


Content

Title :	Referendum Act 
Date :	2019.06.21
Legislative :	The amendment of Articles 9, 10, 12, 13, 17 and 23 of the," Referendum Act" Promulgated on the 21st June 21 of the 108th Year, Republic of China
Content :	<p>Article 9 Unless otherwise specified, to submit a proposal for a referendum, the leading proposer shall submit a written proposal, a statement of reasons, the original roster and copy of the proposer's details to the competent authority.</p> <p>There shall be only one leading proposer as referred to in the preceding Paragraph and</p> <p>the main text shall be limited to 100 words and the statement of reasons shall be less than 2,000 words. The excess part of the aforesaid limit will not be publicized, or published in the referendum bulletin.</p> <p>The main text of the first paragraph shall be concise, clear, and objectively neutral; the clarification of the grounds for the referendum and its position shall be consistent with the main text.</p> <p>The competent authority shall establish the written method, word count calculation, grammar and other related matters in the main text and the statement of reasons.</p> <p>The roster of proposers referred to in Paragraph 1 shall be completed column by column according to the specified format with the signature or seal, the ID card number and the permanent address of proposers affixed and bound into books by municipal, county, and township (city/district) governments.</p> <p>The competent authority shall set up an electronic system for the leading proposer to</p> <p>solicit proposals and combined signatures; the method and implementation date for proposal, joint signatures, and examination processes shall be prescribed by the competent authority.</p> <p>The electronic proposals and co-signers whose documents are provided in the form of electromagnetic records.</p> <p>The proposal of referendum case is limited to one case one issue.</p> <p>Article 10 The number of proposers for the matters prescribed in Paragraph 2 of Article 2 shall be not less than one-ten thousandth of the total electorate in the most recent election of President and Vice President.</p> <p>The proposal list of referendum which does not conform to the first and second provisions of the preceding article, or is not bound into books by municipal, county, and township (city/district) governments according to Article 5 of the preceding article, or the number of proposers is less than that as stipulated in the preceding paragraph, the competent authority shall not accept the case.</p>

After receiving a proposal of referendum, or a corrected proposal, the competent authority shall finish its examination within 60 days. In the event of any of the following circumstances after the process of examination, the competent authority shall specify the reasons and notify the leading proposer to make necessary revisions once only within 30 days; if the necessary corrections are not made at the appointed time, or still do not meet the relevant provisions, the proposal shall be rejected.

Where the proposal does not meet the applicable matters of the national referendums specified in Article 2.

Where the proposal violates the provisions specified in Paragraph 4 of the preceding Article.

Where the proposal does not comply with provisions stipulated in Paragraph 2 of Article 1 or Paragraph 8 of the preceding Article.

Where the content of the proposal contains matters specified in the provisions of Article 32.

Where the meaning of the proposal cannot be understood from the content of the proposal.

For those of being requested to make revisions according to the provisions of the

preceding paragraph, the competent authority shall hold a hearing first to clarify relevant disputes and assist the leading proposer to make the necessary corrections.

If the referendum is determined by the competent authority in conformity with the

provisions, the competent authority shall request the government agencies of household registration to carry out an audit of the proposers within 15 days.

The government agencies of household registration shall audit the roster of proposers according to the household registration data, and invalidate a proposer due to any of the following circumstances:

Where the proposer does not meet the qualification requirements set forth in Paragraph 1 of Article 8.

Where the name, ID card number or address of the proposer is recorded incorrectly, or is unclear.

Where the roster of proposers lacks the signature, or seal of the proposer.

Where the proposer's name is forged.

After the process of auditing, if the number of proposers does not meet the requirement specified in provisions of Paragraph 1, the competent authority shall notify the leading proposer to add additional proposers within 30 days limited to one time only; if the specified number is still not reached after supplementation, or the leading proposer does not add more proposers, the proposal shall be rejected.

