

People's Republic of China
Election Observation Report
May 15 - 31, 1994

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I. EXECUTIVE SUMMARY

The International Republican Institute (IRI) sponsored a four-member delegation to observe local village elections in Fujian province of the People's Republic of China (PRC) over a two week period from May 15 - 31, 1994. The IRI delegation was the first international team of observers ever invited to observe local elections in the PRC. The delegates observed three elections, attended two representative assembly meetings, and conducted numerous formal and informal discussions with officials from the village, city, county, provincial, and national governments. The delegates evaluated the electoral process, identified a number of strengths and weaknesses in the system, and provided concrete observations to Chinese government officials for consideration in future elections.

In accepting the invitation of the Ministry of Civil Affairs to observe local elections and representative assembly meetings, IRI hoped to achieve several objectives:

- * lend international support for an open and fully participatory democratic process at the village level in the PRC;
- * strengthen Chinese government understanding that democratic processes at the grassroots level are essential for national and local stability, and the peaceful resolution of civil conflicts;
- * observe the electoral environment to detect any signs of irregularities;
- * evaluate the electoral process and the Fujian system, identify the strengths and weaknesses of the system, and make recommendations for future elections.

The members of the mission believe that the Chinese government's efforts to introduce a measure of democratic voting and assembly procedures in Fujian province, specifically, and other provinces, generally, represent a definite and positive step forward in the nation's delicate move towards a more democratic and participatory form of village government. At this point, over 90 percent of the village committees in China have been formed by local elections, although the electoral process varies widely in terms of fairness and transparency. The move towards village elections has already fundamentally altered local government structures for over eight hundred million Chinese peasants, who represent close to a seventh of the world's population. As a result of local election reforms, diverse constituencies are obtaining representation in village government. Only about half of the village leaders in Fujian province are members of the Communist party. Elected officials include entrepreneurs, rural enterprise managers, doctors, and farmers with successful new technologies. IRI noted that most participants in the electoral process exhibited great enthusiasm for the right to vote and to participate in virtually every aspect of the voting process. However, IRI also noted some rather

striking differences in how election procedures were carried out in different parts of the province.

Most officials at various levels of the Ministry of Civil Affairs with whom the delegation worked were frank and cooperative in their interaction with the delegation members. They openly and enthusiastically discussed and debated the delegates' observations and suggestions both during and following the local elections. The delegation was able to observe all aspects of the electoral process without any restrictions, and was allowed to videotape and photograph all its observations. In Beijing the mission conducted two meetings with the Vice Minister of Civil Affairs, Yan Mingfu (a prominent official who was temporarily removed from government office for his efforts to facilitate a dialogue between the government and the student demonstrators in 1989). In his remarks, Minister Yan emphasized the need to democratize village governance and expressed appreciation for IRI's technical assistance.

The delegation consisted of two outside experts, one of whom was unable to complete the mission, and two members of IRI staff. The consultants were Paul DeGregorio, a local elections expert currently teaching at the University of Missouri-St. Louis, and Ben Davidian, a state elections expert who is Chairman of the California Fair Political Practices Commission; the staff members were Lorraine Spiess, Regional Program Director with fifteen years experience working in China; and Kirsten Edmondson, Assistant Program Officer specializing in Asian democratization. Unfortunately, Mr. DeGregorio fell seriously ill on the second day of the mission and had to be hospitalized. He was unable to rejoin the delegation and his valuable skills and experience were lost to the mission. However, the remaining members of the delegation completed the election observations, and believe that their conclusions and observations are valid and should prove useful to any future China missions.

This report catalogues the mission's observations and suggestions, as well as any responses the Chinese officials gave the delegation during the course of the mission. IRI believes that the recommendations contained herein, if adopted and properly implemented, will help make the local electoral process in China more uniform, democratic, and less vulnerable to irregularities and mistakes. The single most important recommendation is to provide secret voting booths so that all voters can exercise their right to a secret ballot. The delegation further recommends a program of comprehensive civic education for voters and election officials, the standardization of the electoral system and of polling place procedure, and the establishment of fair election commissions to enforce compliance with election rules. An executive summary of the delegation's twelve recommendations follows.

II. EXECUTIVE SUMMARY OF RECOMMENDATIONS

Issue 1. Civic Education for Voters

The delegation recommends the implementation of a comprehensive civic education program using visual teaching aids to educate voters on their rights and responsibilities in a village election.

Issue 2. Electoral Commission Composition and Election Official Selection

Federal election officials should develop guidelines governing the eligibility of election commissioners and electoral officers that minimize conflicts of interest by using people from outside the village and that maximize mutual supervision by involving representatives of different village constituencies.

Issue 3. Nomination of Formal Candidates

Formal candidates should be chosen by a direct primary election, and voters' understanding of their right to write in the candidates of their choice should be further enhanced.

Issue 4. Number of Candidates and Number of Elections

All candidates for all offices should be elected on one single ballot to avoid the need for multiple elections. The principle of two formal candidates per position should be expanded to include all committee member seats, and not just the officers.

Issue 5. Candidate Qualifications and Constituency Representation

Civic education should encourage women to participate as candidates. The delegation recommends electoral system reform in those villages where a majority of the citizens come from the same family clan in order to permit diverse constituency representation. As happens in some elections already, Party and non-Party members should be treated equally.

Issue 6. Campaigns

Rules for campaigns should be developed as soon as possible. Practices such as town meetings and door-to-door campaigning that allow potential candidates to educate voters on their positions should be encouraged, while practices that attempt to influence voters by coercion or vote-buying should be strictly outlawed.

Issue 7. Polling Place Procedure and Training of Election Officers

Polling place procedure should be standardized, and election officers should be trained according to their specific function. Provincial officials should develop a simple training manual divided into sections that emphasize the most important rules for each different type of election officer.

Issue 8. Ballot Distribution

The system for ballot distribution should be standardized to prevent mistakes and irregularities, and should involve greater supervision by outsiders and by representatives of different village groups. The delegation recommends abolishing the current system that allows three proxy votes, as it presents opportunities for fraud and may disenfranchise women in more traditional villages.

Issue 9. Ballot Secrecy

The delegation believes that the most urgent electoral reform is providing voters with practical opportunities to exercise their right to a secret ballot. County election officials should provide villages with secret voting booths, and voting at communal tables should be strictly outlawed.

Issue 10. Ballot Box and Roving Ballot Box

Election officials should standardize the system of supervising the roving ballot box, and should require a written advance request in order to arrange for a visit by the roving ballot box on election day.

Issue 11. Election Fraud and Enforcement

Each province should establish a fair elections commission with branches in each county to investigate cases of election fraud. The committee should develop and publicize a schedule

of fines, and bar those convicted of electoral irregularities from holding office for a fixed term. Enforcement of a fair electoral process is essential to prevent manipulation and fraud.

Issue 12. Demonstration Counties

The delegation suggests that the recommendations contained in this report be implemented as a package in a number of counties as soon as possible. The experience gained in these demonstration counties will help Chinese election officials develop practical programs to expand electoral reform nationwide.

III. HISTORICAL BACKGROUND ON CHINESE ELECTIONS

Chinese political reforms related to village elections are directly attributable to the economic reforms launched in 1978. In the late 1970's, peasants in Anhui province, faced with certain starvation due to the disasters of collectivized agriculture, disbanded the local communes and production brigades and returned to the cultivation of family plots. The famine was averted and abundant harvests resulted. Learning about the success of this peasant initiative, certain central government leaders gradually began the nation-wide decollectivization of agriculture

and launched the process of transition towards a market economy.

As with the rural economic reforms, the genesis of village committees was a bottom-up result of peasant ingenuity in the face of a crisis, namely the absence of local government. The dissolution of the commune system created a political and institutional vacuum in many parts of the countryside, since production brigades had previously functioned as the local government as well as organizing all economic activity. With the demise of the commune, no organization remained to address infrastructure and development needs, to organize schools, or to provide the leadership that the villages required for governance. Villagers around Yishan county, Guangxi organized committees to maintain social order, mediate civil disputes and manage public utilities and welfare, and this practice gradually spread with encouragement from senior leaders. The Chinese Constitution approved on December 4, 1982 officially recognized the village committee as the new form of political organization on a grassroots level.

Debate soon ensued regarding the various policy options available to form the local village committees. Three different methods were advocated in the early attempts to revamp the political structure in China's villages. The first option was to re-establish Chinese Communist Party (CCP) control over the committee, and to use the Party bureaucracy to appoint village officials. The second option was to authorize county and town government leaders to appoint officials from the top down in order to extend the government bureaucracy into the grassroots. The third approach was to implement local, contested elections on the village level.

Those advocating local villages elections pointed to the success of certain villages in Hubei and other provinces that chose their committees by voting. Elections in rural China have been held sporadically in modern times. In the past, scant attention was paid to technical issues involved in the electoral process, and many elections were marred by blatant vote-buying and other irregularities. Observers have noted that electoral corruption was a factor in the emergence of Yuan Shih-kai in the early days of the Chinese Republic. Election fraud also occurred in elections held during the Kuomintang (KMT) period, and may have been a factor in undermining the Nationalist regime. Elections were held up to the late 1940's in certain areas controlled by the Communist army. At that time, the method adopted was the "bean voting method," in which the candidates stood with a bowl behind their back, facing away from the citizens, and the voters filed by, dropping a bean or a stone in the bowl of their preferred candidate. Even these most elementary forms of voting disappeared after 1949, when the Chinese government began to launch a series of disastrous political campaigns. However, the memory may have survived in certain regions, and provided an important historical precedent for those advocating village elections in the 1980's.

Since there was no consensus on the best method to form village committees, Party and government appointments as well as elections were experimented with in different regions of China. As with much of the Chinese reform process, trial and error became the hallmark of the efforts to find a suitable mechanism for appointing the village committee. After considerable experimentation, central government officials determined that allowing villagers to elect their own local village leaders yielded the best results in terms of efficiency, accountability, and legitimacy. They announced that local elections would be held for the members of the governing village committee throughout China. On November 24, 1987 the National People's Congress promulgated the Organic Law of Villagers' Committees of the People's Republic of China (Experimental). This Law is attached in Appendix I. On the basis of this legislation, in 1988 the Ministry of Civil Affairs began to organize rural elections throughout much of China.

The June 4, 1989 crackdown resulted in considerable uncertainty about the future of rural election reform in China. A pivotal meeting was held later that year in Laixi, Shandong. The Laixi meeting reaffirmed the decision to promote village election reform, and issued a central directive to that effect. By 1990, the Chinese rural population was 895.9 million with 222.37 million households, and there were 743,278 villagers' committees for which elections had to be organized. The Ministry continued to push for implementation of grassroots elections throughout China. By 1992, twenty provinces, municipalities and regions had held two rounds of elections, and by 1994 several provinces, including Fujian, began conducting a third or fourth round.

