stations. However, this restriction shall not apply to mobile devices that have been powered off.

Anyone shall not detect the contents of the ballot marked by any elector via any photography equipment in the polling stations.

Article 62

If the voting or ballot counting can not be carried out due to natural disaster or Force Majeure, the chief administrator of the polling/ballot counting station shall make a report to the Central Election Commission through the municipal or county (city) election commission for approval, so as to determine another day or place of voting or ballot counting.

• Section 7 Result of Election

Article 63

The group of candidates who get the most votes shall be elected; if two or more groups get the same votes, the re-voting shall be carried out within 30 days commencing from the polling day.

If there is only one group of candidates, they may be elected only if they get a vote of not less than 20% of the total electors. If they fail to be elected, the re-voting shall be completed within 3 months commencing from the polling day.

Article 63-1

If the difference between the candidates with the highest and second high number of votes is within 0.3% of the valid ballots, the candidates with the second high number of votes may apply for sealing all or part of the list of electors and ballots within 7 days after the voting day to the court with jurisdiction prescribed in Article 110. The ballot recounting of the sealed polling station shall be completed within 40 days and the result of the ballot recounting shall be notified to the Central Election Commission. The Central Election Commission shall reexamine the result of election in accordance with the result of the ballot recounting certified by the court with jurisdiction within 7 days. According to the result of the reexamination, if a candidate should not be elected and it is announced that he / she is elected, the announcement shall be cancelled; if a candidate is actually elected but it is not announced, a public notice shall be given to announce the result of election.

The applicant shall publish the polling station of the ballot recounting in written form for the application and pay the deposit of a certain amount. The quota shall be counted by NT\$3 per vote of the polling station.

The place of the ballot recounting shall be selected by the court with jurisdiction, and the list of electors and ballots of the sealed polling station shall be recognized one by one.

The court with jurisdiction shall notify each candidate or the designated personnel as implementing the ballot recounting and may direct the municipal or county (city) election commission, township (city / district) offices and the staff of polling station for assistance.

If the result of ballot recounting does not alter the result of being elected or not elected, the deposit in Paragraph Two shall not be returned. If the result of ballot recounting does alter the result of being elected or not elected, the deposit shall be returned.

Anyone who raises a lawsuit of election and seals the list of electors and ballots of sealed polling station in accordance with the provisions of Paragraph One shall not apply for ballot recounting. The expenses required for the ballot recounting referred to in Paragraph One shall be paid with the budget from the Central Election Commission. This Article amended on December 20 2007 was enforced on the date of promulgation which shall not apply to the provisions of Article 115.

Article 64

In case of death of the candidate for Vice President, if the candidate for President in the same group is still elected President, the Vice President shall be regarded as vacant. If either the elected President or the Vice President dies before accession or the election is judged as invalid before accession, the position shall be regarded as vacant. If the positions of President and Vice President are both regarded as vacant because the elected President and Vice President die before accession or the election is judged as invalid, the voting for reelection shall be completed within 3 months commencing from the day of death or from the day when the Central Election Commission receives the judgement from the court.

Article 65

The electees shall come into office on the day when the tenure of the current President and Vice President expires. If the electees elected through reelection or re-voting fail to come into office on the day when the tenure of the current President and Vice President expires, the tenure of the electees shall commence from this day all the same.

Article 66

The electee's certificates of President and Vice Presidents shall be fabricated and issued by the Central Election Commission. The certificate of Vice President elected through by-election shall be fabricated and issued by the Legislative Yuan.

Article 67

If the election is judged as invalid and, and the vote of the candidates changes according to the fact recognized in the determined judgement of the court and thus influence the result of election, the Central Election Commission shall reexamine the result of election according to the fact recognized in the determined judgement of the court. According to the result of the reexamination, if a candidate should not be elected and it is announced that he/she is elected, the announcement shall be cancelled; if a candidate is actually elected but it is not announced, a public notice shall be given to announce the result of election; in this case, the provisions on reelection shall not apply. The tenure of the electee announced after event as referred to in the preceding Paragraph is until the day when the tenure of the original President and Vice President expires.

- **Section 8 By-election of Vice President**

Article 68

In case of vacancy of Vice President, the President shall nominate candidates within 3 months for the Legislative Yuan to carry out the by-election.

Article 69

The Vice President elected by the Legislative Yuan through by-election shall come into office within 20 days after being elected.

