

英譯法規內容

法規名稱(Title)： Regulations on Election and Dismissal in Cooperatives

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法規沿革：
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法規內文(Content)：

Article 1 These Regulations are stipulated pursuant to Paragraph 4 of Article 11 of the Cooperatives Act.

Article 2 Election or dismissal in cooperatives as referred to in these Regulations means the election or dismissal of member representatives, directors, supervisors, chairperson of the board of directors, and chairperson of the board of supervisors.

Article 3 Election or dismissal in cooperatives shall be implemented in meetings and by way of voting. However, the election or dismissal of member representatives may not be implemented in meetings after a resolution has been reached by the board of directors and a report has been submitted to the regulating authority for recordation. In the case of postal voting or electronic voting, additional regulations shall be provided in the constitution. The regulations for implementing such voting shall cover such matters as election notices, election personnel, voting rules and determination, tallying of votes, election disputes, and election result notifications and announcements. The regulations shall be adopted upon proposal by the board of directors and resolution by the member's congress or the member representative's congress, and shall be enforced after a report has been submitted to the regulating authority for recordation.

The attendees of the meeting referred to in the above paragraph shall be more than a half of the total number of the persons who shall be present, and the aforementioned total number means the total number of those who have the qualifications to attend the meeting.

If an election meeting held by a cooperative fails because the number of attendees does not meet the legal requirement, it shall be called again within 15 days.

For the number of attendees of the election meeting called again in accordance with the preceding paragraph, the election may be done by the actual number of attendees in accordance with the provisions of the constitution; however, the actual number of attendees shall be not less than 1/3 of those who shall be present.

Article 4 Where a cooperative has more than two hundred members, it may, according to the provisions of its constitution, divide the members into several groups and elect member representatives to attend the member representative's congress. If it is not prescribed in

the constitution, the meeting may also be held dividedly in several groups with the approval of the regulating authority.

In principle, the quota of the representatives referred to in the above paragraph shall be 10% of the total number of the members. However, it shall be not less than 51 and not more than 199.

A cooperative may appoint alternate member representatives, the number of whom shall not be more than 1/3 of the member representatives. However, in the event that there are less than three member representative in each group, an alternate member representative may be appointed.

Article 5 The directors and the supervisors of a cooperative shall be elected by the member's congress or the member representative's congress, and the quota shall meet the following provisions:

1. There shall be at least 3 directors, and the number may not be more than 15 in a cooperative of the county (city) level or below, 25 in a cooperative of the province (municipality) level, and 35 in a national cooperative.
2. There shall be at least 3 supervisors. If there are more than three supervisors, the quota may not exceed 1/3 of that of directors.

A cooperative may appoint alternate directors and alternate supervisors, the number of whom shall not exceed 1/3 of that of the directors and supervisors.

Article 6 The chairpersons of the board of directors and the board of supervisors of a cooperative shall be elected by and among the directors and supervisors in meetings of the board of directors and the board of supervisors, respectively, and the candidate who gets the votes by more than half of the attendees shall be appointed. If no candidate gets more than half of the votes, voting shall be implemented again between the two who have got the most and the second most votes, and the one who gets more votes shall be appointed. In case both of them get the same number of votes, lots shall be drawn to determine who shall be appointed. If a candidate is not present or is present but fails to draw a lot after his name is called three times, the chairman of the meeting shall draw a lot on the behalf of the candidate.

The meeting of the board of directors and the board of supervisors as referred to in the above paragraph shall be convened by the original chairperson of the board of directors and the board of supervisors within 15 days after the directors and the supervisors have been elected; for a cooperative being established, the meeting shall be convened by the chief committeeman of the preparation committee. If the meeting is not called within the time limit, it may be convened by the director or the supervisor who has got the most votes.

Article 7 Vacancy of directors or supervisors shall be filled by the alternate

directors or alternate supervisors in order. If the number of directors or supervisors does not reach half of the quota set forth in the constitution after the vacancy has been filled, a meeting of the member's congress or the member representative's congress shall be held for a supplementary election.

In case of vacancy of the chairperson of the board of directors or the board of supervisors, a meeting of the directors or supervisors shall be held for a supplementary election within one month from the first day of vacancy. However, if the remaining tenure is less than 6 months when the vacancy occurs, a deputy may be elected by the directors or supervisors from among themselves.

