

# **The Electoral Law of the PRC for the National People's Congress [NPC] and Local People's Congresses at All Levels**

(adopted at the Second Session of the Fifth NPC on 1 July 1979, amended for the first time at the Fifth Session of the Fifth NPC on 10 December 1982 in accordance with a "Resolution on Certain Provisions Concerning the Amendment of the 'Electoral Law of the PRC for the NPC and Local People's Congresses at All Levels'"; amended for the second time at the 18th Meeting of the Sixth NPC Standing Committee on 2 December 1986 in accordance with a "Decision on the Amendment of the 'Electoral Law of the PRC for the NPC and Local People's Congresses at All Levels'"; and amended for the third time at the 12th Meeting of the Eighth NPC Standing Committee on 28 February 1995 in accordance with a "Decision on the Amendment of the 'Electoral Law of the PRC for the NPC and Local People's Congresses at All Levels'")

Translation: FBIS

## **Section I. General Principles**

**Article 1.** The electoral law for the NPC and local people's congresses at all levels is drawn up in accordance with the Constitution of the PRC.

**Article 2.** Deputies to the NPC and to the people's congresses of provinces, autonomous regions, municipalities directly under the central government, cities divided into districts, and autonomous prefectures shall be elected by people's congresses at the next lower level. Deputies to those people's congresses of cities not divided into districts; of municipal districts, counties, autonomous counties, townships, townships inhabited by minority nationalities [autonomous townships], and towns shall be elected directly by the voters.

**Article 3.** Citizens of the PRC who have reached the age of 18 have the right to vote and to stand for election regardless of their ethnic nationality, race, sex, occupation, social origin, religious belief, education, status of property ownership, or length of their period of residence. Persons who have been deprived of their political rights by law shall not have the right to vote or to stand for election.

**Article 4.** Each voter has the right to cast only one ballot in each election.

**Article 5.** The People's Liberation Army shall conduct separate elections, and procedures governing such elections shall be drawn up separately.

**Article 6.** There should be an appropriate number of women deputies among deputies to the NPC and to local people's congresses at all levels, and the percentage of women deputies among the total number of deputies should be gradually increased. An appropriate number of returned overseas Chinese deputies should be elected to the NPC and to the people's congresses of the localities in which a comparatively large number of returned overseas Chinese live. Those overseas Chinese who are citizens of the PRC and who have returned home during elections of deputies to the people's congress below the county level are eligible

to vote in their birthplaces or the places where they resided prior to their departure from China.

**Article 7.** The NPC Standing Committee shall preside over the elections of deputies to the NPC. The standing committee of the people's congress of a province, an autonomous region, a municipality directly under the central government, a city divided into districts, and an autonomous prefecture shall preside over the election of deputies to the people's congress at its own level. An election committee shall be established in a city not divided into districts; in a municipal district, an autonomous county, a township, a township inhabited by minority nationalities, and a town to preside over the election of deputies to the people's congress at its own level. The election committee of a city not divided into districts; of a municipal district, a county, and an autonomous county shall be under the leadership of the standing committee of the people's congress at its own level. The election committee of a township, a township inhabited by minority nationalities, and a town shall be under the leadership of the standing committee of the people's congress of a city not divided into districts; of a municipal district, a county, and an autonomous county. The standing committee of the people's congress of a province, an autonomous region, a municipality directly under the central government, a city divided into districts, and an autonomous prefecture shall guide the election of deputies to the people's congresses below the county level within its own administrative division.

**Article 8.** Election expenses for the NPC and local people's congresses at all levels shall be disbursed by the national treasury.