- **Chapter 4 Recall**

Article 70

If a proposal of recall of the President or the Vice President is proposed by not less than 1/4 and agreed by the not less than 2/3 of the total members of the Legislative Yuan, the Legislative Yuan shall announce the proposal of recall is established. However, the President or the Vice President who has not been in the position for one year may not be recalled. Within 10 days after the proposal of recall referred to in the preceding Paragraph is announced, the Legislative Yuan shall transfer the proposal, together with the statement of reasons for recall and the statement of defense raised by the person recalled, to the Central Election Commission.

Article 71

Within 20 days commencing from the day after receiving the statement of reasons for recall and the statement of defense transferred from the Legislative Yuan, the Central Election Commission shall make the following matters known to the public through public notice:

1. The date of voting for recall and the commencing and terminating time of voting.
2. The statement of reasons for recall.
3. The statement of defense.

Article 72

From the day when a proposal of recall is announced, anyone may not carry out propaganda activities to promote or prevent the recall.

Article 73

The Central Election Commission shall have the voting for recall completed within 60 days commencing from the day after receiving the statement of reasons for recall and the statement of defense transferred from the Legislative Yuan. However, it shall not be held at the same time while the voting for another election is held.

Article 74

The ballots for recall of President and Vice President shall be printed separately. However, for the case of recall transferred from the Legislative Yuan, if the President and the Vice President are to be recalled in the same proposal, the ballots shall be printed with the President and the Vice President listed in conjunction.

In the ballots for recall shall be printed two columns, "Agree to recall" and "Not Agree to Recall", and the voter shall use the tool prepared by the election commission to make the choice.

After the choice is made, the voter may not show the ballot to others.

Article 75

The provisions set forth in this Act on electors, the list of electors, voting and ballot counting shall apply mutatis mutandis to the voters, the list of voters, and voting and ballot counting for recall.

Article 76

A proposal of recall shall be adopted if more than a half of the total electors in the free regions of the ROC have voted and more than a half of the valid ballots agree to recall.

Article 77

After the process of voting, the Central Election Commission shall, within 7 days after the voting is finished, issue a public notice to announce the result of the voting for recall. If the proposal of recall is adopted, the person recalled shall be removed from the position from the day when the public notice is issued.

Article 78

If the proposal of recall is adopted, the person recalled may not be the candidate for President or Vice President within 4 years commencing from the day when he/she is removed from the position; this provision shall also apply if he/she resigns after the proposal of recall is announced to be established.

If the proposal of recall is denied, proposal of recall may not be raised against the person recalled any more within the tenure of the person recalled.

- **Chapter 5 Penalty for Encumbering Election or Recall**

Article 79

Anyone who infringes the provision of Subparagraph 1 of Article 49 shall be condemned to fixed-term imprisonment of not less than 7 years, anyone who infringes the provision of Subparagraph 2 shall be condemned to fixed-term imprisonment of not less than 5 years, and anyone who infringes the provision of Subparagraph 3 shall be punished according to penal provisions in the relevant laws.

Article 80

Anyone who utilizes the opportunity of campaign, electioneering or joint signature to gather a mob or damage the social order by insurrection shall be condemned to fixed-term imprisonment of not less than 7 years, and the principal plotter shall be condemned to life imprisonment or fixed-term imprisonment of not less than 10 years.

Attempted offense of the crime prescribed in the preceding Paragraph shall also be punished.

Article 81

Anyone who enforces or intimidates the civil servants performing duty according to law to encumber the election or recall shall be condemned to fixed-term imprisonment of not more than 5 years.

Anyone who commits the crime prescribed in the preceding Paragraph and thus causes the death of a civil servant shall be condemned to life imprisonment or fixed-term imprisonment of not less than 7 years; if it causes severe injury to a civil servant, the person shall be condemned to fixed-term imprisonment of not less than 3 years and not more than 10 years.

Article 82

For those who gather a mob and commit the crime prescribed in the preceding Article, the accessories shall be condemned to fixed-term imprisonment or penal servitude of not more than 3 years or fined a sum of NT\$300,000, and the principal plotter and the persons who conducts the violation or intimidation shall be condemned to fixed-term imprisonment of not less than 3 years and not more than 10 years.

If the crime prescribed in the preceding Paragraph causes the death of a civil servant, the principal plotter and the persons who conducts the violation or intimidation shall be condemned to life imprisonment or fixed-term imprisonment of not less than 7 years; if it causes severe injury to a civil servant, the person shall be condemned to fixed-term imprisonment of not less than 5 years and not more than 12 years.

