



ELECTION OBSERVATION REPORT

**Fujian Province
People's Republic of China**

October 2000

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**Election Observation Report
Fujian, People's Republic of China
October 2000**

An Update to 1994 and 1997 IRI Election Observation Reports

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MISSION STATEMENT

From October 12-16, 2000, a five-member delegation sponsored by the International Republican Institute (IRI) traveled to Fujian province in the People's Republic of China to observe village committee elections in villages located near the cities of Longyan and Xiamen. The delegation was led by *Constance B. Newman*, a member of IRI's Board of Directors and a partner with Upstart Partners, and *Paul Grove*, IRI Regional Director for Asia and the Middle East, and consisted of *Elizabeth Dugan*, IRI Resident Director for Asia, *Amy Gadsden*, a China specialist at the University of Pennsylvania, and *Peter Mackenzie*, IRI Assistant Program Officer for China. The delegation was joined by *Hugo Restall*, an editor of the *Asian Wall Street Journal*.

The purpose of the delegation's trip was to observe and assess the development of village committee elections in Fujian province, where IRI first observed elections in 1994. The delegation to Fujian observed final elections in Baiye and Banxi villages, which are located in mountainous Shizhong Township near Longyan City. In Xiamen city, the delegation observed the first round of a two-round "drop-down" election in Houpu village. The delegation also watched videotapes of primary elections, which had occurred three or four days previously, in Baiye and Houpu villages.

As benchmarks to assess Fujian's electoral development, the delegation relied upon the observations and recommendations contained in IRI's 1994 and 1997 Fujian Election Observation Reports. During the 1994 cycle of committee elections, IRI sponsored the first international delegation ever to observe village elections in China. Since then, IRI has observed dozens of elections throughout the country. With this delegation, IRI has become the only international organization ever to observe three consecutive rounds of village committee elections in the same two counties of a single province.

The 1994 delegation released a report that made recommendations for procedural improvements in twelve areas of election administration. The 1997 report examined whether the 1994 recommendations had been implemented, and made further recommendations in the twelve original areas as well as seven additional areas.

The following report is an assessment of the changes in Fujian's election practices between 1997 and 2000. The 1994, 1997, and 2000 delegations observed elections in the same two counties, though not in the same villages.¹ In addition to general observations, this report contains the delegation members' specific suggestions which they believe might further improve the administration of village committee elections.

¹One of the villages observed by the 2000 observation, Houpu, was also observed by the 1994 delegation.

EXECUTIVE SUMMARY

Located in southern China, Fujian has gained a reputation among Chinese officials and foreign China-watchers for holding the most credible and best managed village committee elections in all of the People's Republic of China. After observing elections in villages near Longyan and Xiamen in 1994, 1997 and 2000, the IRI delegation believes that this reputation is well deserved. In the past three years, significant changes and improvements to election practices and procedures have been made by provincial and local election officials, particularly in the areas of ballot administration, voter eligibility, voter registration and candidate nomination. The delegation was also impressed by the quality and comprehensiveness of voter education materials posted near the voting grounds in each village, including sample ballots, voting instructions, campaign materials posted by candidates, financial audits of the village government, and independent assessments by the village representative assembly of individual village officials.

The delegation noted some areas for improvement in the implementation of local elections in Fujian. IRI recommends that villages employ direct primary elections, as most currently do not. IRI also recommends the cessation of certain practices, such as the use of roving ballot boxes and monetary compensation of voters, that increase opportunities for fraud, and other practices, such as "drop-down" elections, that confuse voters and limit choices. Furthermore, IRI is concerned that incumbent village officials often serve on the commission that organizes elections until a few days before the vote. Finally, while the delegation was impressed to learn that some candidates are taking the initiative to engage in simple forms of campaigning and voter outreach, IRI recommends that the election timetable be modified to facilitate such activities.

The delegation was struck by the special challenges presented to election officials in villages such as Houpu that, as cities rapidly expand, have become urban neighborhoods in all but name. There are issues particular to these kinds of urban villages, such as the resident status of migrant workers, and the relationship between the village committee and the lucrative village enterprises, issues that will increasingly come into play as local elections continue to develop and expand.

Fujian officials believe that successive rounds of elections, as well as the implementation of a new *Village Committee Organic Law* by the National People's Congress in November 1998 (see Appendix A) and new election regulations by the Fujian Provincial People's Congress in July 2000 (see Appendices B and C), have raised the standard of village committee elections. The delegation is of the same opinion.

The delegation believes that village elections represent a significant political development that enjoys the overwhelming support of a nascent electorate. Village elections can have a direct impact on the lives of ordinary citizens through responsive and accountable government. The delegation acknowledges that though they may be limited in their ability to affect higher-level political change, the elections observed in Fujian are deserving of continued study and support.

BACKGROUND ON FUJIAN PROVINCE

Geography, Population, and Economy

Fujian Province is located on the southeast coast of China, forming one side of the Taiwan Strait. Its coastline is long and rocky, with many offshore islands including the Taiwanese possessions Jinmen (also known as Quemoy) and Mazu, and its western inland regions are mountainous and lushly forested. Its most important river is the Min, which meets the East China Sea just south of Fuzhou, the provincial capital, and forms an important cultural boundary.

Fujian has a population of about 33 million, most of whom are Han Chinese, though large populations of the She, Hui, Miao, Manchu and Gaoshan minorities also live in Fujian. Many Fujianese are Hakka (“guest people”), descendants of migrants from north China. Fujian is the ancestral home of some eight million overseas Chinese, as well as roughly 80 percent of the residents of Taiwan. In the northern part of the province, most local dialects are variations of *fujianhua* (Fujianese), while in the south people speak *minnanhua* (“south of the Min dialect”). Many of those of Hakka descent speak *kejiahua* (Hokkien).

Fujian provides its residents with one of the highest standards of living in China. In the past two decades, Fujian’s prosperity has been fueled in part by the classification of its two largest ports, Fuzhou and Xiamen, as special economic zones (SEZs), enjoying a high degree of autonomy from central economic planning and offering special incentives and low barriers to foreign investment. Fujian’s main natural resources include deposits of coal and various metals, as well as abundant forests and fishing grounds. Its primary agricultural products are rice, sweet potatoes, wheat, tea, sugar, and bamboo. Most of its industry is light, including electronics, food processing and textiles. Recently, the high-tech sector has been an increasingly vital contributor to Fujian’s economic growth. By any measure Fujian is one of China’s richest provinces. As of 1998 it had a Gross Domestic Product of 333 billion RMB (US\$40.2 billion),² an annual growth rate of 11 percent, and an annual per capita income of 10,121 RMB (\$1222), nearly 60 percent higher than the national figure.³

Village Committees and Election Procedure in Fujian

Fujian Province has approximately 14,000 villages and a rural electorate of 16 million, slightly more than Taiwan’s 15.46 million eligible voters.⁴ The laws and regulations governing village committee elections in Fujian province include the *People’s Republic of China Organic Law on Village Committees*, promulgated by the National People’s Congress in 1998, and the *Village*

²The rate of exchange between the US dollar and the Chinese *renminbi* (RMB) as of mid-October 2000 was approximately 1 to 8.28.

³National figure calculated by World Bank.

⁴“Eligible Voters Total 15,462,625: CEC”, *Central News Agency (Taiwan)*, March 16, 2000.

Committee Election Methods of Fujian Province, which was passed by the Fujian Provincial People's Congress in 1990 and has been significantly modified several times, most recently in July of this year.

Village committee members are elected for three-year terms of office, and may serve an unlimited number of consecutive terms. The committees consist of three to seven members, with one chairman, zero to two vice chairmen, and one or more other members. The chairman's seat in Fujian is a full-time, paid position. Although there is variation from province to province and county to county, village committees generally oversee all administrative matters of a village, including budget management, public utilities, dispute resolution, public safety matters, social security, health issues, and management of collective village resources, including collective enterprises.

According to Fujian officials, village committee elections were not always credible. In the first two rounds of experimental elections, held in 1984 and 1987, candidates were chosen through indirect means or by outright appointment. Direct elections were held for the first time in 1991, but they continued to be deficient with respect to certain basic democratic characteristics, such as secret balloting. The 1998 national election law and subsequent revision of the provincial regulations, along with comprehensive training sessions for local election officials organized by the Bureau of Civil Affairs in cooperation with IRI and other international organizations, have gone a long way toward ameliorating many of these shortcomings.

There is no single election day for village committee elections in Fujian province. During the province's designated election period, the counties and townships within the province work together to determine election days for the villages in their jurisdictions. While the quality of elections varies widely throughout the province, each election adheres to the same basic framework. The first step in the electoral process is the registration of voters. This is handled by village election commissions of five to seven members, selected by the village assembly, village representative assembly or the village small groups.⁵ According to provincial regulations, a list of registered voters must be compiled, published and publicly displayed 20 days before the final election is held. Voters are allowed to challenge registration lists to ensure their accuracy.

Following voter registration, candidates are nominated by petition. Any voter or group of voters can nominate a candidate to compete for the positions of chairman, vice-chairman or committee member. Candidates may also self-nominate. Some village committees, particularly those in relatively small villages, do not have the position of vice-chairman. A standardized nomination form is used by the electorate throughout the province, and the nomination process must be completed fifteen days before the final election.

⁵For an explanation of these village-level organizations and other terms contained in this report, please see the glossary on page 32.

The third step in the electoral process is the primary election. Provincial regulations allow candidates to be selected by direct or indirect means. In some areas, all registered voters may participate in an open primary election to select the formal candidates who then compete in final elections. In the videotaped primaries observed in Longyan and Xiamen, however, formal candidates were determined through indirect elections in which the village representative assembly or the household representatives selected formal candidates by secret ballot. Primary elections must be completed and results posted two days before general elections.

Under Chinese law, final elections must be *direct* elections. The use of secret ballots and secret voting booths or private voting rooms is mandated in provincial regulations. For an election to be considered valid, a majority of eligible voters must cast their ballots; winning candidates are required to receive 50 percent-plus-one of all ballots cast. When no candidate receives a majority of votes for a particular position, a run-off election must be held within 15 days. In run-off elections, candidates are only required to receive a plurality of all votes cast. Winners of final elections and run-off elections (if necessary) assume their positions immediately.

In some villages, including Baiye and Houpu, all positions on the village committee are elected together on a single ballot (see Appendices E and J). In other villages, including Banxi, the electorate is given a different ballot for each position (See Appendices G and I). In Fujian, villages may choose to hold several separate elections to select membership to the committee, as did Houpu. These elections may or may not be held on the same day.

Recent Changes in Electoral Procedure

Provincial and local officials are pleased with the progress village committee elections have made between 1997 and 2000. In meetings with the IRI delegation, Longyan and Xiamen officials identified specific changes and improvements to election practices that were implemented prior to the current fifth round of direct elections.

New regulations have been passed clarifying and improving the integrity of the village election commission (VEC). The commission, which is now required to be made up of five to seven members, may now be chosen only by one of three bodies: the village assembly, the separate village groups, or the village representative assembly. A fourth body, the leaders of the village small groups, which is not seen by villagers as being as direct or clearly representative a body as the other three, has lost the power to select the election commission. If election commission members are nominated as formal candidates for village committee membership, they are now required to step down from the election commission. To prevent nepotism on the election commission, spouses and direct relatives of current commission members are forbidden from serving on the commission.

The new regulations also clarify the eligibility of voters with unusual residence permit (*hukou*) status. Under the previous electoral code, residency for voting purposes was determined solely by the residence permit. However, increasing mobility among rural Fujianese has necessitated a

more nuanced definition of residency. The VEC is now permitted to extend voter registration to two groups previously disallowed: those who have transferred their residence permit to another locality but continue to reside in the village and perform the duties of a villager; and those who reside in the village and perform the duties of a villager, but have not yet been granted a residence permit by the village.

The deadline for the completion of voter registration has also been changed to 20 days before election day, in accordance with the 1998 national *Village Committee Organic Law*. Fujian officials informed the delegation that additional steps have been taken to encourage the participation of eligible voters spending time outside the village: village election commissions are now required to notify all such migrants of the election schedule at least 25 days before the election to allow them sufficient time to return home. If they fail to return home for the election, they will not be counted among the village's registered voters in that particular election.

A significant change has also been made in the system of candidate nomination. In the past, candidates needed to submit, or have submitted on their behalf, a petition signed by five or more registered voters. Now, a single voter may nominate any qualified villager to be a candidate, or he or she may self-nominate.

Village election commissions may employ one of three methods to determine formal candidates: an open primary in which all registered voters participate; selection by the village representative assembly; or selection by household representatives. Fujian officials told the delegation that most election commissions choose to employ one of the indirect methods to determine formal candidates, as was true in all the villages the delegation visited. Regardless of the method chosen, at the time of the primary election, candidates are allowed to give speeches and answer questions. If a nominated candidate chooses to withdraw, he or she must submit a written request to the election commission. In by-elections held when village committee positions are vacated mid-term, only the village representative assembly may determine formal candidates.

Under the new regulations, before a general election is held, an open evaluation by the village assembly or village representative assembly must be made of the work of individual village committee members,⁶ and the village committee must release a detailed financial report.

Additional smaller changes were made to other aspects of voting procedures. In the past, regulations allowed for a roving ballot box to be dispatched to "the elderly, the weak, the sick, the disabled, or others"; in the new regulations, the phrase "or others" has been dropped. As for illiterate or visually impaired voters, in the past they could only be assisted in voting by officials appointed by the election commission; now, voters unable to read the ballot may choose one or

⁶In each of the three villages, the VRA also performed evaluations of the members of the local Communist Party Committee, though Article 8 of the *Fujian Implementation Methods* does not require them to do so.

two people to accompany them into the secret voting booth, unsupervised by election officials. Regulations stipulate that these assistants must follow the will of the voter. In previous elections, voters were instructed to mark “O” to indicate their choices on each ballot and to mark “X” for candidates they did not wish to support; now, voters are not instructed to cast negative votes, and in one election observed by IRI, a ballot that did contain negative “X” votes was deemed invalid.

In run-off elections held when no candidate is elected to a specific position, a candidate must only receive a plurality of all votes cast, and is no longer required to meet the 33 percent threshold stipulated by past regulations. In by-elections held when village committee posts are vacated mid-term, a majority of all votes cast is required for candidates to be elected; however, if no candidate succeeds in meeting that threshold, a run-off election is held in which only a plurality is needed to win. In all general elections, write-in votes and abstentions are allowed. Several changes have also been made to village committee operating procedures. In the past, the village committee was allowed to appoint its own members or other villagers to serve on special subcommittees set up to handle specific issues such as public mediation and public hygiene;⁷ now, these appointments must be approved by the village representative assembly.

BACKGROUND ON THREE VILLAGES

The IRI delegation observed elections in Baiye and Banxi Villages in Longyan County, which is a predominantly rural county located in the Daimao mountains, several hours’ drive from

⁷See Article 25 of the *People’s Republic of China Organic Law on Village Committees* (Appendix A)

Xiamen City. The delegation observed a third election in Houpu village, located in Xiamen County, which is located on an island that is connected to the mainland by a broad causeway, and incorporates the city of Xiamen, a Special Economic Zone (SEZ). The following are brief descriptions of geographical, electoral, economic, and living conditions in each village.