Ministry officials comment that the first round of elections had many serious flaws, as few officials or citizens understood the process, and most doubted that open elections were the genuine goal. However, the 1988 elections in Liaoning did show some promise and lent encouragement to the village government reform process. By the second round, more officials and citizens began to take the elections seriously and not as a pro forma endorsement. The third round has started to focus greater attention on the numerous technical questions and obstacles confronting the implementation of local election reform in China. The pace of development continues unevenly, with ten provinces that have still only conducted the first stage of elections. Of these ten, Jiangxi, Guangdong, Guangxi and Yunnan provinces have proceeded at the slowest pace and with the most resistance.

Facing the monumental task of supervising elections in three-quarters of a million villages, and encountering substantial opposition from local cadres who saw their vested interests threatened by the proposed reforms, the Ministry adopted a strategy of developing demonstration villages and townships. There are now 59 demonstration counties and villages throughout China, where the results of village democracy on governance can be studied

thoroughly, and officials can see the results first-hand. Again, this method of developing pilot programs for reform policies parallels the methods used in the 1980's to promote economic reform.

Because the national election law of 1986 does not address specific details of conducting elections, to date twenty-two provinces, municipalities and regions have promulgated local laws governing the implementation of village elections. While most are merely administrative regulations issued by the provincial governments, the People's Congresses of Fujian, Jiangsu and Hebei provinces have passed legislation on this issue, and the Liaoning legislature is currently drafting an electoral law. Again, there are broad disparities among these laws and regulations.

In spite of the numerous technical problems facing local election reform and the wide variance in actual implementation, Ministry officials listed the areas in which they believe substantive progress in democratizing village governance has already been achieved:

- * **Appointment of Officials by Grass-Roots Election rather than from above**
The endorsement of the principle that the selection of village leaders is by election from below rather than appointment from above is seen as progress for democratization.
- * **Three-Year Term of Office**
In the past, village officials often had unlimited terms of office. With the village election reforms, leaders are initially elected to a three-year term, after which they can stand for reelection. In this way, villagers can dismiss officials for poor performance, and village officials therefore have a sense of accountability towards the citizens.
- * **Electoral Process Reform**
Elections in China for various levels of office have generally been largely pro forma. The local election reform process has introduced multiple candidates and direct rather than indirect elections as prerequisites for valid elections, and at least in theory is premised on the right to a secret ballot.
- * **Encouragement of Government Transparency**
As part of the democratization of village governance, Ministry officials are beginning to require that village committees post public notices on village affairs and finances, including the village budget and officials' salaries. By encouraging village government transparency, the committee is open to public supervision. The delegation was shown such notices on blackboards in several Longyan villages.

* Diversification of Political Constituencies

Local election reform acknowledges the legitimacy of emerging new interest groups, and the need to include them in the village political system, rather than relying solely on Party members to conduct village government. In the past, Marxist ideology recognized two groups in society, the people represented by the Party, and the enemies of the people. The elected village committee often includes non-Party members, and is seen as a method of resolving conflicts of interest among the growing diversity of social groups in rural life.

Central government officials stress that the issue is no longer discussing whether to have local democracy, but rather how to solve technical problems in implementation. Increasingly, officials responsible for local election reform are recognizing that democracy is not only a belief or value system and a method for resolving conflicts of interests, but is also a technical process. The IRI May mission strengthened the recognition of the technical complexities involved in conducting free and fair elections. In particular, Ministry officials commented that they need technical help in terms of recommendations for electoral reform, and training of election officials including Ministry officials themselves. The Ministry noted that one well-trained provincial official can influence the process for the whole province, and cited the example of an official in Jilin who went to Japan and upon his return implemented electoral reforms based on his observations abroad.

The Ministry is encouraging the development of a new national law on local elections based on the experience and insights gained over the past eight years. There is a growing recognition of the need to systemize the process and address the extremely uneven pace of local election reform. As one Chinese official commented, when elections are well-conducted they are often excellent, but conversely there are also many extremely poorly-run elections. Civic education remains another problem, as many villagers are skeptical that real democracy will be allowed, and believe that upper levels in the government and Party will interfere in the process.

In the past year, Ministry officials have repeatedly stated their goal is to develop village democracy throughout China by the year 2010 or even earlier. In spite of strong ongoing resistance at some lower levels of government, many officials at the central and provincial levels support this trend. The past fifteen years of economic reform have allowed for the emergence of new constituencies at the village level and have eroded the old political structures of village life. The lack of democracy, transparency and accountability in village government is partially responsible for growing corruption and arbitrary governance. These are in turn leading to increasing instances of instability and peasant protests in the countryside, as reported in the Chinese and foreign press. Case-studies on local governance have demonstrated that democratically elected officials are generally more effective in meeting peasant needs, and consequently that democratic village governments will be more stable. With the fresh memory

of tens of millions of deaths during the numerous political upheavals culminating in the Cultural Revolution, the fear of chaos in the countryside is great among many government leaders and citizens alike. Democratic reform is seen as the most pragmatic way to avoid future social breakdown among China's over eight hundred million peasants.

IV. HISTORICAL BACKGROUND ON FUJIAN ELECTIONS

Fujian province is situated on China's southern coast opposite Taiwan and north of Guangdong, and is considered one of China's most economically developed provinces. The average city per capita income is 2,605 RMB and peasant income is 1,290 RMB (US\$295 and \$142 respectively). Out of a total population of 31.5 million, 26 million are peasants whose village governments are organized into 14,720 village committees and 164,680 villagers groups.

Fujian is currently conducting its fourth round of local elections. The first trial elections were held in 1984 even before passage of the national election law in 1987. During the next round of elections in 1987, villagers voted only on committee members, and the elected members then nominated their own director and vice chairs. The next change came in the 1991 election, in which all positions were directly elected by the villagers, multiple candidates were mandatory for each and every position, and any five citizens could together nominate preliminary candidates. Each of the four elections incorporated improvements based on previous experience. Provincial officials report that while some local cadres continue to dislike the election system, others have already changed their attitude in the period from 1989 to 1994.

On October 26, 1990, the Fujian People's Congress passed legislation on local electoral process. This legislation is attached in Appendix II. Fujian was the first provincial legislature to promulgate an election law. In September, 1993 the Fujian Congress passed an amendment to the law. One of the principle changes was implementation of one person-one vote, rather than the previous system of allowing one vote per household. This change was based on feedback from a 1992 delegation of foreign experts sponsored by the Ford Foundation, who interviewed local officials on village governance including elections and advised against the household representative voting system. The vast potential impact of international assistance in reforming local governance can be seen from this example, where the suggestion of a single delegation effectively enfranchised over ten million people, particularly women who frequently deferred voting rights to their husbands.

With the 1994 round of elections in Fujian not yet concluded, Fujian officials presented

IRI with the results of the 1991 elections. Of 11,930 elected directors in that election, 51.3 percent were Party members and 74 percent have junior high school or above education. Their average age is 39.3 years. The voter participation rate was 97.5 percent. Since the 1991 election, provincial authorities have conducted detailed investigations of 601 villages to examine the results of the elections on local governance. They reported a marked increase in the accountability and sense of responsibility of village officials. Local government reform in Fujian is based on the concept of "democratic election, democratic management, democratic supervision and democratic policy-making." Officials emphasized that election is the basis for any kind of

democratic system, and that without elections, democratic management, supervision and policy-making are not possible.

The IRI mission focused its observations on two counties, Longyan and Xiamen. Whereas Xiamen is one of China's four earliest special-economic zones with considerable prosperity, Longyan has traditionally been a less prosperous region located in the mountainous interior of the province. Longyan has a total population of 430,000, with 210,000 urban residents with an average income of RMB2,100 (\$238), and 220,000 rural residents with an average income of RMB1,100 (\$125). Of 281 villages, 250 had already held elections when the IRI delegation arrived, with a participation rate of 96 percent. 80 percent were successful in the first balloting, and 20 percent had two or more run-off elections. Xiamen is considerably more prosperous, and the delegation was told informally that per capita income is significantly understated by local officials for tax purposes. A map of the province is included in Appendix III.

The delegation visited three local village elections during its mission. The first observation was conducted on the morning of May 17, 1994 in Xixi village, located in the hills just outside of Longyan city. The second was conducted on the afternoon of the same day in Gekou village, to the north of Longyan city. The third election was held on May 23, 1994 in Caitang village outside of Xiamen, a large city located on the coast of the South China Sea. Chinese election officials had originally chosen one site in Longyan and one in Xiamen. Upon learning about the IRI mission, Gekou village invited the delegation to observe its election and county officials agreed.

IRI observed some striking differences in how election procedures were carried out in different parts of the province. Broadly speaking, the delegation believed that the elections it witnessed in Longyan were fairer and far less marred by irregularities than the election in Xiamen. In Longyan, most villagers stayed until the ballots had been fully counted and the winner was announced, often standing on chairs to witness the final outcome.

Unlike the Longyan villagers, few citizens in Xiamen showed interest in remaining at the poll site to hear the election results. This may indicate they had little interest in or confidence in the process. Such a conclusion was also suggested by a number of blank ballots cast in Caitang, which some members of the delegation and several Chinese officials interpreted as protest votes. In Xiamen, the local Party apparatus seemed much more intent on attempting to influence the election outcome in order to elect Party members who were in favor with senior officials. However, while in some cases the conduct may be a result of long-held ideological beliefs, a growing phenomenon is the protection of vested interests. Certain federal and provincial Party members were also distressed to witness such irregularities. The Xiamen villages visited by the delegation were all extremely prosperous, and it seemed that the local Party apparatus was primarily intent on ensuring that its members continued to maintain control over the village economy. Some members of the 1992 Ford Foundation delegation noted that in villages with high economic performance, a greater proportion of Party members was elected. Because of the irregularities in the Xiamen elections, it is difficult to determine whether the higher proportion of elected Party officials was because the village Party leaders had provided the population with substantial economic growth, or whether it was a result of manipulation.

The differences observed between the Longyan and Xiamen elections again highlight the need for a more standardized and consistent electoral process throughout the province, and indeed throughout China. Democratic supervision through free and fair elections is necessary both to prevent corruption on China's wealthier coast, and to encourage new and more innovative leadership in the poorer regions of the interior.

V. FUJIAN VILLAGE GOVERNMENT AND ELECTORAL PROCESS

A. Structures of Village Government

Village government consists of two bodies, the village committee and the representative assembly. Essentially, the committee functions as the executive branch while the assembly has more of the consultative, policy-making role associated with a congress. In fact, in many villages local representatives to the People's Congress are automatically members of the assembly.

Village Committee

The village committee consists of anywhere from three to seven members, with one director and zero to two vice directors. In some counties, the committee size is determined in relation to population. Generally, the director's responsibilities are extensive and involve daily management of village affairs. At least in Fujian, the director is responsible for the village's financial affairs. By handling the village budget, the director exercises considerably greater real authority than the local Party secretary. The vice director is generally less important. His is not necessarily a full-time job and accordingly, he often retains his original work and only receives a salary supplement for his official duties. In its meetings with village committees, IRI was informed that various committee members have different areas of responsibility, such as conflict resolution, public safety, social security, health, women's issues, and business management. Of these, the last is often considered most important, particularly if the village runs its own rural collective enterprises, and often falls to the director who may have been elected because of his/her business skills.