If the proposal referred to in the preceding Paragraph meets the relevant provisions,

the competent authority shall, depending on the nature of the proposal, request the legislative and administrative government agencies to bring forward a position paper with the content stating the legal effect of passing, or failing to pass the motion within 45 days after receiving the official letter of request. Those motions that have not been raised during said limited period will be considered as having been given up. The position paper shall be limited to 2,000 words. The excess part of the aforesaid limit will not be publicized, or published in the referendum bulletin.

If the proposal referred to in the preceding Paragraph meets the relevant provisions,

the competent authority shall inform the leading proposer to receive a roster format of joint signatures or an authentication code of the electronic joint signing system from the competent authority within 10 days to solicit signatories. If the leading proposer fails to go and obtain the said format, or the authentication code within the specified time limit, it will be regarded as an abandonment of the combined signatures.

Article 12 For the matters prescribed in Paragraph 2 of Article 2, the number of proposers shall be not less than 1.5% of the total electorate in the most recent election of President and Vice President.

The leading proposer of referendum shall, within 6 months after the next day on receiving the roster format of combined signatories, or an authentication code of the electronic joint signing system, submit the original and copy of the register roster or its electromagnetic record to the competent authority at one time; if it is not filed during the limited period, it shall be deemed to have been renounced.

The list of proposers referred to in the preceding Paragraph shall be completed column by column in the specified format with ID card number and the permanent address affixed with signature and seal and bound into books by municipal, county, and township (city/district) governments, respectively, and submit to the competent authority

In case of abandonment deemed under preceding paragraph 2 or Paragraph 9 of Article 10, the original proposers may not raise a proposal again regarding the same matter within 2 years commencing from the day of abandonment of combined signatures.

Article 13 After receiving the list of combined signatories, if it is found on examination that the number of combined signatories is less than that prescribed in preceding paragraph 1, or the roster is not bound into books by municipal, county, and township (city/district) governments specified in Paragraph 3 of preceding Article, the competent authority will not process the documentation; if it meets the requirements, a letter notification shall be sent to the household administration to complete the examination within 60 days.

The household administration shall check the roster of combined signatories according to the household registration data, and a signatory shall be invalidated due to any of the following circumstances:

Where the signatory does not meet the qualification requirement set forth in Paragraph 1 of Article 8.

Where the name, ID card number or address of the signatory is recorded wrongly or unclearly.

Where the roster of the combined signatories lacks the signature or seal of the signatory.

Where the combined signatories name is forged.

After the roster of the combined signatories is audited, if the number of combined signatories meets the provision of Paragraph 1 of the preceding Article, the competent authority shall, within 10 days, announce the proposal of referendum is established, and the proposal shall be numbered; if the number of combined signatories does not meet the provision, the competent authority shall notify the leading proposer to supplement more signatures within 30 days limited to once only; if the specified number is

still not reached after supplementation or the leading proposer does not supplement, the competent authority shall announce the proposal of referendum is not established.

Article 17 The competent authority shall make the following matters known to the

public through public notice 90 days before the day of referendum:

The date of voting for the proposal of referendum and the times of commencement and termination of voting.

The serial number, main text and statement of reasons of the proposal of referendum.

The position papers raised by the government agencies on the proposal of referendum.

The scope and method of executing the right of referendum.

Representatives of those in support of or against the referendum shall follow, present or debate their opinions on national radio channel.

The competent authority shall provide the representatives of those in support of or against the referendum with time to present their opinions or debate through national broadcast TV channels at public expense, and the designated TV stations may not refuse this request. The operating regulations shall be prescribed by the competent authority.

The presentation, or debate referred to in the preceding Paragraph shall be held at

least five times through national broadcast TV channels.

The presentation or debate shall be webcast and its video and audio recording shall

be made public on the competent authority's website.

Article 23 The referendum day is formally scheduled to be held on the fourth Saturday of August, once every two years starting from the 110th year of the Republic of China.

The referendum day should be a holiday.