Article 83 (deleted)

Article 84

Anyone who asks for expected promise or asks a candidate or a person having the qualification of candidate to abandon the campaign or conduct certain actions on by offering bribes or other undue benefits shall be condemned to fixed-term imprisonment of not less than 3 years and not more than 10 years, and fined a sum of not less than NT\$2,000,000 and not more than NT\$20,000,000.

A candidate or any person having the qualification of candidate who asks for futures or accepts bribes or other undue benefits by promising to abandon the campaign or conduct certain action shall also be punished in accordance with the provision of the preceding Paragraph.

Anyone who plans to commit the crime prescribed in the preceding two Paragraphs shall be condemned to fixed-term imprisonment of not more than 1 year.

The bribes prepared or used to ask for promise or offered by the person who commits the crime prescribed in Paragraph One or the preceding Paragraph, whether owned by the criminal or not, shall be confiscated.

Article 85

Anyone who commits any of the following actions by violation, intimidation or other illegal method shall be condemned to fixed-term imprisonment of not more than 5 years:

1. Encumber another candidate's campaign or make him/her abandon the election.
2. Encumber others' providing joint signatures for a presentee according to law.
3. Encumber others' raising or agreeing a proposal of recall, or make others raise or agree a proposal of recall.

Attempted offense of the crime prescribed in the preceding Paragraph shall also be punished.

Article 86

Any person who conducts appointment bribery, bribery delivery, or unjust interests toward those entitled to vote for not voting or for specific voting result, may be imposed with penalty of imprisonment more than 3 year and less than 10 years or associated with fines above NT 1 million dollars and below NT 10 million dollars.

The intending offender of the above-mentioned behaviors may be imposed of penalty of imprisonment less than 1 year.

The money of the above-mentioned bribery shall be confiscated without regarding whether it belongs to the offender.

The offender conducting the mal behaviors mentioned in Paragraph 1 or Paragraph 2, and surrendering himself to the authority within 6 months after the offense, may be reduced for or exempted from punishments, or may be exempted from an punishments when he cooperates to detect the candidate as the principal offender or joint offender.

The offender conducting the mal behaviors mentioned in Paragraph 1 or Paragraph 2, and confessing himself during investigation, may be reduced for punishment, and may be reduced for or exempted from punishments when he assists to detect the candidate as the principal offender or joint offender.

Article 87

Anyone who conducts any of the following actions shall be condemned to fixed-term imprisonment of not less than 1 year and not more than 7 years, and be fined a sum of not less than NT\$1,000,000 and not more than NT\$10,000,000:

1. Ask for expected promise or make the members of an association or institution not execute the right of voting or execute it in a certain way by offering properties or other undue benefits in the name of donation.
2. Ask for expected promise or make a joint signer sign or not sign for a certain presentee by offering bribes or other undue benefits.
3. Ask for expected promise or make the proposer or consenter of a proposal of recall not raise or agree the proposal, or raise or agree a certain proposal of recall by offering bribes or other undue benefits.

Anyone who plans to commit the crime prescribed in the preceding Paragraph shall be condemned to fixed-term imprisonment of not more than 1 year.

The bribes prepared, used or delivered by the criminal, whether owned by the criminal or not, shall be confiscated.

Article 88

Anyone who undertakes the affairs referred to in Paragraphs One and Two of Article 84, Paragraph One of Article 86, or Paragraph One of the preceding Article to seek profit shall be condemned to fixed-term imprisonment of not less than 3 years and not more than 10 years, and may be fined a sum of not less than NT\$1,000,000 and not more than NT\$10,000,000 in addition.

Attempted offense of the crime prescribed in the preceding Paragraph shall also be punished.

Article 89

During nomination period since declaration of nomination process the political party shall follow Paragraph 1 and Paragraph 2 of Article 84 to discipline candidates who conduct behaviors prescribed in those paragraphs, when holding recommendation for its president and vice president nominees, and abide by Paragraph 1 of Article 86 to discipline the legitimate voters who conduct behaviors specified in the paragraph.

The intending offender of the above-mentioned behaviors may be imposed of penalty of imprisonment less than 1 year.

The money in appointment bribery, bribery delivery, or bribery reception shall be confiscated without regarding whether it belongs to the offender.