Vacancy of member representatives shall be filled by the alternate member representatives in order. If the number of member representatives does not reach half of the quota set forth in the constitution or the minimum quota set forth in Paragraph 2 of Article 4 after the vacancy has been filled, a supplementary election shall be conducted immediately.

The tenure of those who fill the vacancy and are elected under the above three paragraphs shall be within the same tenure of the position.

If an alternate director, an alternate supervisor, or an alternate member representative declares in writing to waive the right to fill the vacancy, he will lose the qualification as an alternative director, an alternate supervisor, or an alternate member representative.

Article 8 To resign from the position of chairperson of the board of directors or the board of supervisors, director, supervisor, or member representative, a written application shall be submitted to the board of directors or the board of supervisors.

The person who has resigned in accordance with the above paragraph shall not be elected to take the original position again for the same tenure.

Article 9 Where the quota of the persons to be elected is not more than 3, secret single vote shall be used; more than 3, secret limited vote shall be used, and the quota of limited vote may not exceed 1/2 of the quota that should be elected. However, secret single vote may be adopted for election of member representatives in accordance with the provisions set forth in the constitution.

Article 10 To elect directors, supervisors, or member representatives of a cooperative, a reference list of candidates may be proposed upon resolution in the cooperative affairs meeting, and the number of candidates shall be not less than the quota to be elected, unless otherwise prescribed in the constitution or resolved by the member's congress or the member representative's congress. However, candidates shall not be limited to those listed in the reference list.

Only the members or member representatives affiliated to the cooperative may be listed as the candidates referred to in the above paragraph.

To elect a board of founders, the reference list of candidates shall be resolved in a meeting of the preparation committee.

Article 11 The board of directors of a cooperative shall, 3 months before expiration of the tenure of the member representatives, directors and supervisors, select several directors to establish a membership examination group, and one of them shall be elected as convener to carry out the following tasks concerning examination and management of the membership:

1. To check and revise the list of original members or member representatives.
2. To separately list the qualified members, disaffiliated members, and associate members after the examination and management of the membership is finished, and submit the lists to the cooperative.

Article 12 After the examination and management of the membership is finished, cooperatives shall submit the lists of qualified members, disaffiliated members, and associate members together with the date and the method of candidate registration to the board of directors for announcement for 15 days after they have been approved by the board of directors, and shall report to the regulating authority for reference.

The announcement referred to in the above paragraph shall be made 60 days before the election voting, and a member who doesn't agree with the examination result may, within the period of announcement, submit a written application to the cooperative to request correction.

Article 13 A member who is affiliated after the announcement referred to in the above paragraph expires shall handle the registration of alteration according to law, and may not execute the rights of election, being elected, and recall during the current tenure.

Article 14 When an election meeting divided in several groups is held to elect member representatives, the members who have changed their addresses after the roll list of members is announced shall return to the original place to attend the meeting and take a vote.

Article 15 If registration of candidates is adopted for election, the qualified members or member representatives may apply for being registered as candidates in accordance with the provisions of the constitution.

Article 16 The members or member representatives who meet the qualifications for candidates shall, within 15 days from the first day when applications for registration as candidates are accepted, apply to the cooperatives for registration as candidates. To apply for registration under the above paragraph, a reference in writing jointly signed by not less than three members or member representatives shall be submitted, and each member or member representative may recommend only one candidate for each category. A member or

member representative may not be recommended as the candidate for director and supervisor at the same time.

The cooperative affairs meeting shall appoint no less than three members or member representatives to establish a Candidate Qualification Examination Group, but those who apply for registration as candidates may not serve as members of the Qualification Examination Group.

Article 17 The Candidate Qualification Examination Group shall finish the examination within 7 days commencing from the deadline of the registration of candidates, and shall give a written notice explaining the reasons to those who are not qualified in examination. Any candidate who doesn't agree the result of examination may, within 3 days commencing from receipt of the notice, submit a written application enclosed with the related certificates to apply for re-examination for one time. Applications submitted after the time limit expires will not be accepted.

Upon receipt of an application for re-examination, the Candidate Qualification Examination Group shall finish the re-examination within 3 days, and shall notify the applicant himself. No opposition may be filed against the result of re-examination.

