

**The Carter Center**  
**Postelection Statement on China Township Elections, Jan. 14, 1999**

**14 Jan 1999**

BEIJING, CHINA...At the invitation of the Foreign Affairs Committee of the Standing Committee of the National Peoples' Congress (NPC) of the People's Republic of China, an eight-person delegation from The Carter Center observed direct elections for township people's congress (TPC) representatives and indirect elections for township government officials in Chongqing municipality in southwest China between January 8-13, 1999. This mission was the first-ever international observation of elections for government officials in China. The Center greatly appreciates this opportunity to learn about the procedures that China uses to elect its local government officials. We also welcome the invitation to share our observations widely and to offer comments on what we have seen. Background: Last June, The Carter Center was invited to observe all aspects of the election process for township and county people's deputies by the NPC based on the Center's previous work observing elections for village committee representatives in China and in providing advice and assistance to the Ministry of Civil Affairs on ways to improve the quality of electoral procedures at the village level. While the village committee is a local self-governing administrative unit within China, the Township is the first level of the formal government structure. Thus, observation was an opportunity to view the first stage of the process by which China ultimately chooses all of its legislators through a later series of indirect elections.

Before travelling to Chongqing, the team met with senior NPC officials, including Zou Jiahua, vice chairman of the Standing Committee of the NPC, Zeng Jianhui, chairman of the Foreign Affairs Committee of the Standing Committee, and senior officials from the NPC Bureau of Liaison, the body responsible for administering the national election law. In Chongqing, a centrally administered municipality with a mostly rural population of some 30 million people, the delegation met with senior government, party and election officials in the municipality, counties, townships and villages. The team observed direct elections for township people's congress deputies in two villages—Zhujiqiao and Banqiao in Chanyuan township, Rongchang county and made unscheduled stops to conduct interviews in two other villages. In addition, over a two-day period the delegation observed the nomination and election of the chairman and vice-chairman of the township presidium and of the township magistrate and vice-magistrates by the TPC deputies in Baoding Township, Dazu County, a small township with nine villages and a population of about 12,000. During all stages of the observation, we freely interviewed officials, reviewed electoral records, and visited other villages to observe elections. The Center greatly appreciates the openness and cooperation shown by our hosts at all levels. Legal Framework for Township Elections: Election procedures at the township level are governed by the articles of the Organic Law of Local People's Congresses and Local People's Government (1995) and the Electoral Law of the National People's Congresses and Local People's Congresses (1995). These stipulate that direct elections shall be held every three years for deputies to the nation's approximately 45,000 TPCs. The electoral process has clearly defined stages which are establishing the election leadership

committee, determining the number of TPC deputies, zoning election districts, mobilization, voter registration, nomination of candidates, voting, and declaring results. Observations of TPC Direct Elections: The best measures of good democratic procedure are whether a system offers genuine choice, a transparent nomination process, a secret ballot, and a public count. While we observed active discussion of public issues and some elements of representative responsibility, against these benchmarks the elections fell significantly short.

In both of the direct TPC elections that we observed the earlier nomination process produced one more candidate than positions available. As such, the voters had the opportunity to make some limited choice among candidates on election day. Although we have suggested in other reports that genuine choice in our view requires a larger number of candidates (at least two for every position), the Chinese election law only requires as a minimum that there be one more candidate than the total number of positions to be filled. The nomination process was harder to assess, although it may well be more important than the actual voting in determining outcomes. We were not present for the nomination, but we interviewed officials and villagers extensively on the nomination procedures and their confidence in the process. Procedurally, we were told that groups of ten or more villagers in each village small group nominated initial candidates for deputies. This list of candidates was then subject to a consultation stage with the representatives of village small groups, followed by a vote at the village representative assembly (a body made up of representatives of all groups within the village) to reduce the initial nominees to a short list of one more candidate than positions.

As regards the election day procedures, we observed irregularities in almost all stages. Voters arrived at a central voting location—the schoolyard in both cases—and sat in rows on benches according to their village small groups. The voters present were counted by monitors and tellers. In each village, roughly 80 percent of eligible voters were present, though it was a cold and drizzly day. The chairman of the election organizing committee, a township appointment, then read the electoral procedures to the villagers and invited the candidates for deputies to give speeches. These speeches were mostly pro forma in nature and ranged from 30 seconds to two minutes in length. In Zhujiqiao, which was prepared for our visit, villagers had the opportunity to ask questions of the candidates and the candidates responded briefly.