The village committee members come from a broad range of backgrounds. In the Gekou election, the director was a popular doctor who makes house-calls, had delivered many of the younger villagers, and was reelected for a third term of office. Another doctor was elected in Shexing. He informed the delegation that he had withdrawn his name from the race, but then deferred to popular opinion and agreed to serve on the committee after the villagers wrote in his name on the ballot. Many of the committee members interviewed by the delegation in different villages were successful entrepreneurs or were involved in managing village enterprises, factories, or quarries. The mission was told that one village elected as its director a farmer who had become wealthy by planting fruit trees, so that he could develop and run a larger orchard for the village. Because the director runs the village budget and can create jobs and wealth for the villagers by successfully developing rural enterprises, many elected directors have a background in business and management.

Representative Assembly

The representative assembly consists of several dozen people. Whereas a premium is placed on youthful, educated members of the committee, assembly members tend to be "village elders." In many assemblies, the majority of assembly members come from the Party. For example, in Huyi two-thirds of the assembly were Party members. The method for selecting participants varies widely ranging from appointment by higher levels of government to elections by small villagers' groups. These smaller groups have replaced production brigades as the smallest unit of local political organization, and often retain the name workgroups, although they no longer function primarily as an economic entity. When the small village groups elected assembly members, this was often done by a show of hands and not by a secret ballot.

The assembly meets several times a year to debate major decisions confronting the village and to issue policy guidance to the committee. Discussion may revolve about whether to expand a local school facility immediately or whether to invest village funds in a business project to generate greater long-term returns and then build the school, or how to secure funding for a bridge or road.

The focus of the IRI mission was village committee elections and not the representative assembly system. Nevertheless, the delegation did attend two representative assembly meetings, one in Longyan and one in Xiamen. IRI noted a certain amount of choreography, ostensibly by the local officials, in the conduct of the representative assembly meetings that the delegation attended. Whether the apparent scripting of these meetings was meant simply to present an artificially enhanced picture of a smooth, democratic process (participants had been asked to speak Mandarin Chinese rather than the local dialect to accommodate the visitors) or to intentionally give a false impression of a fully participatory and open process is a matter of conjecture. In general, the delegation felt that its primary mission was to observe the local

elections, so little discussion will be reserved here for the representative assembly process. It is anticipated that future IRI missions may focus on the assemblies and their functions in village governance. The Ministry of Civil Affairs is currently developing plans to reform both the assembly's election process and its functions.

B. The Fujian Election Process

The Fujian election process can be divided into three stages: the preparations for organizing the election, the ten-day period in which candidates are nominated, and the day of the election itself.

Preparations for the Election

The Ministry of Civil Affairs requires that each province hold village elections every three years, although not all provinces have kept to this schedule. Once the provincial Bureau of Civil Affairs decides to hold local elections, it informs its county-level offices. Each county has considerable latitude to choose the period during which the elections will be conducted, and as the delegation observed, village elections in any given county often extend over a one or two-month period. The date for an election in a village is determined by each individual village in consultation with the county election committee. As result of this system, the election dates often vary by many months among neighboring counties, and also vary by many weeks among neighboring villages.

For its 1994 elections, the Fujian Bureau of Civil Affairs printed up seven posters for each village to make various public announcements related to the election process. The first poster is to announce the composition of the village election committee (Appendix IV.1). In order to prepare for the election at the village level, the village establishes its own election committee to implement the details of organizing the election in consultation with county officials, as discussed under Issue 2.

The second poster announces the date of the election as decided by the election committee, and begins the process of voter registration (Appendix IV.2). According to Fujian law, eligible voters are any villager who is at least eighteen years of age by the scheduled date of the election, regardless of ethnicity, race, sex, occupation, family background, religious beliefs, level of education, wealth or residential period. The law states that "only those who have legally had their political rights revoked will be ineligible to vote." The delegation was informed that individuals with criminal records are deprived of political rights for fixed periods of time, but was unable to ascertain the number of people deprived of political rights in Fujian province.

The third poster accompanies the actual list of voters, which is posted in a public place ten days before the date of the election (Appendix IV.3) Villagers who believe they have been mistakenly or unfairly excluded from the voter-list or that other citizens have been improperly included may appeal with the election committee. The delegation was informed that such appeals are frequent. Disputes usually arise because of differences of opinion regarding residency requirements, as some legally-registered villagers spend years working out-of-town and others who are still without residency papers have recently settled permanently because of marriage or migration. Posting the voter-list signals the beginning of the nomination process.

Nomination Process

Any five citizens can nominate a candidate by signing a petition form. A sample petition form is given in Appendix IV.4. Any person receiving five or more nominations for an office automatically becomes an informal candidate, and the fourth poster listing all informal candidates is posted in a public place five days before the election (Appendix IV.5). There is usually a large pool of informal candidates, which is then winnowed down to select the formal candidates for each position on the village committee. The process of choosing formal candidates is described in detail under Issue 3. Two days before the election, the fifth poster lists all formal candidates (Appendix IV.6). In practice, campaigning is centered on this ten-day period, and particularly focused in the last five days.

During the ten days leading up to the election, the election committee makes the detailed arrangements for the balloting, and selects electoral officers, poll-watchers, vote-counters etc. Training of election officials, when it occurs, appears to occur primarily in this ten-day period.

A sixth poster provided by the provincial Bureau of Civil Affairs is rarely used, but can be posted in the event that the election date must be postponed, and lists an alternative date (Appendix IV.7). The delegation did not see this poster used in any villages it visited.

Election Procedure

In the elections observed by the delegation, the election began with a town meeting attended by most of the voters. The head of the election committee made an announcement in Mandarin Chinese and the local dialect outlining the electoral procedure. The ballot box(es) was opened in front of all the assembled villagers to confirm that it was empty, and then sealed with a piece of paper that had Chinese characters written on it.

The ballot used in Gekou village is shown in Appendix IV.8. The ballot has printed the names of five formal candidates for three positions as village committee members, and also includes three empty spaces that the ballot states can be used for write-in candidates. The ballot instructs villagers to affix an "O" above those names it wishes to elect, and an "X" above those

it rejects. The ballot instructions conclude by stating that the voter can elect a maximum of three candidates.

Details of the polling place procedures, ballot distribution, opportunities for a secret ballot, and ballot boxes are described under Issues 7-10, and varied considerably from site to site. After the balloting had been concluded and the winner announced, the ballots were wrapped in paper and the package was sealed with a strip of paper on which was written the village name and date of the election. The delegation was informed that the ballots were kept as a record for at least three months in the event that some villagers contested the electoral results. Various pictures of the election process are included in Appendix IV.9.

The last poster provided by provincial officials announces the results of the village election (Appendix IV.10). At this stage, the local election committee also fills out a form describing the elected village committee and submits it to the Bureau of Civil Affairs (Appendix IV.11).

VI. ISSUES, OBSERVATIONS, AND RECOMMENDATIONS

Issue 1: Civic Education for Voters

Voter perceptions and understanding of the village election process varied widely. An informed and educated citizenry is one of the best guarantees for successful democratic elections. The lack of a standardized electoral process has made it difficult to conduct effective broad-based civic education programs.

Observations:

Interviews with voters at the three villages visited by the delegation showed a broad range of interest and confidence in the election process. For example, in Gekou most of the interviewed citizens expressed strong support for the process, and believed that their choice of village committee director would have a major impact on their lives. A number of villagers who are temporarily working out of town came back to participate in the election rather than authorize a proxy to vote on their behalf. There was a palpable feeling of excitement in the air as the balloting and vote counting took place, and firecrackers were set off when the election results were announced. On the other hand, in Caitang older villagers in particular expressed doubt that the elections had any relevance to their lives, and seemed to view the process as largely pro forma. Fujian officials also informed the delegation that villagers often did not understand the importance of the election process, and did not take it seriously.

The delegation inquired about civic education to inform voters of their rights and responsibilities in village elections. The mission was told that some civic education for voters has been done in various counties, using such media as radio, closed circuit television, video, and meetings. Because of the many local variations in electoral process, which can differ substantially even between neighboring villages, it seems difficult to conduct a broad-based civic education campaign. Current voter education efforts are by necessity vague and cannot address the details of electoral process. Yet it is precisely the details that voters should understand to prevent irregularities and to ensure broad support for the process. Civic education programs for voters become a logistical nightmare due to the lack of uniform standard election procedures.

Recommendations:

The delegation recommends the implementation of a comprehensive civic education program, standardized by province or at least by county. As a first step, election officials should print up and post notices with visual cartoon-like illustrations of the major steps in the election. These posters should be prominently displayed in at least one location in each natural village.

The delegation also recommends mounting a village by village civic education program, and suggests that each village hold a town meeting before the election process commences. As much as possible, visual illustrations of the process should be used, so that the meeting does not simply consist of a village official who reads instructions and answers questions. For example, the meeting could include showing posters of various electoral stages, screening a video on the election process, or best of all creating a model theatrical enactment of the voting process. For example, if villagers have seen a training video or a prepared skit of people standing in line single-file to vote individually in a ballot booth or an empty room, they will be much more likely to conduct themselves in an orderly fashion on election day. IRI's experience in other countries suggests that such a video or travelling demonstration group should incorporate entertainment value as well, so that citizens retain their interest in the presentation. Election officials may want to solicit the services of local entertainers, such as popular singers or Chinese opera performers who appeal to different age groups.

Components of a civic education program should also include local radio and television programs and the provincial newspaper. These media can emphasize the right to a secret ballot, the need for orderly polling procedure, the principle of one person-one vote, the opportunity to write in candidates, and the importance of legitimate, fair, and free local elections. Once standardization of the electoral system and polling process can occur throughout a province, it will become more feasible to include details of the electoral process as part of civic education. Without standardization, radio and television programs become more difficult as these media will reach a broader audience and confuse voters in other provinces and counties with different rules.

Civic education materials should clearly and simply outline all the steps involved in a local election. They should also highlight the rights of voters and candidates (secret ballot, nomination by five citizens, write-in ballots, legal campaign activities, etc.); the responsibilities of citizens (to vote in the election, to take the process seriously, to make an informed decision, etc.); and punishable election offenses (vote-buying, gift-giving, ballot distribution fraud, etc.)

Issue 2: Electoral Commission Composition and Election Official Selection

Current election guidelines show little awareness that election officials should be chosen to avoid conflicts of interest, except with respect to candidates' relatives. A few villages have attempted to enhance the transparency of the process by using more election officials from outside the electoral jurisdiction, and by involving more citizens from different constituencies as monitors.