Baiye

Baiye Village is located along a small stream in a valley, surrounded by lush, bamboo-covered mountains and accessible only through mountain passes by a narrow, winding dirt road. The harvesting and refinement of bamboo and other forest resources are the largest sources of income for villagers. Because the region was an important base for Communist forces in the 1920s and 30s, the village now enjoys preferential tax treatment. According to one of the candidates for office whom the delegation interviewed, the village's shopkeepers and bamboo growers pay no taxes, while rice growers are subject to a lower than normal tax rate on their produce. Although the village is remote, the living standard is comparatively high, and villagers have access to paved streets, electricity, running water, and even satellite television. The village has a population of 338, of which 242 are registered voters.

IRI delegates had the opportunity to interview both candidates for village chairman. The incumbent, 43-year-old Lin Guangfa,⁸ had served two three-year terms as committee chair. Guangfa is one of the village's most successful residents: he is the manager and one of three shareholders in a local coal mine that produces three to four thousand tons of coal per year, and is also a farmer who grows rice, ginger, and fruit trees and raises pigs. He told IRI delegates that his greatest accomplishments as committee chair had been the introduction of running water to the village in 1994, the construction of schools and cement roads, and the development of bamboo products. If re-elected, he promised to further improve the living standard of the village and develop the economy. He has been one of the village's 11 members of the Communist Party since 1994, the year of his election.

His challenger was Lin Baifeng, a 22-year-old, unmarried farm laborer and middle-school graduate. Baifeng told the IRI delegates that he considered his youth and confidence to be his best qualifications for the position. He promised that if elected he would concentrate on developing and improving agriculture in the village, and he expressed a desire to find more efficient and profitable uses for the village's abundant bamboo resources, such as handicrafts and other value-added products to be marketed outside the village, and to employ new techniques for bamboo processing. He told the delegates that the two most important issues facing the village were education and road construction. The quality of teachers and facilities needed to be improved in the schools, he told IRI, and he promised to see that the remaining ten percent of unpaved streets in the village were paved. He said that he would also like to see the village

⁸The vast majority of residents in both villages in Longyan shared a single surname (Lin in Baiye; Xie in Banxi). In this report, for the sake of clarity, we will refer to individuals by their given names.

construct a paper factory, as that would alleviate the village's "employment problem." Baifeng said that he had engaged in no campaign activities, because he was convinced by his good showing in the primary that the voters knew and supported him. He told the delegates that he was not a member of the Communist Party, but said he would like to join in the future. Baifeng entered the race upon the nomination of a number of villagers, including three or four village committee members. When asked whether he thought it strange that members of the committee would nominate someone to run against their chairman, he replied that he thought the committee members wanted to encourage greater political involvement by young people.

Banxi

Like Baiye, Banxi is a mountain village that depends on bamboo and other agricultural resources for its living, but it is neither as sparsely populated, concentrated or remote as Baiye. National Highway 319, a major thoroughfare between Xiamen and Longyan, runs through the village for about 10 kilometers, and Banxi is separated into eight natural villages on both sides of that road. The village has 1,410 residents, 974 of whom are registered voters. The village has 31 Party members, including three of the five incumbent village committee members.

The village set up eight polling stations on election day. The delegation observed voting at the central station and in a natural village called Xikeng, home to 81 registered voters. From conversations with villagers in Xikeng, delegates gained the impression that Banxi was a comparatively well-off village. Most households own televisions and motorcycles, and satellite dishes allow villagers to watch television programs from Taiwan and other foreign locations. A number of villagers have emigrated to Europe, Australia and elsewhere.

The incumbent was 33-year-old Xie Yongming, the village doctor. Yongming was first elected in 1997, and also joined the Communist Party that year. Delegation members discerned from conversations with voters that many villagers have been dissatisfied with Yongming's performance as village chairman. Posted financial reports showed that village income has decreased since he was elected, and in his posted campaign speech he remarked that "I have had many difficulties in the past three years, but I feel I have greatly matured." In the speech he made almost no mention of his accomplishments as chairman, simply saying that "the whole village is familiar with my record, so I don't feel that I have to explain it here." Most of his speech was devoted to a detailed discussion of his future plans for the village in three areas: bamboo cultivation, agricultural and industrial development, and training villagers to utilize new technologies. When asked by IRI delegates whether he had organized any activities to encourage voters to return him to office, Yongming said: "There is no need. Everybody knows my work and my character." He made no visits to the seven smaller natural villages in Banxi.

His challenger was Xie Guangxing, a successful entrepreneur and a 14 or 15-year Communist Party member. Guangxing is the manager of a local electric company which is operated as a private cooperative enterprise. From 1986 to 1997, he served as the clerk of the village committee, an elected position. In his speech he promised to support democracy and listen to

dissenting voices, including those on the villager's representative assembly, to practice transparent and law-abiding management techniques, to solve conflicts among the people, and to "not take the trust of my brothers and sisters for granted." Guangxing also pledged to safeguard villagers' property rights, and to protect the village's natural environment and water supply "for future generations to enjoy." Guangxing told IRI delegates that he did actively seek votes, by making photocopies of his speech and distributing it to each household in all eight villages. He indicated that he spent about 100 RMB (\$12) to bring his message to voters.

Houpu

Houpu is classified as a village, and may have been one ten or twenty years ago, but the outward expansion of Xiamen City has rendered it a densely-populated urban neighborhood in all but name. As such, it provided the delegation with the interesting opportunity to observe an election in an "urban village", one of the more peculiar phenomena of China's rapid economic development. In a recent article on rural corruption in Guangdong, a Hong Kong journalist aptly described this type of village: "[T]he first thing one notices about...[urban] villages is that they look nothing like a proper village. There is usually not so much as a single vegetable, pig or any other identifiable 'rural characteristic' to help distinguish [these] villages from the urban sprawl that has crept up around them."⁹

The village has an official population of 3,582 in five natural villages, but it is also home to more than 30,000 migrant workers, most from poor regions of China such as Sichuan, Guizhou and Anhui. One of the largest sources of village income is the rent paid on the tenements in which these workers live and the factories in which they work. However, because their residence permits are located elsewhere, these *waidiren* (outsiders) are excluded from most of the benefits and services enjoyed by official residents, and they are not allowed to register as voters in the village, creating a two-tiered system among villagers. Houpu has 2,599 registered voters.

Recent revisions have been made to Fujian provincial regulations intended to facilitate participation in elections by migrants who have not yet successfully transferred their residence permits.¹⁰ However, while these changes have been implemented with little difficulty in rural villages where migration is a minor issue, in urban villages such as Houpu, enfranchising a sizable "floating population" of migrant laborers presents difficult logistic concerns to election officials, and arguably, political challenges to the status quo of village management. Through brief conversations with local migrant laborers, delegation members gained the impression that many in this group feel disinterested in the village election process, and are of the opinion that elections have nothing to do with them, even though the elected officials exercise a good deal of authority over them, in areas such as housing and dispute resolution.

⁹See Tom Mitchell, "How Rural Success Stories Turn Sour", *South China Morning Post*, October 29, 2000, pg. 9.

¹⁰See "Recent Changes in Electoral Procedure", pg. 9 of this report.

For its official residents, Houpu is a remarkably well-off village, due to its unusual status. Under Chinese law, “rural” land is owned collectively by the village, unlike urban land. Therefore, all villagers in Houpu with official residency status are entitled to a share of the profits from village-owned land, which, since it is located within one of the fastest-growing cities in China, is prime real estate. In 1999, the village had a total income of approximately 9.6 million RMB (\$1.2 million), total expenditures of approximately 2.65 million RMB, (\$320,000)¹¹ and collective assets of 400 million RMB (\$48.3 million). Local officials told the delegation that the village committee was so well-funded that it had been giving each official resident of the village a monthly allowance of 100 RMB (\$12). Recently this allowance was reduced to 70 RMB (\$8.45) to clear funds to build the lavishly appointed activity center where votes were tallied. The average annual income of official village residents is 7,900 RMB (\$954). Houpu has been named as a model village by Communist Party organizations at both the city and provincial level.

In Houpu, the Communist Party is deeply involved in both election administration and in the village committee itself. The chairman of the local Communist party committee is also the chairman of the village election commission. The delegation was told that he had been nominated for both the chairmanship and vice chairmanship of the village committee, but had declined both positions because “the village committee and the Party committee should be separate.” Nevertheless, the incumbent chairman of the village committee was the vice chairman of the Party committee, and four of the other seven candidates for village office were also members of the Party committee.¹² The village has 86 Communist Party members, including all of the candidates for office in this election.¹³

Both candidates for village committee chairman are full-time public servants. The incumbent candidate, 43-year-old Ye Jianli, served with the village committee in various administrative capacities from 1984 until 1991, when he was elected chairman for the first time. In his speech at the primary election, he promised to implement a good division of labor on the village committee, to ensure transparency in village affairs, and to promote the development of both the collective and the individual economy, as well as good habits and customs. Because the time allotted for him to speak was limited, Mr. Ye told the delegates, he also made visits to the village groups and to individual homes to give voters detailed information about himself and his ideas.

The challenger candidate, 26-year-old Li Zhijian, returned to the village in 1995 after three years

¹¹Village income in 1999 was up 3.2% from 1997 but down 7.6% from 1998. Village expenditures were up 36.4% from 1997 and 17.1% from 1998.

¹²In total, the Houpu Party Committee has seven members.

¹³Houpu has approximately one Party member out of every 42 official residents. Baiye, by comparison, has approximately one Communist Party member out of every 31 villagers and Banxi has one Party member out of every 45.5 villagers.

of service in the People's Liberation Army in the Nanjing military region. In 1996, he was appointed as the head of Houpu's Communist Youth League, and in 1997 he was elected to the village committee. Currently he is the village committee member chiefly responsible for villagers' health and hygiene. Mr. Li told IRI delegates that he did not engage in any sort of campaign activities during the pre-election period. He felt that his speech to the primary voters was sufficient, as nearly every household in the village was represented in the audience, and that even though he did not visit homes to talk about his campaign for chairman, in his capacity as director of hygiene he has plenty of opportunities to meet with villagers face-to-face. "If you haven't done a good job in your daily life," Mr. Li told the delegation, "then a few days of campaigning before the election will do you no good."

There have recently been frequent reports that the Chinese government, encouraged by the success of village elections, is considering ways to introduce direct elections to localities in urban areas. In 2000, several major cities began experimenting with elections for neighborhood committees. Elections in "urban villages" such as Houpu offer an interesting model for central officials as to what future challenges and possibilities may be in store for urban elections.

ELECTIONS IN LONGYAN AND XIAMEN

Primary Election

In Baiye and Houpu, the delegation was shown a videotape of each village's primary election, which had taken place three or four days before the general elections IRI observed. In Baiye, final candidates were determined by vote of the 21 villagers' representatives, while in Houpu, candidates were determined by the 1066 household representatives, of whom 1016 participated in

the primary. Although village election commissions are permitted by the national law and provincial regulations to hold direct primary elections, few in Fujian choose to do so. In Longyan, only one of the county's villages held a direct primary this year.

In both primaries observed on videotape, candidates were allowed to give speeches and answer questions before voting began. In Houpu, all election procedures employed in the general election seemed to have been upheld in the primary as well, but in the Baiye videotape, IRI delegates noted that strict attention to ballot secrecy was lacking: villagers' representatives appeared to have voted in a crowded meeting room in full view of their fellow voters.

In Houpu, the primary election allowed voters to choose one of four preliminary candidates for chairman, two of six for vice chairman, and four of twelve for committee member. A basic principle of primary elections in Fujian is that primary voters must be allowed to vote for a number of candidates equal to the number of positions, and the number of formal candidates nominated for each position should exceed the number of positions by one. The Houpu primary upheld the first of these principles, and the second in the case of chairman and vice chair, but not in the case of committee member, where voters chose four candidates but only three received the formal nomination; the remaining two candidates for committee member "dropped down" after losing the races for chairman and vice chairman.

Election Administration and Civic Education

Fujian election regulations require that members of the village election commission must step down from the commission if they are nominated as formal candidates for the village committee in the primary election, which normally occurs several days before the general election. In the villages we visited, alternates had been named to the village election commission in the event that this should happen. However, the regulations do not forbid incumbent members of the village committee who intend to run for re-election from serving on the election commission up until the primary is held. In at least two of the villages that the delegation visited, village committee members took advantage of this loophole. Until the Banxi primary required that they step down, the village committee chairman served as vice chair of the election commission, and all other commission members except the chairman were incumbent members of the village committee. The same was true in Houpu: four of the seven members of the election commission, including the vice chairman, were incumbent members of the village committee.¹⁴

Extensive civic education materials had been posted in each of the villages IRI visited, including an enlarged sample ballot, voting instructions, copies of the speeches given by winning candidates in the primary election, lists of the members of the village election commission and

¹⁴This may also have been true in Baiye; IRI delegates did not examine the VEC roster.

the village representative assembly, and the results of village financial audits.¹⁵ In Houpu, all candidates supplied a one-page *curriculum vitae* to be posted on the election board, but only the speeches of the chairman candidates were posted.

Also posted in Baiye and Banxi were the results of the village representative assembly's performance evaluations of each current village committee or Party committee member. In such evaluations, villagers' representatives were asked to assign to each individual a grade of "excellent", "satisfactory", "somewhat satisfactory" or "unsatisfactory" and a chart was posted showing the numbers of each grade given to individual village committee or Party branch members. The delegation believes the posting of these evaluations, as well as village financial audits, to be an indication of a trend in some Chinese villages toward greater openness, public review and disclosure of findings.

In addition, the delegates were informed that the village representative assembly in the Longyan villages had read and discussed the relevant laws and regulations over village loudspeakers, and that civic education programs had been run on township cable TV, which was accessible by most voters. In Baiye, flyers with election information were distributed to each household.

Voting Locations

In Baiye, whose population is concentrated around a single cluster of streets, voting was held in one location, a public square at the center of the village. In Banxi and Houpu, where the population is dispersed between several "natural villages" covering a broad area, numerous polling stations were set up and staffed. At the beginning of election day in these two villages, a number of votes equal to the number of registered voters was distributed to each polling station. Voting procedures were identical at each station, and at the end of the day, ballots were taken by car or motorcycle to a central location for counting. In Banxi, this location was a schoolyard that had also served as the site of two polling stations. In Houpu, it was a activity room on the third floor of the village's senior center, which had not served as a polling station.

Balloting Procedures

The balloting process utilized a greater number of election workers in Baiye Village than in Banxi or Houpu. In Baiye, six officials were seated at the balloting table: the first accepted voters' voting cards, matched them to a registration list, and ticked off their names; the second wrote down the voters' names and made a tick on their voter cards to indicate that they had voted; the third supervised ballot distribution; the fourth distributed ballots to voters; the fifth supervised ballot distribution and directed voters to the secret voting booths; the sixth was on hand to check regulations when questions arose. In Banxi, the process was somewhat simplified: only two workers were present at balloting stations: one to check the voter's name off a registration list and a second to mark a tick on the registration card (See Appendix O) and

¹⁵These audits included detailed line items for all types of annual village income and expenditures.

distribute a ballot. In each village the process was fairly and efficiently executed, and the IRI delegation was impressed with the thorough training that election workers had obviously received. IRI observers noted that at all times during the process voters formed an orderly line, and that balloting table workers did a good job of controlling the pace of ballot distribution so that no more than one voter for each voting booth could be in the voting area at a given time.

