

**Tamkang University Regulations for the Election and Recall of the Student Association President, Vice Presidents, and Student Representatives of the Student Assembly**

Secretariat Regulation No. 1050000007 (05/03/2016)

**Chapter 1 General Provisions**

**Article 1**

Following Article 2 of Tamkang University Regulations for the Guidance of the Student Association, these regulations were specially enacted.

**Article 2**

The affairs related to the direct election and recall of the Student Association president, vice presidents and representatives of the Student Assembly are treated in accordance with the rules of these regulations. The matters not treated in these regulations shall be established by resolution of the elected members of the Student Association.

**Article 3**

The election of the Student Association shall use a general, equal, direct and secret individual ballot method.

**Article 4**

All students who are officially enrolled in TKU have the right of election and of recall.

**Chapter 2 Organization for Election and Recall**

**Article 5**

The organization for election and recall of the Student Association president, vice presidents and representatives of the Student Assembly shall be called the Student Association Election Committee; hereafter abbreviated as Election Committee.

The affairs related to election of the Student Association president, vice presidents and representatives of the Student Assembly are treated in accordance with the following paragraphs listed below:

1. The Election Committee will be engaged by the Student Association president.
2. The Election Committee should install 5 to 11 members.
3. The Election Committee should unanimously promote one member from within to be the committee chair.
4. The duration of the Election Committee starts from the completion of the committee's organization and finishes on the day the candidates are sworn into office.

The affairs related to recall of the Student Association president, vice presidents and

representatives of the Student Assembly are treated in accordance with the following paragraphs listed below:

1. The Election Committee shall be engaged by the chair of the Student Review Committee.
2. The Election Committee should install 5 to 11 members.
3. The Election Committee should unanimously promote one member from within to be the committee chair.
4. The duration of the Election Committee starts from the completion of the committee's organization and finishes after issuing the third public announcement. Those administrative core cadres who concurrently are members of the Election Committee shall not exceed one half of the total number of committee members.

#### **Article 6**

The Election Committee should apply for a temporary office space for processing the matters related to the elections from the Student Guidance Section.

#### **Article 7**

The Election Committee shall respectively be in charge of the following matters listed below:

1. The items related to public announcement of election and recall.
2. The items related to the affairs of carrying out the procedures and planning of the election and recall.
3. The items related to reviewing the qualifications of the candidates.
4. The items related to planning the election propaganda.
5. The items related to supervising the election and recall.
6. The matters of voting and counting ballots are performed by the Election Committee.
7. The items related to the selection, administration and supervising of the supervisors and election staff.
8. The items related to setting up and managing the voting stations and counting stations.
9. The items related to examining the results of the election and recall.
10. The fact-finding and disciplinary action concerning any violation of these regulations.
11. The items related to anything else concerning election and recall.

#### **Article 8**

The Election Committee shall install 5 to 11 supervisors; they shall be selected by the Election Committee and submitted to the chair of the Election Committee for appointment and one individual shall be designated as the convener. The supervisors shall implement the items listed below:

1. The supervisory items related to violations of the election and recall regulations by candidates, electioneering team members, the recall proposers, the recalled individuals.
  2. The supervisory items related to the violation of election and recall regulations by voters and recall voters.
  3. The supervisory items related to any other concerns of election and recall.
  4. Administrative core cadres cannot concurrently hold a supervisor's position.
- Any other items related to the supervisors implementing of supervisory affairs shall be determined by a resolution of the Election Committee.

#### **Article 9**

Members of the Election Committee, electoral staff, and supervisors should participate in training for election affairs.

#### **Article 10**

The budget of the Election Committee shall be provided by the Student Association's main office.

### **Chapter 3 Elections**

#### **Section 1 Qualifications**

##### **Article 11**

The Student Association president and vice presidents will take the entire school as an electoral district.