Observations:

According to Fujian law, the local election should be presided over by an election committee, which is chosen by the representative assembly. In addition, there is an county-level administrative committee for supervising the election, involving various levels and departments of government. Although the law sets forth the respective duties of the election committee and administrative committee, in practice there appears to be considerable overlap of these two committees' functions.

Election officials are provided with few detailed guidelines on the composition of the election committee or the selection of election officials. The only general rule aimed at minimizing conflicts of interest seems to be that candidates cannot act concurrently as staff members of election committees, nor can their relatives. However, election officials complained that many jurisdictions do not even comply with this simple rule. The actions of some village election committees suggested that they innately understood the principle of conflict of interest. Consequently, they included members of competing natural villages and senior officials from outside the electoral district to supervise the roving ballot box. Many other villages did not appear to share this understanding. For example, in all the elections that the delegation observed ballots were distributed to members of smaller village groups by members of the same group.

The delegation was concerned that the election committee is chosen by the representative assembly, since this body also plays a strong role in the nominating process. If irregularities occur in the nominating process, as the delegation believes occurred in Huken, an election committee chosen by the assembly would be unlikely to play its appropriate supervisory role and voice an objection. In addition, according to the law certain functions in arranging for the election can be assumed by the village committee itself. Since some members of the village committee choose to run for reelection, this provides ample opportunity for conflicts of interest. In Huken, the election committee, approved by a unanimous show of hands at the assembly, included both representatives of the assembly and of the committee.

While at most stages of the electoral process there was insufficient attention paid to supervision and mutual monitoring, there was broad recognition of this principle when it came

to counting the ballots. All three village elections observed by the delegation had six individuals appointed to count votes: one counter, one reader, one writer, and three supervisors who checked on the activities of the counter, reader and writer. In several cases, the supervisors actively participated and corrected mistakes if they were made by the primary counter or reader. Similar mechanisms need to be implemented at all stages of the election to minimize the risks of irregularities or manipulation.

Recommendations:

The chief purpose of the election committee should be to organize an impartial electoral process so that villagers can realize their choices for village committee, and to play an objective supervisory role in implementing the election. The delegation believes that federal and provincial election officials should develop detailed regulations governing the eligibility of election commissioners and electoral officers.

The openness and transparency in the process of choosing villagers to the election committee should be enhanced. The delegation suggests that provincial election officials reconsider the current method whereby the assembly chooses the commission members in a session closed to the citizenry in favor of a more open process. Regarding the composition of the village election commission, the delegation recommends that it include two types of individuals chosen on the basis of minimizing conflicts of interest and of balancing conflicts of interest when they occur. To minimize conflicts of interest, the election commission should include individuals from outside the electoral district with absolutely no vested interest in the outcome of the election. Such officials could be appointed by the provincial or county fair elections committee. To balance conflicts of interest, the members of the election commission who are chosen from the village itself should reflect different constituencies and interest groups in the village, including for example representatives of different clans, natural villages, or occupations. Those individuals serving in the representative assembly or the village committee should not be allowed to serve on the election commission.

These same principles apply also to the selection of ballot distributors, pollwatchers, and other electoral officers. In general, individuals from outside the village should be involved in supervising all stages of the election. When local villagers are used they should be from two or more from different interest groups to supervise and monitor each other's actions. Again, members of the representative assembly or the village committee should not be allowed to stand as any official involved in the election process. As much as possible, the citizens themselves should be involved in supervising the electoral process and encouraged to participate as monitors. Candidates should also be encouraged to appoint pollwatchers and monitors. The delegation was told many anecdotes that suggest villagers are already taking such a supervisory

role and playing a constructive role in preventing election irregularities. Election officials should encourage broad citizen participation in monitoring the entire electoral process.

Issue 3: Nomination of Formal Candidates

The process by which candidates are nominated as formal candidates for local office is not standardized from village to village and could be easily misused by more powerful elements within a jurisdiction to ensure the nomination of their own selected candidates and few, if any, others.

Observations:

Beyond seeing posters listing informal and formal candidates and viewing nomination sheets, IRI did not directly observe the nomination process. However, the mission conducted interviews on the process with the newly elected committees of several villages in Longyan and Xiamen, and with county, provincial and national election officials.

Informal Candidate Selection

The nomination process begins with the selection of informal candidates by petition. According to Fujian law, any five or more voters can nominate the candidate of their choice. The names of all informal candidates are announced in a public poster five days before the election. In Shexing Village, the delegation was told that out of a pool of 1289 voters there were 9 nominees for director, 11 for vice-director and 52 for the three other committee members. In Huken, there were 23 candidates, 6 for director, 12 for vice director and 23 for committee members, as citizens could be nominated concurrently for several offices.

Given the large pool of informal candidates produced by requiring only five nominators, the delegation discussed among itself whether the number of nominators should be increased, perhaps proportional to voter population. However, the members concluded that at the current stage of electoral reform in China, the system of requiring only five nominators encourages greater diversity of candidates, particularly since many citizens remain reluctant to participate actively in politics by signing any form of petition. In the long term, as villagers become more experienced and comfortable with political participation, Chinese election officials may wish to increase the number of nominators required for informal candidates.

Formal Candidate Selection by Representative Assembly

The next stage of the nomination process occurs when the informal candidates are narrowed down to the prescribed number of formal candidates. Informal candidates can be

compared to primary candidates, whereas formal candidates are those whose names are printed on the ballot and who run in the general election. The winnowing process from informal to formal candidates varies widely. The most common method in Fujian, which is also mentioned in the law, is selection by the representative assembly. Similar methods include selection by show-of-hand voting in small villagers' groups or by the heads of these groups. These methods can easily be abused if the assembly or the smaller villagers' groups do not genuinely reflect the village population.

In Huken village near Xiamen, the mission was informed that the assembly members had first submitted their nominating choices by writing them on blank papers, coming up with a list of thirteen names, all whom were assembly members. Five names per nominee were collected in an attempt to legitimize the assembly's choices. Only then was the process opened up to broader participation by the villagers resulting in a total of 23 nominees. In the end, the assembly appointed eight formal nominees, all of whom were assembly members, coinciding largely with their initial list. IRI expressed concern that Fujian election law had been violated by the preliminary nominating activities of the assembly, and several Chinese election officials strongly concurred. The delegation was informed that, out a population of 3150, only about 60 villagers showed up for the vote counting, of whom about 30 were assembly members. In contrast to the delegation's observations in most other villages, there appeared to be little confidence or interest in the election outcome.

At the same time, in other villages the nominating process by the assembly did not tend to favor entrenched interest groups. According to the mission's interviews, in actual practice the assembly may or may not act in accordance with the preferences of the general population. Some assemblies seem genuinely to canvas public opinion in order to find the most popular candidates, and others use their power to benefit their own interests.

Supervision over the Assembly Nomination Process: Write-Ins and "50 percent Rule"

Existing practice provides for two supervisory mechanisms when the assembly fails to provide the population with popular candidates: write-ins and the "50 percent rule." As IRI observed, these two practices can lead to election results that reflect the popular will, but together they are still not strong enough to guarantee a popularly supported nomination process if there is heavy opposition from a strong representative assembly. Nevertheless, the right to write in candidates and the "50 percent rule" do provide important opportunities for fair elections without guaranteeing them institutionally.

The first supervisory mechanism on the assembly nomination process is the right to write in the names of candidates. In Shexing village, citizens rejected all the candidates for both director and vice-director proposed by the representative assembly. Write-in candidates

obtained three of the five seats on the village committee. In fact, the new director, a successful private entrepreneur and factory manager, had received over one hundred nominations at the informal candidate stage of the process, far more than the two formal candidates who were eventually appointed by the assembly. The right to write-in candidates ensured that villagers were able to elect the more popular candidates. However, the number of victorious write-in campaigns remains limited, varying from 10 percent in Putian County to 1 percent in Gutian and Quanzhou. It is impossible to tell whether the low number of write-in candidates in some counties was because the representative assemblies provided citizens with popular candidates, or because citizens were unaware of or unable to exercise their right to write-in candidates.

Related to the right to write-in candidates is the federally mandated "50 percent rule" that requires that any candidate must receive 50 percent plus one of the total vote in order to be declared the winner. While this ruling has the unfortunate result of requiring numerous run-off elections in some villages, it also ensures that unpopular candidates cannot be rammed through the process by an assembly out of touch with popular village sentiment. Moreover, it provides an opportunity for a write-in candidate to become a formal candidate after the first round of balloting, and to win in the run-off once strengthened by his/her position as a formal candidate.

Provincial officials cited the case of two villages that repeatedly failed to hold a "successful election," meaning that no candidate received 50 percent in the first round and at least 30 percent in run-off elections. It was clear that representative assembly leaders had presented candidates who were unpopular or mistrusted by the villagers. Provincial election officials were alerted to the problems of candidate selection in these elections by the 50 percent rule, and were able to intervene. Approximately 28 percent of the elections in Fujian are "unsuccessful," suggesting that there have been enough write-ins and/or abstentions that a rerun must be held. The "50 percent rule" thereby offers a second or third opportunity to defeat unpopular candidates if they have been imposed by the representative assembly, and strengthens the hand of write-in candidates.

Formal Candidate Selection by Direct Primary Election

An alternative method for selecting formal candidates is to hold a preliminary direct election by all villagers, in effect a primary. The mission was told by election officials that villagers like to nominate the formal candidates by direct vote, and that such direct nominations are practiced in about 10 percent of the villages in Fujian. National officials noted this method is also used in some other parts of China. The IRI delegation commented that conducting a primary election is the most effective method of ensuring that the formal candidates genuinely reflect popular sentiment. At a meeting with county election officials from throughout Fujian province, several commented that this method is of course more democratic and more popular with the people than alternative means of formal candidate selection.

Recommendations

The mission endorses the current Fujian process for choosing informal candidates by nomination by five citizens or more. However, the most common selection process based on the representative assembly for narrowing the pool of informal candidates to formal candidates can be easily misused by powerful village groups to benefit their interests and to disregard candidates strongly endorsed by the general populace. IRI conducted interviews in a number of villages in which this seemed to occur.

The mission recommends that the winnowing process from informal to formal candidate occur by direct ballot, in effect a primary vote by all village citizens to choose the formal candidates. If a candidate receives 50 percent of the vote in the primary, he/she should be considered formally elected with no need for a second general election. If no candidate receives 50 percent in the primary, a second ballot or general election should be held between the top two vote-getting candidates in the primary. If and only if the primary system is adopted, IRI further recommends that the "50 percent rule" be abandoned in the general but not in the primary election, while retaining the write-in vote for both electoral stages. This primary/general election procedural change would assure that no one candidate could be elected with only a tiny percentage of the vote on the primary ballot, but would also do away with the procedure of requiring multiple ballots simply to achieve the 50 percent majority in the general election.