Once the number of villagers present was determined, that same number of ballots was counted out in public view and the ballots were distributed to the small groups. Each voter had received a voter identification card during the earlier registration process. Although not stipulated in the electoral law, we were later told by Chongqing NPC officials that the correct procedure is for voters to show their card and get their name checked against the registration list before receiving the ballot; but this was not done in either village. One teller for a group of approximately 20 did at least look at voter registration cards before handing out ballots, although in other instances tellers simply handed ballots to those present in a seemingly random fashion.

The law stipulates a maximum of three proxies per person, and in each village proxies

constituted approximately 20% of the total vote. In one instance an individual was observed to have perhaps twice that many, although he explained that the other voters around him had given him their ballots to fill out as they did not have a pen. Authority to vote by proxy, according to the law, should be made in writing by the concerned individual. We did not see this documentation being checked. In one village, voter ID cards were gathered by election officials after ballots were collected and stamped, while in the other, voter ID cards were stamped immediately after the ballot was cast.

Voters had the option to take their ballots to a designated room if they wished to cast their ballot in private. We observed no more than a dozen people exercising doing this in the first village and none at the second. Many voters freely discussed with their neighbors how they would vote. A few preferred to mark their ballots in a more private way. Having marked their ballots, voters in the first village walked to the front to put them in the ballot box. In the second village, the organizers came back to collect the ballots, often with the marks clearly visible on the unfolded ballots. Ballots were then separated into groups and tellers counted them in the schoolrooms with only one of the seven groups counting ballots in a public area. Results were announced promptly after the count. From interviews, no voter displayed concern with voting in this semi-public manner. It was explained to us that this public exercise of choice is a Chinese characteristic and, indeed, that the notion of taking a ballot off to mark it secretly could imply that the voter has something to hide.

Our concerns with these voting procedures are twofold. First, it is of great importance to distribute ballots in a systematic and secure manner. The open ballot method provides little protection in cases where particular groups might want to interfere unduly with the distribution and casting of ballots. Second, we believe that the secret marking of the ballot is a critical element in the democratic process. Voting in private in a secret booth guarantees beyond possible question that the individual voter's judgement on who can best represent his or her interests cannot be influenced unfairly. Where such secrecy remains optional, many voters might be afraid to leave the group for a private room believing that their leader might presume they would vote against him or her. The essence of the democratic process is to minimize such possibilities, and the secret ballot is the most fundamental guarantee of the voters' right to choose.

**Nomination and Indirect Election of Leading Township Government Officials:** The Center also witnessed a two-day meeting of the Baoding TPC at which the 48 TPC deputies discussed the economic development and governance issues of the past three years, the proposal for the next three years and the financial report, and nominated and voted on the positions of TPC presidium chair and vice-chair, and Township magistrate and vice-magistrates. Following the formal presentation of these two reports, deputies divided into three groups to discuss the reports and begin the nomination process. The nomination phase began with the announcement to each group of the names of nominees for the two senior positions that were being proposed by the TPC presidium. (The members of the presidium had been chosen by the TPC deputies on the previous day.) Deputies were then invited verbally to nominate alternative candidates for each position.

No other candidates were proposed for the top positions of township magistrate and chairman of the presidium. One other candidate was proposed for vice-chair of the presidium, and many other names were formally nominated by individuals to be one of the four vice-magistrates, with six passing the threshold of ten written endorsements. The following day, these six candidates for vice-magistrate were winnowed down to five final candidates for the four available vice-magistrate positions following discussions and a preliminary vote in small groups.

The final candidates were then announced to all TPC deputies. Each of them then made a brief speech, followed by a number of questions by deputies. Individual ballots had been prepared for each position for each office, with space for write-in candidates, and tellers distributed these to the seated deputies. Of the 48 deputies, five chose the available option of taking their ballots to a room where they marked them out of view of the other deputies. The remainder marked their ballots from their seats. Each delegate then placed his or her four ballots in an empty ballot box and the results were publicly counted and announced. The magistrate was returned with 47 of the 48 votes, while the chair of the presidium received 48 votes. For the vice-chair, the split was 45 to 3. Of the candidates for vice-magistrate, the loser received 20 votes with all other candidates receiving 39 votes or more. One vote went to a write-in candidate.

