

TSU threatens lawsuit over rejection

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Three days after a review committee rejected its proposal to hold a referendum on the government's proposed economic cooperation framework agreement (ECFA) with China, an increasingly angry Taiwan Solidarity Union (TSU) yesterday issued a statement asking members of the committee to apologize and revisit their decision.

"The Referendum Review Committee must publicly apologize within three days and reopen their deliberations or the TSU will be suing [committee members that voted against the proposal] for misconduct and exceeding their authority," the statement quoted TSU Chairperson Huang Kun-huei (黃昆輝) as saying.

The TSU provided documentation on Friday challenging the committee's decision that the TSU referendum proposal was invalid under Article 14, Section 1.4 of the Referendum Act (公投法).

The act states that referendum questions must not have a "contradiction or obvious error in the content of the proposal, thus making the intention of the proposal not understandable."

A letter, shown by the TSU, dated May 5 from the Central Elections Commission (CEC) to Huang had stated that a CEC meeting held one day earlier did not find a conflict between the referendum proposal and any parts under Article 14, Section 1 of the act.

Rebutting statements by CEC officials that the referendum review committee had the final say on referendum proposals, Huang said the Executive Yuan had already stated that the CEC was responsible for determining whether proposals fulfilled Article 14, Section 1.

On Saturday, the Liberty Times (the Taipei Times' sister newspaper) quoted an unnamed CEC official as saying that the CEC is only responsible for "a formality review," while the review committee was the agency responsible for a "substantive review."

Backing Huang's statement, the TSU yesterday provided documents showing that a public notice by the Executive Yuan, the governing body of the Referendum Act, said on April 16, 2004, that it was giving the CEC authority to process decisions on all parts of Article 14.

The public notice with the serial number 0930083141-A said: "Effective April 16, 2004, the [Executive Yuan] designates the CEC to process items under Article 9, Section 1 and Article 14 under the Referendum Act."

Huang said the notice proves that the review committee's decision on Thursday "was not only entirely illegal, but the referendum review committee had already infringed on the CEC's authority."

He also repeated earlier calls yesterday saying the TSU was ready for a drawn out battle with the courts and that the opposition party would go as far as asking for a constitutional interpretation to ensure that an ECFA proposal could be put to a public vote.

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In response to the TSU's criticism, CEC Secretary-General Teng Tien-yu (滕天裕) said that according to the Referendum Act, both the CEC and the Referendum Review Committee have the authority to review a referendum proposal.

"We've done our part and approved [the referendum proposal on whether the government should sign an economic cooperation framework agreement with China], and forwarded it to the Referendum Review Committee," Teng said. "The Referendum Review Committee has every power endowed by the Referendum Act to make their own decision."

He said the CEC makes more than just a "superficial review" of the referendum proposal.

"We worked with household registration offices to make sure each signature endorsing the referendum proposal is a valid one, we counted the number of signatures, and checked that everything meets the requirements as stipulated in the law," Teng said. "It's after all these checks that we approved the proposal and forwarded it to the Referendum Review Committee."

"If the TSU thinks there's a problem, they can certainly appeal it or do whatever they wish according to the law," he said.

Source: [Taipei Times - 2010/06/07](#)