The offender conducting the mal behaviors mentioned in Paragraph 1 or Paragraph 2, and surrendering himself to the authority within 6 months after the offense, may be reduced for or exempted from punishments, or may be exempted from an punishments when he cooperates to detect the candidate as the principal offender or joint offender.

The offender conducting the mal behaviors mentioned in Paragraph 1 or Paragraph 2, and confessing himself during investigation, may be reduced for punishment, and may be reduced for or exempted from punishments when he assists to detect the candidate as the principal offender or joint offender.

The offender intending for making profits in preceding the process prescribed in Paragraph 1 shall be disciplined according to the previous article.

The attempt of offense specified in the previous paragraph shall be punished.

Article 100 shall be applicable when the political party holds nomination of its president and vice president candidates.

The political party shall declare relevant issues about nomination process and specify preceding period and process, candidates, and verification of legitimate electors when holding its nomination. The nomination announcement shall be reported to the Ministry of Interior for future reference within 5 days after declaration.

Article 90

Anyone who diffuses rumor or spread false saying by text, picture, audio tape, video tape, speech or other method for the purpose of making a candidate elected or not elected and thus causing damages to the public or others shall be condemned to fixed-term imprisonment of not more than 5 years.

Article 91

Anyone who infringes the provision of Paragraph Two of Article 59 or Paragraph Three of Article 74, or conducts any of the actions prescribed in the Subparagraphs of Paragraph One of Article 61 and does not leave the station after being ordered to leave, shall be condemned to fixed-term imprisonment or penal servitude of not more than 2 years, or fined a sum of not more than NT\$200,000.

Article 92

For any of the following actions conducted in the proceeding of election or recall, the accessories shall be condemned to fixed-term imprisonment or penal servitude of not more than 1 year or fined a sum of not more than NT\$100,000, and the principal plotter and the persons who conducts the action shall be condemned to fixed-term imprisonment of not more than 5 years

1. Gather a mob to surround the working place or residence of a presentee of joint signature, joint signer, candidate, recalled, proposer or consenter of a proposal of recall.
2. Gather a mob to encumber a presentee of joint signature, joint signer, candidate, or the recalled person's performing duty or a proposer or consenter's proceeding over the proposal of recall.

Article 93

Anyone who carries the received ballot for election or recall to outside the place of voting shall be condemned to fixed-term imprisonment or penal servitude of not more than 1 year or fined a sum of not more than NT\$15,000

Anyone who makes noise to disturb the election or induces others to vote or not to vote within 30m around the polling station, and continues such misconduct after being persuaded by the safeguard, shall be condemned to fixed-term imprisonment or penal servitude of not more than 1 year or fined a sum of not more than NT\$15,000.

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 NT\$30,000.

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 NT\$500,000.

Article 94

Anyone who withholds, destroys, hides, replaces or captures the voting box, ballots for recall, the list of electors, the report form of voting, the report form of ballot counting, the statistics of ballot counting, or the tool for the voters' making choices for the purpose of encumbering or disturbing the voting or ballot counting shall be condemned to fixed-term imprisonment of not less than 5 years.

Article 95 (deleted)**Article 96**

Anyone who infringes the provision of Article 42, Article 43, Paragraph One or Two of Article 48, or Article 72 shall be fined a sum of not less than NT\$100,000 and not more than NT\$1,000,000.

Any broadcast or TV enterprise that infringes the provision of Paragraph One or Two of Article 46 shall be fined a sum of not less than NT\$200,000 and not more than NT\$2,000,000.

Any newspaper or magazine that does not state the name of the political party or candidate in the advertisement in accordance with the provision of Article 47 shall be fined a sum of not less than NT\$200,000 and not more than NT\$2,000,000, or a sum doubling the price of the advertisement.

Anyone who infringes the provision of Article 50 or Article 52 shall be fined a sum of not less than NT\$500,000 and not more than NT\$5,000,000; if the person infringing the provision of Article 50 does not obey persuasion, consecutive punishment may be imposed.

If a political party, juridical person or association other juridical person that infringes the provision of Paragraph One or Two of Article 48, the representative or the actor shall be punished in accordance with the provision of Paragraph One; in case of infringement of the provision of Article 50 or Article 52, the representative or the actor shall be punished in accordance with the provision of the preceding Paragraph.

If anyone infringes the provision of Paragraph One or Two of Article 48 and pastes promotional literatures or hang or erect advertising articles for campaign, the competent authority shall notify the competent authority in charge of environmental protection to dispose them as wastes.

