

THE
CARTER CENTER



The Carter Center Report on China's Elections
1 Aug 2000

Observation of Village Elections in Fujian and the Conference to Revise *The National Procedures on Village Elections* in Beijing

The Carter Center would like to acknowledge the generous support of the Starr Foundation, the AT&T Foundation, the Ford Foundation, the United States-China Business Council, the Chase Manhattan Foundation, and the Loren W. Hersey Family Foundation. Their financial support has enabled us to work with both the Ministry of Civil Affairs and the National People's Congress on Chinese local elections.

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Executive Summary

At the invitation of the Ministry of Civil Affairs (MCA), a group of Carter Center observers visited Dehua and Xianyou counties in Fujian Province from August 1 through 5, 2000. The observers, including scholars from Duke University and two Western journalists, visited one village in Dehua where a "big sea-election" was held and observed elections in two other villages in Xianyou.

Fujian is one of the first provinces to have elections observed by Westerners. The International Republican Institute observed village elections in Fujian in 1994. Fujian is also one of the four Chinese provinces that were selected to participate in the MCA-Carter Center Project to Standardize Procedures of Villager Committee (VC) Elections. The Center first observed village elections in Fujian in 1997, after which it published its first report on China's elections. In the summer of 1998, the Center again visited Fujian

and collected village election data from three counties (districts) in Fujian: Xianyou, Gutian and Huli District in Xiamen City. CNN, through a 30-minute documentary on village elections in Fujian, introduced China's village elections to its viewers in 1998.

Earlier observations by the Center staff and other Westerners provide us with a comparative perspective and make it possible for us to identify changes in Fujian's village elections. It is the Center's belief that the provincial leaders in Fujian, particularly those at the Provincial Department of Civil Affairs, are exceptionally good in learning from the experience of the past village elections and forward looking in introducing procedures that can drastically improve the quality of these elections. They have been working hard to train election officials at all levels and carry out civic education in a very effective manner in the countryside. They are open-minded and have discussed with us the problems in these elections without any reservation. The three elections The Carter Center delegation observed in August 2000 were all conducted according to the old Fujian Provincial Measures on Village Elections, which were revised twice to keep pace with changing practices. There were clearly huge efforts on the part of the election officials at all levels to introduce more openness, competition and participation in the process. We were impressed by the efforts to make these elections more competitive, the strict application of the principle of ballot secrecy, open count and immediate announcement of the election result, and the good work in conducting these elections in a relatively professional manner.

Following our observation of the elections in Fujian, members of the delegation attended a conference in Beijing on August 6 and 7 to revise The National Procedures on Village Elections (hereafter the National Procedures) organized and sponsored by the MCA and The Carter Center. A total of fifty-five people attended the conference. Officials from various central and local government agencies in Beijing and seven provinces, as well as leading scholars from both Chinese and Hong Kong academic institutions, were present at the conference. The discussions at the conference were lively, candid and focused, touching on all issues related to the improvement of village elections in China. All suggestions and recommendations will be incorporated into the revised National Procedures to be published in 2001.

This report is divided into two parts. The first part focuses on the Fujian observations. It briefly reviews the past observations of Fujian's village elections and the data collected from Fujian in 1998. It will then introduce the new changes in Fujian's Provincial Measures on Village Elections that were adopted by the Standing Committee of the Fujian People's Congress on July 28, 2000 and report some of the exchanges and activities during our observation. A detailed report of the procedures of the three elections will follow. Following that, we will, as we have done in the past, identify what we think are areas of weakness and deficiency and offer recommendations on how they can be improved. In the second part of the report, we highlight the heated discussions at the conference on the problems of village elections and how participants suggested these difficulties could be overcome.

Background on Fujian and Its Village Elections

With a population of 31 million and 17 million registered rural voters, Fujian has 83 counties, 971 townships, and 14,801 villages.(1) Fujian was one of a few provinces in China that began village elections before the Provisional Organic Law on Villager Committees (hereafter the Organic Law) was adopted by the National People's Congress (NPC) in November 1987 and mandated these elections. Elections of villager committees were conducted in Fujian first in 1984 and 1987. There were no uniform procedures in these two elections. In 1989 direct election of villager committees was urged by the Provincial Department of Civil Affairs on a trial basis throughout the province. Three more rounds of village elections were conducted in 1991, 1994 and 1997, respectively. Fujian was also the first province in China to promulgate provincial implementation measures under the Organic Law on the Villager Committee and provincial village election measures were revised in 1988 and 1990 respectively.(2)

Officials in Fujian made progress through trial and error, learning from foreign observers of their elections and observing elections in foreign countries. For example, in the first two rounds of villager committee elections, candidates were chosen through indirect means or by outright appointment, and villagers voted only on committee members, and the elected members then nominated their chairs and vice chairs. By the next round of elections in 1991, all positions were directly elected, multiple candidates were mandatory for each and every position and voters could freely associate and nominate candidates. In September 1993, the Fujian People's Congress amended the Provincial Measures for Villager Committee Elections, stipulating the principle of one-person, one-vote and dropping the previous system of one-household, one-vote.(3) In 1989, only 38 percent of the villages completed elections; in 1997, 99.67 percent completed them. Fewer than 9 percent had primaries in 1989 while 77 percent had them in 1997. Most significantly, none of the elections in 1989 used a secret ballot, but 95 percent used it in 1997.(4) Fujian led the nation in promoting the system of villager representative assemblies (VRA) and the open administration of village affairs. By 1998, 96 percent of the villages in Fujian had VRAs, and most of the villages set up public bulletin boards for villagers to view village's official transactions such as revenue and expenditure audits, homestead assignment, family planning implementation, electricity charges and other matters.(5) During The Carter Center's 1998 observation, Zhang Xiaogan, chief of the Basic-level Governance Section in Fujian's Department of Civil Affairs, told us that he began to promote the idea of polling stations in Fujian after his visit to the United States.(6)

Through more than a decade of promoting village elections, Fujian officials began to implement a series of measures that were designed to improve the quality of the village elections and increase their competitiveness and meaningfulness. These measures, many of which were borrowed and implemented by other provinces, as of August 2000 include:

- 1. the mandatory use of a primary to determine the final candidates when there are more candidates than required;
- 2. the compulsory report by incumbent villager committee (VC) members on

- village work and finances;
- 3. the requirement that all preliminary candidates for the chairs are to make campaign speeches to the participants in the primary;
- 4. the adoption of the "two majorities" method of vote counting: for many years it required one fifty-percent-plus-one for candidates to win an election, i.e. fifty-percent-plus-one of the registered voters present at the election and fifty-percent-plus-one of the registered voters voting for a candidate. In order to reduce election failure and save voters' time, the province decided that candidates could win with fifty-percent-plus-one of the voters present at the election and fifty-percent-plus-one voters who cast ballots at the election.
- 5. the implementation of the principle of one-person, one-vote and the principle of ballot secrecy: proxies were eliminated; absentee balloting was introduced and the use of a secret ballot booth/room was made mandatory.
- 6. the introduction of polling stations: this method alleviated problems caused by central election meetings, since villagers sometimes had to travel many miles to cast ballots. It also made it possible to eliminate the widespread use of roving ballot boxes. (7)