## **Section II.** Numbers of Deputies to Local People's Congresses at All Levels

**Article 9.** The numbers of deputies to local people's congresses at all levels shall be decided on the basis of the following provisions:

- (1) The base number of deputies to the people's congress of a province, an autonomous region, and a municipality directly under the central government is 350; a province and an autonomous region may increase the base number of deputies by one per 150,000 people; a municipality directly under the central government may increase the base number by one per 25,000 people; and the total number of deputies of any province with a population in excess of 100 million shall not exceed 1,000;
- (2) The base number of deputies to the people's congress of a city divided into districts and an autonomous prefecture is 240; they may increase the base number of deputies by one per 25,000 people; and the total number of deputies to the people's congress of a city divided into districts and an autonomous prefecture with a population in excess of 10 million shall not exceed 650;
- (3) The base number of deputies to the people's congress of a county, an autonomous county, a city not divided into districts, and a municipal district is 120; they may increase the base number of deputies by one per 5,000 people; the total number of deputies to the people's congress of any one of them which has a population in excess of 1.65 million shall not exceed 450;

and the total number of deputies to the people's congress of any one of them which has a population of less than 50,000 may be less than 120; and

(4) The base number of deputies to the people's congress of a township, a township inhabited by minority nationalities, and a town is 40; they may increase the base number of deputies by one per 1,500 people; the total number of deputies to the people's congress of a township and a township inhabited by minority nationalities which has a population in excess of 90,000 shall not exceed 100; the total number of deputies to the people's congress of a town with a population in excess of 130,000 shall not exceed 130; and the total number of deputies to the people's congress of a township, a township inhabited by minority nationalities, and a town which has a population of less than 2,000 may be less than 40.

The base number of deputies to local people's congresses at all levels plus the number of deputies added according to the total of the population becomes the total number of deputies to local people's congresses at all levels. With the approval of the NPC Standing Committee, autonomous regions and provinces with a larger number of minority nationalities living in compact communities may increase the number of their deputies by an additional 5 percent. With the approval of the standing committee of the people's congress of a province, an autonomous region, and a municipality directly under the central government, any counties, autonomous counties, townships, and townships inhabited by minority nationalities that have a larger number of minority nationalities living in compact communities or whose population is scattered all over their areas may increase the number of their deputies by an additional 5 percent.

**Article 10.** The specific number of deputies to the people's congress of a province, an autonomous region, and a municipality directly under the central government shall be decided by the NPC Standing Committee in accordance with these provisions. The specific number of deputies to the people's congress at the level of a city divided into districts, an autonomous prefecture, and a county shall be decided by the standing committee of the people's congress of a province, an autonomous region, and a municipality directly under the central government in accordance with these provisions and then reported for the record to the NPC Standing Committee. Also, the specific number of deputies to the people's congress at the township level shall be decided by the standing committee of a people's congress at the county level in accordance with these provisions and then reported for the record to the standing committee of the people's congress at the next higher level.

**Article 11.** After the total numbers of deputies to local people's congresses at all levels are decided, they shall not be changed again. In case there is a relatively big change to the amount of a population as a result of a change in administrative divisions or the construction of a key project, a decision on the total number of deputies to the people's congress in regions or areas whose populations are affected because of the aforementioned reasons shall be made again in accordance with the provisions of this law.

**Article 12.** The number of deputies to the people's congress of an autonomous prefecture, a county, and an autonomous county shall be allocated by the standing committee of the people's congress at its own level in accordance with the principle that the total population represented by one deputy in a rural area is four times the amount of a population

represented by one deputy in a town. A township, or a township inhabited by minority nationalities, or a town which has an exceptionally small population, should be represented by at least one deputy to the people's congress of a county or an autonomous county. If a town within the administrative division of a county or an autonomous county has a larger population, or the workers and staff members of an enterprise or institution not under the jurisdiction of the county people's government account for a larger portion of the total local population, the relevant provincial, autonomous regional or municipal people's congress standing committee may decide that the ratio between the number of people represented by each rural deputy and the number of people represented by each town, enterprise or institution deputy may range from fewer than four to one [4:1] up to one to one [1:1].

**Article 13.** The number of people represented by each deputy in a rural area of a municipality directly under the central government, a city or a municipal district, should be greater than the number of people represented by each deputy from an urban area.

**Article 14.** The number of deputies to the people's congress of a province or autonomous region shall be distributed by the standing committee of the people's congress at its own level in accordance with the principle that the number of people represented by each rural area deputy is four times the number of people represented by each city deputy.