In Baiye, the delegation observed that the majority of poll workers were election officials from the township level, and only a few were actual residents of the village and able to speak the local dialect. Banxi and Houpu also employed some township officials as poll workers, but the majority of workers in those two villages were local residents. In all villages in Fujian, poll workers must be appointed by the village election commission and approved by the village representative assembly.

In Houpu, each voter was provided with a 5 RMB (\$.60) incentive each time they voted in an election. Household representatives who voted in the primary and in both rounds of the general election received a total of 15 RMB (\$1.81), an amount equivalent to an average meal in a moderately-priced restaurant. At some polling stations, cash was handed out from the balloting table upon verification of voter credentials. At other stations, no money was handed out, and delegates were told that voters would receive the cash upon presenting their stamped voter cards to their small group leaders.¹⁶

In Baiye and Houpu, all positions to be elected were placed on the same ballot, while in Banxi separate ballots were printed for each position. The delegation observed that the latter method led to more efficient counting and reconciliation of ballots, as it allowed votes for each position to be tallied simultaneously, on separate blackboards. The one-ballot method was observed to create confusion at counting time, especially with regard to how ballots with valid votes for one position, but invalid or abstaining votes for others positions, should be handled.

On all ballots in each of the three elections, names were listed on the ballot in order of the number of brush-strokes in the surname, the Chinese equivalent of alphabetical order.

Voting procedures

All of the villages the IRI delegation visited provided sufficient guarantees of ballot secrecy. In Baiye and Banxi, four-sided tents were set up completely blocking the voter from view, and voting grounds were roped off and inaccessible to those not voting. In each tent a table was set up with an inkpad, a pen cap to be used as a stamp, a pen for write-ins, and a pair of glasses for nearsighted voters. In Banxi, enlarged sample ballots with photographs of the candidates were also posted inside the booths. Voting booths in Houpu were simpler and consisted of wooden desks with raised planks on three sides blocking the voter from view. Each booth contained an

¹⁶Three different stamps were used for the three rounds: “Voted (1)”, “Voted (2)”, and “Voted (3)”.

inkpad and an instrument for marking the ballot. Election information was posted inside each booth.

Illiterate or vision-impaired voters were allowed to have a person of their choice enter the booth with them and assist them in voting. Otherwise, in each village poll workers were on hand to assist voters in reading and understanding the ballot.

In each village, a roving ballot box was employed to gather the ballots of voters who were sick, weak, elderly, or handicapped. In Baiye, IRI delegates followed the box to two homes. In both homes, that of a woman in her fifties who had been hit by a truck and paralyzed from the waist down and that of a nearly blind woman in her eighties, election officials assisted the voter in understanding the ballot, but then left the room so that she could vote in private. In the first home, officials would not even allow the voter's daughter to place her ballot in the box for her, insisting that the voter must cast the ballot herself. IRI delegates were impressed by the officials' vigilance in safeguarding ballot secrecy and integrity. In Houpu, however, voters using the mobile ballot box completed their ballots in full view of election workers.

Provincial Regulations also require that villagers working and living outside of the village be notified in advance of the election so that they may return home to vote. In Banxi, 88 such migrant laborers were notified, 26 of whom returned for the election. The others did not and were stricken from the voter list.

The election in Houpu was a "drop down" election. Two election rounds were held, on two consecutive days. In the first round, which the IRI delegation observed, voters chose the chairman and vice chairman. On the second day, the two defeated candidates were added to the list of candidates for village committee member, for a total of five candidates.¹⁷ Since the challenger candidate in the chairman race was an incumbent village committee member, the practical reality was that only one non-incumbent ran for any of the seven village committee seats in Houpu, and on the first day he was defeated in the race for the vice chairmanship. IRI delegates were told that the Houpu election commission had chosen the drop down system because it guaranteed the most talented candidates a role on the village committee even if they lost in the race for the top two positions.

No proxy voting is permitted. In Houpu, IRI delegates observed voters arriving at polling stations with the voter cards of family members and requesting to cast ballots for them. In all cases, election workers turned down such requests.

¹⁷To further illustrate the "drop down" procedure: in the general election, candidates A and B were nominated for committee chairman, candidates C and D were nominated for vice chairman, and candidates E, F, and G were nominated for committee membership. In the first election round, candidates B and D were defeated. In the second round, voters chose between candidates B, D, E, F, and G to fill the four committee member positions.

Counting

In both villages in Longyan, counting methods were efficient and precise. In Banxi, five poll workers were employed in counting: one to organize and stack the ballots, one to call out the votes, one to record the votes on a board in full view of voters, one to supervise the work of the recorder, and one to organize and archive counted ballots.

Houpu was the exception, which presents another interesting issue pertaining to urban elections. Counting was conducted in a way similar to that of elections in population centers of many Western countries. After voting was completed, ballot boxes were secured and taken to a central counting area, in this case the village's senior citizens' activity center. Three or four individual counters were assigned to tally the ballots from each separate polling station. They did so on sheets of paper while seated at tables in the counting center, and then brought their results to a central counting table, where overall totals were calculated. Voters were allowed to observe the process from a distance (though it appeared to the delegates that none did), but the counting area was roped off and only officially approved observers were allowed to enter the counting area and supervise the actual tallying. Delegates observed that such procedures were in some ways more appropriate to elections in urban areas, but noted that one layer of transparency in counting common in rural elections (visibility of the tally throughout the process) was lacking in Houpu.

In all three villages, IRI delegates observed the process of removing unmarked or invalid ballots to be somewhat erratic. In Baiye, these ballots were removed during the process of calling out the votes, and there seemed to be some confusion as to the handling of ballots containing valid votes for one or more positions and invalid or unmarked votes for others. Furthermore, the process of consultation in regard to invalid ballots seemed disorganized and some ballots determined to be invalid could, in the delegation's opinion, reasonably be judged to reflect the will of the voter. In Houpu, IRI observers noticed that ballots marked in a particular way were being counted as valid by some counting stations but invalid by others.

Also, in Houpu IRI delegates observed numerous counting systems being used simultaneously by different counting stations. At some stations, votes for one chairman candidate were separated out and counted first, and then the other candidate's votes were counted, while at others chairman votes were counted ballot by ballot. At some stations, all chairman votes were counted before counting began on vice chairman votes, while at others, all votes on a ballot were tallied before moving on to the next ballot.

In Baiye and Banxi, ballots left blank were counted as invalid, while in Houpu ballots left blank were considered abstentions and counted among the valid ballots. The IRI delegation considered the latter method to be more representative, as voters may make a conscious decision to leave their ballots blank, and in some races, voters intend their abstentions to be a statement. Election officials may consider an unusually large number of blank ballots cast to be a message from the voters, such as that they are dissatisfied or confused with some aspect of the election process.

Results

On October 13 in Baiye (See Appendices P and Q), 206 ballots for chairman were cast (including two by roving ballot box), an overall turnout of 87.29 percent. Of these, 201 (97.57 percent) were valid and five (2.43 percent) were left blank or incorrectly marked. In the committee member race, 202 ballots (98.06 percent) were valid and 4 (1.94 percent) were left blank or incorrectly marked. Therefore, 85.17 percent of Baiye's registered voters cast valid ballots for one chairman and 85.59 percent for at least one member. The incumbent, Lin Guangfa, was re-elected with 141 votes, or 70.15 percent. The challenger, Lin Baifeng, received 61 votes, or 30.35 percent. No write-in votes were recorded. In the member race, one of the two incumbents won and the other was defeated by the challenger.

On October 14 in Banxi (See Appendices R and S), 816 voters cast ballots (including 8 by roving ballot box), an overall turnout of 88.99 percent. Of the votes cast for chairman, 805 (98.65 percent) were valid and 11 (1.35 percent) were incorrectly marked or left blank. In the member race, 798 votes (97.79 percent) were valid and 11 (2.21 percent) were invalid. Therefore, 87.79 percent of Banxi's registered voters cast valid ballots for one chairman and 87.02 percent for at least one member.

Xie Yongming, the incumbent village committee chairman, received only 282 votes, or 35.03 percent of the total, and was resoundingly defeated by Xie Guangxing, who received 502 votes, or 62.36 percent of the total. Four write-in candidates received an additional 2.6 percent of the vote. The challenger in the committee member race lost by a wide margin to all four of the incumbents.

One of the most interesting stories of the Banxi election was in the race for village committee member, where 51-year-old Xie Jiangshui, a restaurant owner and farmer, received 221 write-in votes (meaning that 27.45 percent of voters chose to write his name on their ballots), only two votes fewer than the lowest vote-getter among the official candidates. IRI delegates interviewed Jiangshui afterwards and found him very pleasantly surprised. He had never served on the village committee, but was nominated for committee member in the primary. However, he withdrew from the race because he did not think that he could win. He was encouraged by the large number of write-in votes, and told IRI delegates that if the villagers trust him, he will run again in the next election.

On October 16 in Houpu (See Appendices T and U), 2,159 votes were cast (including two by roving ballot box), a turnout of 83.07 percent of registered voters. In the chairman race, 2,099 ballots (97.22 percent of all ballots) were valid, of which 99 (4.72 percent) were abstentions. The 60 incorrectly marked ballots for the chairman race accounted for 2.78 percent of all ballots collected. In the vice chairman race, 2,113 ballots (97.87 percent) were valid, including 102 abstentions (4.83 percent). The 46 incorrectly marked ballots accounted for 2.13 percent of all ballots cast. Thus, 2,000 voters (76.95 percent) of registered voters cast valid votes for one chairman candidate and 2,011 voters (77.38 percent) cast valid votes for at least one vice

chairman candidate.

In the Houpu chairman race, Ye Jianli, the incumbent, won easily with 1,403 votes, 70.15 percent of valid, non-abstaining votes, while the challenger, Li Zhijian, received 592 votes (29.6 percent) and two write-in candidates received the remaining 5 votes (0.25 percent). In the vice chairman race, the two incumbents each received approximately 36 percent more votes than the one challenger.

CONCLUSION

In observing elections, IRI makes a distinction between electoral administration (the technical quality of the elections) and electoral environment (the atmosphere in which the elections take place). Based on its observations, the delegation believes that Fujian's electoral administration is sound and that its electoral system is effective and comprehensive. Electoral regulations are clear, election workers are trained and knowledgeable, and the basic electoral framework is in place, from procedures for candidate nomination to voter registration to ballot tabulation.

The electoral environment in Fujian is difficult to evaluate. It can generally be defined as

whether the elections are meaningful to voters and the government respects their outcome. High participation rates, a competitive open nomination process, and high numbers of voters turning out to watch the ballots being counted are all strong indicators that the elections are meaningful.

A number of the pillars of a credible election process exist in Chinese village elections as observed in Fujian: open nomination of candidates in the initial stage, reasonable candidate qualifications (e.g. a candidate does not have to be a member of the Communist Party to compete in or win elections), equal campaign opportunities and access to public forums, and the ability to develop a campaign platform independently. Though these concepts do not exist on a macro-level in China, on a micro-level, that is at the village level, they are permissible and even encouraged. While villagers and officials are clearly supportive of elections (most villagers and officials with whom IRI spoke expressed a strong desire to see these elections extended to the township level in the near future and even higher in the long run), at present the process is limited to the village level.

The purpose of this report is to assess the technical merits and deficiencies of the elections observed in Fujian and to recommend ways to modify and revise existing electoral procedures. Technical reform of the electoral process would presumably impact not only the electoral administration, but also the electoral environment. Though IRI focuses exclusively on electoral administration in this report, it is hoped that Chinese election officials will continue to work toward improving the electoral environment.

The IRI delegation considered the elections it observed in Longyan and Xiamen to be credible and generally competitive. The delegation commends Fujian election officials for the progress they have made in the short period between the fourth and fifth round of village committee elections. The delegation believes that election procedures will continue to improve with each additional round of elections and specific modifications to current practices. With more than 14,000 villages in Fujian alone, the delegation recognizes the immense task election officials face in educating and holding village committee elections. IRI is prepared to assist Fujian officials as they meet the challenges of continuing to improve village elections.

EVALUATION OF THE IMPLEMENTATION OF 1997 RECOMMENDATIONS

This section analyzes the 1997 benchmarks, which appear in italics, and offers brief observations of the extent to which they have been implemented in the past three years. For comparative purposes, the 2000 report will be presented in the same fashion as the 1994 and 1997 reports.

I. Primary and Final Elections

Primary elections should be direct, open elections in which all registered voters

participate. The length of time between the primary and final election should be increased by 3-7 days to allow for more civic education and campaign activities. The use of the “drop down” method of voting should be universally prohibited, and there should be at least two candidates competing for each position on the village committee.

Little progress has been made on most of these recommendations. The recently promulgated modifications to the provincial election regulations place new limitations on the indirect methods that can be used to determine formal candidates, such as disallowing village small group heads from making the selection. However, it remains a fact that the majority of formal village committee candidates in Fujian are determined by indirect means, employing voting processes that exclude the majority of registered voters.

Though the new national law extends the length of the entire pre-election period (which begins with the posting of preliminary candidates), primary elections are still generally held as soon as two days before the general election. As the delegation clearly observed, the “drop down” method of election is still being practiced, even though this method, as practiced in Houpu, is arguably in violation of Article Sixteen of the provincial election regulations, which stipulates that “the number of [formal] candidates for village committee membership should exceed the number to be elected” and that “the list [of formal candidates] should be publicized...two days before the day of election.”

The IRI delegates generally felt that “drop down” elections are inferior in many ways to standard, one-round elections. Contrary to the often-heard argument that drop-down voting ensures that the best people will get a position on the committee even if they lose a race for a leadership position, such a system actually deprives talented candidates of the chance to run for membership in order to accommodate candidates who have failed to be elected to higher offices. For instance, if Houpu had held a one-round election, it would have allowed for three non-incumbent candidates to run for village committee office rather than just one, thereby increasing competition and giving voters a greater degree of choice. Furthermore, adjusting each successive ballot to the results of the previous one necessitates that not one but two separate rounds of voting be held, dragging out and complicating the electoral process. Many voters feel inconvenienced by having to participate in multiple election rounds, and voter turnout is often noticeably lower in subsequent rounds than in the initial round.

The provincial regulations also continue to allow for only one more formal candidate than the number of positions to be elected in the chairman and vice chairman races, and one to three extra candidates in the member race.

II. Civic Education Activities

Aggressive civic education campaigns should be conducted on a regular and on-going basis. Target groups should include registered voters as well as primary and secondary

students and women. Civic education materials should be as visual as possible and should include things like posters on voting procedures, such as the one developed by the Ministry of Civil Affairs in 1996, and other informational flyers and pamphlets. Election officials should distribute sample ballots to voters prior to primary and final elections.