In addition, other methods designed to combat clan influence and organizational manipulation and to increase transparency were introduced. For example, the idea that candidates could pick their own poll monitors was quite popular. As a result, peasants in Fujian began to participate in these elections on their own volition on an unprecedented scale and were highly alert to possible violation of the electoral measures. During the term election in 1997, more than 4,000 letters of complaint about election irregularities were sent by farmers to various levels of the Fujian government, ten times the number in 1993.(8)

Fujian Village Elections as Observed by Westerners

In its observation of the villager committee election in Fujian in 1994, the International Republican Institute (IRI) noted "some striking differences in how election procedures were carried out in different parts of the province" and concluded that elections in the more rural settings were conducted far better and fairer than the elections in the more urbanized areas. The IRI called for "a more standardized and consistent electoral processes throughout the province." IRI's recommendations included, among others, standardized comprehensive civic education at the county, if not the province, level, a clearer definition of the responsibilities of the election leadership committees to ensure openness and transparency in the electoral procedures, the introduction of a direct primary to determine final candidates, the use of one single ballot to elect all members of the villager committee, making popularity as the sole criteria for candidates' eligibility, the development of a strict set of rules for campaigning, the adoption of a standardized and simplified polling process, enhancement of ballot secrecy and the reduction of the use of proxies and roving ballot boxes.(9)

In 1997 the IRI returned to Fujian and observed a new round of villager committee elections. IRI observers noted many significant changes in electoral practices

implemented by the provincial government, which included (1) mandatory use of secret ballots and ballot booths or private voting rooms in all elections; (2) mandatory review of primary candidates by township and village election committees to ensure they are qualified to hold office; (3) optional use of polling stations to provide villagers with more convenient voting venues; (4) elimination of proxy voting during elections; (5) mandatory audits of the income and expenditures of incumbent village committees and public display of the audits; and, (6) permission for candidates to appoint monitors to oversee voting at polling stations.(10)

In its observation report, the IRI praised the electoral administration in Fujian as “unquestionably sound” and its electoral system as “effective and comprehensive.” In its view, the Fujian electoral regulations were “clear” and the election workers were “trained and knowledgeable.” However, IRI did identify technical deficiencies and repeated some of the recommendations that had been made three years ago. New recommendations focused primarily on improving the quality of electoral administration. A few of these suggestions were very noteworthy. IRI recommended that the so-called “drop-down” election system (In which the votes earned by a losing candidate for a higher position be added for those received for a lower position) be removed and that there be two formal candidates competing for each open villager committee seat. It advised that a public forum be provided for voters to hear candidate speeches and to ask questions. It also called for formal and informal occasions for county election officials to share election experience and to exchange information on voting procedures and civic education activities.(11)

In April 1997, CNN taped two village elections in Fujian and broadcast the story entitled “Bamboo Ballot Box” to a worldwide audience in July. Andrea Mitchell praised the two elections as “fair, democratic and true,” an improvement as compared to elections a few years ago in which voters simply raised their hands to endorse candidates. The Carter Center began its work on China village elections in 1997. Its first official observation took place in Fujian’s Gutian County. While the Center observers cautioned against generalizing from the small number of cases, they concluded that “China’s village elections are a significant and positive development in empowering China’s 900 million farmers.” They observed that the village elections they saw “demonstrate a remarkably high level of technical proficiency,” and that the elections, according to many of the people they met, “have improved the lives of the villagers in many ways” because the leaders were more accountable. They suggested that MCA officials “should consider concentrating on two tasks in the next stage: a) ensuring a higher degree of standardization within counties and perhaps within provinces, and b) lifting the levels of electoral expertise for villagers to that of the best villages that we saw.”(12)

Of the two villages the Center delegation observed, competition in one village was quite lively. The incumbent chair, who was running for a third term, lost to an electrician three years his senior who promised to lead the poorer villagers to become rich as soon as possible. One of the candidates for the villager committee, who had lost the previous election by a single vote, had spent three years campaigning to win the villagers’ trust and support. He received the highest number of votes in the primary but came in second

in the final election. In fact, none of the candidates won enough votes to serve as a member of the villager committee. That would be decided by a run-off.(13)

The Center observers made a fourteen-point list of recommendation to the MCA, which were warmly received by the MCA and provincial officials. Some of these recommendations included improvement of civic education programs, standardization of electoral procedures, synchronization of election dates in the county or province, better nomination methods, enforcement of election law, implementation of the principle of secret ballot and more in-depth research of procedures and consequences of village elections.(14) In March 1998, the Carter Center signed a Memorandum of Understanding with the MCA and visited Fujian in late June to install three computers in three pilot counties. The Center delegation went to Xianyou County in Quanzhou and Huli District in Xiamen. It did not observe any elections but looked at the village election data at the county (district) office and talked with election officials at all levels.

A group of the Center delegates witnessed an interesting exchange between the provincial chief of basic-level governance and Huli district election officials. The former did not approve the so-called “drop-down” method whereby the loser of the vote for the chair could have a second or third try as vice chair or committee member. He thought that was just a way to allow a small clique in the township to run the entire village and that the practice of this method in Huli had clouded the overall picture of Fujian’s village elections. In addition to denouncing the election monitoring as useless and unnecessary, District officials warned the director that the one-candidate one-chance method (as opposed to the drop-down method) would eventually deplete the villages of those who were willing and had the capability to serve.(15)

Electoral Data of the Three Pilot Counties (District) in Fujian

In late 1998 and early 1999, three counties (districts) in Fujian reported the election data of 1997 to the MCA office in Beijing through the Village Election Data-gathering System designed jointly by the MCA and The Carter Center. Gutian County is located in north central Fujian, close to the provincial capital Fuzhou. This county has 15 townships with 207 villages. Since 1984 six rounds of elections have been conducted, in 1984, 1987, 1989, 1991, 1994 and 1997, respectively. According to the standards set by the provincial government, 97 percent of the villager committees were operational, with 65 percent doing very well. Gutian has been named a national model county twice, in 1995 and 1999.

Huli District of Xiamen City is located in north Xiamen Island, and was established in October 1987. It has one township and one district with 11 villager committees, 22 urban neighborhood committees, and 39,000 farmers. The annual industrial output in 1996 was RMB 2.48 billion with more than 100 million in revenue. The average per capita income is RMB 4,500. It has held 6 rounds of elections and became a model county in 1999.

Xianyou County is in south-central Fujian with 19 townships and 304 villages. The first

election, as a provincial pilot county, was held in 1990, and 99 percent of the villager committees met the provincial standards. In 1994, 90 percent of the villages participated in the second round of demonstration elections. Xianyou was selected twice as the provincial model county for village elections, and became a national model county in 1999. The basic information on the three counties is as follows:

Table I: Fujian

	Population	Registered Voters	% of Voters in Population	# of Voting Voters	Turnout Rate
Gutian	369,517	241,226	65.28%	197,407	81.83%
Huli	40,561	26,396	65.08%	25,544	96.77%
Xianyou	859,580	543,453	63.22%	483,675	87.12%
Total	1,269,658	811,075	63.88%	706,626	87.12%