The representatives of the Student Assembly will take each college as their electoral district. The overall number of people in each electoral district will determine the number of individuals that should be elected. For every 400 students one Student Assembly representative shall be elected. If the remaining number exceeds 400, then one additional member shall be added.

The number of members for each electoral district mentioned in the preceding paragraph should be publicly announced by the Election Committee.

##### **Article 12**

When candidates are processing their registration, they should first pay a deposit in security. If the application documents are insufficient or the deposit in security is insufficient, then their registration application shall be rejected. Those who have applied for registration to be a candidate cannot withdraw their registration to be a candidate after the deadline of the registration period. Those who withdraw their registration before the deadline of the registration period cannot reapply to register to be a candidate.

##### **Article 13**

Candidates for Student Association president and vice presidents should have three

people in one group and jointly register to participate in the election. If the application documents are incomplete, the applicants shall not be granted acceptance. As for the candidates within the same group if the qualifications of one of the members are not consistent, then the candidates in that group will not be permitted to register.

Candidates for Student Assembly representatives are divided into electoral districts to register to participate in the election.

If the application documents to register are incomplete, then the applicant shall not be granted acceptance. If the qualifications of a candidate upon inspection are inconsistent, then the said candidate will not be permitted to register.

**Article 14**

Students who are enrolled at TKU cannot at the same time register to be candidates for the Student Association president and vice presidents, and Student Assembly representatives.

**Article 15**

If after the list of candidates has been publicly announced, it is discovered that the qualifications of a candidate are inconsistent before the public announcement or before the voting, the candidate's registration qualifications should be rejected by the Election Committee before the voting, or otherwise the election should be deemed invalid.

**Article 16**

After a student who is enrolled at TKU has been recommended to be a candidate, he/she shall register his/her electioneering team members in accordance with these regulations.

**Article 17**

Those who are members of the Election Committee, electoral staff or supervisors cannot register to be a candidate or an electioneering team member.

**Section 2 Election Procedure**

**Article 18**

Those who are registered to be a candidate for the Student Association president or vice presidents should pay a deposit in security of NT\$1,500.00. The deposit in security mentioned in this item will be returned without interest within 7 days after the public announcement of the list of candidates. If a group of candidates running for election is not elected to be the Student Association president or vice presidents, and the number of votes received does not reach 5% of the total number of voters for that electoral district divided by the number groups participating in the election, then the deposit in security will be forfeited.

Those who are registered to be a candidate running as a Student Assembly

representative should pay a deposit in security of NT\$500.00. The deposit in security mentioned in this item will be returned without interest within 7 days after the public announcement of the list of candidates.

#### **Article 19**

The Election Committee should within three days after preparing the group make a public announcement; it should include the items listed below:

1. The date the Election Committee was established.
2. The name list of the members of the Election Committee.
3. The first public announcement of the election date.

#### **Article 20**

The first public announcement of the election should be announced within 7 days after the Election Committee group has been established; it should include the items listed below:

1. The election type and number of persons allowed.
2. The day of voting.
3. The period of registration for the candidates and the electioneering team members, and the time to hand in the materials and deposit in security.
4. The beginning and ending dates of the political campaigning.
5. Other items that should be attended to.

#### **Article 21**

The Election Committee should within 5 days after the deadline for registering the candidates and electioneering team members announce the second public announcement. Its contents should include:

1. The resume and general political views of each individual candidate and electioneering team member.
2. The time, place and procedure for holding a public meeting for presenting political viewpoints.
3. The time and location of voting and counting ballots.
4. Supervisors name list.

#### **Article 22**

The Election Committee should publish during the period of political campaigning an election bulletin; the included contents should be as below:

1. The beginning time and ending time, place and procedure for each of the related election activities.
2. The time and location of voting and counting ballots.
3. Other reports of related election activities.

#### **Article 23**

The Election Committee should announce the third public announcement within 3

days after finishing the ballot counting; its contents should include:

1. The number of ballots and the number of ballots each candidate gained.
2. Election results.
3. Any other items that should be attended to.