Voters in all villages expressed satisfaction with the civic education provided by election officials. IRI delegates observed that informational materials were posted just outside the voting area, contributing to villagers' ability to make an informed choice among the candidates running for village office.¹⁸ The success of civic education in Baiye and Banxi can be seen in the high voter turnouts and small numbers of invalid ballots. The somewhat lower turnout and higher numbers of invalid ballots in Houpu indicate a need for greater and more sustained civic education in that village. As an "urban village", Houpu faces special challenges in educating and motivating voters to participate in elections.

IRI recommends that Chinese election officials consider the use of posters with enlarged sample ballots and instructions for marking them, and videos that demonstrate balloting procedures. Additionally, each polling station should display a poster with examples of valid and invalid marks to avoid discrepancies in judging spoiled ballots.

III. Campaign Activities

Candidates should be provided with an extended period of time to campaign, and should be given venues for publicly announcing platforms before both the primary and final elections. Campaign posters for all candidates should be displayed at polling stations, and platforms or biographical information should be publicly displayed in or near polling stations on election day.

The delegation observed that impressive improvements had been made in this area since 1997. The new Fujian election regulations extend the period of time between the completion of primary candidate nomination and the general election from eight to fifteen days, allowing primary candidates a greater amount of time to inform the voters about their positions and plans. Candidates are allowed to give speeches and answer questions before voting begins in the primary election. These speeches are transcribed and posted by the village election commission outside polling stations on the day of the general election, and in some villages the candidates are also allowed to provide a page of biographical information to be posted as well.

However, the delegation concluded that deficiencies remain. Although the period between the posting of the primary candidate list and the primary itself has been extended, the period between the primary election and the general election remains unnecessarily short: two days. This brief

¹⁸See "Election Administration and Civic Education", pg. 17 of this report.

general election campaign period makes it very difficult for formal candidates to present their messages to the voters and to make a persuasive argument why they should be elected.

Furthermore, the posting of speeches and biographical data was observed to be inconsistent from village to village: in Baiye and Banxi, all candidates for each position were allowed to post their speeches on election day, but no biographical data was provided to the voters; in Houpu, biographical data was provided for all candidates, but only the chairman candidates were allowed to post speeches.

Also, the indirect nature of the current primary system in all three villages created a situation in some villages in which only the limited number of villagers participating in the primary election had the opportunity to hear the candidates deliver their speeches, as no public speeches were scheduled before the general election day.

Perhaps the largest obstacle to campaigning in Fujian villages is the reluctance of candidates to engage in such activities, and the lack of knowledge among villagers and their leaders as to what sorts of activities are effective. Only two of the six village committee chairman candidates whom the IRI delegates interviewed, one incumbent and one challenger, reported engaging in the most basic voter outreach and household visits. Interestingly, both won their elections by large margins.

IV. Election Worker and Monitor Training

Election officials should continue to train election workers aggressively and to distribute written manuals and other standardized materials. Election monitor training programs should be established and instructional manuals developed and distributed to all monitors. Provincial regulations should specify the scope and authority of monitors.

One of the delegation's deepest impressions of all three elections was the high degree of professionalism exhibited by election officials and election workers engaged in the processes of polling station setup and management, voter identification verification, ballot distribution, voting booth and ballot box supervision. Poll workers had obviously undergone rigorous training and, as a result, election administration proceeded smoothly, punctually, and without major incident in all three villages.

IRI sponsored and sent staff to participate in an election official training conference administered in Fuzhou in August of this year by the Provincial Bureau of Civil Affairs. At this conference, provincial election officials gave their grassroots counterparts an introduction to the newly-passed provincial election regulations, and trained them on election procedures. The conference was attended by approximately 200 officials from counties across the province.

From what the IRI delegation observed, the system of election monitoring is still underdeveloped

and underutilized. In Baiye, officials informed the delegation that Longyan allowed independent monitoring by candidate representatives, though none were present in either of the elections IRI observed in that county. Independent monitors were not permitted in Houpu. There is currently a debate among provincial officials as to whether independent monitors are conducive to a sense of openness on election day or whether they have the potential to form antagonistic cliques and disrupt the voting process. Fujian has not yet established extensive training programs for independent monitors, primarily due to a lack of resources, and no mention is made of such monitors in either the new national law or the newly modified provincial election regulations.

V. Roving Ballot Boxes and Absentee Ballots

The use of roving ballot boxes should be abolished. Absentee ballots should be sent to voters outside the village, the sick, and the elderly so that all may participate in primary and final elections. Extending the time period between primary and final elections will allow for ballots listing all formal candidates to be distributed and collected before the tallying of votes.

The practice of dispatching ballot boxes to collect the votes of those unable to come to polling stations remains legal and commonly used in Fujian elections. Although the delegation believes that the roving ballot box allows too many opportunities for fraud and should be abolished, IRI delegates recognize the efforts of election officials and poll workers to increase the security and secrecy, and to reduce the frequency of this practice. The new regulations limiting the types of people who may use the roving ballot box and the custom observed in Baiye of election workers leaving the room when the voter is completing her ballot are both positive steps.

Furthermore, no visible progress has been made toward the introduction of an absentee balloting system. The delegation noted that such a system would be especially applicable to villages like Baiye or Banxi, where many villagers are migrant laborers who spend the majority of their time far from their home villages. In Banxi, for instance, 88 migrant laborers make up roughly 9 percent of the village's eligible voters. In the Banxi election, notices were sent out to all of these voters asking them to return to the village to vote. Sixty-two of them, 6.33 percent of registered voters, were unable to return. The remaining 26 did return, making up 3.19 percent of those casting ballots, and presumably paid for their votes with lost work days and travel expenses.

As noted before, the time period between primary and final elections remains the same: two days. Extending the period between the two elections would enable a system of absentee ballots to be effectively employed, and allow for closer examination of the candidates by more voters.

VI. Ballot Secrecy and Security

Election officials should continue to promote and enforce the use of secret ballots and secret ballot booths or private voting rooms. Secure ballot boxes and transportation of

ballots should remain a top priority.

IRI delegates were impressed with officials' insistence upon ballot secrecy during the general elections observed in all three villages. Secret ballot booths were well constructed and positioned so as to keep the voter and the ballot out of view at all times. Furthermore, officials at the balloting tables did a very good job at controlling the flow of voters so that there were never more voters in the voting area than those using the booths. The delegation observed no irregularities in the transportation of ballots and ballot boxes to and from polling stations.

VII. Election Fraud and Enforcement

National and provincial election officials should clarify the definition of election fraud and practices. Provincial regulations should detail fines and punishments associated with election fraud, and a fair appeals process should be established.

Article 29 of the newly modified Fujian provincial regulations reads as follows:

Those who use violence, threats, bribes, falsified ballots, falsified ballot counts, or other methods to create confusion and spoil election work, in violation of public security management penal codes, shall be subject to penalties imposed according to law by public security organs. Judicial offices shall be responsible for investigating according to law those who have committed crimes.

This language is in accordance with Article 15 of the 1998 national election law. While the delegates feel that it sufficiently defines punishable crimes in the category of election fraud, it still does not sufficiently detail the punishments that should be administered to those who violate these provisions.

SUMMARY OF 1997 RECOMMENDATIONS AND THEIR IMPLEMENTATION STATUS AS OF OCTOBER 2000

	Yes	Partial	No
Issue 1: Primary and Final Elections			
▶ Primary elections should be direct, open elections in which all registered voters participate.		✓	
▶ The length of time between the primary and final election should be increased by 3-7 days to allow for more civic education and campaign activities.			✓

▶ The use of the “drop down” method of voting should be universally prohibited.			✓
▶ There should be at least two candidates competing for each position on the village committee.			✓
Issue 2: Civic Education Activities			
▶ Aggressive civic education campaigns should be conducted on a regular and on-going basis. Target groups should include registered voters as well as primary and secondary students and women.		✓	
▶ Civic education materials should be as visual as possible and should include things like posters on voting procedures and other informational flyers and pamphlets.	✓		
▶ Election officials should distribute sample ballots to voters prior to primary and final elections.	✓		
Issue 3: Campaign Activities			
▶ Candidates should be provided with an extended period of time to campaign, and should be given venues for publicly announcing platforms before both the primary and final elections.		✓	
	Yes	Partial	No
▶ Campaign posters for all candidates should be displayed at polling stations, and platforms or biographical information should be publicly displayed in or near polling stations on election day.		✓	
Issue 4: Election Worker and Monitor Training			
▶ Election officials should continue to train election workers aggressively and to distribute written manuals and other standardized materials.	✓		

▶ Election monitor training programs should be established and instructional manuals developed and distributed to all monitors.			✓
▶ Provincial regulations should specify the scope and authority of monitors.			✓
Issue 5: Roving Ballot Boxes and Absentee Ballots			
▶ The use of roving ballot boxes should be abolished.			✓
▶ Absentee ballots should be sent to voters outside the village, the sick, and the elderly so that all may participate in primary and final elections.			✓
Issue 6: Ballot Secrecy and Security			
▶ Election officials should continue to promote and enforce the use of secret ballots and secret ballot booths or private voting rooms.	✓		
▶ Secure ballot boxes and transportation of ballots should remain a top priority.	✓		
Issue 7: Election Fraud and Enforcement			
▶ National and provincial election officials should clarify the definition of election fraud and practices.	✓		
▶ Provincial regulations should detail fines and punishments associated with election fraud, and a fair appeals process should be established.			✓

Total Number of IRI Recommendations Implemented: 6

Total Number of IRI Recommendations Partially Implemented: 4

Total Number of IRI Recommendations Not Implemented: 8

2000 RECOMMENDATIONS

As requested by Fujian officials, the following section is an updated list of recommendations on ways that elections in Fujian could be further improved.

I. Election Administration

- **Members of the village committee should be prohibited from serving on the village election commission for one year after they step down from the village committee.** Under the current regulations, there is nothing to prevent incumbent village committee members from serving on the commission until the primary election, which generally takes place several days before the general election. The delegation believes that this gives the appearance of a conflict of interest, as some of these commission members may

be inclined to exercise their duties, including the approval of voter registration applications and the designation of voting procedures, in a way most likely to help them to retain their positions. Imposing the above condition on commission members will ensure that the commission is fully impartial and not predisposed toward individual candidates throughout the election process. The one-year prohibition will allow former village committee members to serve on the election commission during the next round of elections after they leave office, but will prohibit them from serving as long as they are incumbents.

II. Primary and Final Elections

- **Primary elections should be direct, open elections in which all registered voters participate.** IRI recommends the use of the “sea choice” (*haixuan*) method observed in other provinces, including Jilin and Shanxi. Direct primaries are more democratic than those in which only certain villagers may vote. Such primaries, which are required by law in several Chinese provinces, produce an outcome that is more representative of the will of the people.
- **The length of time between the primary and final election should be increased by 3 to 7 days.** A longer period between elections would allow for more civic education activities, ensuring that all villagers understand their rights and the voting procedures that they will be expected to follow. The longer pre-election period would also allow more time for candidates to introduce their ideas and proposals to the voters, through candidate outreach activities such as personal visits, speeches, and the printing of materials. Finally, the pre-election period would make it more feasible to introduce a system of absentee balloting. In sum, this change would result in elections with a higher turnout rate and a lower rate of abstentions and spoiled ballots, and would give voters more time to understand the different proposals and strengths of each candidate. This is especially important for the large number of voters who are unable to be present at the election but who could still have their votes counted through the absentee ballot system.
- **The use of the “drop down” method of voting should be universally prohibited.** In the “drop down” election that the delegation observed, the number of candidates nominated for committee member in the primary election was limited to three, even though four positions were open, in order to make room for the drop down candidates. The delegation believes that this is in conflict with Article 16 of the *Fujian Province Election Methods*. Such a process also restricts the total number of candidates running in an election, and as such unnecessarily limits competition and gives the voters fewer choices. Drop-down elections also require two or three consecutive rounds of voting, dragging out and complicating the process. Contrary to the argument that drop-down voting ensures that the best people will get a position on the committee even if they lose a race for a leadership position, such a system actually deprives talented candidates of the

positions they deserve in order to accommodate candidates who have failed to be elected to higher offices.

- **Village election commissions should be required to appoint an arbitration panel to whom all complaints about improper election administration may be brought during the election. The panel should also be called upon to make decisions regarding questionable ballots at counting time.** The delegation observed that when disagreements emerged on election day, some confusion resulted as to who had the authority to settle such disputes. The establishment of such a panel, which could be made up of certain members of the election commission and would be on hand during all points of the election, would more efficiently address problems arising on election day, including the eligibility of individual voters, the validation or invalidation of ballots, and any allegations of fraud or other irregularities. Voters should be able to appeal the decisions of this panel to higher levels of government.

III. Voter Registration

- **Election workers should make every effort to check voter credentials against a list of registered voters.** This procedure strengthens officials' ability to identify voter fraud or multiple voting. The process of comparing voter identification cards with the voter registry can easily be expedited by printing a registration number on each voter card, and listing names on voter rolls in order of that number. This would be especially useful in villages where a preponderance of the population shares the same family name.

IV. Civic Education Activities

- **Aggressive civic education campaigns should be conducted on a regular and on-going basis.** Civic education materials should be as visual as possible and should include materials like posters on voting procedures, such as those developed by the Ministry of Civil Affairs since 1996, and other informational flyers and pamphlets. Election officials should distribute sample ballots to voters prior to primary and final elections, and ensure that they are prominently displayed in the polling station area on and before election day. Target groups should include women, who are often left out of the political process although they make up half the population, and primary and secondary students, who, as future voters, should be instructed in their rights and civic duties from an early age.

V. Candidate Outreach Activities

- **Candidates should be given venues for publicly announcing platforms before final elections.** In the villages the delegation visited, candidates were only provided with the opportunity to make speeches and answer voters' questions on the day of the primary election, and not at the general election. Therefore, the candidates' speeches were only

heard by the relatively small number of voters allowed to participate in the primary. The delegation believes that it is important for all voters to have the opportunity to hear what each candidate has to say, and to have their questions answered. The village election commission should sponsor forums open to all villagers to encourage candidate outreach.

VI. Election Worker and Monitor Training

- **Election officials should continue to train election workers aggressively and to distribute written manuals and other standardized materials.** Local election workers in Fujian have made impressive advances in expertise and professionalism since IRI first visited Fujian in 1994. The delegation believes that this is a result of the hard work of election officials to train these workers and to produce comprehensive materials on election administration. IRI hopes that this work will continue to expand, and the Institute intends to do whatever it can to support these initiatives.
- **Election monitor training programs should be established and instructional manuals developed and distributed to all monitors. Provincial regulations should specify the scope and authority of monitors.** The presence of independent monitors is an effective safeguard against fraudulent activities, mismanagement of electoral procedures, and other irregularities on election day. Combined with the presence of arbitration panels, these monitors will ensure that elections are credible and efficiently run. Regulations specifying the scope and authority of monitors will prevent individuals from using the monitoring system as a means to intimidate voters, engage in illegal activities, or otherwise interfere with the voting process.