One important component of village elections that the Center and the MCA are looking into carefully is the formation of the election leadership committee (ELC). How members of the ELC are selected and how many of them are Party members will shed significant light on the availability of choice and competitiveness of the village election. The data shows that in the three Fujian counties more than 95 percent of the ELC members were selected by voters in various manners and about 45 percent of the ELC members are Party members. Since the Organic Law did not stipulate how to nominate candidates in village elections, it was up to provinces to self-regulate.⁽¹⁶⁾ The nomination method stipulated by Fujian, which permitted only five voters freely associated to make nominations, was considered by the MCA as too limited and did not give voters as much choice as the so-called haixuan (“sea-election”), a method invented by villagers in Lishu County, Jilin Province, which allows all eligible voters to nominate candidates.⁽¹⁷⁾ In determining final candidates, 97.26 percent of the villages in Fujian counties (districts) used the method having the VRA select them, a limited primary attended usually by less than 10 percent of the villagers that are in various influential positions in a village.⁽¹⁸⁾ Although Fujian did not introduce the more advanced haixuan nomination, it led Hunan and Jilin provinces in fielding multiple candidates for the chair during the election for which data was collected during the pilot phase of the Center’s Project. The 1998 survey of the 3,267 villages in the three provinces indicated that there was only one candidate for the chair in 1,664 villages, accounting for 49.07 percent of all the villages. However, in Fujian, only 16.41 percent of the villages had a single candidate for the chair, a percentage significantly lower than the other two provinces (61.06 percent in Hunan and 51.68 percent in Jilin).⁽¹⁹⁾

Fujian’s strength was also reflected in the small number of proxy votes during the 1997

village leaders to manipulate the electoral procedure. The following table on the use of proxies illustrates the restricted use of proxies in all three Fujian counties as compared to Hunan and Jilin.

Table II: Fujian

County	# of Villages	# of Villages Using Proxies	Percentage
Gutian	270	79	29.26%
Huli	11	0	0.00%
Xianyou	304	4	1.32%
Total	585	83	14.19%

As the MCA indicated in its project report, proxy voting and roving ballot boxes used to prevail in village elections, and it was quite common for fathers to vote for their children and husbands for their wives. Although the original purpose to allow proxy voting and to use roving boxes is to provide convenience to the ill and the elderly, villages began to use them to replace the election meeting. Fujian worked hard to restrict proxy voting, but there were still many villagers who cast their ballots into the roving boxes as indicated by the data collected from nine counties in the three provinces studied (see Table III).

Table III

Province	Hunan	Fujian	Jilin
Regular Voters	1,089,356	675,543	696,632
Proxy Votes	105,186	1,375	33,812
Roving Box Votes	244,507	29,726	24,891

At the pilot stage of the Center's project in China, we tried to assess the competitiveness of village elections through checking the percentage of votes received by the winning candidates. If a candidate wins with over 2/3 of the ballots, the election is not very competitive; if a candidate wins with less than 2/3 of the ballots, the election is relatively competitive. The data from the nine counties show that 2,969 out of the 3,267 villages successfully elected their village chairmen. 1,709 chairs got more than 2/3 of the vote, which accounts for 57.56% of all the elected chairs, and 1,206 elected chairs got less than 2/3 votes, accounting for 42.44%. Fujian's three counties do not appear to be different from the other six counties (see Table IV).

Table IV

Province	County	# of elected VC Chairs	VC Chairs with More Than 2/3 of the Vote	Percentage
Hunan	Linli	320	195	60.94%
	Shuangfeng	866	347	40.07%
	Xiangtan	750	611	81.47%
	<i>Subtotal</i>	1,963	1,153	59.56%
Fujian	Gutian	260	118	45.38%
	Huli	11	3	27.27%
	Xianyou	292	200	68.49%
	<i>Subtotal</i>	563	321	57.02%
Jilin	Lishu	63	23	36.51%
	Dongfeng	228	88	38.60%
	Huadian	179	124	69.27%
	<i>Subtotal</i>	470	235	50.00%
Grand Total		2,969	1,709	57.56%

The joint survey also collects data on the age, education, gender and political affiliation of elected villager committee chairs. These data can demonstrate demographic changes that are engendered by this new system of choice and accountability. Data from the three counties in Fujian seems to suggest that, like the other six counties, voters were able to pick younger (see Table V) and better educated (see Table VII) villagers to be their leaders. The data also shows that membership in the Communist Party and incumbency were very relevant and that women were very much less likely to be elected VC chairs (see Table VI).

Table IV

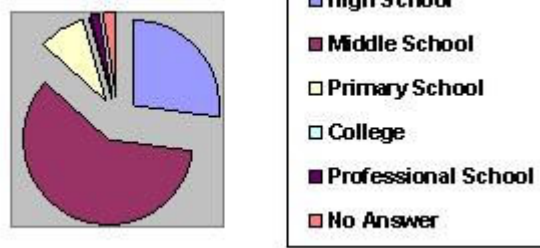
Province	County	Average Age
Hunan	Linli	40.43
	Shuangfeng	45.16
	Xiangtan	47.25
Fujian	Gutian	38.04
	Huli	43.64
	Xianyou	40.13
Jilin	Lishu	44.48

	Dongfeng	41.90
	Huandian	41.98
	Overall	42.28

Table VI

Province	County	# of Villages	# of CCP VC Chairs	# of Female VC Chairs	# of Incumbents Reelected
Hunan	Linli	320	276, 86.25%	2, 0.63%	226, 70.63%
	Shuangfeng	866	780, 90.07%	8, 0.92%	760, 87.86%
	Xiangtan	750	641, 85.47%	2, 0.27%	748, 99.73%
	<i>Subtotal</i>	1,936	1,697, 87.65%	12, 0.62%	1,734, 89.57%
Fujian	Gutian	260	160, 61.54%	4, 1.54%	251, 96.54%
	Huli	11	10, 90.91%	0, 0.00%	11, 100%
	Xianyou	292	218, 74.66%	7, 2.40%	290, 99.32%
	<i>Subtotal</i>	563	388, 68.92%	11, 1.95%	553, 98.05%
Jilin	Lishu	63	57, 90.48%	1, 1.59%	51, 89.47%
	Dongfeng	228	181, 79.39%	0, 0.00%	204, 89.47%
	Huadian	179	156, 87.15%	1, 0.56%	147, 82.12%
	<i>Subtotal</i>	470	394, 83.83%	2, 0.43%	402, 85.53%
Grand Total		2,969	2,479, 83.50%	25, 0.84%	2,688, 90.54%

Table VII



Fujian's Amended Provincial Election Measures

The original Fujian Province Villager Committee Electoral Measures (Measures) were promulgated in 1990 after many years of debate, following adoption in 1988 of provincial measures implementing the 1987 Organic Law on Villager Committees. These measures played an important role in promoting village self-government in Fujian. The 1988 Fujian Province Implementing Measures and 1990 Election Measures were both revised in 1993 and again in 1996. After adoption by the National People's Congress of the permanent Organic Law in 1998, Fujian immediately began work on revising its implementing and electoral measures. Due to controversy over several issues, these measures were not adopted until July 28, 2000.

Fujian officials informed us that it took two years of deliberation at the Standing Committee of the Provincial People's Congress for the Measures to be adopted. After the first reading, the Standing Committee ordered a survey of 100 villages to see what the villagers thought of the provisions. After a re-draft, the Measures went through two more readings. Issues of importance in the Measures include specifying the right to withdraw from candidacy, provision for primaries to be handled in three different ways (through Villager Small Groups (VSG), the Villager Representative Assembly (VRA) or the Villager Assembly (VA), the abolition of proxies and other provisions to reduce election costs. In a province with over 10,000 villages, a certain measure of flexibility is very important. Mr. Zhang Xiaogan, Fujian's point man in running village elections, also noted that one of the significant changes incorporated into the amended Measures, at the insistence of him and his colleagues, is the elimination of any language about candidates' eligibility requirements and endorsement of candidates by officials at the township level. "Villagers," said Zhang, "should be allowed to elect who they want regardless of background."