If a direct primary cannot be implemented at this time, then IRI recommends retaining the "50 percent rule" and strengthening the voters' understanding of their right to write-in candidates. At the same time, IRI notes that these two mechanisms may combine to result in a fair nominating process, but will not guarantee them in the face of opposition by the representative assembly. The only way to guarantee popularly-supported formal candidates is by direct primary election.

Issue 4: Number of Candidates and Number of Elections

The delegation observed that many villages hold multiple elections. In part this is because of the federally mandated "50 percent rule" described earlier, requiring numerous run-off votes until a single candidate can muster the requisite percentage. The second reason is the lack of standardization in the number of formal candidates for the village committee, and in the order by which committee members and committee directors are elected. As a result, many villages require three different elections on the first day of balloting. If candidates do not receive sufficient votes under the "50 percent rule," several days of run-off elections may then

be required.

Observations:

The delegation observed that the order by which the elections for director, vice director and committee members proceed varies from village to village. At the same time, the number of total formal candidates for the village committee is also not standardized. According to Fujian law, officers and committee members can be elected during the same polling; or the officers can be elected first, and then the committee members; or committee members first, then officers.

Of these three methods, the delegation only observed one election in which the director, vice director and committee members were all elected in a single ballot. However, Fujian officials subsequently informed the IRI mission that this is the most commonly used method throughout the province. Electing all positions on a single ballot has two obvious merits: it avoids the need for three successive elections, which may be increased to six or nine elections because of the "50 percent rule"; it also guarantees a broader pool of formal candidates. For example, in a five-person committee, there must be at least two candidates for director, two for vice-director and a minimum of four for the remaining three committee seats, yielding at least eight formal candidates if all seats are elected on one ballot.

The mission observed two elections in which the election consisted of three separate ballots, first for director, then for vice director and finally for committee members. In an effort to ensure that certain candidates are elected to office, even if that office is not the one he/she originally sought, some jurisdictions employ a "drop-down candidate" method. The losing candidate for director, for example, can then "drop-down" to become a candidate in the next election for vice director. The losing candidate for vice director "drops-down" to the race for committee member, and so on until all the candidates are elected to office. These jurisdictions did not want to risk having a single multi-office ballot wherein two candidates supported by the representative assembly or the villagers themselves vie for the same position, resulting in the election of one with the concomitant loss of the other's services until the next elections occur in three years. To avoid that scenario, the village voted for each office separately, using three successive ballots.

There are two disadvantages to the "drop-down" method of voting. The obvious first result is that it reduces the number of formal candidates available for voter selection, as was witnessed in Caitang village, near Xiamen. For a committee with five seats, voters were only presented with six formal candidates, five of whom came from the previous committee. In discussions with village officials, it became clear that they feared the loss of good candidates'

services, although it was not clear whether "good" was seen in light of village officials' criteria or in light of those of the village population at large. Fujian provincial officials, on the other hand, recognized that some good candidates may well lose in free elections, but that they can always run again for office in three years. Moreover, senior officials noted that a narrow loss to another good candidate who may run again may encourage village committee members to be more accountable to their constituency. As well, over the long term citizens will take the electoral process more seriously as they recognize that their votes can have both positive and negative impact on the village's performance and governance.

The second disadvantage is the necessity for multiple elections that begin in the early morning and continue until late evening or even into the next day, as new ballots must be printed before each successive election. At this point, the villagers do not seem to mind having to endure the multiple elections, but the delegation believes that they will soon tire of this long, drawn out procedure and that voter turnout will eventually suffer. This result will almost surely happen as the jurisdictions prosper and the voters' schedules become busier. Of course, voting for all the offices on the same ballot would obviate the problem.

The mission did not witness nor hear much about the third type of election permitted by Fujian law, in which committee members are elected first, and then the director and vice director(s), as it does not seem popular. This method's inclusion in the law may be in order to guarantee direct rather than indirect election of senior committee seats, because during the initial stages of village election reform, voters only elected committee members and the committee then chose its own officers internally. While this method expands the pool of formal candidates, it shares with the "drop-down" method the disadvantage of requiring three separate polls in the first round alone, even before the "50 percent rule."

Recommendations:

The delegation recommends that elections officials standardize the number of candidates and the number of ballots by adopting the principle that all candidates for all offices are elected on one single ballot. In the future, the need for so many elections is likely to sap voter interest and confidence. Therefore, the other two methods currently used in Fujian which result in multiple elections should be abolished or at least strongly discouraged.

The delegation strongly suggests that the "drop-down rule" should be abolished both because "drop-down" elections provide voters with only one more candidate than the total number of committee seats, and because the resulting multiple elections are time-consuming and inefficient. Citizens are in effect asked to eliminate one of five to eight formal candidates rather than to vote in a genuine multi-candidate election. While the "drop-down rule" does not technically violate the letter of the Fujian law, it certainly does seem to violate the spirit of the

law. Local election reform has as a guiding principle multi-candidate elections. The "drop-down rule" violates this principle through a technicality, and it should be abolished. In the future, the delegation recommends that a candidate should only be allowed to stand for one position per election. Placing all candidates for office on a single ballot automatically accomplishes this goal.

Over the long term, the delegation recommends that election officials expand the principle of two formal candidates per position for all committee member seats, and not just for the officers. An election for a three-person committee should have at least six formal candidates, and an election for a seven-person committee should have at least fourteen formal candidates.

Issue 5: Candidate Qualifications and Constituency Representation

Officials expressed concern that majority elections can result in village committees on which various constituencies (women, smaller family clans, or natural villages, which are geographically distinct villages organized under a common political structure) are not adequately represented. Another issue related to candidate selection is the role of Party membership.

Observations:

The delegation was told that in some places in Fujian, the nomination sheet says candidates should be "hard-working, fair and understand economics." The nomination sheets seen by the delegation did not specify any such conditions. However, officials at various levels of government used these and similar adjectives to describe the types of candidates they hope will emerge from the nomination process.

The delegation noted differing opinions over the role of Party members in the election process, particularly in Xiamen. IRI visited two Xiamen villages, observing elections in Caitang and interviewing officials in Huken; thirteen out of the fourteen formal candidates in these two villages were Party members. Discussions in these villages suggested to the delegation that the representative assembly viewed Party membership as a chief qualification to stand as a formal candidate. At the same time, the delegation was informed that in Huken the local Party secretary had not been allowed to stand for nomination as committee director, despite the fact that he was by far the most popular official in the village. The ostensible reason

given was "to separate the Party from the government," a point of view that is not current government policy, but was common in pre-1989 political reform theory. The actual reason was the Party superiors did not like this individual's popularity, and intervened to prevent his nomination.

Party politics seemed to play much less of a role in Longyan. In one Longyan election, none of the formal candidates were Party members, and in fact the only Party member elected was a write-in candidate.

Village clans are another powerful interest group in local elections. The delegation saw little evidence of clan-based politics in the villages it visited, but was repeatedly informed by Chinese officials that this is a growing problem. In one Longyan village, however, the elected director, vice director and most popular committee member came respectively from the three most populous families in the village. In the past when village officials were appointed, senior departments made an effort to include a balance of different families from the jurisdiction. When a village, in which the majority of citizens are from the same clan (a common phenomenon in parts of rural China), holds an election, the entire committee can end up with the same last name. This provides little avenue to protect the rights of smaller clans, particularly if there is historical ill-will between the families. A similar problem also applies in electoral jurisdictions where the village committee represents several natural villages joined by a common political structure. Smaller natural villages may find themselves completely unrepresented on the committee.

Another problem is the low percentage of women on the elected village committees. In the past, appointed village governments usually included at least one relatively senior woman. As a result of electoral and economic reform, fewer women are represented in village governance. In informal discussions with the delegation, women admitted that it was often difficult for them to participate in the political process. With the growing emphasis on economic management skills, many women are less able to compete for office because they also have fewer opportunities in business. In general, women do not have the opportunities to gain the experience deemed necessary to run a village government. An unfortunate corollary of the revival of traditional values in rural China has been the renewed marginalization of women in village governance.

Recommendations:

The delegation recommends that the sole criterion for choosing informal or formal candidates should be citizen support. Nomination sheets should only contain procedural instructions and must not include any description of the required qualifications for candidates.

As appears to happen already in many local elections, Party and non-Party candidates should be treated equally. A popular candidate should no more be excluded by superiors from holding office because of his/her Party position than should less popular candidates be given priority because of their Party membership. This corresponds with practice in many local elections around the world, where party politics plays a minimal role compared with individual candidates' abilities and election promises.

Civic education should stress the importance of representing diverse constituencies. Special emphasis should be placed on including women as candidates for the village committee. Electoral systems in many countries have also developed various mechanisms to ensure that diverse constituencies are represented in elected governments. Such indirect mechanisms to achieve diversity are preferable to direct manipulation of the nomination process. For example, a village consisting of three natural geographic villages could allow each natural village to elect one committee member directly, as different states or provinces elect their own representatives to the legislatures in most countries.

The delegation suggests that Chinese election officials also experiment with diverse electoral systems to confront the growing problem of an entire village committee sharing the same last name. In such cases, the delegation recommends a simple modification of the electoral process. In a village with three committee members, villagers would be allowed to vote for one candidate; with five committee members, voters could choose two candidates; with seven committee members, the choice of candidates would be expanded to three. (In general, it is preferable that the committee have an odd number of members to prevent tie-votes.) Citizens would only vote for their favored candidate(s), and not for a specific office. Whoever receives the most votes would be declared director of the committee, the candidate with the second number of votes would be vice director, and the remaining seats would be filled accordingly. This mechanism ensures that a majority clan cannot dominate the entire committee, and that smaller constituencies can also achieve representation on the village committee.

The delegation heard numerous anecdotes throughout the trip suggesting that candidates do campaign, but there appears to be little consensus or regulation on what types of campaign activities should be encouraged, tolerated, discouraged, or banned.

Observations:

Fujian law states that after the posting of the informal candidates [five days before the election], and after the posting of the formal candidates [two days before the election], candidates may campaign for office up to the day of the election. Candidates may not campaign on the day of the election. At the same time, the delegation was informed by provincial officials that where campaigning is allowed, it may only start five days before the election [coinciding with posting informal candidates], and must stop two days before [coinciding with posting formal candidates]. The mission also heard of cases in which candidates actively solicited petition nominations to become an informal candidate. Apparently, there is no agreement as to the electoral stages during which campaigning can be allowed. Should it be permitted during the nomination of informal candidates, during the stage when informal candidates vie to become formal candidates, during the competition between formal candidates, or a combination of some or all of these stages? The only consensus seems to be that campaigning should not be allowed on the day of the election.

Campaigning is often described in Chinese as "pulling votes," a term that carries a strong pejorative connotation. Many Chinese have a negative view of those who campaign on their own behalf. Particularly given an environment in which all forms of "pulling votes" are viewed as slightly seedy, the line between legitimate and illegitimate forms of campaigning easily blurs. It becomes more difficult to recognize that certain forms of campaigning serve a constructive purpose by educating voters on the candidates' positions and commitment, and that others are coercive or fraudulent and serve only to undermine the legitimacy of the process.