VII. Ballot Design, Roving Ballot Boxes and Absentee Ballots

- **A separate ballot should be distributed to voters for each position to be elected.** The delegation noted during counting in certain villages that the placing of all positions on the same ballot created confusion among counters as to the appropriate counting order. Furthermore, some counters appeared unsure how to handle ballots with valid votes for one or more position but invalid votes for other positions. Distributing a separate ballot for each position would prevent such confusion at counting time and would make it easier for invalid or questionable ballots to be separated and set aside.
- **The use of roving ballot boxes should be abolished.** Mobile ballot boxes may be convenient to some villagers, but to remove an empty ballot box from plain sight at the voting grounds for an extended period of time increases the potential for voting fraud. Elderly, sick, or otherwise inconvenienced voters would be better served by a system of absentee balloting.

- **Absentee ballots should be sent to voters outside the village, the sick, and the elderly so that all may participate in primary and final elections.** In Fujian, many voters spend a majority of their time living and working outside of the village. An absentee ballot system, which would allow them to vote by mail, would give these voters the opportunity to participate in elections even if it is not possible for them to return to their home villages on election day. Such a system would also provide a more reliable way for sick, elderly, and disabled individuals within the village to vote than the roving ballot boxes. Extending the time period between primary and final elections will allow for ballots listing all formal candidates to be distributed via mail and collected before the tallying of votes.

VIII. Voting

- **Election officials should continue to promote and enforce the use of secret ballots and secret ballot booths or private voting rooms, particularly in primary elections.** The delegation was pleased at the apparently universal understanding among Fujian officials that ballot secrecy is one of the most basic prerequisites for a free and fair elections. Election officials should continue to insist upon the use of secret voting booths, and should apply this standard equally to all stages of an election.
- **Voters should not be paid for casting their ballots.** Giving money to voters in exchange for voting provides the wrong type of incentive: voters should be encouraged to view voting as their civic duty and right, not a chore for which the village government owes them compensation. This is especially true in situations where a voter can visit a polling station at a time convenient to his schedule and therefore runs no risk of loss of income caused by his participation in the election. Furthermore, in other countries IRI has observed in which paying voters to cast ballots is common, once the practice is introduced, it becomes virtually impossible to do away with, as voters come to expect that they will be paid. This can become cumbersome, especially if unrelated dynamics such as village population growth or economic recession make it difficult for the village government to afford these payments.

IX. Ballot Counting

- **In villages with two or more polling stations, vote counting should take place at the most centrally-located and easily accessible polling station.** Requiring that counting take place at one of the polling stations would encourage supervision of the counting process by designated observers and interested voters. This would increase the transparency of the election process and discourage counting errors and distortions. While in progress, counting should be displayed on a board or boards visible to all observers.

- **Vote counters should be trained in a unified system of counting, and all ballots which reflect the intent of the voter should be considered valid.** Provincial officials should create specific, detailed guidelines for judging valid ballots, so that all election officials apply consistent criteria in their examination and determination during the counting process. In order to be efficient and reliable, ballot counting should adhere to the following process: count and record number of unused ballots; count and record gross number of used ballots; separate out, count and record invalid ballots and abstentions; count and record valid ballots; recount each pile to ensure tally on the board equals appropriate number of ballots.

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 clan.

Chairman, Village Committee

The chairman of the village committee essentially serves as the village mayor. He is the central leader of the village government and directs the work of the village committee.

“Drop-down” Method

The “drop-down” method of voting is an electoral system used in some Fujian villages. Under this system, the losing candidates for chairman and vice-chairman drop down to become candidates for the committee at large.

Formal Candidate

A formal candidate is a candidate whose name is printed on the general election ballot. Under

Fujian law, the ballot must present voters with a choice of multiple formal candidates for each position on the village committee.

People's Congress

The legislative branch at all levels of the people's government.

People's Government

The term used officially to refer to the government of the People's Republic of China.

Proxy Vote

In some villages in China, villagers unable to participate in elections are able to provide written authorization to another person to vote on their behalf. Permission from the village election commission is required, and the proxy voter must present an official form before receiving ballots. In Fujian, this practice was recently outlawed.

Provincial Implementation Methods

The *PRC Village Committee Organic Law* provides for individual provinces to pass their own specific "methods" for its implementation. Such legislation, passed by provincial people's congress standing committees (see page 27), sets out specific guidelines for the practice of elections and the operations of the village committee.

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.

"Sea Choice" (hai xuan) Primary Election

When nominating formal candidates, voters are given a blank ballot and asked to write in a name for each position to be filled. The top vote-getters are designated as formal candidates.

Township

The lowest official level of the people's government, and the level that directly oversees the village committee.

Vice chairman, Village Committee

The vice chairman is the second-ranking member of the village committee. When the chairmanship is vacant, or when the chairman is unable to perform his duties, the vice chairman serves as head of the village committee.

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 Assembly

The village assembly consists of the entire voting-age population of a village, similar to a New England town meeting. Under the law, it is the highest decision-making body in the village and must be convened by the village committee to debate and decide upon major issues of village policy.

Village Committee

The village committee is the executive branch of government at the local level. However, it is not a formal level of the Chinese government hierarchy. There are three to seven members on most committees, usually presided over by a chairman, vice chairman(men), and member(s). According to Chinese law, members of the village committee must be chosen by direct elections.

Village Committee Organic Law

Law passed by the National People's Congress in Beijing on November 4, 1998, governing the election and functions of the village committee.

Village Election Commission

The village election commission, which is appointed by the village assembly under the supervision of the incumbent village committee, usually has three to seven members, including a chairman and vice chairman(men). The commission is responsible for overseeing the planning for and execution of village committee elections, and is disbanded as soon as election work is completed.

Village Party Committee

The village party committee is the local branch of the Chinese Communist Party (CCP). It is headed by a chairman and vice chairman(men), who are allowed to concurrently serve on the village committee. The formal relationship between the party committee and village committee remains poorly defined, but in most villages the party committee carries out party operations at the village level and counsels the village committee on party policies. The two committees often share offices.

Village Representative Assembly

The village representative assembly, not to be confused with the village assembly, provides policy guidance to the village committee on issues such as infrastructure and agriculture development. 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 chairman of the village committee.

Village Small Group

The village small group is a smaller organizational unit below the village. Just as the village committee and village representative assembly are successors to the commune structure, small

village groups have replaced production brigades.

Write-In Candidates

A write-in candidate is a candidate whose name is not printed on the ballot, but has been written in by voters. In Fujian, printed ballots normally have a designated space to enable voters to write in the candidates of their choice.

Appendix A

The People's Republic of China Organic Law on Village Committees

**Passed at the 5th session of the 9th National People's Congress Standing Committee,
November 4, 1998
(Translated by IRI staff)**

Article 1. In order to guarantee the implementation of self-governance by the rural village people, pursuant to the concept of village masses governing themselves according to the law, and to develop village grassroots democracy and advance the construction of rural socialist material and spiritual civilization upon the basis of the Constitution, we formulate this law.

Article 2. The village committee is a grassroots, mass self-governing organization for self-management, self-education, and self-service by villagers. It implements democratic elections, democratic decision-making, democratic management, and democratic supervision.

The village committee handles the public affairs and public welfare of the village, mediates conflicts among the people, helps to protect public security, and relays to the people's government villagers' opinions, requests, and suggestions.

Article 3. The Chinese Communist Party's village-level grassroots organizations perform their work according to the Party Charter, serving their role as the core of leadership. Relying on the Constitution and the laws, they support and guarantee the rights of villagers to develop self-governing activities and to directly exercise their democratic rights.

Article 4. The duty of the people's government at the township, minority township, and town levels is to provide guidance, support, and assistance to the village committee, but not to intervene in matters within the legal limits of village self-governance.

The village committee assists the people's government at the township, minority township, and town levels in developing its work.

Article 5. The village committee should support and organize according to the law the development of various forms of cooperative economy and other economy, assume the service and coordination of village production, and work toward the construction of village industry and the development of the socialist market economy.

The village committee should respect the sovereignty of collective economic organizations in independently carrying out economic activities according to the law, defend the household responsibility system and the dual operating framework, and guarantee the legal property rights and other legal rights and interests of collective economic organizations, contract managed enterprises, joint ventures, or other partnerships.

The village committee shall manage according to the laws and regulations all land and other property belonging collectively to the villagers, and shall educate the villagers to use natural resources reasonably, in order to protect and improve the natural environment.

Article 6. The village committee should publicize the Constitution, laws, regulations, and national policies, educate the villagers and mobilize them to carry out their obligations under the laws and regulations, protect public property, preserve the legal rights and interests of the villagers, develop cultural education, spread technological expertise, promote solidarity and mutual assistance between villages, and develop various activities to build socialist spiritual civilization.

Article 7. In villages with residents of diverse ethnic nationalities, the village committee should educate and guide the villagers to strengthen solidarity, mutual respect, and mutual assistance between nationalities.

Article 8. Village committees should be established based upon the residence conditions and population size of the village, in such a way that facilitates the principle of mass self-governance.

The establishment, dismissal, and limited adjustment of the village committee should be conducted upon the proposal of the people's government at the township, minority township, or town level, with the discussion and consent of the village assembly, and the approval of the county-level people's government.

Article 9. Village committees are made up of chairmen, vice chairmen, and committee members, totaling three to seven members. Among the committee membership, there should be an appropriate number of women. In villages having residents of diverse ethnic nationalities, minority nationalities should be represented on the committee.

Village committee members should not refrain from production activities, but in accordance with local conditions, should receive suitable compensation.

Article 10. The village committee may, in accordance with village residence conditions, establish a certain number of village small groups, whose leaders shall be chosen by a meeting of each small group.

Article 11. Chairmen, vice chairmen, and members of the village committee shall be directly elected by the villagers. No organization or individual may appoint, designate, or dismiss village committee members.

Each village committee member shall serve for a term of three years. When a term of office is completed, elections for a new village committee should be held in a timely manner. Village committee members may run for and serve consecutive terms of office.

Article 12. All villagers above the age of eighteen have the right to vote and stand for election, regardless of nationality, ethnicity, gender, occupation, family background, religion, education level, financial situation, or length of residence. However, this does not include those who have been deprived of their political rights according to the law.

A list of villagers with the right to vote and stand for election should be posted at least twenty days before the election.

Article 13. Village committee elections are managed by the village election commission. The village election commission is chosen and established by the village assembly or by the village small groups.

Article 14. When electing a village committee, all eligible voters of the village may directly nominate candidates. The number of candidates should be greater than the number of positions

to be filled.

A village committee election is considered valid if more than half of the village's eligible voters participate. A candidate receiving more than half of the votes cast shall be elected.

Village elections should put into practice the methods of secret ballot and public ballot counting. Election results should be announced immediately. At the time of election, secret voting booths should be set up.

Specific election methods shall be regulated by the standing committees of the provincial, autonomous regional, and municipal people's congresses.

Article 15. When threats, bribery, forged ballots, or other illegitimate means are employed to impair the exercise by villagers of their rights to vote and stand for election, undermining the village committee election process, the villagers have the right to report to the township, minority township, and town people's congresses and people's government or the county-level people's congress standing committee and people's government, as well as the appropriate responsible departments. The appropriate mechanisms should be employed to responsibly investigate and handle the situation according to the law. Those using threats, bribes, forged ballots, or other illegitimate means to be elected shall have their elections invalidated.

Article 16. A request for the recall of a village committee member may be submitted by petition of more than one-fifth of a village's eligible voters. Recall requests should supply grounds for the proposed recall. A village committee member subjected to a recall request has the right to defend himself. The village committee should convene the village assembly to make a decision by vote regarding the recall request. The recall of a village committee member requires the approval of more than half of the village's eligible voters.

Article 17. The village assembly is made up of all members of the village over the age of eighteen. To convene the village assembly, more than half of village residents over the age of eighteen should participate, or representatives of more than two-thirds of the village's households, and all decisions made by the village assembly should receive the support of more than half of those attending. When necessary, business and enterprise work units and mass organizations located in the village may be invited to send delegates to the assembly.

Article 18. The village committee shall be responsible to the village assembly and shall report their work to the village assembly. Each year, the village assembly shall discuss the work report of the village committee, and appraise through discussion the work of the village committee members.

The village assembly shall be convened by the village committee. The village assembly should be convened whenever a proposal is raised by one-tenth of all villagers.

Article 19. The village committee must offer the following matters related to the villagers' interests to the village assembly for deliberation and decision:

1. Methods for the collection of planning fees levied by the township, and the collection and use of village funds;
2. Quotas and standards for village unemployment subsidies;
3. The use of income from collective village economy;
4. Plans for raising funds to be used in village public welfare projects such as the administration of schools and the construction of roads;
5. Plans for the establishment and contracting of village collective economic projects and the contracting of village public welfare construction projects;
6. Plans for contract-operated projects;
7. Plans for residential land use; and,
8. Additional matters involving village interests that the village assembly deems within its own mandate to debate and decide.

Article 20. The village assembly may formulate and revise village self-governance regulations and charters, and report them for township, ethnic township, and town records.

Village self-governance regulations and charters, as well as matters debated and decided upon by the village assembly or the village representative assembly, may not contradict the Constitution, laws, regulations, or national policies, nor may they infringe upon villagers' individual rights, democratic rights, or legal property rights.

Article 21. Villages with large or broadly dispersed populations may select and constitute village representative assemblies. It is the responsibility of the village committee to convene a meeting of the village representative assembly, to debate and decide upon matters authorized by the village assembly. One village representative shall be selected by every five to fifteen households within the village, or a number of village representatives may be selected by the various village small groups.

Article 22. The village committee shall implement open and transparent systems of village service. The village committee should publicize the following items in a timely manner. Financial matters must be publicized at least once every six months, so that they may be subject to villagers' supervision:

1. The matters debated and decided upon by the village assembly that are discussed in Article Nineteen of this law, and their implementation;
2. The implementation of national family planning policies;
3. The dispensation of funds for disaster and emergency relief; and,
4. The collection of water and electricity fees, as well as other public interest matters that are the subject of particular concern of the villagers.

The village committee should guarantee the accuracy of public information, and should welcome villagers' inquiries.

If the village committee fails to publicize the appropriate information in a timely matter, or if the information that it publicizes is inaccurate, the villagers have the right to report this to the township, minority township, and town people's government or the county-level people's government and other related administrative departments. The appropriate government organs should responsibly investigate, verify, and publicize the matter. If an investigation verifies that the law has been broken, the individuals involved should be held responsible according to the law.

Article 23. The village committee and its members should abide by the Constitution, laws, regulations, and national policies, impartially manage their affairs, carry out their duties with honesty, and enthusiastically serve the people.

Article 24. Decisions made by the village committee shall follow the principle of majority rule.

In performing its work, the village committee should follow the mass line, maintain full democracy, conscientiously listen to dissenting opinions, insist upon persuasion and education, and not employ force or orders, or seek retaliation.

Article 25. The village committee shall, when needed, establish subcommittees to handle issues including public mediation, public security, and public hygiene. Village committee members may concurrently serve on these subcommittees. Village committees in villages with small populations may decide not to establish subcommittees, and instead to distribute public mediation, public security, and public hygiene tasks among individual village committee members.

Article 26. The village committee should assist the appropriate departments in implementing the education, assistance, and supervision of villagers who have been deprived of their political rights according to the law.