After the examination of candidate qualifications has been determined, the Candidate Qualification Examination Group shall determine the sequence of the candidates by drawing lots, compile a list, and notify in writing the candidates.

Article 18 Cooperatives shall, 7 days before the day when an election meeting is held, publicly announce the type, time and address of the meeting, quota to be elected, quota of alternates, and method of election, separately send a written notice to the persons who shall attend the meeting, and report to the regulating authority for reference.

If a cooperative conducts an election by means of registration of candidates, the list of candidates shall be announced.

Article 19 A cooperative shall, according to the prescribed format, print ballots by itself and indicate the name of the cooperative, the session of election, titles of the positions to be elected, and the date of election, for the board of directors or the preparation committee to use in any of the following ways:

1. Provide blanks according to the quota to be elected or the quota of limited vote for the voter to fill in.
2. Print the names of the candidates or those to be elected in the ballot for the voter to choose.
3. Print the reference list of candidates in the ballot for the voter to choose, and preserve blanks in the same number as the quota to be elected or the quota of limited vote for the voter to fill in.

A ballot shall become effective only after it is affixed with the seal of the cooperative and the signature or seal of the supervisor appointed by the board of supervisors. When a board of founders meeting is held, the ballots shall be affixed with the stamp of the preparation committee and the signature or seal of the convener. However, under special circumstances where any seal, stamp, or signature cannot be affixed, a person may be elected upon consent of the majority of the attendees to sign with the chairman of the meeting, and such signatures shall also become effective.

Article 20 When a cooperative conducts an election, several election personnel shall be selected by and from the attendees or designated by the chairman of the meeting to handle the affairs related to voting and tallying of votes.

The election personnel referred to in the above paragraph include ballot distributors, ballot readers, ballot counters, voting supervisors, and scribes.

The candidates announced according to the provision of Paragraph 2 of Article 18 shall not concurrently serve as election personnel.

Article 21 Before to distribute the votes, the chairman of the meeting or the person designated by him shall declare to stop sign-in, and shall explain on the spot the session of election, the names of positions, the number of attendees, the quota to be elected, the method of election, determination of invalid votes, the deadline of voting, and the responsibilities of the election personnel, and other affairs related to the election.

Article 22 When the election begins, the chairman of the meeting may require the persons who have nothing to do with the election to leave the meeting place.

Article 23 To execute the right to vote, a member or member representative shall show his membership certificate or identity documents, and sign or seal in his own name to receive a ballot after it is confirmed that the information is in conformity with that on the list of members.

If a member of a cooperative or a member representative of a cooperatives union cannot attend the meeting to exercise the right to vote, he may produce a power of attorney to entrust another member or another representative of the same union to act on his behalf. A consignee may be entrusted by one consignor only. However, no representation is allowed if the election of member representatives is not conducted in a meeting or postal voting or electronic voting is implemented according to the constitution.

The consignee referred to in the above paragraph shall hand in the power of attorney, and shall register his name upon receiving the ballot.

A consignor who attends the meeting before the ballots are distributed shall terminate the power of attorney in writing, and execute the right to vote by himself after sign-in.

Article 24 After having received an election vote, a voter shall fill in the

vote by himself and select a candidate on the spot. If the voter cannot fill in the vote because he is illiterate or due to physical or mental disability, he may request an election officer appointed or designated to fill in the vote according to the will of the voter.

Article 25 A vote box shall be set for election, and shall be sealed by the voting supervisor after it is examined publicly; where necessary, a voting area may be established. Except the personnel referred to in the above article, any other person may not enter the voting area.

Article 26 If a voter commits any of the following misconducts during election, the voting supervisor shall warn the voter, if the voter doesn't obey, it shall be reported to the chairman of the meeting, and the chairman shall stop the misconduct or order the voter to leave, and record the fact in the proceedings:

1. To encumber the order of the meeting place or the proceeding of the meeting.
2. To carry weapons or hazardous goods.
3. To watch, induce, or interfere other voters' voting.
4. To check the votes collectively or show a checked vote to others.
5. Not to fill in the vote according to the provision of Article 24.