### **Section III. Number of Deputies to the NPC**

**Article 15.** Deputies to the NPC shall be elected by the people's congresses of provinces, autonomous regions and municipalities directly under the central government, and by the PLA. The number of deputies to the NPC shall not exceed 3,000. The distribution of the number of deputies shall be decided by the NPC Standing Committee in the light of circumstances. The number of deputies to the NPC to be elected from Hong Kong Special Administrative Region and the Macao Special Administrative Region and their electoral procedures shall be formulated separately by the NPC.

**Article 16.** The number of deputies to the NPC to be elected by a province, autonomous region or municipality directly under the central government shall be distributed by the NPC Standing Committee in accordance with the principle that the number of people represented by each deputy in a rural area is equal to four times the number of people represented by each deputy in a city.

**Article 17.** Deputies to the NPC from the national minorities shall be elected by the people's congresses of various provinces, autonomous regions and municipalities directly under the central government according to the numbers assigned by the NPC Standing Committee based on the population and distribution of national minorities. A minority nationality with an exceptionally small population shall have at least one deputy.

### **Section IV. Elections among Minority Nationalities**

**Article 18.** In areas where national minorities live in compact communities, each minority nationality shall have its own deputy or deputies to the local people's congress. Where the population of a minority nationality exceeds 30 percent of the total population of the area, the number of people represented by each of its deputies shall be equivalent to the number of people represented by each deputy to the local people's congress. Where the population of a minority nationality is less than 15 percent of the total population living in an area, the number of people represented by each of its deputies may be appropriately fewer than the number represented by each deputy to the local people's congress, but it shall not be less

than 50 percent. In those autonomous counties that practice national autonomy and have an exceptionally small ethnic population, this figure may be less than 50 percent if the provincial or autonomous regional people's congress standing committee so decides. Other minority nationalities with exceptionally small populations living in compact communities should have at least one deputy. Where the population of a minority nationality is more than 15 percent but less than 30 percent of the total population of the area, the number of people represented by each of its deputies may be fewer than the number represented by each deputy to the local people's congress, but the number of deputies assigned to the minority nationality shall not exceed 30 percent of the total number of deputies.

**Article 19.** The stipulations under Article 18 of this law are applicable to the election of deputies of other minority nationalities and the Han nationality to the people's congress of an autonomous region, autonomous prefecture, autonomous county, township, national township or town, where the minority nationalities live in compact communities.

**Article 20.** Among minority nationalities living in scattered groups, the number of people represented by each deputy to the local people's congress may be fewer than the average number of people represented by each deputy to the local people's congress. The preceding stipulations are applicable to the election of deputies to the people's congress representing minority nationalities and people of Han nationality living in scattered groups in an autonomous region, autonomous prefecture, autonomous county, township, national township or town where other minority nationalities live in compact communities.

**Article 21.** In cities, municipal districts, counties, townships, national townships and towns where minority nationalities live in compact communities, the election of deputies to people's congresses shall be voted upon either individually or jointly by the minority electorates according to relations between the minority nationalities and their living conditions in the localities. The preceding stipulation applies to the election of deputies from among local people of minority nationalities and the Han nationality to people's congresses in autonomous counties and in townships, national townships or towns where minority nationalities reside in compact communities.

**Article 22.** In drawing up or promulgating electoral documents, name lists of voters, voters' certificates, name lists of candidates for deputies, deputies' election certificates and the seals of election committees, autonomous regions, autonomous prefectures and autonomous counties shall simultaneously use the language of the local people.

**Article 23.** The stipulations under the relevant articles of this law shall be referred to when considering all other matters concerning elections by minority nationalities.

## **Section V. Zoning of Constituencies**

**Article 24.** The number of deputies to people's congresses in cities not divided into districts, municipal districts, counties, autonomous counties, townships, national townships or towns, shall be distributed among the constituencies where elections are to be held. The zoning of constituencies shall be decided on the basis of production units, business units, and work units. One to three deputies shall be elected from each constituency, depending on its size.