Article 27. Organizations, groups, military units, state-owned enterprises, and enterprise work unit personnel located in the village shall not participate in village committee organizations. Those who do not work for village-administered collectively owned work units may choose not to participate in village committee organizations. However, they should all observe pertinent village regulations. These groups should be consulted when the local village committee, village assembly, or village representatives discuss or handle matters pertaining to them.

Article 28. Various levels of local people's congresses and various levels, county or higher, of people's congress standing committees shall guarantee the implementation of this law within

their jurisdiction, in order to safeguard the exercise by villagers of their legal democratic rights.

Article 29. People’s congress standing committees at the provincial, autonomous regional, and municipal levels may, according to this law combined with the realities of their own jurisdictions, formulate implementation methods.

Article 30. This law shall go into effect on the day it is publicized. On the same day, the “People’s Republic of China Village Committee Organization Law (Experimental)” shall be nullified.

Appendix B

Fujian Province Methods for the Implementation of the “People’s Republic of China Organic Law on Village Committees”

**Passed by the 20th session of the Standing Committee of the Ninth Fujian Provincial
People’s Congress, July 28, 2000**

Article One. In order to develop rural basic-level democracy, and to guarantee the legal exercise of village self-governance, we formulate these methods in accordance with the “People’s Republic of China Organic Law on Village Committees.”

Article Two. The grassroots organizations of the Chinese Communist Party perform work according to Party regulations, and serve as the core of leadership. In accordance with the Constitution and laws, they support and guarantee the development of village self-governing activities, and the direct exercise of democratic rights.

Article Three. The village committee should undertake village production services and cooperative work, support and organize legal economic development by the villagers, respect the right of collective economic organizations to independently enter into economic activities according to the law, and promote the development of village economic and social industry.

The village committee should defend as the basis the household responsibility system and the dual operating framework, and guarantee the legal property rights and other legal rights and interests of collective economic organizations, contract managed enterprises, joint ventures, and other partnerships.

Article Four. The people's government at the township, minority township, and town levels shall provide guidance, support, and assistance to the work of the village committee, but shall not intervene in matters within the legal limits of village self-governance.

The village committee assists the people's government at the township, minority township, and town levels in developing its work, and may be entrusted by the people's government at the township, minority township, or town level with appropriate administrative and managerial tasks. The people's government at the township, minority township, and town levels should provide professional guidance, and accept responsibility according to law for the tasks it entrusts to the village committee.

Article Five. The main duties of the village committee shall be as follows:

1. Convene the village assembly and village representative assembly, and present work reports;
2. Implement the decisions and resolutions of the village assembly and village representative assembly;
3. Establish and oversee the sound development of various systems for self-governing activities;
4. Draft and implement village economic and social development plans and fiscal year plans;
5. Manage according to law land, rivers and beaches, seashores, wooded mountains, water conservation facilities, and other assets belonging collectively to farmers; manage village assets;
6. Educate villagers to reasonably exploit and utilize natural resources, protect and improve the ecological environment;
7. Manage the public affairs and public welfare of the village;
8. Publicize the Constitution, laws, regulations, and national policies; protect villagers' legal rights and interests; educate and mobilize villagers to carry out their duties according to the laws and regulations; supervise and encourage villagers to respect self-governing regulations and agreements;
9. Develop activities to construct socialist spiritual civilization; disseminate cultural

and scientific knowledge; organize cultural and sports activities related to health; raise villagers' ideological and moral quality and scientific and cultural level; change established habits and social customs; establish new socialist prevailing habits and customs;

10. Mediate conflicts among the people, and promote unity and family harmony among villages, villagers, and ethnic groups;
11. Assist the people's government in maintaining social stability and protecting good and orderly society, production, and life;
12. Relay the opinions, requests and suggestions of the villagers to the people's government.

Article Six. Village committees shall be established based upon the principles of village living conditions, historical customs, population size, economic conditions, and that which is facilitative to self-governance.

If the village committee organizational system is revised, the will of the masses must be thoroughly respected and the revision must be handled according to law.

Article Seven. Village committees shall be made up of chairmen, vice chairmen, and members, together totaling a number between three and seven; the official number shall be debated and decided by the village assembly or the village representative assembly.

The village committee members shall be residents of the village who are law-abiding, who fairly and impartially manage affairs, who possess definite scientific and cultural knowledge, and who wholeheartedly serve the masses. Within the village committee there should be an appropriate number of women. In villages with residents from different ethnic groups, there should be committee members belonging to minority nationalities. In villages with large numbers of returned overseas Chinese or relatives of overseas Chinese, these groups should be represented on the village committee.

Article Eight. Village committee chairmen, vice-chairmen and members shall be elected in accordance with the "Fujian Province Village Committee Election methods." No organization or individual may designate, appoint, or remove village committee members.

Before a village committee election, the village election commission should publicize to the villagers assessments of the work of the sitting village committee and its members, and the results of audits of village finances.

Article Nine. Village committee members shall be subject to the villagers' supervision. A request for the recall of a village committee member may be entered by petition of one-fifth or more of a village's eligible voters. A motion to recall a village committee member must receive the support of more than half of the village's eligible voters to pass.

Article Ten. Village committee members who are held legally responsible for pursuing criminal activities, who exceed the family planning policy, or who fail to participate in village committee work for more than six consecutive months, as acknowledged by relevant departments at the county level or the people's government at the township, minority township, or town level, may be recalled by the village assembly.

If a village committee member chooses to resign, he should submit his resignation to the village committee in written form. The village committee should within one month's time convene the village assembly or village representative assembly in order to hold discussions and make a decision.

Article Eleven. Village committee members shall not refrain from production activities. They shall receive a fixed compensation to maintain their normal work, as well as appropriate additional compensation for missed work time.

The number of recipients, standards, and methods for compensating village committee members shall be decided upon by the village assembly or village representative assembly, which shall make a report to the people's government at the township, minority township, or town level. All appropriations, except for compensation from public finances, shall be defrayed by township, minority township, town, or village funds.

Article Twelve. The village committee may set up a certain number of village small groups. Village small groups shall have one chairman, and according to work necessities may also have one or two vice chairmen. Village small group chairmen shall be chosen by a meeting of the small group or directly elected. Their terms of service shall be concurrent with those of the village committee, and they may serve for consecutive terms. If one-fifth of the eligible voters belonging to a village small group are dissatisfied with the work of the group's chairman, they may submit a request for replacement. The village committee shall convene a meeting of the small group to decide upon the replacement request. For the replacement to be approved, it must receive the support of more than half of the eligible voters attending the meeting, or more than two-thirds of the household representatives. In order to select a new village small group chairman, the original selection procedures shall be followed.

The main responsibilities of the village small group chairman are as follows:

1. Organize the villagers belonging to the small group to develop various types of production and living services; manage the finances of the small group;
2. Relay relevant regulations produced by the village committee; organize the completion of various tasks assigned by the village committee;
3. Receive and answer opinions and suggestions from villagers belonging to the small group;
4. Convene the village small group to discuss and decide upon relevant affairs of the

small group.

Article Thirteen. When necessary, the village committee may establish committees responsible for villagers' mediation, public security, public hygiene, and other matters. Villages with large numbers of returned overseas Chinese or relatives of overseas Chinese may establish committees on overseas Chinese affairs, and villages in forested regions may establish committees for forest protection.

The village committee shall nominate members for these subcommittees, and the village assembly or village representative assembly shall discuss and approve their membership. Members of the village committee may simultaneously serve as members of the subcommittees.

In villages with small populations, the village committee may decide not to establish any subcommittees, and may instead choose to divide relevant duties among the members of the village committee.

Article Fourteen. The village committee shall handle the necessary expenditures benefitting villagers' public affairs and public enterprises, and, subject to the debate and decision of the village assembly or village representative assembly, may raise funds for the villagers, but may not concoct various pretexts to arbitrarily dole out expenditures.

Article Fifteen. The village assembly shall be made up of all village residents above the age of eighteen.

In order to convene a meeting of the village assembly, more than half of the villagers above the age of eighteen, or more than two-thirds of household representatives, should participate. All decisions made by the village assembly should receive the support of more than half of those attending the meeting. In debating concrete affairs, plans may also be made to print and distribute materials soliciting the opinions of all villagers, and allowing them to decide by vote.

The village assembly shall meet at least once a year. Villages with large or dispersed populations may choose to divide into separate meetings. The village assembly should be convened upon the request of over one-tenth of the villagers.

Article Sixteen. The village assembly shall discuss and decide upon the following matters related to villagers' interests:

1. Consider and decide upon village development plans and fiscal year plans;
2. Receive and consider work reports, financial and appropriations plans, and implementation condition reports of the village committee; assess the work of the village committee and its members;
3. Promulgate and revise village self-governing regulations and charters;

4. Recall and hold special elections of village committee members; consider and critique letters of resignation from village committee members;
5. Veto or revise inappropriate decisions of the village representative assembly or the village committee;
6. Other matters that fall under the village assembly's purview in accordance with the "People's Republic of China Organic Law on Village Committees."

Article Seventeen. When necessary, the village assembly may establish a village representative assembly and authorize it to debate and decide upon issues normally debated and decided upon by the village assembly. However, these issues shall not include the recall and by-election of village committee members, or the promulgation of village self-governing regulations and charters.

Article Eighteen. The village representative assembly shall be made up of the villagers' representatives. The exact size of its membership shall be established by the village election commission according to the following regulations:

1. Village representative assemblies in villages with more than six hundred households may not have fewer than forty-five members.
2. Village representative assemblies in villages with between three hundred and six hundred households may not have fewer than thirty-five members.
3. Village representative assemblies in villages with between one hundred and three hundred households may not have fewer than twenty-five members.
4. Village representative assemblies in villages with less than one hundred households, or villages with relatively dispersed populations, may not have fewer than twenty members, or may choose not to select villagers' representatives.

Article Nineteen. Villagers' representatives shall be selected or established by direct election of the village small groups. Their terms of service shall be concurrent with those of the village committee, and they may serve consecutive terms.

If more than one-fifth of a village small group's eligible voters consider a villagers' representative to be incompetent, they may submit a request for replacement. A replacement meeting of the village small group shall be convened by the chairman of the village small group or by the village committee. The replacement of a villagers' representative shall require the approval of more than half of the eligible voters of the village small group or more than two-thirds of the household representatives. When holding special elections for villagers' representatives, the original methods shall be followed. No other organization or individual may designate, appoint, or replace villagers' representatives.

Article Twenty. The village representative assembly shall meet at least once every three months. In exceptional circumstances or upon the request of more than one-third of the

villagers' representatives, a meeting of the village representative assembly should be convened.

To convene a meeting of the village representative assembly, more than two-thirds of the villagers' representatives should participate. Any decisions made by the village representative assembly should receive the support of more than half of the representatives in attendance.

Article Twenty One. Issues, self-governing regulations, and charters discussed and decided upon by the village assembly or village representative assembly should be in accordance with laws, regulations and national policies. They may not violate the content of villagers' individual rights, democratic rights or legal property rights.

Issues to be discussed and decided upon by the village assembly or village representative assembly regarding village and town planning, land use, or farmers' burdens should be reported to the people's government at the township, minority township, or town level by the village committee.

Article Twenty Two. The village committee may establish a three to five member village affairs supervisory small group. The members shall be selected by the village assembly or village representative assembly, and the small group chairman shall be selected by the members of the small group. This small group should have members possessing definite cultural and financial knowledge. Village committee members, their spouses and direct relatives, and those involved in village accounting may not serve as members of the village affairs supervisory small group. The term of service for a member of the village affairs supervisory small group shall be concurrent with that of the village committee, and members may serve consecutive terms.

If more than one-fifth of the village's eligible voters are dissatisfied with the work of a member of the village affairs supervisory small group, they may submit a request for replacement. Replacement of a member of the village affairs supervisory small group must receive the approval of more than half of the village's eligible voters or more than two-thirds of the villagers' representatives. To replace members of the village affairs supervisory small group, the original methods for selecting members shall be employed.

Article Twenty Three. The village affairs supervisory small group shall have the following responsibilities:

1. Supervise and encourage the village committee to establish and strengthen various systems for village self-governance;
2. Investigate, supervise and encourage the village committee to carry out the decisions of the village assembly and the village representative assembly;
3. Investigate, supervise and encourage the village committee to exercise transparency in village affairs and financial revenue and expenditure conditions; assist in developing audits of village collective finances;

4. Relay the reasonable opinions and suggestions of the villagers; supervise and encourage the village committee to handle them in a timely manner.

In deciding upon problems, the village affairs supervisory small group shall follow the principle of majority rule. The small group shall present a work report to the village assembly or the village representative assembly at least twice annually.

Article Twenty Four. The village committee shall implement according to law systems for transparency in village affairs. The village committee should publicize in a timely manner and receive the villagers' supervision regarding the items enumerated in Article Twenty Two of the "People's Republic of China Organic Law on Village Committees", as well as other items mandated by the village assembly or village representative assembly. Financial affairs shall be publicized at least once every three months.

The village committee should regularly exercise transparency in village affairs by posting bulletins in a location convenient to villagers. The village committee should also receive villagers' inquiries and the supervision and inspection of the village affairs supervisory small group.

The village committee should establish open village affairs archives. Village affairs announcements as well as their time of release and contents, the opinions of the village affairs advisory small group and responses to villagers' inquiries, among other items, shall be archived for future reference. The open village affairs archives should be properly taken care of. Deposited materials shall be maintained for no less than four years.

Article Twenty Five. If villagers have queries regarding the content of village affairs announcements, they may make direct inquiries or submit opinions to the village committee, or they may request a response from the village committee through the village affairs supervisory small group. The village committee should produce a response within fifteen days.

Article Twenty Six. If the village committee fails to publicize the appropriate items in a timely manner, or if it publicizes them inaccurately, villagers have the right to report this to the people's government at the township, minority township, or town level, or to the responsible departments of the county-level people's government. The appropriate government organs should responsibly investigate and verify the situation, and order disclosure or corrections. If the investigation finds that unlawful activities have occurred, the appropriate officials should undertake their responsibilities according to law.

Article Twenty Seven. The people's government at various levels shall organize and implement the "People's Republic of China Organic Law on Village Committees" and these methods. The civil affairs bureau shall be responsible for day-to-day work.

The people's government at the county level should, according to local realities and conditions, formulate plans, guide villagers to develop self-governing activities, and raise the level of village self-governance.

Article Twenty Eight. People's congresses at various local levels and people's congress standing committees at or above the county level shall ensure the implementation of the "People's Republic of China Organic Law on Village Committees" and these methods within the jurisdiction of their own administrative regions, and shall guarantee the legal exercise by villagers of their self-governing rights.

The people's government at various local levels should report in a timely manner on elections and other major issues regarding village self-governance to people's congress standing committees at the same level.

Article Twenty Nine. These implementation methods shall go into practice on the day that they are announced. The "Fujian Province Methods for the Implementation of the 'People's Republic of China Organic Law on Village Committees'(Experimental)" shall at the same time be nullified.