Thus when the deputies voted, there was no choice in the top two of the four races. The deputies did not have the opportunity to make their nominations in a secret environment and therefore were more open to being influenced by group consensus. In this process, those candidates nominated by presidium members prevailed in the two more significant races. In subsequent conversations, we were told that the county party committee had begun consideration of nominees for the top positions six months earlier and that these recommendations had been communicated to the presidium. These favored candidates were the ones eventually elected, unopposed.

Voting Procedures at the Village Level: Both of the villages in which we observed direct elections to the TPC were unusual in that they were holding their elections for village committee representatives on the same day. Village committee elections and TPC elections are run by different organizations and, typically, are held at different times. In the two villages we visited, the village election procedures closely mirrored those of the township election. In one village election, however, there was only a single candidate for village committee chair. It was explained to us that the other candidate had withdrawn his name shortly before the election.

Because the village is a self-governing administrative unit and not part of the formal government structure, elections for the village committee and elections for the TPC are governed by different laws. On November 4, 1998 a revised Organic Law of the Village Committee was passed by the NPC which makes mandatory the use of secret voting booths, a transparent nomination process, and multiple candidacy, among other important elements. This new law now means that procedures for electing village committee members and TPC deputies will differ significantly if each of the two sets of processes is strictly followed. TPC elections will use a public voting system while village committee

elections will use secret booths. It is likely that this key difference will not be lost on voters, and villages may start asking why the two processes are not standardized.

The Challenges for Grass Roots Democracy Building in China: Despite the important technical flaws in what we observed, we also saw some clearly positive elements. First, the level of voter participation was high. Second, despite the flaws, there is clearly a high degree of administrative mobilization, with mechanisms in place to communicate national laws and their operation to the village level, even in such a vast country. Thirdly, there was a measure of competition in the TPC direct and indirect elections and there was some space for a serious dialogue among deputies on important local issues. Fourth, the very fact that NPC has begun to invite international observers to learn about the township election process is a very positive sign of their willingness to open a dialogue on comparative election procedures with the stated aim of working further to perfect their own system. Fifth, and perhaps most significantly, through a combination of the village committee elections and the TPC and County People's Congress direct elections, there is an increasing acceptance at all levels of China's countryside that these local elections should be competitive.

From a procedural standpoint, however, in our view there were clearly problems with the two processes, problems that significantly reduce an individual's free choice. In the direct elections, local organizers showed a weak conceptual grasp of the most critical elements of an election. In the indirect elections, from what we observed the apparently favored candidates for the two top offices were elected unopposed. We saw only limited choice—both in substance and procedure—in the other elements of selecting township officials. The challenge for China's government, therefore, is to build on existing electoral processes (and consider amendments to them) such that the electoral process facilitates increasingly democratic decision making by voters and fosters legitimacy rather than mistrust. Such a basis for stability in China's countryside is critical to the development of the nation.

Delegation members included:

- Mr. Charles Costello, director of The Carter Center's Democracy Program, delegation leader, and former director of USAID's democracy and governance unit;
- Dr. Robert Pastor, professor of political science at Emory University, former director of the Center's village election activities, and a recognized scholar of democratization and election procedures;
- Dr. Merle Goldman, professor of history at Boston University, executive board member of the John K. Fairbank Center for East Asian Research, Harvard University, and a scholar of political reform in China;
- Dr. Elizabeth Perry, professor of government at Harvard University, executive committee member of the Fairbank Center, and an expert in grassroots politics and reform movements in modern and contemporary China;
- Dr. Melanie Manion, associate professor of political science at University of Rochester and an expert on village elections and rural governance in China;
- Dr. Yawei Liu, associate director of The Carter Center's China Village Election

- Project and assistant professor at Georgia Perimeter College, who manages the implementation of the cooperation agreement with the Ministry of Civil Affairs;
- Mr. Tom Crick, assistant director of the China Village Election Project, who manages project activities along with Dr. Liu;
  - Ms. Pia Pannula, visiting research scholar with The Carter Center, who is supported by the Ministry of Foreign Affairs of the Government of Finland through the Fulbright program.

Also travelling with the delegation were Mr. Jaime FlorCruz, Beijing Bureau Chief for Time Magazine; Ms. Mary Kay Magsted, China Correspondent for National Public Radio; and Mr. Matt Forney, Beijing Correspondent for The Wall Street Journal.

NOTE: An expanded report on the team's observations will be available shortly from The Carter Center.