

Alex Tsai vote reveals recall flaws

Written by Taipei Times Editorial
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The nation's first-ever vote on whether to recall a lawmaker took place yesterday, and, not surprisingly, all the efforts to recall Chinese Nationalist Party (KMT) Legislator Alex Tsai (蔡啟芳) failed to achieve the objective, not because voters objected to his recall, but because of the high thresholds, showing the urgent need for revisions to the Civil Servants Election and Recall Act (公職人員選舉罷免法).

Elections in Taiwan are often treated as festivities by many, with candidates and political parties holding a variety of campaign activities, including traditional rallies, concerts and parades, while large campaign ads and posters can be seen on just about every corner across the nation.

However, it is quite different when it comes to recall campaigns. Even though election and recall are both rights granted by the Constitution, the Civil Servants Election and Recall Act prohibits any campaign activities.

Perhaps the legislators who passed this law were convinced that voters would be more eager to recall than to elect an official, that they do not need anyone to remind them when the recall vote is being held, and that they would actively research why the elected official needs to be recalled.

There is also another difference between a recall and an election.

A candidate only needs a simple majority to be elected, meaning that the candidate could be elected with only one vote if they were the only candidate in the electoral district.

However, for a recall, at least 50 percent of eligible voters in that particular electoral district must cast their votes, and among those who vote, at least 50 percent of them must vote "yes" to the recall proposal.

This is how the math works here: in the 2012 legislative election, Tsai garnered 111,260 votes

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in his constituency, which was 48 percent of the votes in the district. However, for the recall, at least 158,717 eligible voters in the electoral district must cast their votes, and half of those people must vote “yes.”

Therefore, election law requires more people to vote to recall Tsai than those who voted to get him elected, and while Tsai won the legislative seat with 48 percent of the vote, it would take more than 50 percent of the votes to recall him.

According to final figures from the Central Election Commission, a total of 79,303 people voted in the recall yesterday, and an overwhelming majority of those who voted — 97.22 percent, or 76,737 votes — agreed that Tsai should be recalled, yet he safely survived while taking a good nap at home. Voter turnout was only 24.98 percent, much lower than the required 50 percent.

It does not take a rocket scientist — or a Grand Justice — to figure out that this may be a Constitutional issue.

After all, election and recall are two equally important rights of the people, so why should there be different preconditions for citizens to exercise these powers? If a politician can be elected with less than 50 percent of votes, then it should be possible to recall them with less than 50 percent of votes. If a 50 percent voter turnout is required in a recall, it should also be the requirement for an election.

This was the first-ever recall proposal that made it to the polling stations in this nation’s history. It is an important step forward for Taiwan’s maturing democracy, yet the strict requirements for a recall mean that there is still a long way to go.

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