Article 27 After the deadline of voting expires, the vote distributor shall immediately count the votes distributed together with the voting supervisor, report to the chairman of the meeting, separately pack and seal the list of members and the left votes, and together with the chairman of the meeting sign or seal on the seal of the packs.

Article 28 After the deadline of voting expires, the votes shall be counted immediately on the spot. Upon counting the votes, all the votes shall be put together to count the total number at first; if there are too many votes, they may be counted separately, and then the votes shall be summarized.

Where the quota of member representatives is distributed into each group, the votes shall be counted separately for each group.

Article 29 After the counting of votes is finished, the chairman of the meeting shall declare the result of election on the spot, and shall separately pack and seal the valid votes and invalid ones together with the voting supervisor, and together sign their names or stamp their seals on the seal; and the packs together with the list of members and the left election votes shall be stored by the cooperative until expiration of the tenure. The proceeding of the election meeting shall be reported to the regulating authority for reference.

Article 30 If violation of law or cheat occurs during election, the chairman of the meeting may, together with the voting supervisor, declare to seal the vote box, the roll list of members, checked votes, left votes, and the related documents, and report to the

regulating authority for disposal.

Article 31 An election vote shall be invalid in any of the following occasions:

1. Unconformity with the provision of Article 19.
2. The checked candidate is beyond the quota to be elected or the quota of limited vote.
3. The name of the checked candidate is not in conformity with the name recorded in the roll list of members.
4. The check is in an unclear position so that it is impossible to judge which candidate is selected.
5. The check is altered.
6. The writing is unclear and unreadable.
7. The writing can't be distinguished due to pollution.
8. Other texts or symbols are mixed in. This is not applicable where there are two or more persons to be elected of a same name and the differences are remarked on the bottom.
9. Secret signals are attached.
10. The vote is signed, stamped, or fingerprinted.
11. The check is written by pencil.
12. The vote is torn incomplete.
13. The vote is completely blank.

Where a proportion of the vote meets any of the provisions of Subparagraphs 3~6, this proportion shall be invalid.

If it is difficult to determine whether a vote is invalid according to the provisions of the above two paragraphs, the chairman of the meeting shall consult with the voting supervisor to make a decision.

Article 32 Where limited vote is used for election and a same candidate is checked twice or more on a same election vote and the number of continuously checked candidates is not more than the quota, it shall be regarded as one vote.

Article 33 The candidates who get more votes shall be elected within the quota, and those who get relatively fewer votes shall be alternates. If two or more persons get the same votes, it shall be decided by drawing lots. If one of them is not on the spot, or is on the spot but doesn't draw the lot after having been called for three times, the lot shall be drawn by the chairman of the meeting instead. However, election of the chairperson of the board of directors or the board of supervisors shall be implemented according to the provision of Article 6 all the same.

The list of the elected and the alternates, in a sequence determined by the number of the votes one gets, shall be announced and publicized by the chairman of the meeting on the spot.

Article 34 The elected and the alternates are not limited to the attendees of the election meeting.

Article 35 Election shall be made in accordance with the method set forth in Article 15; besides, if a same member or member representative is elected both director and supervisor or both alternate director and alternate supervisor, the elected shall choose one to assume on the spot; if the elected is not on the spot or is on the spot but doesn't make the choice, the position of more votes shall be assumed; in case the two positions are of the same votes, it shall be decided by the chairman of the meeting by drawing lots; if a member or member representative is elected both director and alternate supervisor or both supervisor and alternate director, the formal position shall be assumed.

Article 36 The cooperatives shall notify the elected within 7 days after the list of the elected is announced. If an elected person doesn't accept the election, he shall reply in writing within 7 days commencing from receipt of the notice; otherwise, it will be deemed as acceptance.

Where an elected person doesn't accept the election, the vacancy shall be filled by the alternates in order.

Article 37 If a voter or candidates who attends the election meeting doesn't agree the result of election declared by the chairman of the meeting, he shall declare the opposition to the chairman on the spot; if a voter or candidate who has not attended the election meeting doesn't agree the result of election, he shall submit his opposition in writing to the regulating authority within 3 days after the meeting; if the opposition is sent by post, the date in the postal mark shall be regarded as the date of submission. If a voter or candidate files an opposition against the result of election after the meeting or after the specified time limit expires, such opposition will be rejected.