**Article 25.** Each deputy shall represent approximately the same number of people in urban constituencies. Each deputy shall represent approximately the same number of people in rural constituencies.

## **Section VI. Registration of Voters**

**Article 26.** The registration of voters shall be conducted on the basis of constituencies. Once a voter's certificate is registered and verified, it will always be valid. Voting registration shall be held before every election for people who have reached the age of 18 since the last election, and for people whose forfeited political rights have been restored. When a voter moves from his original constituency after registering to vote, his name shall be included in the name list of voters in the new constituency to which he moves. People who have died, or whose political rights have been forfeited in accordance with law, shall be removed from the name lists of voters. After it is verified by electoral committees, mental patients incapable of exercising the right to vote shall be excluded from the name lists of voters.

**Article 27.** Name lists of voters shall be made public 30 days before the date of the election. Voting certificates shall be issued where they are used in voting.

**Article 28.** Anyone who wants to challenge a name on the published voters' name list may file a petition with the electoral committee. An electoral committee shall decide on a petition within three days. A petitioner may bring an action to the people's court up to five days before the day of an election if he objects to the decision on the handling of his petition. The people's court shall make a judgment before the date of the election. The judgment of the people's court shall be final.

## **Section VII.** Nomination of Candidates for Deputies

**Article 29.** Candidates to be deputies at the people's congresses at the national level and various local levels shall be nominated on the basis of constituency or electoral unit. The various political parties and mass organizations may either jointly or individually recommend candidates for deputy. Any group of voters or deputies comprising 10 people or more may jointly recommend candidates for deputies. When recommending a candidate, the background of the candidate shall be introduced to the electoral committee.

**Article 30.** The number of candidates to become deputies in people's congresses at the national level and various local levels shall be larger than the number of deputies to be elected. The number of candidates to become deputies elected directly by the voters shall be from one-third to double the number of deputies needed; the number of candidates to become deputies elected by people's congresses at various local levels to people's congresses at the next higher level shall be from 20 to 50 percent more than the number of deputies needed.

**Article 31.** Candidates to become deputies to people's congresses elected directly by the voters shall be nominated by the voters and by various political parties and people's organizations in various constituencies. The name lists of candidates nominated as deputies shall be collected by the electoral committee and made public 15 days before the date of election for thorough discussion and consultation by the respective constituency voter groups. A formal name list of candidates shall be made public five days before the election date in accordance with the opinion of the majority of the voters. When deputies to people's congresses at the next higher level are elected by their respective people's congresses at and above the county level, the time for nomination and discussion shall not be less than 2 days. Presidiums of people's congresses at the respective levels shall distribute to all deputies the name list of candidates nominated in accordance with law for deliberation and discussion. Where the number of candidates nominated conforms to the multi-candidate requirements of Article 30, a direct election shall be held. Where the number of candidates exceeds the



maximum number of candidates prescribed in Article 30, a preliminary election shall be held in line with specific multi-candidate requirements set in the electoral procedures of the people's congress at the respective level in accordance with this law—to produce a name list of official candidates listed in the order of votes each candidate receives for election.

**Article 32.** When local people's congresses at and above the county level elect deputies to the people's congresses at the next higher level, those eligible to be nominated as candidates for deputy shall not be confined to deputies of the respective people's congresses.

**Article 33.** The electoral committee or the presidium of the people's congress shall brief the voters or deputies on the personal circumstances of candidates for deputy. The political parties, mass organizations, voters or deputies who recommend candidates may brief group meetings of voters or deputies about the candidates they are recommending. However, these briefing activities about candidates shall stop on the day of the election.

### **Section VIII. Electoral Procedures**

**Article 34.** When voters directly elect people's congress deputies, the voter shall produce an identity document or voter's certificate to obtain a ballot. The various constituencies shall set up ballot centers, mobile ballot boxes, or call election meetings. Voting shall be presided over by the electoral committee.

**Article 35.** Elections of people's congresses at the next higher level by local people's congresses at and above the county level shall be presided over by the respective people's congresses.

