

J. Y. Interpretation No.74 (March 22, 1957) *

ISSUE: May a delegate to the National Assembly serve concurrently as a provincial or county councilor?

RELEVANT LAWS:

Article 10 of the Constitution (憲法第十條) .

KEYWORDS:

delegate of National Assembly (國民大會代表) , serve currently (兼任) , delegate of provinces and counties/heien council (省縣議會議員) . **

HOLDING: A delegate of the National Assembly is elected in each statutory electoral district, assembles in accordance with the provisions of the Constitution and exercises political powers on behalf of the whole body of citizens. A delegate of the provincial and county/hsien council assembles in accordance with the provision of law and exercises the legislative power of each province and county/hsien. In order to implement the purpose of the Constitution,

解釋文：國民大會代表係各在法定選舉單位當選，依法集會，代表全國國民行使政權。而省縣議會議員乃分別依法集會，行使屬於各該省縣之立法權。為貫徹憲法分別設置各級民意機關賦予不同職權之本旨，國民大會代表自不得兼任省縣議會議員。

* Translated by Lawrence L. C. Lee.

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which established different levels of local public opinion authority and endowed each level with different powers, a delegate of the National Assembly should not serve concurrently as a delegate of the provincial and county/hsien council.