Highlights of the recent amendments to the Measures include:

- 1. Village elections can no longer be delayed even with approval from superior governmental agencies as was stipulated in the old Measures. In fact, delaying an election is a violation of the Measures subject to administrative penalties by the superior government agencies and other authorities.
- 2. There is clearer definition of voter and candidate eligibility. Residence (household registration) is the primary criteria but fulfilling obligations (such as performing services) is also an important factor in determining if a candidate can

run and where a voter can vote.

- 3. Voter registration is stipulated to be 25 days in advance of the election so as to permit time to notify those living outside the village to return, and to determine those who will not be coming back for that election and who should therefore not be included in the registered voter count.
- 4. Proxy voting has been eliminated, though not specifically prohibited in the measures so as not to conflict with the Organic Law and the election law for the People's Congress deputies. Absentee voting, which has been tried in Fujian for a number of years, has also been eliminated, as it is too inefficient under present circumstances.
- 5. The former method of having five people jointly nominate candidates has been replaced with individual nomination, including self-nomination, or joint nomination without specifying the number of people required for joint nomination. The list of all nominees is to be published 15 days before the election.
- 6. The requirement for a primary in the event there are more nominees than the legally required number of candidates (two for chair and vice chair, respectively, and one to three more than the number of positions for VC members) was written clearly into the law to replace the "fermentation" process of deliberation for narrowing the field used prior to 1997.
- 7. The scope of campaigning was enlarged to provide, in addition to requiring the Villager Election Committee (VEC) to introduce candidates to the voters, for candidates to address voters and answer questions in meetings of VSGs, the VRA or the VA. No provision for other open campaign methods is made, and all campaigning must cease on Election Day.
- 8. The permitted use of roving ballot boxes was tightened so that only the elderly, weak, sick and handicapped can use this method, and boxes must be accompanied by three election workers to ensure secrecy and integrity of the ballots so cast.
- 9. Provisions on use of designated scribes or another person to write out the ballot for illiterates in accordance with the voter's wishes were added.
- 10. Candidates need only garner a simple majority to win in a run-off election under the new Measures, as opposed to the 1/3 requirement previously.
- 11. Only villagers, not higher-level authorities or the Party, can request a recall, and the recall vote must be held by the VA (all voters) rather than the VRA. The township government is further required to convene a VA to vote on the matter within a month if the VC has failed to convene such a meeting within a month of receiving the recall request.
- 12. The Measures require a by-election within two months of a vacancy on the VC. Candidates are recommended by the VRA, and there may be only one candidate. A valid by-election requires both more than 50 percent of voters and a more than 50 percent vote, though a simple majority is called for in the event of a run-off.(20)
- 13. Conflict of interest provisions were added to prohibit an official candidate from serving on the VEC and candidates and their relatives from serving as election workers.

- 14. The Measures also add a provision requiring the new VC to hold its first meeting within 10 days of the election.

The somewhat drastic revisions introduced by the Fujian Department of Civil Affairs and the difficulties in getting the Standing Committee of the Fujian Provincial People's Congress to approve the amendments reflected a different priority and mind-set between the two sections of the government. Civil Affairs officials desire to have a better law, easy to execute and ensuring a competitive and fair election. People's Congress leaders choose to emphasize stability and an old sense of democratic participation such as high turnout rate.

The Department of Civil Affairs could not move forward with the next scheduled province-wide elections--the first round of VC elections under the 1998 permanent Organic Laws--without receiving the final approval of the Measures but it could not wait forever without doing anything, either. A passive waiting would make it much more difficult to conduct the elections on time. From early May through late July 2000, the Department began to train elections officials and pilot villages were identified to conduct elections with supervision from the provincial government and observation by county and municipal officials. These pilot elections were conducted according to the old Measures although from time to time provincial officials would ask local officials to adhere to the spirit, if not the letter, of the new Measures. The three elections we observed belonged to the trial category.

Observing Village Elections in Dehua and Xianyou Counties

Qiuban Village VC Election, August 2, 2000

Following a briefing by Dehua County Party and government officials on August 1 in Dehua City, we traveled to Qiuban Village the morning of August 2 to observe one of Fujian province's first "sea elections" (or haixuan).⁽²¹⁾ Qiuban Village is in Xiaokou Town, Dehua County. Dehua County has a population of approximately 300,000 people. Rice was being planted by hand, as we wound our way by minivan through the hills to Qiuban. Nestled among lush hillsides dotted with two-story red brick houses and temples topped with gracefully arching dragon roofs, Qiuban has 660 residents in 160 households (hu), of which 444 are registered voters. The village is divided into three VSGs. Voters living outside the county (waichu) number 80. Rice and sweet potatoes are the main crops, and there is no collective enterprise in Qiuban. Agriculture is the main occupation but cannot bring in much income. 15 percent of village revenue comes from wood processing by village carpenters. The average annual income in Qiuban is over 3,000 yuan (\$340). It is a poor village. There is only one road into and out of the village, and it is 8 kilometers in either direction to the nearest village.

In a village of this size, we were told the VC chair would spend an average of 10 days per month on VC work, although in larger villages of more than 10,000 this position

Posters setting forth the Organic Law (printed and distributed with sponsorship from the Center), duties of the VC, VSGs, VA and VRA in cartoon fashion, and the Village Charter were posted on the walls of the VC office. An emergency medical station was set up in the village office to treat possibly ill voters.(22)

In accordance with a provincial policy introduced this year at the village level, Qiuban held a two-ballot election for the Party secretary on May 26 through household representatives. Qiuban has 12 Party members, of which four stood as candidates for secretary. For this vote, some 151 out of 153 representatives participated in casting a confidence ballot (xinren piao) for the candidates they preferred. Only those candidates who received a more than 50 percent approval rating in the confidence vote could then participate in the official election among the Party members. Mr. Wang Zeming was elected Qiuban Party Secretary. He was the chair of the "Villager Election Committee" (VEC) in Qiuban.(23)

The prior VC election in Qiuban was held on April 18, 1997. Villagers clearly had problems with the incumbent VC members and did not like the way candidates were selected in the last election. With support from the township and provincial government, Qiuban requested permission to conduct an expanded sea-election (haixuan) whose procedures were as follows:(24)

1. Preparation: The prior Villager Committee (VC) convened a meeting of the VSGs to seek advice on the forthcoming seventh round of VC elections. The residents indicated they wanted to try the haixuan method this time and showed great interest in the election, even requesting to be an experimental village for this round of elections.(25) A financial audit of the VC was performed, with the results published on the village bulletin board on May 25, 2000.(26)

An expanded meeting with villager representatives and others to discuss the forthcoming election and adopt an election plan (jihua) was held on June 21. The meeting also selected (tuixuan) 25 new villager representatives to form the VRA and asked the VSGs similarly to select new heads. By June 30, the new VSG heads, 25 Villager Representatives and the makeup of the Village Election Committee (VEC) was confirmed.(27)

As required by the Fujian Electoral Measures, the VA, the VRA, or the VSG can form a VEC through selection. In Qiuban, the VEC was selected (tuixuan) by the VRA in a two-ballot vote on July 1. The head, Mr. Wang Zeming, was the Party secretary, and a representative from each VSG as well as representatives from the VRA completed the committee. The VRA also adopted the election regulations (guicheng), established VC member criteria, and set the registration deadline.