**Article 36.** A secret-ballot shall be adopted to elect deputies to the national and various levels of people's congresses. A voter who is illiterate or disabled and cannot write on his ballot may entrust someone to write for them.

**Article 37.** A voter may cast a ballot of approval or objection for a candidate for deputy, may vote for any other voter and may also abstain from voting.

**Article 38.** A voter who is in another locality at the time of an election may, with the approval of the electoral committee, entrust another voter by written authorization to vote by proxy. Any voter may be entrusted with the votes of no more than three people.

**Article 39.** When balloting is concluded, ballot supervisors and ballot-counting personnel chosen by the voters or by deputies, together with members of the electoral committee or the presidium of the people's congress, shall check the number of people casting ballots against the number of ballots cast and make a record of them which shall be signed by the ballot supervisors.

**Article 40.** Ballots shall be declared null and void in an election when the number of votes cast is larger than the number of people casting ballots, and deemed valid when the number is equal to or smaller than the number of people casting ballots. A ballot shall be nullified when it bears more names than the number of deputies to be elected and deemed valid when there are fewer names than the number of the deputies to be elected.

**Article 41.** When deputies to the people's congress are elected directly by the voters, the election is considered valid only when more than half of the voters in the constituency vote in it. Candidates for deputies to the people's congress are considered elected only when they obtain more than half of all votes cast in the constituency. When the local people's congresses at and above the county level elect deputies to people's congresses at the next higher level, candidates to become deputies are considered elected only when they obtain

more than half of the votes of the entire body of deputies. When the number of candidates who have obtained more than half of the ballots cast exceeds the number of deputies to be elected, those who have obtained the majority of votes are considered elected. When the ballots obtained are equal in number and it is impossible to determine who has been elected, another election shall be held among those candidates who have obtained an equal number of ballots. When the number of candidates who have obtained more than half of the ballots cast is fewer than the number of deputies to be elected, another election shall be held for the balance of deputies needed. When another election is held, the name list of candidates shall be decided in the order of the number of ballots obtained in the first election and in accordance with the ratio of deputies to be elected as prescribed in Article 30 of this law. If only one deputy is to be elected, there should be two candidates. When another election is held for deputies to people's congresses at the county and township levels, in accordance with the stipulations in the preceding paragraph, those who obtain the largest number of votes are considered elected, though they must receive not less than one-third of the total number votes cast; when people's congresses above the county level hold another election for deputies to people's congresses at the next higher level, only those who obtain more than half of the votes cast are considered elected.

**Article 42.** The electoral committee or the presidium of the people's congress shall determine the validity or invalidity of the election result in accordance with the stipulations in this law, and shall announce it accordingly.

#### **Section IX.** Supervision over Deputies, Their Removal, and By-Elections

**Article 43.** All deputies to the national and various local people's congresses shall be subject to supervision by the voters and electoral units which have elected them. The voters and electoral units shall have the right to remove the deputies they elect.

**Article 44.** A request to remove a deputy to the people's congress at the county or township level may be submitted jointly by 30 or more voters from the constituency from which the deputy is elected by means of a written statement to the county people's congress standing committee. Any request to remove a deputy should clearly state reasons for removal. A deputy challenged in this way has the right to defend himself at a voters' meeting or may submit a written defense. A people's congress standing committee at the county level should distribute copies of the removal request and written defense to voters in the relevant constituency. The people's congress standing committee at the county level shall dispatch an official to preside over the voting on any removal request.

**Article 45.** When local people's congresses above the county level are in session, motions to remove deputies elected by people's congresses to people's congresses at the next higher level may be made by the presidium or jointly by one-tenth or more deputies. When people's congresses are in recess, motions to remove deputies elected by people's congresses to people's congresses at the next higher level may be made to the standing committee by the chairmanship meeting of the standing committee of a local people's congress above the county level, or jointly by five or more standing committee members. Motions to remove a deputy should clearly state reasons for removal. When local people's congresses above the county level are in session, a deputy challenged in this way has the right to defend himself at a presidium meeting or a plenary session, or may submit a written defense, copies of which shall be distributed by the presidium to the session. After deliberation by the session, the



presidium shall submit a motion for removal to the plenary session for voting. When local people's congress standing committees above the county level are in session, a deputy challenged in this way has the right to defend himself at the chairmanship meeting or at a general meeting of the standing committee; or may submit a written defense, copies of which shall be distributed by the chairmanship meeting to the session. After deliberation by the session, the chairmanship meeting shall submit a motion for removal to the general meeting for voting.

