

Recall campaigners demand Grand Justice ruling

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The Central Election Commission (CEC) should request the Council of Grand Justices to rule on whether recall campaigning restrictions are unconstitutional, Appendectomy Project campaigners said yesterday at a protest outside the commission's offices in Taipei.

"We hope the CEC can go along with public opinion and accept the recommendation of the Taipei City Election Commission to send this case to the Grand Justices," Appendectomy Project spokesman Lin Tzu-yi (林錫山) said.

On Thursday, the Taipei commission granted activists a stay from an estimated NT\$600,000 (US\$18,308) in fines for violating the Election and Recall Act for Public Servants (公職人員選舉罷免法), recommending the CEC request the Grand Justices to rule on whether the law's ban on recall campaigning violated freedom of speech.

Activists had handed out pamphlets and held marches and rallies as part of a failed effort to recall Chinese Nationalist Party Legislator Alex Tsai (蔡啟芳).

"The Taipei commission is in a difficult place because the law is still in place, but is highly controversial," Lin said, adding that judicial intervention was necessary because amendments to drop the ban on recall campaigning have stalled in the Legislative Yuan.

Activists have criticized the ban, saying that it violates freedom of speech and the people's "right to know" while making it nearly impossible to achieve the 50 percent voter turnout necessary for the recall result to be valid.

Taipei City Election Commission Deputy Director-General Huang Hsi-ming (黃希銘) on Thursday criticized the ban for banning all campaign activity throughout the recall process regardless of time and place, unlike restrictions on campaigning on election days.

Lin said that while the recall campaigners were confident of a favorable ruling if the Grand Justices heard their case, they were concerned that the CEC would refuse to request a

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constitutional review.

Throughout recall efforts, the CEC had shown itself to be more “rigid” than the local Taipei commission, Lin said. He said that during recall efforts, it had also refused requests to outline what promotional measures would be legal, telling recall campaigners that a judgement could only be made after the fact on a “case-by-case” basis.

Independent legislative candidate Lin Shao-chi (林少奇) — a former Appendectomy Project volunteer — also called for the Civil Servants Election and Recall Act to be amended to drop turnout vote requirements, while also mandating an automatic recall vote to be held for all legislators two years after they are elected.

CEC Deputy Chairman Chen Wen-sheng (陳文生) said that the commission would hold a meeting to discuss the Taipei commission’s recommendation, adding that the commission itself had recommended the Legislative Yuan amend the law to drop the restrictions.

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