This problem is exacerbated because many villagers apparently do not feel any need for a formal campaign to introduce the candidate and his/her positions. In interviews with voters at all three election sites, most shrugged off as incomprehensible the question of how they reached their electoral decision, answering that they had known the candidates all their lives. These responses suggest that many voters make their choice on the basis of the candidate's character and personality, and do not recognize that his/her position on village issues should be relevant to their decision-making.

Nevertheless, campaigning does occur and it takes various forms: door-to-door solicitation of votes, public meetings, posters, and financial inducements. Although door-to-door campaigning is discouraged by federal election officials, it is not outlawed in Fujian

province. As the delegation subsequently discovered, the results of the Shexing election depended heavily upon a successful door-to-door campaign. As described earlier, the current committee director had over a hundred names on his nomination petition, was nonetheless passed over by the assembly as a formal candidate, and finally won the election as a write-in candidate on the second ballot.

At the official meeting with the Shexing village committee, no one mentioned to the delegation that the new village chief had conducted an active door-to-door campaign for both nominations and write-in votes. This information was later whispered to Chinese election officials, who in turn informed the delegation. Even more revealing than the door-to-door campaign itself was the fact that no one wanted to discuss openly this crucial and positive component of the Shexing electoral process. Such a notable silence again suggests the ambiguous view many Chinese have of election campaigns.

In the meeting with Fujian county election officials, the mission was informed that about 50 percent of villages have meetings for candidates to state their position. How many of these were town meetings with the entire village population present, and how many were closed sessions of the representative assembly was not specified, although both types of meetings occur. About 2 percent of villages allow candidates to put up posters stating their goals. In general, this practice is discouraged or even outlawed, as political posters in China easily conjure up memories of the "big character posters" used to denounce enemies during the Cultural Revolution.

According to Chinese officials, financial inducements are already becoming a factor in local village elections. Fujian officials cited one case in which a candidate pledged to give RMB20,000 (US\$2,370) to the village as a downpayment on his election promises; the candidate told voters he will forfeit the money if he fails to make good on his word. While some delegation members saw this as a benign and perhaps even laudable self-imposed attempt at accountability towards the electorate, other financial inducements can be described only as vote-buying. No examples were given from Fujian, but federal officials recounted several cases of blatant vote-buying in other provinces.

Since campaigning has already become a fact of life in local elections, Chinese officials should take steps to prevent the spread of coercive or fraudulent campaign tactics before they become established. Addressing these problems now will be much easier than solving them once they have taken root. At the same time, election officials should recognize that campaigns serve a crucial positive function by informing voters of the candidates' intentions and positions on village issues. When candidates believe they have been elected to fulfill certain promises to the populace, their sense of democratic accountability is significantly enhanced.

Recommendations:

The delegation suggests that strict rules for campaigns should be developed as soon as possible to eliminate questionable practices. At the same time officials should determine what legitimate types of campaigning they should encourage. As a general rule of thumb, those practices that allow potential candidates to inform voters of their positions on relevant village issues should be encouraged or at least tolerated; those practices that attempt to influence voters by coercion, fear, gift-giving, or vote-buying should be strictly outlawed. Recognizing the negative connotations of "pulling votes," election officials may wish to come up with an alternative Chinese term for the positive aspects of campaigning based on the idea that candidates should educate the voters on their positions and plans for village governance.

Because of the opprobrium attached to campaigns, there was little discussion of this issue with Chinese officials during the mission. Therefore, the delegation can only provide some tentative suggestions aimed at encouraging more serious attention to this issue in the near future.

- * Legal campaign activity should be permitted throughout the entire election period including the day of the election by any individual seeking office and his/her supporters. However, campaigning should be outlawed on the day of the election within 50 meters of any polling site.
- * The period of the electoral process should be extended in order to give candidates ample opportunity to present their positions, and to give villagers sufficient time to review them. Rather than concentrating all election activities within a ten-day period, the delegation suggests that the election process and the campaign period be extended over a minimum of two weeks and preferably a month.
- * Each village should hold a town meeting open to all voters once formal candidates are announced. Each candidate for office should be given an opportunity to state his/her position on village issues, and to explain the reason for seeking office. A mechanism should also be developed to allow potential write-in candidates an opportunity to state their case. Questions from the villagers and from other candidates should be encouraged. Such a town meeting will result in informed voting by the citizens and accountable public servants.
- * Door-to-door campaigning should be allowed by any individual seeking office or by his/her supporters. Candidates and their supporters must clearly recognize

and act on the understanding that the only purpose of such solicitation is to inform and educate villagers about the candidate's position on village issues and fitness

to hold office. To prevent gift-giving and vote buying, no material goods with the exception of campaign literature may be brought into the voter's home.

- * While recognizing the history of political posters in China, the delegation also believes that posters are the most cost-efficient and effective means of informing the voting public about candidates' positions and plans for village governance and therefore should not be outlawed.
- * Penalties should be enforced for failure to comply with campaign rules. The provincial fair elections commission should publicize a schedule of fines for campaign offences, and list the types of activities that will result in a candidate or an official being disbarred from holding public office for a fixed term.

Issue 7: Polling Place Procedures and the Training of Election Officers

Election day polling place procedures varied widely from polling station to polling station, even when they were located in the same village. In most places the delegation members travelled, they met conscientious election workers. However, consistent procedures and better training could have helped even these election workers do their jobs more efficiently. The lack of training created some chaotic situations in which irregularities and mistakes could occur.

Observations:

The delegation noted differences, sometimes extreme differences, in the quality of the

training enjoyed by pollwatchers and pollworkers in the various villages. Some appeared to be well-intentioned, hard-working, and well-trained. Others appeared lost and confused by the situation. It was obvious that some workers clearly understood their roles and took them extremely seriously, while others did not.

In Caitang Village, for example, one delegation member toured each of the ballot distribution desks and voting areas with a high ranking Fujian elections official. At one desk, the pollworkers insisted that waiting voters remain in a single file line, that there be no shouting or horseplay, and that no more than two voters at a time be in the voting area. The result was a calm and orderly voting atmosphere with little opportunity for irregularities or mistakes. In fact, although this voting area seemed to be the slowest and most deliberate of all the stations, it was, by far, the first to complete the voting process. Immediately next door, however, the pollworkers presided over virtual bedlam. In this second voting area, prospective voters climbed over each other, shouting, cursing and joking. It was virtually impossible for voters to ask reasonable questions or to receive instructions. Ample opportunity existed for irregularities and mistakes. The Fujian elections official attempted to gain some control of the situation by instructing the pollworkers on their appropriate roles, to no avail.

Election officials in Longyan informed the delegation that they implemented a comprehensive training program for their elections, which may account for the fact that in general the elections officials there appeared more informed than in Xiamen. Longyan officials selected a testsite in January 1994 at Xibidian, and through the testsite accumulated experience in running elections and election training programs. The city allocated RMB100,000 (US\$11,400) to run the elections in 281 villages.

Before this round of elections, the Fujian government published a book describing the electoral process for distribution to election officials. However, the 200-page length makes it difficult for those who are generally unfamiliar with democratic electoral processes to focus on their most essential tasks. Because the electoral process varies greatly by locality, many details cannot be addressed in the training manual.

Recommendations:

A more standardized and simplified approach to the voting process will make it much easier to train pollwatchers and other election officials. The delegation recommends that federal or at least provincial officials construct a simple election procedures manual to be used in all jurisdictions. The manual should be divided into brief sections that underscore the most important rules for each different type of election official: election commissioners, ballot distributors, polling station workers, and ballot counters. These individual sections can then be

given to poll watchers and election officials based on their responsibilities, and training for each group should be limited to a few relevant principles.

Standardization and simplification of election procedures and training according to specific functions will result in election officers who fully understand how to execute their tasks. This will provide all voters with a calmer, more professional, and less stressful voting atmosphere, and will minimize the opportunities for irregularities and mistakes. A fair elections commission should also enforce compliance with these rules, and implement appropriate penalties in cases of election fraud.

Issue 8: Ballot Distribution

The process for distributing ballots differed widely at the three elections witnessed by the delegation. At some polling stations, there was an orderly distribution of ballots, and individuals without appropriate documentation were denied a ballot. At other stations, delegation members observed a number of irregularities in both ballot and proxy distribution.

Observations:

Shortly before the election, usually the day before, election registration forms are distributed to each eligible voter on the basis of the voter list. Because the Chinese electoral system frequently requires multiple elections, these registration forms are not surrendered on election day in order to receive a ballot, but they must be shown to the official distributing the ballots. The ballot distributor has a voter name-list for each electoral round, and he/she makes a mark next to the person's name upon seeing the registration form and handing out the ballot. In some places, the person receiving the ballot signs the voter name-list next to his/her name upon receiving the ballot.

At one of the Caitang polling stations, a delegation member noted that one individual had signed for approximately twenty ballots. The member was informed that these twenty individuals had been unable to leave their jobs, and that a colleague from the same small village group had come to pick up all their ballots for them. The delegation noted that there is no procedural guarantee that the colleague actually distributed these ballots so that they could be filled in individually, and that it cannot be excluded that this one individual was able to use all these ballots to support the candidate of his choice. Fujian officials noted that they have seen elections where one person gets ten ballots and then uses them all to support his favored candidate without regard to the individual preferences of the ten voters.

In all the elections observed by the mission, ballots were distributed on the basis of small village groups. In some polling stations, villagers assembled in a large hall and then broke into smaller groups within the room to receive their ballots. In Caitang, each small village group occupied a separate room at the polling station. While allocating votes by village groups makes apparent sense because the group members know each other and therefore the process of matching registration slips to the voter list is expedited, for this very reason it is also more likely that the ballot distributor will overlook irregularities because he/she is friendly with the violator.

Voters can authorize a proxy if they are blind, illiterate or will be out of town during the election. According to Fujian law, one voter can exercise a maximum of three proxies. In order to receive a proxy ballot, the person exercising the proxy must have a signed proxy form from the person unable to vote in person. This rule was strictly enforced in Gekou, where a member of the delegation witnessed an election official denying a woman an extra ballot for her husband without a signed proxy slip. In the Caitang election, the mission member saw one person with five ballots in her hand. When questioned, she said that she had been authorized to cast these as proxies. Since one individual can only exercise three proxies plus his/her own vote, the five ballots suggested procedural irregularities in distributing the proxy ballots at this polling station.

Recommendations:

The delegation suggests that election officials should standardize the system for ballot distribution in order to prevent irregularities. The orderly distribution of ballots will contribute greatly to minimizing opportunities for fraud and errors.