If a public communication media is commissioned to publish or play campaign advertisement or distribute promotional literatures along with newspapers, thus infringing the provision of Paragraph Two of Article 50, the consigner and the consignee shall be punished in accordance with the provision of Paragraph Five.

Anyone who places anything other than the ballot for election or recall into a voting box, or tear up the received ballot by intention shall be fined a sum of not less than NT\$5,000 and not more than NT\$50,000.

Article 97

If the person who commits the crime prescribed in Paragraph Two of Article 84 or the crime prescribed in Paragraph One of Article 143 of the Criminal Code surrenders within 3 months after committing the crime, the punishment shall be exempted, if he/she surrenders after 3 months, the punishment shall be alleviated or exempted; if he/she confesses in the process of investigation or in the juridical procedure, the punishment shall be alleviated.

Anyone who cooks up facts to surrender as prescribed in the preceding Paragraph for the purpose of making others subject to criminal disposition shall be punished in accordance with the penal provisions set forth in the Criminal Code on the crime of false accusation.

Article 98

If the candidates recommended by a political party commit any of the crimes prescribed in Articles 80 to 82, Paragraphs One and Two of Article 84 and Subparagraph 1 of Paragraph One of Article 85 or the corresponding attempted offense, the crimes prescribed in Paragraph One of Article 86, Subparagraph 1 of Paragraph One of Article 87, and Article 94, or the crimes prescribed in Article 142 or Articles 145 to 147 of the Criminal Code, and the judgement is determined, the political party shall be fined a sum of not less than NT\$5,000,000 and not more than NT\$50,000,000. If the candidates recommended by a political party commit any of the crimes prescribed in Articles 271, 277, 278, 302, 304, 305 and 346~348 or the crimes prescribed in its Special Act, and the judgement is determined, the punishment shall be imposed in accordance with the provision of the preceding Paragraph.

Article 99

If there are any provisions of severer punishment for the crime prescribed in this Chapter in other laws, such provisions shall apply.

If the personnel handling election and recall affairs commit any of the crimes prescribed in this Chapter intentionally by using the power, opportunity or method on duty, the punishment shall be aggravated by a half.

If a person commits any of the crimes prescribed in this Chapter or the crime of encumbering voting prescribed in Chapter 6 of the Subprovisions of the Criminal Code and is thus sentenced to fixed-term imprisonment, he/she shall also be deprived of public rights.

Article 100

The Prosecutor General of the Supreme Prosecutors' Office shall lead the prosecutors to monitor and supervise the election and recall of President and Vice President, actively prosecute the criminal cases of encumbering the election or recall, and accept the accusation, prosecution, surrender made by the government agencies, associations or individuals, and carry out investigation and handle the cases measures in time.

The prosecutors may command the juridical police to conduct the investigation of the cases referred to in the preceding Paragraph according to the provisions of the Criminal Procedure Code and the Act Governing Despatch of Juridical Police.

Article 101

For the crime prescribed in this Chapter or the crime of encumbering voting set forth in Chapter 6 of the Criminal Code, the court hearing the case shall adjudicate it within 6 months.

Chapter 6 Election and Recall Lawsuits

Article 102

If a government agency of election and recall handles the election or recall affairs illegally so that the result of election or recall will be affected, the prosecutors, candidates, the person recalled or the proposer of the proposal of recall may, within 15 days commencing from the day when the list of electees or the result of voting for recall is publicized, file a lawsuit of invalid election or recall in the governing court against the government agency of election and recall.

Article 103

For the lawsuit of invalid election or recall, if the invalidation judgement of the court is determined, the election or recall shall be invalid, and the election or recall shall be held again at a specified time. If the election or recall is held illegally in part, the part of election or recall shall be invalid, and the voting shall be conducted again at a specified time in respect of the invalid part.

Article 104

Under any of the following circumstances, the governments agencies of election and recall, the prosecutors or the candidates may, within 30 days commencing from the day when the public notice of electees is issued, file a lawsuit claiming the electee's being elected is invalid in the governing court against an electee:

1. Where the electee's vote is false so that the result of election is likely to be affected.
2. Where the electee prevents other candidates, the persons having the right of voting or the personnel handling election affairs from campaigning, executing the right of voting or performing duty freely by violation, intimidation or other illegal method.
3. Where the electee conducts the action prescribed in Article 84, Subparagraph 1 of Paragraph One of Article 87 or Paragraph One of Article 89 of this Act, or Paragraph One of Article 146 of the Criminal Code.
4. Where the electee conducts the action prescribed in Paragraph One of Article 86 so that the result of election is likely to be affected.