Appendix C

Fujian Province Village Committee Election Methods

Passed by the 20th session of the Standing Committee of the Ninth Fujian Provincial People's Congress, July 28, 2000

Article One. In order to guarantee the legal exercise by villagers of their democratic rights, and to establish democratic elections, we formulate these methods in accordance with the "People's Republic of China Organic Law on Village Committees" combined with the realities of our province.

Article Two. Village committee chairmen, vice chairmen, and members shall be directly elected by villagers according to the multi-candidate and anonymous ballot methods.

Article Three. Village committees shall serve for a term of three years. Upon completion of this term, an election should be held in a timely manner. Village committee members may run for and serve consecutive terms. The provincial people's government shall collectively deploy election work. Election work shall be guided by the people's government at the county (city, district), township, minority township, and town levels, and by the civil affairs bureau.

Article Four. Village committees shall be made up of chairmen, vice chairmen, and members,

together totaling a number between three and seven; the official number shall be debated and decided by the village assembly or the village representative assembly.

In cases where several natural villages combine to establish a single village committee, the distribution of committee members should give consideration to the villages' practical conditions.

Article Five. Village committee election work shall be overseen by the village election commission. The village election commission shall be made up of five to seven members. The members of the village election commission shall choose one chairman and one vice chairman.

Members of the village election commission shall be selected by the village assembly, the village representative assembly, or the various village small groups.

If a member of the village election commission is formally nominated as a candidate for the village committee, he or she should step down from the village election commission upon the day of his or her nomination.

Article Six. Members of the village election commission should abide by the laws, regulations and national policies, represent the villagers' interests, be open to the villagers' opinions, fairly and impartially manage affairs, be honest and upright, and wholeheartedly serve the villagers.

The village election commission is responsible for designating election workers, carrying out voter registration, inspecting voter credentials, publicizing a voter list, organizing the naming and primary election of candidates, approving and publicizing an official candidate list, organizing voting, and publicizing the results of the election.

The village election commission shall exercise its duties until the time at which a new village committee is established.

Article Seven. Counties (cities, districts), townships, minority townships, and towns shall establish village committee election guidance groups. County (city, district) level guidance groups shall be made up of officials from the Party committee, people's congress standing committee, government and relevant departments at the same level. Township, minority township and town guidance groups shall be made up of officials from the Party committee, people's congress presidium, government and relevant departments at the same level, and shall be subject to the leadership of the county-level guidance group.

Article Eight. County (city, district), township, minority township, and town village committee election guidance groups shall have the following responsibilities:

1. Publicize and implement the "People's Republic of China Organic Law on

Village Committees,” the “Fujian Province Methods for the Implementation of the ‘People’s Republic of China Organic Law on Village Committees’,” and these methods;

2. Deploy, guide, and supervise village committee election work; lead villagers in holding elections according to law;
3. Develop experimental elections and train election workers;
4. Accept and hear appeals related to election work;
5. Approve village committee election days;
6. Summarize and exchange election work experiences;
7. Arrange and establish election work archives.

Article Nine. The appropriations for election guidance work performed at the county (city, district), township, minority township, and town levels shall be defrayed by county and township public finances.

Article Ten. All villagers aged eighteen or above shall possess voter qualifications, regardless of ethnic background, race, sex, occupation, family background, religious beliefs, education, or length of residence; however, this does not include those who have been deprived of their political rights according to the law.

A villager has reached voting age if he or she will be at least eighteen years old on election day.

Article Eleven. All villagers possessing voter qualifications may register to vote with the village election commission in their village of official residence.

Under the following conditions, if a person chooses to register with the village election commission in the village of his or her residence, the commission may, after inspection and verification, grant registration, provided that the individual is not already registered elsewhere:

1. Those who have transferred to another *hukou* (residence permit), but continue to reside and perform all the duties of a villager within the village;
2. Those who reside and perform all the duties of a villager within the village, but have not yet been granted a *hukou* by the village.

Article Twelve. The registration and approval of qualified voters shall remain valid indefinitely. Before each election, registration should be granted to those who have reached the age of eighteen since the previous round of voter registration, new residents who are qualified to vote, and those who have regained their political rights. The names of those who have moved away from the village, died, or have been deprived of their political rights according to the law, should be removed from the voter list.

Article Thirteen. The day of voter registration should be approved to occur twenty-five days

before election day. Before the day of voter registration, the village election commission should in a timely manner inform voters who are for some reason away from the county or city that they need to return to the village to participate in voting. Those who are unable to return to the village for the election shall not be counted among the voters in the election round.

Article Fourteen. A voter list should be announced twenty days before the election.

Villagers who have complaints about the voter list may raise them with the village election commission. The village election commission should make revisions or produce explanations according to the law.

Article Fifteen. Candidates for village committee membership shall be directly nominated, individually or jointly, by villagers possessing voting rights. Each voter may nominate a number of candidates not exceeding the number to be elected. In regard to the direct nomination of candidates by voters according to the law and the approval of formal candidates by the voters according to the law, no organization or individual may cancel, revise, or modify the legal procedures.

A complete list of nominated candidates, in order of family name, should be announced fifteen days before the day of election.

Article Sixteen. The number of formal candidates for village committee chairman and vice chairman should respectively exceed the number to be elected by one. The number of candidates for village committee membership should exceed the number to be elected by one to three. If the number of villagers' committee candidates exceeds the differences enumerated above, a primary election employing the secret ballot method shall be held in order to determine formal candidates. In the primary election, an election meeting may be convened with the participation of all voters or one representative from each household, or a meeting of the village representative assembly may be convened. The village election commission shall decide upon the mode of primary election to be employed. For the primary election to be considered valid, over one-half of registered voters, or over two-thirds of household representatives or villagers' representatives, must cast ballots. Formal candidates shall be determined according to the number of votes received by each candidate. After a list of formal candidates has been determined, the list should be publicized in order of family name two days before the day of election.

If a candidate voluntarily turns down the nomination, he or she should submit a written request to the village election commission. If his or her absence from the candidate list results in a deficiency in the number of formal candidates, a replacement candidate should be determined according to the number of votes received by other candidates in the primary election.

Article Seventeen. The village election commission should introduce the characteristics of each

candidate to the villagers, and may also organize the candidates to present speeches explaining how they would govern the village and to answer villagers' queries. Villagers and candidates may also introduce the characteristics of the candidates at meetings of the village small groups, the village representative assembly, or the village assembly, but all such activities must cease on election day.

Article Eighteen. The preparation activities for the voting election shall be as follows:

1. Train workers;
2. Determine the number of participating voters;
3. Publicize the time and location of the voting election; prepare ballot boxes and ballots; arrange the election meeting grounds and voting stations.

Article Nineteen. At the time of the voting election, an election meeting should be held. According to village residence conditions and the principle of doing what is facilitative to the voting process, a central polling station as well as a certain number of branch polling stations may be set up for use in the voting election. The village election commission shall oversee the election meeting and the polling stations.

Three or more election workers may be dispatched to the houses of voters who are elderly, weak, sick, or disabled and as such face undue inconvenience in attending the election meeting or visiting a polling station, in order to collect their ballots in a roving ballot box.

Candidates for election and their spouses or direct relatives may not serve as election workers.

Article Twenty. Based upon the will of the majority of villagers, as approved by the village election committee, villagers may cast a single ballot for village committee chairman, vice chairman, and members; or, they may cast separate ballots for chairman, then vice-chairman, and finally members.

Article Twenty One. At the time of election, secret ballot booths shall be set up. Voters who are illiterate or for other reasons unable to mark their own ballots may designate someone they trust as a representative to mark their ballot for them, or the village election committee may appoint someone to do so. These representative ballot-markers may not violate the will of the voters they represent.

Article Twenty Two. When voting has been completed, all ballot boxes should be gathered and opened at the election meeting grounds or the central polling station before the end of the election day. Vote-callers and vote counters shall, under the supervision of two vote-checkers, sincerely verify and count the number of votes, and then immediately announce the results of the election. The overseers of the election and the vote-checkers shall produce a record of these results.

Article Twenty Three. In each election, if the number of votes collected is greater than the number of participating voters, the results shall be invalid, whereas if the number of votes collected is equal to or smaller than the number of participating voters, the results shall be valid. On each ballot, if the number of votes marked for a position is greater than the number allowed to be cast, these votes shall be invalid, whereas ballots containing a number of votes marked for each position that is equal to or smaller than the number allowed to be cast shall be valid.

Ballots that are marked illegibly or in ways that do not conform with regulations shall be invalid.

Article Twenty Four. If more than half of all voters cast ballots, an election shall be valid. Candidates or write-in candidates receiving more than half the votes of participating voters shall be elected.

If the number of candidates receiving more than half the votes of participating voters is greater than the number of positions to be filled, the positions shall be filled according to the number of votes received by each candidate. If the number of votes received by individual candidates is equal, such that it is impossible to determine who has been elected, a new round of voting should be held between the candidates and write-in candidates receiving equal numbers of votes, with winners determined by the number of votes received in the new round by each candidate.

If the number of candidates elected is smaller than the number of positions to be filled, a new election should be held within fifteen days to fill the empty positions. At the time of this make-up election, formal candidates shall be determined according to the sequence of the number of votes received by each candidate who was not elected in the original round of voting. The make-up election shall be valid if more than half of all voters cast ballots, and the winners shall be determined according to the number of votes received by each candidate.

Article Twenty Five. After the results of the election have received the approval of the village election commission, they shall be announced on election day or the following day, and they shall at the same time be reported to the people's government at the township, minority township, or town level and the county (city, district) level bureau of civil affairs. The county (city, district) bureau of civil affairs shall produce province-approved certificates of election for village committee chairmen, vice-chairmen and members.

The first meeting of the new village committee should be held within ten days after the announcement of the results of the election.

Article Twenty Six. Members of the village committee shall be subject to the villagers' supervision. The village assembly has the power to recall village committee members.

A request for the recall of a village committee member may be submitted upon the petition of more than one-fifth of villagers possessing voting rights. Recall requests submitted to the village

committee shall be reported to the people's government at the township, minority township, or town level and the relevant departments of the people's government at the county level. The village committee should convene a village assembly meeting in which villagers with voting rights shall decide upon the matter by voting, within one month after receiving a recall request. The people's government at the township, minority township, or town level and the bureau of civil affairs of the people's government at the county level should offer their guidance. For the recall to be valid, it must receive the support of more than half of villagers possessing voting rights. The results of the meeting should be reported to the people's government at the township, minority township, or town level and the bureau of civil affairs of the people's government at the county level.

If the village committee does not convene a meeting of the village assembly to decide upon a recall request within the time limits established by this article, the township-level people's government shall convene and oversee the meeting within one month's time.

Article Twenty Seven. When a deficiency occurs in the number of village committee members, a by-election should be held within two months' time. Candidates shall be determined by the village representative assembly. The number of candidates may be greater than or equal to the number of positions to be filled through by-election.

For the by-election to be valid, more than half of all voters must cast ballots. Candidates or write-in candidates receiving more than half of the votes cast by participating voters shall be elected.

If after the by-election, deficiencies remain in the number of village committee members, another by-election shall be held. For this further by-election to be valid, more than half of all voters must cast ballots. The winners shall be determined by the number of votes received by each candidate.

Article Twenty Eight. Elections for village small group chairmen and villagers' representatives shall be held at the same time as village committee elections.

Village small group chairmen and villagers' representatives shall be chosen or directly elected by meetings of the village small groups. When directly elected, candidates shall be directly nominated by the voters of the small group. For the election to be valid, over one-half of the small groups' members possessing voting rights or over two-thirds of household representatives must cast ballots. Winners shall be determined according to the number of votes received by each candidate.

Article Twenty Nine. Those who use violence, threats, bribes, falsified ballots, falsified ballot counts, or other methods to create confusion and spoil election work, in violation of public security management penal codes, shall be subject to penalties imposed according to law by

public security organs. Judicial offices shall be responsible for investigating according to law those who have committed crimes.

In instances where village committee members have been designated, appointed, or replaced, or where elections have been unnecessarily delayed, in violation of the regulations contained in these methods, the people's government at the higher levels or the relevant departments, shall take disciplinary action toward those directly responsible, according to the relevant regulations.

Article Thirty. These election methods shall take effect on the day of their announcement.

Appendix D

Appendix E

Baiye Village Committee Chairman Ballot

Mark			
Position	Chairman	Chairman	Chairman
Name	Lin Guangfa	Lin Baifeng	

Mark an “O” in the space above the name of the candidate you support. Do not make any mark for the candidate you do not support. If you do not support any of the candidates on this form, you may write the name of a candidate you support in the space for the appropriate position. Choose 1 person for chairman. Votes for a number of candidates equal to or less than the regulated number will be valid, while votes for a number greater than the regulated number will be invalid.

Baiye Village Committee Member Ballot

Mark					
Position	Member	Member	Member	Member	Member

Name	Lin Yucheng	Lin Donghui	Lin Zhongchang		
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Mark an “O” in the space above the name of the candidates you support. Do not make any mark for the candidates you do not support. If you do not support any of the candidates on this form, you may write the name of candidates you support in the spaces for the appropriate position. Choose 2 people for member. Votes for a number of candidates equal to or less than the regulated number will be valid, while votes for a number greater than the regulated number will be invalid.

Appendix F

Appendix G

Banxi Village Committee Chairman Ballot

Mark			
Position	Chairman	Chairman	Chairman
Name	Xie Guang- xing	Xie Yong- ming	

Mark an “O” in the space above the name of the candidate you support. Do not make any mark for the candidate you do not support. If you do not support any of the candidates on this form, you may write the name of a candidate you support in the space for the appropriate position. Choose 1 person for chairman. Votes for a number of candidates equal to or less than the regulated number will be valid, while votes for a number greater than the regulated number will be invalid.

Appendix H

Appendix I

Banxi Village Committee Member Ballot

Mark									
Position	Member	Member	Member	Member	Member	Member	Member	Member	Member
Name	Xie Sheng- jin	Xie Dong- qiao	Xie Hua- guang	Xie Cheng- he	Xie Hui- zhen				

Mark an "O" in the space above the name of the candidates you support. Do not make any mark for the candidates you do not support. If you do not support any of the candidates on this form, you may write the name of candidates you support in the spaces for the appropriate position.

Choose 4 people for member. Votes for a number of candidates equal to or less than the regulated number will be valid, while votes for a number greater than the regulated number will be invalid.

Appendix J

Appendix K

**Houpu Village Committee Member Candidates
Primary Election Ballot**

Formal Candidates for Chairman (In order of number of strokes in the name)

Mark				
Name	Ye Jianli	Li Zhijian	Chen Yongdian	Huang Jimin

Formal Candidates for Vice Chairman (In order of number of strokes in the name)

Mark						
Name	Wang Meiling	Ye Qisu	Lu Meiqin	Li Zhijian	Chen Yongdian	Huang Jimin

Formal Candidates for Member (In order of number of strokes in the name)

Mark												
Name	Ye Qi- su	Lu Mei- qin	Su Chao- shui	Li Zhi- jian	Zhang Xing- guo	Chen Shui- dian	Chen Bing- gen	Huang Ding- san	Huang Jimin	Huang Jing- sheng	Huan g Jing- quan	Huan g Deng ming

Explanation: 1. Mark an “O” in the space above the name of the candidate you support. If

you do not wish to vote for a candidate or wish to abstain, do not make any mark.

