

Appendix 147 -- Taiwan Referendum Law (2003)

(Excerpts – Unofficial Translation)

Passed in its third reading by the Legislative Yuan on November 27, 2003

Chapter I General Principles

Article 1: This law has been formulated in accordance with the constitutional principle that sovereignty resides with the people and in order to safeguard the direct exercise of the rights of the people. For that which is not stipulated under this law, the provisions of other laws apply.

Article 2: That which this law calls a "referendum" includes both nationwide and local referendums. A nationwide referendum may be used for the following matters:

A referendum on a law

An initiative on a legislative principle

A referendum or an initiative on the formulation of a major policy A referendum on an amendment to the Constitution.

A local referendum may be used for the following matters:

A referendum on laws and regulations for local self-governance

An initiative on a legislative principle for local self-governance laws and regulations An initiative or referendum on major policy regarding matters of local self-governance.

Budgets, rents, investments, wages, and personnel matters may not be proposed as referendum items.

A Referendum Review Commission (hereafter referred to as a "Review Commission") shall verify referendum items.

Chapter III Referendum Procedures

Part One: Nationwide Referendums

Article 10: The number of people proposing a referendum case must equal or exceed 0.5 percent of the total number of people who voted in the most recent presidential and vice-presidential election. . . .

Article 11: Before the Central Election Commission issues a notice of petition, the initiating proposer may withdraw the proposal if one half of his or her fellow proposers agree.

In that case, they may not propose another referendum on the same issue for three years from the day the original proposal is withdrawn.

Article 12: For matters on nationwide referendums as specified in Sections 1, 2, and 3 of Article 2, the number of petitioners must equal or exceed 5 percent of the total number of

voters in the most recent presidential and vice presidential election....

Article 13: Outside of the provisions of this law, government agencies may not, under any guise, conduct or authorize any others to conduct referendums, nor may they make use of any funds or assign any government personnel for that purpose.

Article 14: If upon review any of the follow conditions are discovered, the controlling agency shall reject a referendum within 15 days of receiving it:

The case does not comply with Article 9.

The proposers meets the conditions of Article 11 Section 2 or the number of people proposing the referendum is insufficient because some of the people did not sign their names or affix their name chops thereby having their names removed.

The case meets the conditions set forth in Article 33 Section 1.

The case contains contradictory or obviously erroneous information such that its true intent cannot be understood.

If, upon review, the case is found not to meet any of the conditions set above, the controlling agency shall invite the relevant review commission to verify the case, and the review commission shall notify the controlling agency of the results of its verification within 30 days. . . .

Article 17: When the nation is threatened by an external force that could cause a change in the nation's sovereignty, the president may, via a resolution of the Executive Yuan Council, refer a matter relating to national security to the citizens for a vote.

Article 18: The Central Election Commission shall publicly announce the following matters 28 days before a referendum:

The date of the referendum and the times when balloting will begin and end.

The case number of the referendum, its main text, and the statement of reasons for the plebiscite. The government agencies' statements of opinion on the referendum.

The manner in which the referendum will be carried out and its scope.

The Central Election Commission shall use public funds to enable proponents and opponents of the referendum to voice their opinions or hold debates on nationwide broadcast television. Selected television stations may not refuse. The arrangements shall be determined by the Central Election Commission.

At least five debates or forums for the expression of opinions as referred to above shall be held for nationwide referendum and shall be broadcast nationwide.

Article 21: After it is publicly announced that a case for a referendum stands, those who

proposed the case and those who oppose it may, with permission, establish offices to engage in efforts to spread their views and may use donated funds to engage in related activities; however, they may not accept donations from the following sources, which the Central Election Commission shall regulate:

Foreign groups, juridical personalities, individuals or groups, and juridical personalities primarily composed of foreign individuals.

Groups, juridical personalities, or individuals from the mainland China area or groups and juridical personalities primarily composed of individuals from the mainland China area.

Groups, juridical personalities, or individuals from Hong Kong or Macao, or groups, juridical personalities, or other entities primarily composed of individuals from Hong Kong or Macao.
Public enterprises or corporations that have received donations from the government....

Chapter IV Referendum Results

Article 30: A referendum passes so long as more than half of the qualified voters in the nation, municipality, county, or city cast a ballot in the referendum and more than half of the valid ballots cast support the referendum measure....