Article 38 A member representative, director or supervisor, or the chairperson of the board of directors or the board of supervisors may not be dismissed before he has worked in the position for six months.

Article 39 To bring forward a proposal of dismissal to the cooperative, an application for dismissal explaining the reasons shall be prepared, and shall be jointly signed by not less than 1/3 of the original voters, and the regulating authority shall be informed.

Article 40 If it is proved that a signer in an application for dismissal is false, or a signer applies for cancellation of the signature within 3 days from submission of the application to the cooperative, this signer shall be eliminated immediately. If the number of signers does not reach the legal limit because some of them are eliminated, the cooperative shall return the application for dismissal before notifying the person who is

requested to be dismissed, and shall inform the regulating authority about this.

Article 41 A cooperative shall, within 15 days from receipt of an application for dismissal, send the application to the person who is requested to be dismissed if there are enough signatures and the signatures are proved true, and request the person to submit a statement of defense to the cooperative within 15 days from receipt of the application. If the statement of defense is not submitted within the time limit, it will be deemed that the person waives the right of defense.

The person who is requested to be dismissed shall also send the statement of defense to the regulating authority.

Article 42 The chairperson of the board of directors or the board of supervisors shall call a meeting after a statement of defense is submitted or within 15 days commencing from the deadline of defense; and with the consent of more than a half of all the attendees, the application for dismissal shall be approved; otherwise, the application shall be denied.

If the chairperson of the board of directors or the board of supervisors doesn't call the meeting according to the provision of the above paragraph, or the chairperson is just the person for whom the application for dismissal is submitted, the board of directors or the board of supervisors shall elect one of themselves to call the meeting. Where necessary, the regulating authority may appoint someone to act as the convener.

Article 43 A cooperative shall, 7 days before a dismissal meeting is opened, distribute the application for dismissal and the statement of defense together with the advice note and agenda of the meeting to the attendees, and report them to the regulating authority for reference.

Article 44 The person for whom the application for dismissal is submitted may attend the dismissal meeting and supplement the defense in the meeting, but may not act as the chairman of the meeting.

Article 45 If a dismissal meeting fails because the number of attendees doesn't reach the legal limit, it shall be deemed that the dismissal is denied.

Article 46 After being dismissed, a member representative, director, supervisor, or the chairperson of the board of directors or the board of supervisors may not be elected to take the original position again in the same tenure. Once a disposal of dismissal has been denied, dismissal may not be proposed against the same person in the same tenure for the same reason.

Article 47 A cooperative shall print dismissal ballots according to the specified format by itself, and the ballots shall become effective after they are affixed with the seal of the cooperative and the signature or seal of the supervisor appointed by

the board of supervisors. However, under special circumstances where any seal or signature cannot be affixed, a person may be elected upon consent of the majority of the attendees to sign with the chairman of the meeting, and such signatures shall also become effective.

Article 48 Where a cooperative deals with the dismissal affairs, the provisions set forth in these Regulations on election shall also be applicable.

Article 49 In any of the following occasions, a vote of dismissal shall be invalid:

1. Not in conformity with the provision of Article 47.
2. Both the "Agree" option and the "Do not agree" option are checked.
3. The check is in an unclear position so that it is impossible to judge whether the voter agrees the dismissal or not.
4. Occasion as prescribed in Paragraph 1, Article 31.

Where there are two or more persons to be dismissed and a proportion of the dismissal meets any of the above subparagraphs, the proportion shall be invalid.

Article 50 Before a proposal of dismissal is raised in the meeting, it may be cancelled with the consent of all the signers; after it is brought forward to the meeting, it may be cancelled with the consent of the all the signers and the consent of not less than 2/3 of the attendees.

Article 51 The notices set forth in these Regulations shall be delivered to the address registered in the list of members.

Postal acknowledgement of receipt shall be reserved to prove the delivery of notices, and the related provisions on delivery of notices set forth in the Civil Procedure Code shall apply.

Article 52 The provisions of these Regulations, except for Articles 4 and 14, shall be applicable to cooperatives unions.

Article 53 The formats of the letters and forms set forth in these Regulations shall be prescribed by the regulating authorities.

Article 54 These Regulations shall become effective as of the date of promulgation.