Election officials should set up ballot distribution tables outside the polling stations. Especially if these ballot distribution centers are organized according to the small village groups, they should be staffed by a minimum of two election officials, with at least one from outside the village and another from a different village group. To prevent irregularities, election officials should not be allowed to distribute ballots to members of their own village group. If the voter registration form cannot be surrendered to receive a ballot (because of the possibility of multiple elections), then this form should be given a special mark every time a ballot is distributed, for example with a stamp or seal, or with the ballot distributor's signature. This serves as an additional check to prevent a voter from using the same registration slip at different distribution centers to receive several ballots and vote several times in the same electoral round. As the delegation observed at some polling stations, each citizen should be required personally to sign a voter name-list upon receiving a ballot as an additional check on the ballot distribution process. Standardization and simplification of ballot distribution procedures will be assisted by better training and selection of election officials, civic education for voters, and enforcement

of election law, which can be addressed by implementing other recommendations contained in this report.

The delegation also strongly recommends abandoning the practice of proxies. First, proxies allow many opportunities for fraud and mistakes, as observed by the delegation in Caitang and as recounted by provincial election officials. Second, particularly in more traditional rural areas, proxies are likely to be exercised by the pater familias on behalf of women and younger family members, thereby violating the principle of one person-one vote. Given the growing underrepresentation of women on the village committee, Chinese election officials should abolish any practices that may lead to discrimination against women in the electoral process. The roving ballot box can address the needs of some voters who previously voted by proxy. In addition, election officials should keep the polling station(s) open throughout the entire election day, in order to provide a greater opportunity for all citizens to vote in person.

Issue 9: Ballot Secrecy

A common problem observed in each of the three local elections visited by the mission was the lack of effective controls to ensure the voter's right to a secret ballot.

Observations:

Although both national and provincial law specifically provides for a "secret ballot," the delegation saw little opportunity for voters to enjoy that right because no voting booths or partitions were provided. At the same time, the mission observed notable differences in the approach to ballot secrecy at the various elections. In both Longyan elections, election officials emphasized the right to fill in the ballot in privacy. In one election, voters were specifically instructed not to look at how others vote. No such instructions were given to voters at Caitang. However, one polling station in Caitang described earlier was equipped with two doors. The mission observed that voters generally stood in line, filed past the unattended table to fill in their ballots, and then left through the exit door, although there were often two people in the room simultaneously. This was the only polling station that seemed to provide even a modest practical opportunity for voters to exercise their right to vote in relative privacy.

In Caitang village, voters were usually required to fill out their ballots while standing next to one another in a crowded room or while lined up along a long table or desk. Although

the delegation did not necessarily believe that this system was deliberately designed to deprive the voters of their right to a secret ballot, that was the practical effect. Election officials seated at the tables were easily able to see how the voter was voting, and they seemed to avail themselves of that opportunity often. Although it appeared mostly a matter of curiosity, in some cases it may also have been attempt to coerce. In another attempt to induce voters to use the communal tables, special pens were placed on the tables, one end for writing and the other with a circular stamp. Since endorsement of a formal candidate meant simply affixing the circle above the candidate's name, these pens seemed to discourage voters from exercising their right to write in candidates, and in fact there were far fewer write-ins in Caitang than in the Longyan elections observed by the delegation. In the communal voting areas, other voters, curious bystanders, and possibly even candidates were permitted to mill about the voting areas, creating ample opportunities for voter coercion, illegal campaigning, and other inappropriate activities.

In all the elections, the delegation noted a number of instances where some voters actually hid in corners, shielding their ballots with their bodies or with a piece of furniture in order to prevent their fellow villagers from seeing how they were voting. This seemed to suggest that some voters, particularly those who were exercising their right to write-in the candidate of their choice, felt uncomfortable with writing on their ballot in the presence of election officials or even other villagers.

In meetings with government officials following the elections, the concept of the "voting booth or partition" was explained. Most seemed receptive to the idea, although there was some limited opposition. One official informed the delegation that Chinese voters are not ashamed of how they vote and are not afraid that others might see their ballots. Other Chinese disagreed with this assessment, particularly in villages where there are strong clan loyalties and voters do not want to be seen voting against a relative. Another official told the mission that voting partitions were actually tried in a number of elections, but that the voters refused to use them because they did not understand their purpose, or they were in a hurry and did not want to stand in a line waiting for an available booth. A third official said that voting partitions are provided in his county.

IRI's experience in some other countries has been similar to that of Chinese election officials who noted that few voters use secret voting booths when they are optional. Citizens may believe that by exercising their option to use the booth, they draw attention to themselves. Their very desire for secrecy may serve to announce publicly that their electoral choice goes against prevailing preferences. Providing only a few booths or partitions without civic education urging all voters to use them may create the false impression that most voters do not want to exercise their right to a secret ballot, when in fact they either do not fully understand this right or are under subtle influences not to stand out by exercising it. Therefore, after

considerable discussion, the delegation decided against recommending that optional secret voting booths be provided for the handful of voters who might avail themselves of them, and determined instead to recommend practical steps that provide all citizens with a fair and equal opportunity to exercise their secret ballot.

The delegation agreed to send the Ministry of Civil Affairs some additional information on secret voting booths and photographs of reasonable alternatives for them to review.

Recommendations:

The mission strongly suggests abolishing communal tables for filling in ballots, particularly when they are supervised by election or village officials. This reform should be implemented nationwide as soon as possible. Over the long term, government election officials should consider providing voting booths or partitions for all voters. Such partitions are necessary to prevent even the appearance of coercion, illegal campaigning, or simple confusion. However, recognizing that the immediate implementation of universal secret voting booths for all 750,000 village elections in China may not be practicable, IRI recommends two intermediate steps.

The delegation recommends that in upcoming elections, Chinese officials choose certain demonstration counties and begin to take steps to implement total ballot secrecy. This would include designing official voting booths or partitions using low-cost local materials, developing procedures that require all voters to use these booths, and implementing civic education programs for both election officials and citizens to explain the importance of using voter partitions. These demonstration counties would provide an opportunity to learn more about the implementation of universal secret voting booths in terms of design, procedure, and civic education. Chinese election officials can then use this experience to expand this process nationwide gradually. Especially in poorer regions, county election officials should provide moveable secret voting booths for use in village elections. Since the dates of village elections are staggered in most counties, the same booths can be used in many villages throughout the county.

As a second step in remaining jurisdictions, the mission suggests that Chinese election officials implement a slight procedural modification based on one of the more successful polling stations IRI observed in Fujian. Local election officials would choose a number of two-door rooms as polling stations and set up a single table in each empty room. This table should be unsupervised, equipped with simple pens (rather than a special pen with a circular stamp, which may influence a voter's choice), and used by one voter at a time. Voters can line up in an orderly fashion outside the first door, enter the room once the previous voter has left, file past

the table to exercise their vote, and then exit through the second door to deposit the ballot in the ballot box. Such a simple procedural reform will make the entire election process far more orderly and less susceptible to irregularities, and will make it easier for all citizens to exercise their right to a secret ballot.

Issue 10: Ballot Box and Roving Ballot Box

The delegation observed that the procedure for securing the ballot box was generally an open and well-enforced process. However, because no system of absentee balloting by mail is available in rural China, local jurisdictions provide a service whereby a small ballot box can be taken to the homes of disabled or aged voters who cannot otherwise travel to the polling place, resulting in substantial opportunities for irregularities and abuse.

Observations:

Immediately prior to all three elections, the ballot box(es) was opened in front of assembled villagers to demonstrate that it was empty, and then was sealed with a strip of paper inscribed with Chinese characters. All the boxes had locks as well, but in only one election was the lock used as a secondary precaution.

In two of the three elections observed by the delegation, the local elections officials employed a "roving ballot box." The delegation was able to accompany the roving ballot box in these two villages, and did not witness any irregularities. As occurred in the third election, some officials choose not to use them in their villages because all the voters live near the polling place. The delegation was informed that most rural jurisdictions use the roving ballot box system.

The roving ballot box is simply a smaller version of the official ballot box which several elections officials carry to the homes or businesses of aged or disabled voters. The box is also used for voters who, for one reason or another, cannot get to the polls, such as a voter who has a newborn baby at home, or one who cannot leave his/her store to vote because doing so would create an unreasonable financial hardship.

The roving ballot box essentially serves the same purpose as the absentee ballot system in the United States. Although there are distinct advantages to the absentee ballot system over the roving ballot box system, the delegation does not believe that absentee balloting would work in rural China at this time. The countryside lacks the necessary daily mail service to the voters' homes and the current candidate nomination procedures give insufficient time between the announcement of the nominees and the election to permit the mailing and postal return of an

official ballot.

There seem to be a number of different approaches used throughout the country to handle the roving ballot boxes. The lack of a standardized method concerned the delegation. Some jurisdictions share election workers with neighboring jurisdictions so that no "home town" workers actually touch the roving box, an approach that made a great deal of sense to the delegation. In Sanmin city, for example, at least five officials from different levels of county government and from different natural villages accompany the roving ballot box. However, other jurisdictions do not have any such provisions. The risk of ballot fraud is obvious, although the delegation saw no evidence of it in the elections it monitored. In subsequent meetings with election officials, the delegation was told that there have been instances where fraud occurred, such as stuffing the ballot box. They were also told that some candidates routinely ask friends or associates to follow the roving box to assure that nothing inappropriate occurs while it makes its rounds. In one case, villagers who suspected possible vote fraud followed the roving ballot box on a motorcycle with a videocamera.

Recommendations:

The delegation recommends that federal and/or provincial elections officials implement a standardized set of procedures for use whenever a roving ballot box is used. The proposed procedures should require that elections officials from outside the election jurisdiction be the ones who handle the roving box, and that citizens and different village interest groups be invited to serve as monitors. Election officials also should consider the safeguards used in other countries with roving ballot boxes, where election officials require a request in writing for a visit by the roving ballot box. If the number of ballots in the roving ballot box does not tally with the number of written requests, all the ballots are automatically disqualified and the participants receive a second opportunity to vote using the roving ballot box.

While the paper strips seem to serve as an adequate protection against tampering, the delegation suggests that elections officials may also wish to use the lock and deposit the key with officials from outside the jurisdiction. In addition, the delegation recommends against sealing all ballot boxes at a central polling station or moving a ballot box to a central location for the purpose of vote counting. Ballot boxes should not be moved after they have been sealed and/or after they have been filled. The ballot box should be sealed at each individual polling station, and likewise the ballots should be counted at each individual polling station. These measures guard against the possibility that a second ballot box can be stuffed with fraudulent ballots and then switched with the legitimate box.

Issue 11: Election Fraud and Enforcement

None of the existing laws or election regulations have any explicit legal measures to deal with election offenses. Federal and provincial election officials should develop strict guidelines including appropriate penalties for fraudulent election practices, and implement and enforce them. They should also establish provincial fair election commissions with county-level branches to handle complaints and investigations of electoral irregularities.

Observations:

Neither the national nor the provincial election law has any specific provision for cases of election fraud. Candidates and village officials do not expect that they will suffer any consequences if they violate election procedures, and therefore there is little disincentive for them to engage in irregularities or to manipulate the election to their ends, should they be so inclined.

