

## Additional Articles of the ROC Constitution

(Adopted by the National Assembly on April 22, 1991, promulgated by the President on May 1, 1991)

### Preamble

To meet the requisites of national unification, the following additional articles are added to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3, and Article 174, Item 1:

### Article 1

Members of the National Assembly shall be elected according to the following regulations without being subject to the restrictions in Articles 26 and 135 of the Constitution:

1. Two members shall be elected from each Special Municipality, each county or city in the free area. However, where the population exceeds 100,000 persons, one member shall be added for each additional 100,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Twenty members shall be elected from Chinese citizens living abroad.
4. Eighty members shall be elected from one nationwide constituency.

If the number of seats allotted to a Special Municipality, county or city covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, at least one of the seats must be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

### Article 2

Members of the Legislative Yuan shall be elected according to the following regulations without being subject to the restrictions in Article 64 of the Constitution:

1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds 200,000 persons, however, one member will be added for each additional 100,000 persons; and where the population exceeds one million persons, one member will be added for each additional 200,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Six members shall be elected from Chinese citizens living abroad.
4. Thirty members shall be elected from one nationwide constituency.

If the number of seats allotted to a province or Special Municipality covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, then one of the

seats shall be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

### Article 3

Members of the Control Yuan shall be elected by provincial and municipal councils according to the following regulations without being subject to the restrictions in Article 91 of the Constitution:

1. Twenty-five members shall be elected from Taiwan Province of the free area.
2. Ten members shall be elected from each Special Municipality in the free area.
3. Two members shall be elected from Chinese citizens living abroad.
4. Five members shall be elected from one nationwide constituency.

If the number of seats allotted to Taiwan Province or from a Special Municipality covered under item one (1) or two (2) above; or if the number of seats won by a political party under item four (4) above is between five and ten, then one of the seats shall be reserved for a woman. Where the number of seats exceeds ten, one seat out of each additional ten must be reserved for a woman.

The number of Provincial Assembly members who can be elected to the Control Yuan is limited to two; the number of members from each municipal council who can be elected to the Control Yuan is limited to one.

### Article 4

The election and recall of members of the National Assembly, Legislative Yuan, and Control Yuan shall be conducted in accordance with the regulations contained in the Public Officials Election and Recall Law. The members representing Chinese citizens living abroad and nationwide shall be elected by party-list proportional representation.

### Article 5

Members of the Second National Assembly shall be elected before December 31, 1991. Their term of office begins on January 1, 1992, and expires on the day when members of the Third National Assembly meet, pursuant to Article 29 of the Constitution prior to the expiration date of the 8th Presidential term in 1996. This is not subject to restrictions imposed by Paragraph 1 of Article 28 of the Constitution.

Those additional members of the National Assembly elected in Taiwan pursuant to the Provisional Articles Effective during the Period of National Mobilization for Suppres-

sion of the Communist Rebellion shall exercise their powers together with members of the Second National Assembly until January 31, 1993.

Members of the Second Legislative Yuan and members of the Second Control Yuan shall be elected prior to January 31, 1993, and shall begin to exercise power on February 1, 1993.

### Article 6

An extraordinary session of the National Assembly should be convened by the President within three months after the members of the Second National Assembly are elected so that the National Assembly may exercise powers granted by Article 27, Paragraph 1, Item 3 of the Constitution.

### Article 7

The President may, by resolution of the Executive Yuan Council, issue emergency orders to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the restrictions prescribed in Article 43 of the Constitution. However, such orders shall, within 10 days of issuance, be presented to the Legislative Yuan for confirmation. Should the Legislative Yuan withhold confirmation, the said emergency orders shall forthwith cease to be valid.

### Article 8

If the revision of laws originally in effect solely during the Period of Nation Mobilization for Suppression of the Communist Rebellion is not completed by the termination of the Period of National Mobilization for Suppression of the Communist Rebellion, these laws shall remain in effect until July 31, 1992.

### Article 9

To determine major policies for national security, the President may set up the National Security Council and its subsidiary organ, the National Security Bureau.

The Executive Yuan may set up the Central Personnel Administration.

The organizations of the above two paragraphs shall be established according to law. Before the legislative process is completed, the former organizational statutes shall remain in force till December 31, 1993.

### Article 10

The relationship of rights and obligations between the people of the mainland China area and those of the free area and the disposition of other affairs shall be specially regulated by law.

# 中華民國憲法增修條全文

名 稱	中華民國憲法增修條文
前 言	為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：
第一 條	國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制： 一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。 二、自由地區平地山胞及山地山胞各三人。 三、僑居國外國民二十人。 四、全國不分區八十人。 前項第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。
第二 條	立法院立法委員依左列規定選出之，不受憲法第六十四條之限制： 一、自由地區每省、直轄市、縣市各二人，但其人口逾二十萬人者，每增加十萬人增一人；逾一百萬人者，每增加二十萬人增一人。 二、自由地區平地山胞及山地山胞各三人。 三、僑居國外國民六人。 四、全國不分區三十人。 前項第一款每省、直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第三 條	監察院監察委員由省、市議會依左列規定選出之，不受憲法第九十一條之限制： 一、自由地區臺灣省二十五人。 二、自由地區每直轄市各十人。 三、僑居國外國民二人。 四、全國不分區五人。 前項第一款臺灣省、第二款每直轄市選出之名額及第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。 省議員當選為監察委員者，以二人為限；市議員當選為監察委員者，各以一人為限。
第四 條	國民大會代表、立法院立法委員、監察院監察委員之選舉罷免，依公職人員選舉罷免法之規定辦理之。僑居國外國民及全國不分區名額，採政黨比例方式選出之。
第五 條	國民大會第二屆國民大會代表應於中華民國八十年十二月三十一日前選出，其任期自中華民國八十一年一月一日起至中華民國八十五年國民大會第三屆於第八任總統任滿前依憲法第二十九條規定集會之日止，不受憲法第二十八條第一項之限制。 依動員戡亂時期臨時條款增加名額選出之國民大會代表，於中華民國八十二年一月三十一日前，與國民大會第二屆國民大會代表共同行使職權。 立法院第二屆立法委員及監察院第二屆監察委員應於中華民國八十二年一月三十一日前選出，均自中華民國八十二年二月一日開始行使職權。

第六 條	國民大會為行使憲法第二十七條第一項第三款之職權，應於第二屆國民大會代表選出後三個月內由總統召集臨時會。
第七 條	總統為避免國家或人民遭遇緊急危險或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。
第八 條	動員戡亂時期終止時，原僅適用於動員戡亂時期之法律，其修訂未完成程序者，得繼續適用至中華民國八十一年七月三十一日止。
第九 條	總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局。 行政院設人事行政局。 前二項機關之組織均以法律定之，在未完成立法程序前，其原有組織法規得繼續適用至中華民國八十二年十二月三十一日止。
第十 條	自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。