Under any of the circumstances prescribed in the Subparagraphs of the preceding Paragraph, if the invalidation judgement is determined, it will not be affected by the criminal verdict of not guilty for the same cause.

Article 105

If an electee conforms to any of the circumstances prescribed in the Subparagraphs of Article 28, the government agencies of election and recall, the prosecutors or the candidates may, before the tenure of the electee expires, file a lawsuit claiming the electee's being elected is invalid in the governing court against the electee.

Article 106

For the lawsuit claiming the electee's being elected is invalid, if the invalidation judgement is determined, the original electee's being elected shall be invalid; and if the electee has come into office, he/she shall be removed from the position from the day when the judgement is determined.

Article 107

The judgment that the election or the electee's being elected is invalid will not affect the actions taken by the original electee on duty after accession.

Article 108

Under any of the following circumstances, the election commission, the prosecutors, the person recalled or the proposer of a proposal of recall may, within 15 days commencing from the day when the public notice of the result of voting for recall is issued, file a lawsuit of invalid adoption or veto of the proposal of recall in the governing court against the proposer or the person recalled:

1. Where the vote of adoption or veto is false so that the result of voting is likely to be affected.
2. Where the person recalled or the proposer prevents the persons having the right of voting or the personnel handling election affairs from executing the right of voting freely or performing duty by violation, intimidation or other illegal method.
3. Where the person recalled or the proposer conducts the action prescribed in Paragraph One of Article 146 of the Criminal Code.
4. Where the person recalled or the proposer conducts the action prescribed in Paragraph One of Article 86 so that the result of voting is likely to be affected.
5. Where the person recalled conducts the action prescribed in Subparagraph 3 of Paragraph One of Article 87.

For the lawsuit of invalid veto of a proposal of recall, if the invalidation judgment of the court is determined, the veto of the proposal of recall shall be invalid, and it shall be voted again at a specified time. If the adoption of a proposal of recall is judged as invalid, the person recalled shall be resumed to the original position.

Article 109

If an elector finds any factor that will construct invalid election, invalid being elected, invalid recall, or invalid adoption or veto of a proposal of recall, he/she may, within 7 days commencing from the day when the public notice of the list of electees or the result of voting for recall is issued, submit the material evidences to the prosecutor or the election commission to for prosecution.

Article 110

Election and recall lawsuits shall be exclusively governed by the High Court at the location of the Central Government.

Article 111

An Election Courtroom shall be established to hear the election and recall lawsuits by using the collegiate system, and an election or recall lawsuit shall be adjudged ahead of other lawsuits, and shall be finally judged in the second instance, and no lawsuit of rehearing may be filed. The court hearing the case shall have it concluded within 6 months.

Article 112

The provisions of the Civil Procedure Code shall apply to the procedure of election and recall lawsuits, unless otherwise prescribed in this Act. However, the Civil Procedure Code shall not apply to the validity of abandonment, commitment or the fact self-confessed or of no dispute in the proceeding.

Chapter 7 Supplementary Provisions**Article 113**

The fines prescribed in this Act and Paragraph One of Article 14 of the Organized Crime Prevention Act shall be imposed by the Central Election Commission. If anyone does not pay the fine within the time limit after being notified, the case will be transferred to the judicial authority for coercive execution according to law.

Article 114

Within the period from the day when the registration of candidates is finished to the next day of the polling day, the National Security Agency shall take charge of maintaining the safety of the candidates for President and Vice President in the free regions of the ROC under the assistance of the relevant government agencies. Regulations governing implementation of the safety maintenance shall be prescribed by the National Security Agency.

Article 115

For the elections for which the public notice for election has been issued and the proposals of recall that has been transferred to the Central Election Commission before the amendment of this Act is enforced, the provisions before amendment shall still apply.

Article 116

The Enforcement Rules of this Act shall be prescribed by the Ministry of the Interior jointly with the Central Election Commission.

Article 117

The Act shall be effective since the date of promulgation.

The amended articles revised on May 5th, 2006 shall be effective since July 1st, 2006 , while the amended articles revised on May 12, 2009 shall be effective since Nov 23, 2009.

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