#### **Article 24**

The day of the direct election of the Student Association president, vice presidents and Student Assembly representatives will be publicly announced by the Election Committee. The period of campaigning activities is from 15 days before to 2 days before the day of voting; the day before the day of voting no one can be engaged in campaigning activities. Only the period of the public announcement of by-elections is not within this limitation.

### **Section 3 Campaigning Activities**

#### **Article 25**

The candidates for the Student Association president, vice presidents, and Student Assembly representatives can engage in the campaigning activities listed below:

1. Hold public meetings for presenting political viewpoints on campus.
2. Print, post, distribute hand bills, posters and other propaganda articles.
3. Visit voters.
4. Other election related activities that do not violate these regulations.

The various items of the preceding paragraph must all observe the related standards of the school. If there are any violations, they will be disciplined in accord with school regulations.

#### **Article 26**

Candidates and electioneering team members when engaging in campaigning activities must not violate the regulations listed below:

1. Obstruct classroom order and traffic.
2. Engage in campaigning activities outside of the specified time periods.
3. Make agreements, bribe.
4. Maliciously slander or defame election related staff.
5. Other activities that obstruct the election.

As for the items in the preceding paragraph, if the circumstances of violation are still in the preparatory stage or it is a minor infraction, the Election Committee must give a verbal warning.

#### **Article 27**

The campaign propaganda articles of the candidates should be signed by the candidate and sent to the Election Committee for reference. After the election, the candidates should voluntarily clean them up.

## **Section 4 Voting and Counting Ballots**

### **Article 28**

When the voters are voting, they should use a valid student identity card that has a registration stamp for that semester as proof in order to receive a voting ballot.

### **Article 29**

Setting up voting and ballot counting locations, and provision of the balloting implements will be announced and provided by an Election Committee resolution.

After the voting has ended at the voting locations, the ballot boxes will be sealed by the election personnel and transferred to the Election Committee designated location for the unified counting of the ballots.

The procedure of the preceding paragraph should have supervisors on-site for supervision.

The starting and ending times for voting and counting ballots shall be publicly announced by an Election Committee resolution.

### **Article 30**

The election ballots shall be marked by the voter on the election ballot circle column using the circling tool prepared by the Election Committee to circle one group.

### **Article 31**

If an election ballot has any one of the conditions listed below, it will be deemed to be an invalid ballot.

1. It is not an election ballot issued by the Election Committee.
2. It does not have one group circled in accordance with the regulation of the preceding article
3. The position of the circle prevents the election staff from clearly distinguishing which group is circled.
4. After circling, the mark has been altered.
5. The signature, stamp mark, or finger print contain some characters or symbol.
6. The election ballot is torn so that it is incomplete.
7. The election ballot is colored or dyed so that clear distinguishing of the group is not possible.
8. The election ballot was not marked using the circling tool prepared by the Election Committee.

The invalid ballots mentioned in the preceding paragraph should be recognized as such by the Election Committee members and the supervisors at the ballot counting location. When there is a difference of opinion, it will be decided by a vote of all the Election Committee members and supervisors. When the voting results for or against are the same in number, the said election ballot should be considered valid.

## **Chapter 4 Disciplinary Action for Obstructing an Election**

### **Article 32**

When one of the conditions of the various items listed below happens, the Election Committee must impose disciplinary action:

- 1.If one makes arrangements or offers a bribe or some other improper benefit to a candidate or someone with the qualifications to be a candidate and that person abandons the election or becomes a definite participant in the campaign activities.
- 2.If one makes arrangements or offers a bribe or some other improper benefit to a candidate or an electioneering team member and that person who has already abandoned the election becomes a definite candidate or electioneering team member.
3. If one offers a bribe or other improper benefit to a voter who before was not going to exercise his/her right to vote and then changes to definitely exercise his/her right to vote.
4. If one uses violence, intimidation or some other improper method to obstruct other individuals' freedom to campaign or electioneer or others' right to exercise their vote.
5. If one intentionally causes a candidate to be elected or not to be elected or uses written documents or speeches to disseminate fabrications that are sufficient to injure others.
6. If one uses violence, intimidation, bribery, malicious slander, defamation, or some other improper ways to obstruct Election Committee members, supervisors or election staff in the performance of their duties or otherwise influences their behavior.
- 7.If one purposefully destroys the Election Committee's public election announcements, election bulletins, and so forth. If one confiscates, damages, exchanges, takes by force election materiel like ballot boxes, ballots, candidate name lists, the tool used for circling, etc.
8. If one when voting shows his/her ballot contents to other people.
9. If one maliciously impedes voting or counting ballots.
10. If a person votes more than once.
11. If a person violates these regulations.

For those whose behavior violates these regulations, the Election Committee shall pass a resolution and carry out disciplinary actions for disobedience or shall report them to the Office of Student Affairs for disciplinary action.

### **Article 33**

When a candidate or electioneering team member has one of the conditions of the various items listed below, the Election Committee must revoke their qualifications:



1. A violation of the rules of these regulations for campaigning activities that has specifiable facts and the circumstances are major so that it is sufficient to hinder the election.
2. Using deception that causes the production of improper election results.

#### **Article 34**

When the candidate has one of the conditions of the various items listed below, the Election Committee should announce that the nullification of the election.

1. The qualifications of the candidate are not real.
2. The number of election ballots are not real and are sufficient to influence the election results.

#### **Article 35**

When behavior that violates these regulations is reported by presently enrolled students, the Election Committee should hear the case.

#### **Article 36**

When the Election Committee takes disciplinary action or passes a resolution in accord with these regulations or excises other ex officio measures, the party involved can make appeal based on the appeal procedures listed below in order to protect his or her rights:

1. The party involved can make an appeal to the Election Committee within 3 days after receiving written notification or an announcement is made.
2. If the party involved does not accept the appeal response of the Election Committee, he/she should within 5 days of receiving the response make an application to the arbitration board to deliberate on the case.

The so-called party involved in this article refers to person whose interests are directly affected when the Election Committee takes disciplinary action or passes a resolution in accord with these regulations or excises other ex officio measures.

### **Chapter 5 Election Results and Re-election and By-election**

#### **Article 37**

When the results of the ballot counting for the president and vice presidents have the same amounts in the election, the number of ballots should obtain 10% of the total number of voters to begin to be considered elected. When the ballot numbers are different in the election, the number of ballots must obtain 10% of the total number of voters with the one getting the highest number of ballots being the winner. When ballot numbers are the same, then proceed to the second round of voting. The time and procedures will be decided by the Election Committee.

In the election of the Student Assembly representatives, based on the designated number of individuals for each electoral district, the winner(s) is/are the candidate(s)

holding the relatively higher number of ballots. When the number of ballots is the same, the outcome will be determined by drawing lots. If the number of ballots is less than 60, then the election is invalid. Each electoral district is guaranteed one seat, and this seat is not affected by this limitation.

If in the election of the Student Assembly representatives, no one in the electoral district participates in the election, and that results in no Student Assembly representative for that district, it is regarded the same as forfeiting one's rights.

#### **Article 38**

When the election results of the Student Association president and vice presidents fails to produce any winners or is adjudged to be invalid, the Election Committee should publicly announce within 7 days the time and procedures for a by-election.

A by-election for the Student Association president and vice presidents is limited to one time. In the event of being unable to produce a president or vice presidents, the lack should be dealt with in accord with the regulations of Article 13 of the Tamkang University Student Association Organizational Constitution.

When the election results of the Student Assembly representatives fails to meet the lower limit of seats (required for legal voting), then the Election Committee should within 7 days publicly announce the related time and procedures for a by-election.

