

J. Y. Interpretation No.75 (April 8, 1957) *

ISSUE: May a delegate to the National Assembly concurrently hold a government post?

RELEVANT LAWS:

Article 28 of the Constitution (憲法第二十八條) .

KEYWORDS:

Delegate to the National Assembly (國民大會代表) , government official (官吏) .**

HOLDING: The Constitutional National Assembly did not adopt the proposition that a delegate to the National Assembly shall not hold a government post, nor did it adopt the proposition that an incumbent government official shall not be elected as a delegate to the National Assembly. Article 28, Paragraph 3, of the Constitution merely prohibits an incumbent government official from being elected to the National Assembly in the electoral area where he or she holds office. Suffice it to say that at the time the

解釋文：查制憲國民大會對於國民大會代表不得兼任官吏，及現任官吏不得當選為國民大會代表之主張，均未採納。而憲法第二十八條第三項僅限制現任官吏不得於其任所所在地之選舉區當選為國民大會代表。足見制憲當時並無限制國民大會代表兼任官吏之意，故國民大會代表非不得兼任官吏。

* Translated by Robert Huai-Ching Tsai.

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Constitution was created, the framers had no intention to prevent delegates to the National Assembly from occupying government positions. Therefore, a delegate to the National Assembly is not prohibited from holding a government post concurrently.