2. Voter Registration: Voter registration was held from July 1-4. The VEC had its first meeting on July 6, confirming that 80 voters lived away and published an updated voter registration list, including the 80 absentees, in a list posted on the village bulletin board. Voters were given until July 23 to raise any objections or comments on the voter

registration list. The VEC also decided to hold its second meeting on July 20.

3. Nominations: Letters, including proxy forms, announcing the election were sent on July 6 to those working and living outside the village. Villagers were invited to nominate candidates or register if they themselves were interested in running for the Qiuban VC, which would consist of one chair and two ordinary members. We were told the Qiuban Party Secretary was encouraged to run for VC. Mr. Wang did not put himself up as a candidate. There were three self-nominations. By July 15, there were four candidates for the chair and four for the VC membership. Two candidates dropped out on July 14 and 18, respectively.

A second VRA meeting was held on July 24 and adopted a series of resolutions including postponing the election to August 2 (for the Center to observe), approving election workers nominated by VSGs and deciding how to determine a voter's intent if wrong characters were written on to the ballot.(28)

4. Candidates' Forum. A meeting of the VRA to introduce and question those who declared their candidacy was held on July 25 at the local school. A lottery was offered to the candidates as to who would speak first at the Q & A session. The meeting began at 8:00 pm and did not end until almost midnight. After each campaign speech, villagers took turns questioning them. Some of the questions were quite sharp.(29) For example, after Lin Nongye, a storeowner running for the VC chair spoke, he was peppered with questions on how to increase the village's agricultural income, how to expand agricultural products processing and what to do to introduce more village enterprises. After Wang Chengtuo, who owns a minibus business that takes villagers to the county city, outlined his blueprint for the village, he was asked how he could fulfill his responsibility as a village chair if he spent most of his time driving the minibus. One villager confronted him on how to solve the infighting problem in the village and promote unity and consensus. The villagers also quizzed candidates on how to take care of the elderly and offer a better education to a young generation.

Election Observation

The haixuan election was set for August 2 from 8-11:00 am, at the Qiuban Village school compound that had been decorated with colored balloons and red banners to create a festive atmosphere. Three ballot stations, one per VSG in the village, were set up, each with a secret ballot booth. Scribes to write out ballots for those who are illiterate and other election workers were recruited from other elementary schools outside the village. Roving ballot boxes were organized for three voters who were confirmed as having trouble physically coming to the polls. Proxy forms for those living outside the village were collected and registered.

Officials from other townships and peasants from nearby villages showed up to watch

according to the three VSGs, with rope strung to make for orderly lines at each station. Desks were set up first to check voters' voter identification cards against the master voter registration list and proxy authorization forms against the proxy list.

Voters then proceeded to get their ballot and waited to enter the secret ballot booths. Each consisted of a curtained-off desk and chair set up in a classroom. Each room also had a curtained desk for use by the scribe when necessary. The election workers appeared to do a thorough job of checking voter cards and proxies against registration lists, stamping the cards, issuing ballots and ensuring that only one person entered each booth at a time. However, the ballot writing took a long time, as the names had to be handwritten on the blank ballots.

While the voting was in process, Chuck Costello, Director of the Democracy Program at the Center and head of the delegation, questioned a villager who attended the candidates' forum and asked two questions. Mr. Wang, 57 years old and a plum farmer with an annual income of 7-10,000 yuan depending on the harvest, reported the forum had lasted until nearly midnight and was very lively, with about 300 villagers in attendance. His two questions for the candidates were (1) how to develop the agricultural economy, and (2) how to develop collective enterprises. He said he was satisfied with the candidates' answers, but questioned whether they could actually fulfill their promises. He said everyone was excited about the meeting, and that he had not made up his mind before the meeting as to for whom to vote but would vote for those who had answered best. This was the first time Qiuban had held such a candidates' forum.

Another elderly couple was questioned and also said they had found the forum to be very helpful. The man said he thought the former VC chair was satisfactory, as he had increased the income of the village and built the school in which the election was being held (although we had heard he was not standing for re-election due to widespread dissatisfaction). A third man questioned, had attended the forum for almost four hours, and said it had helped him make up his mind for whom to vote. The man said he would vote for those he thought were the most selfless.

Voting was finished pretty much on time, shortly after 11:00 am. The ballot boxes were arranged in a row on tables set in front of a divided-off area of the courtyard, to keep the crowds back yet allow them to watch the proceedings. Ballot boxes were unlocked and opened. Ballots were emptied onto large round baskets and then counted. Roving ballot boxes had been prepared for three voters, but two of the three showed up in person to vote. Three election workers had accompanied the boxes. The single ballot from the roving ballot box was mixed in with the others after the initial counting.

419 ballots were issued and returned, including 64 proxies, and all were valid, thus achieving the 50% threshold of voter participation required by the Organic Law and the Measures to validate the elections. The turnout rate was at 94% (419 out of 444). We were told that the VRA would decide if a ballot was valid in the event of any controversy or doubt raised by the VEC. Local rules make clear such things as mistakes in writing out the names, for example, should not invalidate the ballot.

The ballots were first counted by election workers assigned to each VSG to ensure the number of ballots cast did not exceed that of registered voters. The ballots were then mixed together and redistributed to the ballot counters, so that it would be impossible to determine how each VSG had voted. Ballots were then checked to make sure they were legible and valid, and the total number of ballots cast was announced. The ballots were then called out and the votes recorded on two blackboards, with the results announced on the spot. The top vote getters were:

Chair

Lin Nongye 174 (42%)
Wang Chengtuo 163 (39%)
Huang Yongqing 77 (18%)
Huang Yongtong 1([30](#))

Members

Huang Liantong 159 (38%)
Huang Xiaoqing 139 (33%)
Huang Yongkuan 117 (28%)
Huang Yongjing 100 (24%)
Wang Tiantao 60 (14%)
Huang Jinbei 37 (9%)
Wang Zizhong (Did not record the exact votes
but he received very few)

Since no one candidate garnered over 50% of the total ballots cast, another election was scheduled for August 5. This election was to be treated as a general election (again requiring that candidates receive over 50% of ballots cast in order to be elected) rather than a run-off election (in which only 1/3 of ballots cast is required for election under the prior rules, which were being applied to the Qiuban elections rather than the new Electoral Measures adopted July 28, which call for a simple majority in a run-off election), with the haixuan process thus having served as a primary election.

A few days later, an election was held in Qiuban with two candidates for the chair and three candidates for the member positions. 303 ballots were cast, indicating a much lower turnout rate at 68%. Lin Nongye won and became the chair with 278 votes. Huang Liantong and Wang Zizhong won the membership race with 234 and 203 votes respectively.[\(31\)](#) Of the 303 ballots cast, there were 54 proxies from villagers unable to return, 9 abstention ballots and 17 invalid ballots.[\(32\)](#)

Xiangling Village Election, August 3, 2000

Xiangling Village is a big village with 5,065 residents in 1,206 households, of which 3,425 were registered voters. We are able to reconstruct Xiangling's pre-election activities from the public notices posted at each polling station and from conversations

with villagers. A seven-member VEC with three alternates was formed through a two-step process: joint nomination by the village Party Branch and the VC and confirmation by the VRA. The first public notice, posted on June 25, informed the villagers of the makeup of the VEC.