2. Formal candidates to be selected: 1 for chairman, 2 for vice chairman, and 4 for member. Votes for more than these numbers shall be invalid, and will be considered wasted ballots (with regard to the relevant post). Write-in votes are invalid.
3. An individual candidate may only receive your vote for one position. On ballots that contain votes for the same individual for two or more positions, only the vote for the highest position will be valid, and others will be invalid.

Appendix L

Appendix M

**Houpu Village Committee Chairman and Vice Chairman
Election Ballot**

Chairman

Mark			
Candidate Name	Ye Jianli	Li Zhijian	

Vice Chairman

Mark					
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Candidate Name	Ye Qisu	Lu Meiqin	Huang Jimin		
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- Explanation:
1. Mark an "O" in the space above the name of the candidates you support. Do not make any mark for the candidate you do not support. If you wish to write in another voter's name, write the name in a blank space, and mark an "O" in the space above it. If a mark is not written, the vote will be invalid.
 2. Number to be elected: 1 chairman and 2 vice chairmen. Votes for more than these numbers will be invalid.

Appendix N

Appendix O

Voter Identification Card, Banxi Village

Banxi Village Committee

Voter Identification

Name **Xie Weihuan** Sex **Male**

Age **62** Voting date **10.14**

Voting Location **Banxi Elementary School**

Instructions: 1. Present this identification to receive a ballot.
2. This identification may only be used by one person.
3. This identification is not valid without a stamp

Date of issue: **September 24, 2000**

Banxi Village, Shizhong Township, Xinluo District, Longyan City Village Election Commission (Stamp)

Appendix P

Appendix Q

Report on Village/Neighborhood Committee Election

Vote-Counting Conditions

Baiye Village/Neighborhood, in **Shizhong** Township (Town)/Subdistrict, has a total of **242** registered voters, of whom **236** were registered in this election. The election was held on **October 13, 2000**. **206** voters directly participated in this election. A total of **206** ballots were received for the position of chairman, of which **201** were valid and **5** were invalid. A total of **206** ballots were received for the position of member, of which **202** were valid and **4** were invalid. **1** chairman and **2** members were to be chosen in this election. A primary election was held, resulting in the nomination of **2** formal candidates for chairman and **3** formal candidates for member. Election results: **1** chairman and **2** members were elected.

Specific Conditions of those elected follow:

Name of elected	Position	Votes Received	Formal Candidate?	Incumbent?	Sex	Age	Education Level	Party Member?
Lin Guangfa	Chairman	138	Yes	Yes	Male	43	Middle School	Yes
Lin Yucheng	Member	117	Yes	No	Male	33	Middle School	No
Lin Donghui	Member	148	Yes	Yes	Male	41	Middle School	No

Vote Caller: **(Signature)**

Vote Recorder: **(Signature)**

Vote-Counting Supervisor: **(Signature)**

Village/Neighborhood Election Committee **(Seal stamped)**

Date reported to town: **October 13, 2000**

Appendix R

Appendix S

Report on Village/Neighborhood Committee Election Vote-Counting Conditions

Banxi Village/Neighborhood, in **Shizhong** Township (Town)/Subdistrict, has a total of **979** registered voters, of whom **917** were registered in this election. The election was held on **October 14, 2000**. **817** voters directly participated in this election. A total of **816** ballots were received for the position of chairman, of which **805** were valid and **11** were invalid. A total of **816** ballots were received for the position of member, of which **798** were valid and **18** were invalid. **1** chairman and **4** members were to be chosen in this election. A primary election was held, resulting in the nomination of **2** formal candidates for chairman and **5** formal candidates for member. Election results: **1** chairman and **4** members were elected.

Specific Conditions of those elected follow:

Name of elected	Position	Votes Received	Formal Candidate?	Incumbent?	Sex	Age	Education Level	Party Member?
Xie Guangxing	Chairman	502	Yes	No	Male	46	High School	Yes
Xie Dongqiao	Member	683	Yes	Yes	Male	49	Middle School	Yes
Xie Chenghe	Member	566	Yes	Yes	Male	37	Middle School	No
Xie Shengjin	Member	514	Yes	Yes	Male	46	Middle School	No
Xie Huizhen	Member	637	Yes	Yes	Female	35	Middle School	Yes

Vote Caller: **(Signature)**

Vote Recorder: **(Signature)**

Vote-Counting Supervisor: **(Signature)**

Village/Neighborhood Election Committee **(Seal stamped)**

Date reported to town: **October 14, 2000**

Appendix T

Appendix U

Houpu Village Chairman and Vice Chairman Election Vote-Counting Results Report Form

The village has a total of **2599** registered voters, of who **2159** participated in this election (including **2** who used the roving ballot box), a participation rate of **83.1%**. **2159** ballots were distributed and **2159** ballots were cast. **440** blank ballots were returned (and destroyed immediately). **2099** valid ballots, including **99** abstentions, and **60** invalid ballots were received for chairman. **2113** valid ballots, including **102** abstentions, and **46** invalid ballots were received for vice chairman. **1** chairman and **2** vice chairman were to be chosen in this election. A primary election was held, in which **2** formal candidates for chairman and **3** formal candidates for vice chairman were determined. Election results: **1** chairman and **2** vice chairman were elected. Voting results were as follows:

Chairman

Name	Candidate		Write-in Candidate				
	Ye Jianli	Li Zhijian	Su Laicheng	Huang Jimin			
Votes Received	1403	592	1	4			

Vice Chairman

Name	Candidate			Write-in Candidate			
	Ye Qisu	Lu Meiqin	Huang Jimin	Chen Binggen	Li Zhijian	Su Chaoshui	Li Qinghuo
Votes Received	1288	1295	948	1	3	2	1

It is determined that **Ye Jianli** has been elected chairman and **Ye Qisu** and **Lu Meiqin** have been elected vice chairmen.

Central Vote Counter: **(Signature)** Central Vote-Counting Supervisor: **(Signature)**
 Supervisor: **(Signature)**
 Village Election Commission Chairman: **(Signature)**

Houpu Village Election Commission **(Seal stamped)**
October 16, 2000

Appendix V

Electing China's Leaders

Asian Wall Street Journal
October 18, 2000

By Hugo Restall

BANXI VILLAGE, China -- The villagers lined up in the dirt courtyard outside the two-story community center, waiting their turn to vote. After their voter registration card was checked, they took their ballot into a curtained room to mark it, and then dropped it into a sealed red box marked "ballot box." Around the building were posters with slogans like "Respect the will of the voters, protect the democratic rights of the voters."

Later, the ballots were read out and tallied on a wall in a procedure reminiscent of the way votes were counted in Taiwan's presidential election in March, just a few hundred miles away from this Fujian village. There was another similarity-the challenger won this election.

I went to Banxi last Saturday along with a delegation of American election monitors from the International Republican Institute, a Washington-based non-profit associated with the Republican Party and funded by the National Endowment for Democracy. There was no doubt in their minds, or mine, that this particular day of polling lived up to its democratic billing, and the procedure was close to flawless.

However, China's village elections are all over the map, and this one was clearly at one extreme. It's also impossible to say if pressure was applied to voters ahead of the election. In this and two other villages, local people were reluctant to reveal their opinions on the candidates and the issues at stake.

Nevertheless IRI watched elections in this area in 1994 and '97, and this provided a useful basis for comparison. There has been significant progress in the technical aspects of the elections, and this may be partly a result of a new provincial election law implemented in July. It laid down specific procedures to ensure fairness and prevent village or township officials from turning areas into private fiefdoms.

That correlation between support from upper levels and gradual progress suggests that the rest of the country should soon catch up. Beijing is also pushing to extend and improve village elections. A 1998 law required all provinces to hold elections, and spelled out the basics: multiple candidates for each post, open nominations, anonymous ballots, secret voting, transparent counting, etc.

Some places are far ahead of others. Fujian has been holding elections since they began in

1987, whereas Yunnan Province only began last year. Observers from IRI have seen significant problems in other provinces, and some experts estimate that only 17% of villages have held fair, competitive elections.

This shouldn't be taken as a lack of a commitment, but rather one more proof that changing China is like steering a supertanker-after you pull on the tiller it takes a while for the ship to turn. Setting up the model for the rest to follow has always been an important governing tool, and elections are no exception. Towns like Banxi are now the models for the rest to imitate, and training programs and manuals based on their experience are proliferating.

There are signs that a democratic consciousness is taking hold. For instance, in Banxi there was a new wrinkle-campaigning. The challenger, Xie Guangxing, photocopied the stump speech he gave at a village meeting and distributed it to households in the other hamlets. Among other things, he promised to pass on villagers' opinions to higher levels of government, not force them to do things they didn't want and protect their rights. On the practical side, he said he would keep the village's finances open and accountable, solve conflicts and continue the work of the incumbent, a young doctor, in spreading agricultural technology. Villagers are now holding officials to their promises.

The Communist Party is primarily interested in village elections as a way to control the countryside. They were first championed by conservative National People's Congress chief Peng Zhen because they didn't require the party to relinquish much power but offered significant improvements in the quality of governance. Less corruption and bullying means less trouble for the township and county officials, who still ultimately call the shots.

But it's possible the party has already let the democratic genie out of the bottle. Now that village elections have been a success, there are calls to take this experiment to the next level. Many within the party want to try direct elections for the township chiefs-one such election was held in Sichuan in 1998.

The outcome of that election was upheld, but without an endorsement to try it elsewhere. So some officials are holding elections in everything but name, even in the local branches of the Communist Party. Called a two-ballot system, the people vote for who they want, and this is then confirmed in a second vote by a higher party body. This satisfies local desires while avoiding unwanted attention from Beijing.

Late next year the terms of most of the country's township officials expire. This means there is a significant opportunity for many county-level officials to conduct more experiments. There are indications this topic came up in the recent Central Committee plenum at the behest not of the top leaders but rather the delegates. Demands for greater democracy are filtering up through the party.

Everyone is still wondering whether China's village elections are the beginning of a transition to wider democracy. The answer to that question could come soon, as local authorities experiment at the township level and in urban areas. But it is encouraging that at least in some villages elections have reached a high level of technical proficiency and are whetting the Chinese people's appetite for political reform.

Mr. Restall is the editorial page editor of The Asian Wall Street Journal.

Appendix W

The Village of Landlords **To get rich by urbanizing is glorious.**

Asian Wall Street Journal
October 25, 2000

By Hugo Restall

HOUPU VILLAGE, China -- This isn't your typical Fujian village. Downtown there is a rabbit warren of small streets with shops selling everything from trendy clothing to electronics. Further out there are 10-story apartment blocks. And beyond that an industrial park where the village rents factories to domestic and foreign companies. The villagers' average yearly income is officially 7,900 yuan (\$954), which is probably a low estimate, and each receives 70 yuan a month from the profits of the collective enterprises. It used to be 100 yuan a month, but the village just splashed out on a three-story community center and a kindergarten next door.

As you would expect, the people of Houpu are pretty happy about their situation. Just by being in the right place at the right time--the middle of eastern China's Xiamen Island after it was declared a special economic zone--they have gone from peasants to landlords in about a decade. There are only 3,582 of them, but more than 30,000 migrant laborers live in their apartment blocks and work in their factories. This town, much like Shenzhen in the south, is a symbol of how China's population is moving from the rice paddy into the high-rise. It also highlights the good and the bad in China's moves toward grass-roots democracy.

The villagers of Houpu went to the polls last week to elect a new village committee and committee chairman. But it wasn't exactly a tight race. The committee has long been dominated by the local Communist Party branch, and that didn't change. The incumbent chairman, Ye Jianli, practically ran unopposed for his fourth consecutive three-year term.

Technically there was a challenger, 26-year-old Party branch member Li Zhijian. But he wasn't really interested in taking the job from Mr. Ye, who is also the local Party branch's vice chairman. In his campaign speech Mr. Li all but asked voters to re-elect his boss: "His work attitude is worthy of study by us young people, we can learn a lot from it, and I believe he is the more qualified to continue being our village committee chairman."

The election didn't stir much interest among the residents--nobody showed up to watch the vote counting, unlike other villages where everybody played election monitor. In fact, the Houpu villagers had to be paid five yuan each at the voting stations as an incentive to turn up. But this election was important to the village in one regard: It was part of the fiction that the area is still Fujian countryside.

It's crucial to the original residents that the town not be reclassified as just another district of Xiamen City. For then all those rents and profits from the collective would go into a much larger kitty, and it's unlikely the villagers would enjoy as much of it. So the villagers are keen to remain officially peasants, even though about 70% of the villagers now have urban residency status, known as *hukou*. They have the best of both worlds--as urbanites it's relatively easy for them to move to another city area, but unlike residents of other cities they get to elect their own government.

Since the Party has a lock on the government, one might think that last point is not so important. But at least the Houpu government is relatively transparent. At voting time, all the village's accounts are posted for everyone to see. It's much like a modern corporation--there is a balance sheet, profit and loss, and cash flow statement, all checked by outside auditors. For instance, the village has 34,625,511 yuan invested in its factories, and 5,778,422 yuan in apartment blocks for rent. Even entertainment expenses are separated out, and the Party branch and village committee members last year paid themselves decent but not outrageous salaries and bonuses averaging 23,755 yuan per person. If there's any skimming going on, it's well hidden and limited to small amounts, and the accounts showed healthy surpluses.

So last week's election in Houpu was something like the shareholder meeting of a company which has just seen its profits grow dramatically but whose managers belong to the mafia--the little guys aren't interested in rocking the boat as long as the good times continue. One good sign was the relatively low number of abstentions, write-in candidates or spoiled ballots which might have indicated dissatisfaction. The election is at least a safety valve which could prevent a deeply unpopular leader from tyrannizing the village.

Meanwhile, the trick is keeping outsiders from gaining resident status and so diluting the village's "equity base." In most villages once somebody moves in permanently he becomes a resident. But changing *hukou* requires the consent of the local authorities, which hasn't been forthcoming in Houpu. The Fujian election regulations state that those who have their *hukou* in a village can vote, but flexibility can also be shown to those who haven't yet transferred their *hukou*. Yet no such flexibility has been shown toward the migrant workers. They are expected to come, earn their wages and return home.

Houpu is an interesting anomaly. As the port city of Xiamen expands, its land becomes more and more valuable. That process of urbanization brings them a windfall profit, but the villagers can only hold on to it by preserving their collective enterprises. While most rural Chinese would like to obtain an urban *hukou*, Houpu hangs on to its rural status and at least a semblance of self-government. Its success is also an encouraging sign that as elections possibly spread to urban areas, they can provide a safeguard against corruption and encourage a culture of transparency. Since it deprives some residents of the vote, Houpu hardly qualifies as a showcase for democracy. But its experience might reassure the Party that increased participation in government enhances stability here in the city just as it does in the countryside.

Mr. Restall is the editorial page editor of The Asian Wall Street Journal.

Appendix X

Map of China
(Source: Magellan Geographix)

Appendix Y

Map of Fujian Province
(Source: Hai Feng Publishing Company)