As noted above, the delegation witnessed instances of probable ballot and proxy fraud in the Caitang election, but the perpetrators were not called to account for their actions. Although there were numerous irregularities in the Caitang election, the results of the election were not contested. The Huken representative assembly violated Fujian electoral law by nominating its own candidates before allowing the villagers themselves to propose informal candidates, but again the election results were allowed to stand. Officials from Gutian county in Fujian told the delegation that in one election they found a blatant example of proxy fraud, and they nullified the results and demanded a reelection. However, the villagers responsible for the irregularity were not punished.

The delegation was informed by federal election officials that the Ministry is now investigating a case of election fraud in another province. If the officials determine that irregularities indeed occurred, they plan to ensure that the offenders are penalized and to publicize the case. Federal officials believe that election laws can only be enforced effectively if local officials begin to understand that they will be penalized for fraud and manipulation.

Recommendations:

The delegation recommends that election regulations include a section that lists illegal and fraudulent election practices and spells out appropriate non-violent consequences of such behavior. Any candidate or official convicted of election irregularities or manipulation should be barred from holding any public office for a certain period of time, depending upon the seriousness of the offense. Fines should also be levied in certain cases such as vote-buying,

provided that the fines are decided according to a predetermined fixed schedule.

In particular, the delegation suggests that each province should establish a fair election commission to investigate complaints about electoral irregularities. The provincial commission should have contact addresses in each county, which are publicized during the civic education program. Villagers should be encouraged to turn to the commission in cases of suspected electoral fraud. If the commission determines that irregularities occurred in the election process, the results should be nullified and a second election should be held. In addition, the commission should consistently and fairly implement the penalties for violations of election and campaign regulations. Only in this way will there be a sufficient disincentive to prevent candidates and village officials from manipulating the electoral process. The delegation strongly recommends that federal election officials pay immediate attention to this issue in order to ensure the fairness and legitimacy of the electoral process in the early stages of village election reform, and to prevent bad habits from taking root.

Issue 12: Demonstration Counties

Chinese election officials have implemented a system of demonstration counties and villages to experiment with new electoral procedures and to conduct training programs. The delegation suggests implementing the recommendations contained in this report in a number of counties during upcoming elections.

Observations:

If consistently implemented, this report's recommendations will significantly enhance the institutional guarantees for free and fair elections in rural China. They will also ensure that villagers do not become accustomed to irregular and fraudulent practices at an early stage of the local election reform process, making them more difficult to eradicate in the future.

Recommendations:

The delegation suggests that federal election officials choose several counties scheduled for upcoming elections and implement as many of these recommendations as possible in a package program. In these counties, the electoral process should be standardized, simplified, and broadly publicized.

Preparations for the Election Election Commission

As is currently the case, the election process begins with the selection of the election commission. This commission should be chosen on the principle of minimizing and balancing potential conflicts of interest by involving outsiders and different constituencies, and should not simply be appointed by a show of hands at the representative assembly.

Civic Education

A month or at least two weeks before the election, county officials should hold a town meeting to conduct a comprehensive, visually-oriented civic education program that fully informs citizens of their rights and responsibilities in a village election. The meeting should inform villagers of those election activities that are illegal and fraudulent, and provide county-level contacts of the provincial fair elections commission in the event such problems are discovered. Offenders should be penalized according to a previously disclosed schedule of fines and loss of office.

Training of Election Officers

Election officers should be trained well in advance with brief and concise training manuals that focus primarily on the specific tasks they will be expected to perform on election day. As with the election commission itself, election officers should be chosen from different constituencies and from outside the village itself.

Nomination Process

Informal Candidates

Right after the village holds its initial town meeting (preferably a month before the election), any five citizens can begin to nominate an informal candidate. The winnowing process from informal to formal candidate should be made by a direct primary election in which all villagers are eligible to vote. The delegation suggests that the primary be held five days before the general election.

Campaigning

Candidates and their supporters may actively campaign during the entire election period beginning with the initial town meeting, provided that their activities comply with the campaign rules publicized at the meeting. However, on the days of the primary or the general election they may not campaign within 50 meters of the polling site.

The election commission should organize a second town meeting at which candidates can state their positions on village issues. This could be held either before the primary vote, or upon announcing the formal candidates selected in the primary. If the meeting is after the primary, then potential write-in candidates should also be given an opportunity to state their positions.

Electoral System

The election for all offices in the primary and the general elections should be made on a single ballot. Drop-down candidates should be specifically disallowed. The two candidates for each office with the highest votes in the primary election become formal candidates in the general election. If a candidate receives over 50 percent of the vote in the primary, he/she is declared officially elected and there is no general election for that office. The right to write in a candidate should be encouraged in both the primary and the general election.

Provincial election officials may also wish to experiment with the alternate electoral system recommended by the delegation to address the problem of diverse clan and natural village representation. For example, in a five-person committee, each villager could choose two candidates; the candidate with the most votes would be declared director, and in all likelihood some smaller clans and natural villages would also achieve representation on the committee.

Election Procedure

Election Officers

On the days of the primary and the general elections, orderly and standardized procedures should be enforced by the election officers. When local villagers participate as election officers, each activity should be supervised by members of several different constituencies. Throughout the entire election, citizens and representatives of different candidates should be actively encouraged to participate as monitors. This should apply to all steps of the electoral process, including ballot distribution, managing the polling area, handling the roving ballot box, and counting votes.

Polling Stations: Ballot Distribution and Secret Voting Booths

Tables staffed by several election officers should be set up outside the polling stations for distributing ballots. A ballot will only be given if the voter presents his registration paper to be stamped and signs for receipt on the voter list. The delegation recommends that proxy ballots be abolished, but that the polling station stay open all day to enable the maximum number of citizens to vote in person on election day.

The polling station should be equipped with individual voting booths, made of cloth, cardboard, or other inexpensive materials. Election officials should require that voters use these booths one at a time. Those voters who have questions or have problems reading their ballot could request that a friend or a minimum of two election officials accompany them into the voting booth to provide assistance. Through the civic education program, villagers should be made aware of the seriousness of their vote, and encouraged to participate in an orderly, quiet, and responsible fashion.

Ballot Boxes and Vote Counting

After voting in the booths, villagers deposit their ballots in the ballot box. If a village has several polling stations, the votes should be counted at each station individually to avoid moving ballot box, especially after it has been filled with ballots. Voters would be encouraged to observe the ballot counting at the polling stations. Once all the polling stations have counted the ballots, the results are brought to the main town hall and victors in the election are announced publicly.

Implementing such a process in a number of demonstration counties will provide federal and provincial election officials with additional practical experience in election reform. Based on the results of these experiments, further refinements can be made in the future. A consistent and standardized electoral process will ensure that rural elections can build upon the successful experiences of recent years, and can continue to improve in the future.

VII. GLOSSARY OF TERMS

Clan

A clan is an extended family that usually shares the same last name. Some natural villages in China are inhabited primarily by members of the same family clan, and for this reason these villages are simply known as the "Zhang village" or the "Liu village." The revival of clan-based politics under the electoral reforms is discussed under Issue 5.

Demonstration County/Village

A demonstration county or village is a jurisdiction that has been chosen as a pilot program for experimentation with various models of election reform. These counties and villages also serve as training centers for other jurisdictions. Similar test cases were also used to study and implement economic reforms in the past.

Director of Village Committee

The director of the village committee essentially serves as the village mayor. He is the chief executive officer in the village and is responsible for handling village finances. In Fujian and many other provinces, the director of the village committee must be chosen in a direct multi-candidate election.

"Drop-down" Method

The "drop-down" method of voting is an electoral system used in some Fujian villages. Under the "drop-down" system, the losing candidate for director drops down to become the alternate

for vice director; the losing candidate for vice director drops down to become an alternate for the committee at large. This method requires multiple rounds of elections and limits the total number of candidates, and is discussed extensively in Issue 4.

Election Commission

The village election commission is responsible for implementing the village election. It is generally chosen by the representative assembly. The duties of the election commission are described in Section V, and the staffing is discussed under Issue 2.

"50 percent" Rule

The "50 percent" rule is a federally mandated law that states any candidate must receive at least 50 percent plus one of the total ballots cast in order to be elected. In the second round of balloting, a candidate must receive at least 30 percent plus one of the total ballots to be elected. This rule is analyzed in Issue 3.

Formal Candidate

A formal candidate is a candidate whose name is generally printed on the ballot. Under Fujian law, the ballot must present voters with a choice of multiple formal candidates for each position on the village committee. The selection process for selecting formal candidates is discussed under Issue 3.

Informal Candidate

An informal candidate is a candidate nominated by a petition with five or more signatories. Once candidates have been thus nominated, they compete to become formal candidates. An informal candidate is similar to a primary candidate in other countries. The process for selecting informal candidates is discussed under Issue 3.

Ministry of Civil Affairs

The Ministry of Civil Affairs is a national Ministry under the jurisdiction of the State Council. In addition to organizing village elections and implementing local governance reform, this Ministry is also responsible for flood control, disaster relief, care of orphans and the aged, and other social security programs.

Natural Village

A natural village is a geographically distinct village that may consist of a few households to several tens of thousands of people. Because many natural villages are too small to provide their own schools, medical care, and other services, they are often joined into a larger political

unit (the "village") for the purpose of local governance and share the same village committee and representative assembly.

Proxy Vote

Under Fujian law, villagers unable to participate in the election can provide written authorization to another person, who is then allowed to vote on their behalf as a proxy. Any individual may exercise up to a maximum of three proxy votes in any election. Proxy voting is discussed under Issue 8.

Representative Assembly

The representative assembly is the policy-making branch of local government. It usually consists of twenty to sixty village elders who meet several times a year to establish village priorities, and to hear reports from the director of the village committee. The representative assembly is discussed more fully under Section V.

Roving Ballot Box

The roving ballot box is a small ballot box that is carried to the homes of the aged, infirm, and others who are unable to go in person to the polling station. The roving ballot box is discussed under Issue 10.

Small Village Group

The small village group is a smaller organizational unit in the village. Just as the village committee and representative assembly are successors to the commune structure, small village groups have replaced production brigades and are still sometimes referred to as work groups, although they are usually no longer involved in economic production.

Village

Throughout this report, the term "village" refers to the political unit of local government at the grassroots level. A village may in fact consist of several geographically distinct natural villages that are organized under a common political structure.

Village Committee

The village committee is the executive branch of government at the local level. There are three to seven members of most committees, presided over by a director and vice director. According to Chinese law, members of the village committee must be chosen by elections. The village committee is discussed more fully under Section V.

Write-In Candidate

A write-in candidate is a candidate whose name is not printed on the ballot, but has been written

in on the ballot by voters. In Fujian, printed ballots must have an empty space (or several if the ballot is for several positions at once) to enable voters to write in the candidates of their choice.