The Election Day, determined to be July 27, was made public on June 27. On June 30, the third notice conveyed to the villagers that the voter registration day was July 2 and that all villagers who left the village before this date would be considered as absentee voters and have to designate proxies. The voter registration list was published on July 7 and all complaints should be filed with the VEC before July 17. Over 100 voters were outside the village (waichu), but they were allowed to authorize proxies in writing.(33) The VEC also announced on July 7 the makeup of the VC with one chair, one vice chair and two members and designated the time from July 8 through July 11 as the nomination period.

Voters could nominate candidates individually or jointly with others in their own VSGs. During this period, nomination forms were distributed to all households with instructions to return them within a fixed time. 56 nomination forms had been turned in, and then a primary to elect the official candidates was held by 48 members of the VRA, voting by secret ballots in secret ballot booths.(34) Voter registration had begun July 2, and the voter registration list posted July 7, with any comments requested by July 13. On July 12, 28 new heads of the VSGs and 64 VRA members were selected and made public. On the same day, the official slate of candidates was presented to the village with two candidates for the chair,(35) two candidates for the vice chair and three candidates for the members. On July 20, another notice declared that all the candidates had passed eligibility checks by the town and county governments as well as the VEC.(36) Finally, Election Day details and a list of those voting by roving ballot box were posted.

We were told that Xiangling also held a candidates' forum in the form of a VRA meeting that was open to everyone. There was not much time for us to find out more details of the forum but we did see campaign speeches by the two candidates for the chair posted at every polling station. The speech of Chen Guoxing, the incumbent, and number two in the Party, was full of past accomplishments and grandiose projects for the next three years if reelected. He wanted voters to know that in the past three years he raised the average income per capita of the villagers from 1,850 yuan to 3,450 yuan and that he installed FR radio in the village, brought tap water to most of the homes and built a cement road. He promised that he would resign if he could not get the village road widened in the next three years and he would try to raise the annual per capita income to 4,000 yuan. He also vowed to build a dormitory building for village schoolteachers and install cable television and optical phone lines to each household. In contrast, the speech of his challenger, an enlisted PLA soldier until 1999, sounded empty and hollow with no past achievements to boast of and no future blueprint to offer.

Polling stations were established in temples, ancestral halls, schools, and private homes throughout the widely dispersed village. A general meeting took place at 5:00 am at the central voting site, located where the government offices are housed, and voting took place at the various polling stations between 5:30 - 10:30 am. The roving ballot boxes were dispensed between 10:30 and 12:00, limited to those voters who were confirmed to be elderly, infirm, disabled or otherwise incapable of personally coming to a polling station to cast ballots.

We first visited Polling Station #4, located in an ancestral temple. Sample ballots and color photos of official candidates for each position were posted on the temple walls. Xiangling used three ballots of different colors, one for each of the three positions of VC chair, vice chair and member. Use of the photos and color-coded ballots helped the villagers tell candidates apart, for ease of identification and filling out the ballots without need by illiterate voters for a scribe. All election-related notices, plus a color poster on VC responsibilities, were also posted. A similar set-up was encountered at Polling Station #9, located in a small temple, and Polling Station #1 at the central voting site.

Voters went through the same voter ID check and ballot-issuing procedures witnessed the day before in Qiuban. Since the village had undergone a primary, the ballots already contained the printed names of the official candidates, plus an area in which the names of write-in candidates could be written. Otherwise, voters were able to use a chop provided to them in the ballot booth (a pen was also provided for any write-ins), which consisted, at Polling Station #4, of a desk set in a room off the altar area, viewable from both the altar area and the area in front of the altar. Although only one desk was set up in a room (ballot booth), it was not curtained off, so the person could be watched while writing out the ballots.

All ballots were collected and taken to the central polling station after 12:00 noon to be counted publicly there. We did not witness this process or the counting and announcement of results, which were conveyed to us at a later meeting. The final tally was that 3,181 ballots were cast, constituting 92.7% of the voters. Apparently, all were deemed valid. The election successfully elected the entire new VC. The votes were:

Chair

Chen Guoxing 3,022 (winner)
Li Zhiming 140

Vice Chair

Fu Zhenqian 2,752 (winner)
Fu Zhiqiang 406

Members

Fu Qingji 2,902 (winner)
Lin Qingfu 2,094 (winner)

Liuxian Village Election, August 3, 2000

The second village in Xianyou County that we observed was Liuxian, a smaller village with 3,144 residents in 903 households, of which 2,184 were registered voters, with 169 living outside the village (waichu). Liuxian has 45 Party members. The voters were divided among nine polling stations and were electing a three-member VC consisting of a chair, a vice chair and one ordinary member. The village has 17 VSGs and 45 VRA representatives. The average per capita income was 3,010 yuan.

We obtained a glimpse of the pre-election procedures through looking at the public notices that were reposted due to our observation.⁽³⁷⁾ The first step was to form the VEC, which was made public on June 26. The VEC was made up of a chair, a vice chair, five members and three alternates. The Party Secretary and incumbent VC chair, Wang Shunqing, was the chair. Two current members of the VC were also members of the VEC. All three resigned from the VEC when they became official candidates, as required by the Measures. The Election Day was scheduled to be July 28, 2000, later changed to August 3 in a public notice to accommodate the Center's observation. 37 villagers were allowed to cast ballots in the roving ballot box. The voter registration was July 3 and the registration list was published on July 7. Notice #5 announced the makeup of the new VC as one chair, one vice chair and one member.

We are not sure how the initial nomination was made by villagers but we found out in Public Notice #6 dated July 12 that six villagers were nominated for the chair, twelve for the vice chair and ten for the members. Four days later, Public Notice #7 declared that through eligibility review by the county and township Village Election Guiding Groups, the number of candidates for each position was cut down to 6, 4, and 5, respectively. No specific reason was given for the drastic candidates' reduction. On July 17, villagers were notified that a primary to determine the official VC candidates would be held on July 20 at the Village Office courtyard and all VRA members should participate. Reportedly about 300 villagers attended the primary. The delegation did not have time to find out all the details of the primary but the confirmation of the official candidates did not appear in public until July 31 with two candidates for each position.

Of the candidates for chair, Wang Shunqing, the incumbent, was elected the village Party secretary in May 2000.⁽³⁸⁾ Born in 1950, Wang had been a farmer, teacher, Communist Youth branch secretary, public safety worker, and construction worker. He divided his goals into two categories, the immediate plan, and the future agenda. The former was to introduce a village charter, enforce fiscal transparency and build an elementary school and the VC office, and the latter was to increase urbanization of the village through fruit, animal husbandry and mushroom growing, attract outside investment and eliminate corruption. Despite Wang's incumbency and his ambitious blueprint, the 30-year old Chen Guangyang launched a credible challenge. Chen is an entrepreneur running the village quarry. He is a PLA veteran and a Party member with a middle school education. He offered a four-point plan to serve the village if elected: to

enhance unity in the village leadership, to initiate daily, monthly and annual audits of village finance, to beautify the village landscape and to build a village elementary school.