**Article 46.** Removal of deputies shall be voted through secret ballots.

**Article 47.** Removal of a deputy to the people's congress at the county or township level must be approved by more than half of the voters of the constituency from which the deputy has been elected. Removal of a deputy from a people's congress above county level must be approved by more than half of the deputies to the people's congress at the corresponding level; when the people's congress is in recess, it must be approved by more than half of the standing committee members. A resolution reached on removal must be reported to the people's congress standing committee at the next higher level for the record.

**Article 48.** When a deputy is removed who is a member of the people's congress standing committee at or above the county level, or a special committee member of the NPC, provincial, autonomous regional or municipal people's congress, people's congress of a city with districts, or autonomous prefectural people's congress, he shall resign from the standing committee or special committee; and an announcement of the resignation shall accordingly be made by the presidium or standing committee. When a deputy is removed who is chairman or vice chairman of a township, ethnic township, or town people's congress, he shall resign from the post of chairman or vice chairman; and an announcement of the resignation shall accordingly be made by the presidium.

**Article 49.** A deputy to the NPC, provincial, autonomous regional, or municipal people's congress, people's congress of a city with districts, or autonomous prefectural people's congress may submit a written request to resign to the standing committee of the people's congress that elected him. A deputy to the people's congress at the county level may submit a written request to resign to the standing committee of the people's congress at the county level; and a deputy to the people's congress at the township level may submit a written request to resign to the township people's congress.

**Article 50.** When a request to resign from a deputy who is a member of the standing committee of the people's congress at or above the county level, or by a member of a special committee of the NPC, provincial, autonomous regional, or municipal people's congress, people's congress of a city with districts, or autonomous prefectural people's congress is approved, his duties in the standing committee or special committee shall end; and the standing committee shall accordingly make an announcement of the termination of duties. When a request for resignation by a deputy who is a chairman or vice chairman of a township, ethnic township, or town people's congress is approved, his duties as chairman or vice chairman shall end; and the presidium shall accordingly make an announcement of the termination of duties.

**Article 51.** When a deputy's position becomes vacant during his tenure of office, a by-election shall be held by the constituency or electoral unit which elected him. When a local people's congress deputy has been transferred from or moved out of the original administrative

division during his term of office, his status as a deputy to the people's congress shall be annulled automatically and a by-election conducted to fill the vacancy. When the local people's congresses at and above the county level are not in session, by-elections for deputies to the people's congresses at the next higher level may be held by the standing committees of the people's congresses at the same level. In by-elections for deputies, the number of candidates may be greater than or the same as the number of deputies to be elected. Specific procedures for by-elections shall be worked out by the standing committees of the provincial, autonomous regional, and municipal people's congresses.

#### **Section X. Sanctions for Disrupting Elections**

**Article 52.** In order to safeguard the freedom of voters and deputies to exercise their electoral rights and the right to stand for election, administrative or criminal sanctions shall be taken against a person who commits the following breaches of the law:

- (1) Resorting to violence, intimidation, deception, bribery, and other illegal means to disrupt an election or prevent a voter from freely exercising his right to vote and right to stand for election;
- (2) Fabricating electoral documents, making false reports on the number of ballots, or committing other breaches of the law;
- (3) Suppressing or taking reprisals against those who register complaints or reports on breaches of the law or against those who demand the removal of a deputy.

#### **Section XI. Appendix**

**Article 53.** The standing committees of the provincial, autonomous regional, and municipal people's congresses shall draw up detailed rules and regulations on elections for implementation in accordance with this law, and report the rules and regulations to the NPC standing committee for the record.

Source: *The Carter Center* <http://www.cartercenter.org/>