A by-election for the Student Assembly representatives is limited to one time. In the event of being unable to produce a sufficient number of seats, the lack should be dealt with in accord with the regulations of Article 52 of the Tamkang University Student Association Organizational Constitution.

### **Chapter 6 Recall**

#### **Section 1 Explanation of a Case of Recall**

##### **Article 39**

In a recall case of the Student Association president and vice presidents, the group should be the unit being recalled (president and vice presidents); the electoral district voters fill in an opinion petition form and in written form concretely make a statement about it to the Student Arbitration Board.

In a recall case of a Student Assembly representative, the voters of the electoral district in which the member was elected fill in an opinion petition form and in written form concretely make a statement about it to the Student Arbitration Board.

##### **Article 40**

After the Student Arbitration Board accepts the recall case, they should within 3 days carry out an investigation and publicly announce acceptance or rejection.

#### **Section 2 Limitations of a Recall Case**

**Article 41**

As for the Student Association president and vice presidents and the Student Assembly representatives, if the petition is signed by 15% or more of the voters in the electoral district, the recall case can stand; if the number of voters signing the petition does not meet the regulation, the recall case is invalid.

**Article 42**

If the Student Association president and vice presidents and the Student Assembly representatives have not been in office for 90 days, there cannot be a recall.

After a case of recall has been publicly announced as being rejected, another case of recall cannot be put forward within the next 90 days for the same group of elected individuals.

Once a case of recall has been put forward, it cannot be withdrawn.

**Section 3 Implementation of a Case of Recall**

**Article 43**

Once a case of recall has been publicly announced as valid by the Student Arbitration Board, within 5 days a formal letter of cause should be sent to the individual(s) being recalled.

**Article 44**

After the Student Arbitration Board has publicly announced the case of recall as valid, an Election Committee should be set up within 3 days.

**Article 45**

Within 7 days of being established, the Election Committee should publicly announce the beginning and ending time period of the recall voting, the qualifications of the person being recalled and the reasons for recall.

**Article 46**

The voting for the recall case utilizes the rules of these regulations.

**Article 47**

The voting for the recall case should be held within 14 days after the Election Committee publicly announces the beginning and ending time period of the recall voting, the qualifications of the person being recalled and the reasons for recall.

**Article 48**

The person being recalled cannot concurrently hold a position on the Election Committee.

**Article 49**

On the face of the recall ballot, two columns should be printed: “Agree with recall” and “Disagree with recall”.

The various matters of the recall case, such as voters, voting, counting ballots, etc.

should utilize the related election rules of these regulations.

**Article 50**

When the recall case voting ends, the ballot counting should be promptly completed on the same day. The time and place will be determined by the Election Committee.

**Section 4 Results of a Recall Case**

**Article 51**

If the Student Association president and vice presidents or the Student Assembly representatives receive ballots amounting to more than 15% or higher of the number of voters in the electoral district, then the recall voting is validated. If the number of voters does not meet the regulations, the recall case is invalid.

**Article 52**

If the number of “Agree with recall” ballots occupies one half or more of the total number of ballots, the recall case passes. If the previously mentioned standard is not met, the recall is invalid. When the number of “Agree with recall” ballots and the number of “Disagree with recall” ballots is the same, a second round of voting is required. The time and procedures will be determined by the Election Committee.

**Article 53**

After the recall case has undergone voting, the Election Committee should finish counting the ballots within 3 days and publicly announce the voting results.

**Article 54**

If the recall case voting passes, the recalled individual should from the day of the public announcement vacate his/her position. If the recall case voting does not pass, then another case of recall cannot be brought forward for the next 90 days against the same person who was being recalled.

**Chapter 6 Supplementary Provisions**

**Article 55**

After being passed by the Student Assembly, after being sent to a meeting of the Student Affairs Committee for deliberation and passage, and after being reported to the university president for approval, these regulations take effect on the day of their announcement. The same applies to any later amendments made.