Observing the Election

We first visited Polling Station #9, organized in a village temple, where we watched the voting process and inspected arrangements for a while, then proceeded to the central polling station, in a two-story office building, while the voting was in progress. At this station, election workers had desks outside a large room, where two curtained ballot booths were set up, one at either end of the room. In this election, we witnessed voters conferring in the ballot rooms, although election workers told us that may have been a voter conferring with a designated scribe (the scribes' desks were established outside the ballot rooms but the scribes would go into the ballot booth with the voter). However, one of our members also saw people running between the two curtained booths to confer. We stayed there until all polling stations closed and the election moved to the next stage.

All ballot boxes and roving ballot boxes were brought to the central polling station. The three differently colored ballots were then separated into different piles by polling stations and counted, to determine first the total number of those voting. The count was 2,145 out of 2,184 voters, thus achieving a 98% voter turnout. The ballots were then mixed up to preserve the secrecy of the votes and divided into three piles, each containing ballots of one color (each VC position was represented by one color) for counting. The results were recorded on blackboards set up in front of the assembled villagers out in the courtyard. After the results were announced, the winners, each of whom had won more than 50% of the ballots cast, were awarded work certificates certifying their respective VC positions.

Chair

Wang Shunqing 1,593 (winner)

Chen Guangyang 469

(a total of 2,117 ballots with 37 abstentions and 13 invalid)

Vice Chair

Chen Shunfeng 1,631 (winner)

Zhang Guotang 374

(a total of 2,112 ballots with 70 abstentions and 37 invalid)

Member

Wang Zhaorui 1,111 (winner)

Lai Zudan 913

(a total of 2,145 ballots with 81 abstentions and 12 invalid)

Scoring Fujian's Village Elections

Fujian is known for its advanced state of village democracy and what we witnessed bears that out. The new Fujian Measures under the 1998 Organic Law are excellent and represent progress in further democratization. We are very much impressed by the straightforwardness and open-mindedness of the Fujian election officials. They are rapid in responding to new issues arising from the countryside, quick to point out existing problems in village election and willing to discuss openly all issues and questions with both domestic and Western observers. At one of the many meetings we had with the Fujian officials, Dr. John Aldrich, on behalf of the delegation, talked about the benchmarks to measure the quality of any elections. He outlined three criteria by which elections, in general, are to be judged. These are the competitiveness of the contest, the degree to which voters are informed about the contestants and the complementary degree to which candidates can be informed about the beliefs and values of the electorate, and the degree to which the sanctity of the secret vote is maintained. Collectively, these three criteria culminate in the possibility that every voter has the ability to reach his or her own informed, best choice about which candidate will best serve his or her interests. He then applied these three criteria to the village elections observed by the delegation.

Competitiveness: This criterion is measured by the degree of openness of the system, that is, by how open the system is to the widest array of candidates and how open the contest is to alternative candidates winning based solely on the strength of their candidacies. (Under pressure) Aldrich graded the elections observed as an A. The “sea-election” procedure provides the opportunity for all voters to choose their most preferred candidate. In the first village observed, the system for determining which candidates were running (nomination at a central location, followed by the agreement of the candidate’s interest in serving, if elected, followed by candidate presentations) was also a strong system on this dimension. Given that, in the first village, no candidate was able to secure a majority in the first round, the second aspect of competitiveness seemed assured there. In the third village, the chair and vice-chair incumbents won re-election easily, but the (single) member was characterized as an “upset.” Thus, it appeared that the elections were open to a variety of candidates.

Informed-ness: Aldrich graded this as a B+. In the first village (Qiuban), we watched a video of a candidate forum held open to villagers several days before the election. On questioning, villagers reported that about 300 or so attended the meeting, and that it lasted either 4 or 5 hours. In the other two villages, candidates presented a written statement that was posted in public, including at the voting stations. The ability of villagers to question the candidates was unclear, likely absent although villager representatives seemed to have the opportunity to question candidates at the primary.

Secrecy: Aldrich graded this as an A-. In many respects, the notion of a secret vote was

observed, but we did observe technical violations and perhaps a bit of laxness in enforcing the requirements of the secret vote.

The following observations include the delegation's general evaluation of village elections in Fujian and particular assessment of the three elections it witnessed in Dehua and Xianyou:

- 1. Elimination of proxy voting is commendable. As explained to our group, Fujian officials and the Fujian People's Congress realized proxy voting as a kind of absentee balloting had lost its meaning for those outside the village, as they did not even know who the candidates were at the time they had to give someone else their proxy; so the person entrusted with their proxy was really voting based on his or her own wishes and not those of the absent voter.
- 2. Fujian's efforts to restrict the use of roving ballot boxes are also commendable. First, those who wish to vote using this method must register with the VEC, which confirms they truly do meet the requirements of being elderly, ill, handicapped, or otherwise not able to go to the polling stations. Second, three election workers must accompany each box. These efforts will help control possible interference with the secrecy of the votes cast using roving ballot boxes.
- 3. Having several polling stations set up in dispersed villages and open for a set number of hours facilitates high voter turnout.
- 4. Voting in Xianyou and Dehua was orderly and procedures were followed well. Efforts were made to give voters privacy. The idea used in Xianyou County of having different colored ballots for each position, with sample ballots setting forth the candidates' pictures above their names posted on the wall leading up to the ballot booth, so that illiterate voters would possibly not have to ask a designated scribe to fill out the ballot for them was again commendable. Some improvements to make sure only one voter at a time was in each ballot booth and ensuring the booths were curtained off to prevent anyone from watching voters fill out ballots, even from a distance, would be recommended.
- 5. Fujian has begun to experiment with a more extended and open campaigning for the candidates. Qiuban's candidates' forum we saw on video and campaign speeches by candidates for the chair in both Xiangling and Liuxian are all practical ways to introduce candidates to the voters and to give voters an opportunity to assess and evaluate those who will be their leaders during the next three years.
- 6. The *haixuan* (sea election) procedure conducted in Qiuban is very successful. Allowing interested villagers to register to run has certainly solved a problem we witnessed in Beitaipingzhuang Village in Qianxi County, Hebei Province, in January 2000, where nominations lasted a whole day with more than 150 candidates for five VC positions.[\(39\)](#) We also like the new procedure permitting those who gain more than 50% of the votes to win the election in the nomination round. This will certainly cut down the time and cost of holding elections.

- 7. We noticed that very few women were running or being elected as VC members in Fujian. Our host explained that Fujian villages are still fairly backward in terms of promoting women's education and political involvement. They started from a base where no women were elected, to having between 6-8 women elected as VC chair, and reported that last year 15 women won the position of VC chair. Bringing women into the process and getting villagers to vote for them will take time.
- 8. We made a suggestion on ballot design, i.e. there should be only one space (instead of several) for write-in candidates where only one person was to be elected for that position, to avoid any confusion.
- 9. Another suggestion was to consider invalidating elections where fewer ballots were returned than were issued, just as are those where more ballots are returned than are issued. The point is that, at least in experience in the United States, some people sought to destroy ballots favoring the opposition candidate. Thus, unless all ballots issued are returned, questions can be raised about the validity/legitimacy of the election.

The Conference to Revise the National Procedures [\(40\)](#)

The delegation returned to Beijing on August 5 and attended a conference sponsored by the Center and the MCA to revise and update the National Procedures, which were published by the MCA in 1995 as a manual to provide assistance on standardizing electoral procedures that were not clearly specified in the Provisional Organic Law. There were a total of fifty five participants representing the MCA, the Center, several provinces that had just finished a new round of village elections, officials from the Committee on Internal and Judicial Affairs of the National People's Congress (NPC), the Central Organization Department of the Party and scholars from the Chinese Academy of Social Sciences, Beijing University, the Central Party School, Hong Kong Chinese University and Hong Kong City University. During the two-day conference, participants focused on and debated fifty-two issues that are pertinent to the fairness, justness, and competitiveness of village elections.

