

Content

Title :	The Organic Law of the Central Election Commission
Date :	2009.06.10
Legislative :	Full text of 13 Articles are enacted and promulgated by presidential decree (98) Hua-Tsung (1)Yi-Tzu No.09800142871 on June 10, 2009 and implemented on July 1, 2009.
Content :	<p>Article 1</p> <p>The Central Election Commission (hereinafter referred to as the CEC) is established, for the purpose of implementing the constitutional aims of guaranteeing democracy and people's suffrage, to govern affairs of the election and recall of public officials, and the referendum.</p> <p>Article 2</p> <p>The CEC shall be in charge of the following affairs:</p> <ol style="list-style-type: none">1. Integrated planning of election, recall and referendum.2. Managing, conducting and supervising election, recall and referendum.3. Planning and conducting for constituency zoning.4. Monitoring the processes of election, recall, and referendum.5. Subsidizing campaign expenses of political parties and candidates.6. Proposing the enactment, amendment, and abolishment of relevant rules and regulations for election, recall and referendum.7. Other relevant issues of election, recall and referendum. <p>Article 3</p> <p>The CEC, comprising nine to eleven members, shall be headed by one (1) of whom shall be the distinguished appointment chairperson acting on behalf of this CEC, another one (1) shall be the vice chairperson of a rank equivalent to senior appointment at the grade of fourteen (14). The remaining 7 to 9 personnel are members of this CEC.</p> <p>Each member of this CEC, including the chairperson, and vice chairperson, is nominated and, with the consent of the Legislative Yuan, appointed by the Premier of the Executive Yuan. Term length of each member shall be four years and renewable once; however, after the enforcement of this Act, the terms of five (5) out of the first appointed members of this CEC were two years.</p> <p>The Premier of the Executive Yuan shall, three months before the scheduled end of the term, nominate and appoint new members in accordance with the preceding procedure. Where there is any vacancy of the member, the Premier of the Executive Yuan shall put forward a candidate to fill the vacancy according to the preceding procedure. Term of <i>successor members</i> shall be the date of the original term. Where vacancies left behind are no more than three with remaining term less than one year, there will be no longer necessary to put forward any candidate.</p> <p>Members of this CEC shall be served by impartial persons with well relevant knowledge and experience of law and politics. Members of the same political party shall not exceed one-third of the total number of members.</p> <p>All members of the CEC, except chairperson and vice chairperson, are position without remuneration.</p> <p>Where members, regardless of the chairperson, vice chairperson and members of the CEC, having one of the following circumstances, the Premier of the Executive Yuan should remove them from their positions:</p> <ol style="list-style-type: none">1. Unable to perform their duties due to morbidity caused.2. Committing illegal activities, poor performances or other misconducts.3. Being in custody or prosecuted due legal case. <p>Article 4</p> <p>Where the chairperson is vacant or unable to exercise his/her authority,</p>

the vice chairperson shall act duty performance; where both the chairperson and vice chairperson are vacant or unable to exercise their authorities, an *acting chairperson* shall be elected among the other members.

Article 5

The CEC exercises its authority *independently* in accordance with the law. Members of this CEC should be above partisanship and exercise their own duty independently according to the law. No participation of political party activities is allowed during their service period.

Article 6

The following matters shall be approved by our committee members meeting:

1. Proposals of the enactment, amendment, and abolishment of relevant rules and regulations for election, recall and referendum.
2. Review for the notices of election, recall, and referendum.
3. Penalties for violations of election, recall and referendum regulations.
4. Processes of major dispute case(s) processing.
5. Members' proposals.
6. Other major issues which shall be resolved by committee meeting.

Article 7

The CEC shall hold a session once per month, and may hold provisional sessions when necessary. All the sessions shall be convened by the chairperson.

The sessions in the preceding paragraph shall be chaired by the chairperson; when unable to do so, the vice chairperson shall conduct this duty on his/her behalf. When both chairperson and vice chairperson are unable to attend the session, an acting chairperson shall be elected among the other members. For a committee session, a quorum is at least half the members' attendances. Resolution of the session shall require the consents of more than half of the members presented at the meeting. In the case of major dispute, the session shall have more than two-thirds of all members to attend, and resolution of the session shall require the consents of more than half of the members presented at the meeting. Members shall be able to submit concurring opinion or dissenting opinion to publish in conjunction with the resolutions of the meeting.

The session of this CEC may invite scholars, experts and other main topic related agencies staffs to attend for providing advices, fact statements or reports.

Article 8

The CEC shall have one (1) chief secretary of a rank equivalent to senior appointment at the grade of twelve (12).

Article 9

For the purpose of election activity process, the CEC shall establish Election Committee, governed by laws, in the municipalities and counties (cities).

Article 10

The scale of position and number of personnel of this CEC' s official ranks shall be stipulated in a staffing chart.

Article 11

The existing staffs, originally validated and registered in accordance with Temporary Assigned Worker Assignment Act before the enforcement of this Act but without possessing the eligibility of *civil service* laws, should be able to continue to serve their original titles and official until their leave of job.

Article 12

The expiration of the term of members and circuit inspector of this CEC assigned before this Act implemented shall be the day of member appointment date in accordance with provision of Article 3 of this Act.

Article 13

The Act shall become validated on the date set by the Executive Yuan.

Data Source : Laws and Regulations Retrieving System