Much preparation work was done before the conference. The MCA commissioned an expert group of Chinese scholars to study the National Procedures first, and the group then offered a report on revision to the conference for feedback (See Appendix). The Center invited American scholars, representatives from the International Republican Institute, which has also been offering advice to the Chinese government to improve village elections, and former Chinese village election officials to deliberate on several issues that were central to the improvement of village elections. A seven-point revision recommendation was submitted to the MCA. These seven suggestions are as follows:

1) The Center asks the MCA to examine the possibility of introducing a more detailed Villager Committee Election Law with specificity comparable to China's electoral law on local people's congress deputies. The Center's position is that without a national electoral law, it will be difficult to standardize villager committee elections. The

Organic Law does set forth basic electoral principles, but they are not detailed and offer little procedural guidance. Moreover, it is not clear which agency is the enforcer of the Organic Law.

2) The Center feels that it is extremely important to set up election commissions at the county level to ensure lawful implementation of the electoral procedures required by the Organic Law and provincial electoral procedures. Without a permanent and independent county commission to deal with election-related matters it will be very hard to handle popular inquiry on electoral procedures, enforce remedies for violations of the electoral procedures and mediate election disputes. The Center is aware of the difficulties at the present time to adopt a Villager Committee Election Law or to set up permanent election commissions. Therefore, it is suggesting that detailed, step-by-step instructions be given in the National Procedures about where and how to report election violations and to seek redress for these violations.

3) The Center favors a uniform day for villager committee elections at least at the county level, since it will be easier to attract voters' attention and save election expense.

4) The Center suggests that secret balloting be applied to all ballot-casting procedures including the primary, the election of VSG leaders and VRA members and, if possible, the selection of VEC members. It also recommends reducing, if not abolishing, the use of roving ballot boxes and eliminating proxy voting altogether. Scribes for illiterate and handicapped voters should not be native residents but from other villages, township government agencies or elementary schools outside the village.

5) The Center recognizes the difficulties in defining the eligibility of voters in view of the increased mobility of China's rural population. Using residency as the sole requirement for eligibility has disenfranchised thousands, if not millions, of voters who cannot return to their native villages or who have no interest in returning to their native villages to vote. Having reviewed the electoral procedures of various provinces, the Center suggests the MCA recommend three types of eligibility review in the National Procedures: a) the Heilongjiang method of registering a villager if he or she lives in the village for over a year and receives approval from the VEC; b) the Hebei measure of canceling a villager's right to vote if he or she is away from the village for two years and expresses no desire to participate in village affairs; and c) the Fujian provision of setting up a voter registration day in order to get as many voters as possible to return to the village.

6) The Center expresses the idea that the design of the ballot should be kept as simple as possible and that there is no need for voters to mark "x" below the name of the candidates they do not support. In addition, allowing the drop-down method to elect VC members violates the principle of equal competition and should be abolished as circumstances permit.

7) The Center finally proposes to attach a model villager committee election procedures as an addendum to the National Procedures that accommodates all the best provincial

provisions and to print out all the penalty articles for violating various kinds of elections in China from the Criminal Code and the Penalty Measures for Violating Social Security. The addition of these two documents may help local election officials to better organize village elections and to deal with electoral violations.

All these suggestions were addressed at the conference, which debated eleven major topics, namely, pre-election preparation (three questions), establishing election leadership groups (four questions), registering voters (seven questions), nomination and determination of final candidates (seven questions), campaigning (three questions), casting ballots (twelve questions), recall (nine questions), run-off elections and by-elections (two questions), post-election activities (three questions) and the role of the Party branch in village elections.

It is not possible to present all the thoughtful and sometimes passionate debates and deliberations. The input from the participants, particularly those from the provincial officials, are enlightening and instructive, offering a rare insight into the dynamics of village elections and the difficulties in conducting these elections in hundreds of thousands of villages that a decade ago had never experienced direct and competitive elections. We present some of the highlights of the conference in the following topical groupings. These debates and discussions focused on the revision of the National Procedures. Therefore, they are not exhaustive or conclusive. We will offer a more detailed analysis when the revision is completed in the near future.

Laying out the Framework for Primary Issues

At the beginning of the conference, both the Chinese expert group and the Center made a short presentation, each rendering an overview of the revision of the National Procedures. Mr. Yu Weiliang, one of the leading trainers on village election procedures in China, was the first to speak. He asked many questions whose answers are important but elusive. Mr. Yu declared at the very beginning of his presentation that the old National Procedures were worked out under the Provisional Organic Law. With the revision of the Organic Law, new regulations were needed. In going through the Organic Law and provincial measures, his group identified eleven problems with 52 sub-problems. The participants were somewhat surprised by his line of questioning, which came out in the manner of rapid machine gun fire: Should we demand fiscal audits before the village election? Do we need to examine the eligibility of candidates, and if so, by what criteria? How do we deal with candidates who were previously convicted? Do they have the right to be elected? What should we do if elections are conducted in an illegal way? If the villagers do not replace illegally elected or acting candidates, should the county be able to replace them? Can the Party committee be involved at the lowest levels?

Mr. Yu then explained how his group came up with the 52 sub-questions. These questions were derived through looking carefully at the Organic Law, other related central policies, and provincial electoral measures and referring selectively to foreign

electoral practices. They were throwing these questions directly to the participants in the conference in the hopes of finding the most appropriate and practical answers to them. If they could answer those questions in a satisfactory manner, the revision would certainly take off.

Following Mr. Yu's presentation, members of the Center delegation, Charles Costello, Jamie Horsley, John Aldrich, Tianjian Shi and Yawei Liu laid out the Center's position on revising the National Procedures. They first elaborated on what the Center considered as primary legal issues in standardizing village elections and improving the quality of these elections.

1) While the Organic Law contains important democratic principles, it might be desirable to have a more detailed, comprehensive Electoral Law for Villager Committees, or nationwide implementing electoral regulations (tiaoli) approved and adopted by the National People's Congress (NPC), that would be binding on all organizations and individuals and more clearly enforceable in China's courts. The law sometimes follows or reflects and legitimizes existing practice based on experience. But at times the law should play a leading role, to set higher principles and standards to encourage and require better practices over time. In a country such as China, that does not have a strong tradition of grassroots democracy and self-governance, national laws might well serve this leading function, as well as standardizing existing practices.

2) In addition to revising and publishing the National Procedures, it may be useful to publish sample or model provincial electoral measures, taking the best practices and suggested improvements from existing measures and setting them forth in an appendix to the National Procedures for reference. These could be used by those provinces that have not yet revised or adopted electoral measures under the Organic Law and for those provinces that might wish in the future to revise the Measures they already have in place. In the meantime, all possibly relevant legal provisions in the Criminal Code, the Public Order Penalty Provisions, and the Administrative Litigation Law should be identified for reference purposes, even if they are not in all cases directly applicable to VC elections. These provisions could also be set out in an appendix to the Procedures. For example, Article 256 of the Criminal Code provides penalties for certain kinds of interference with people's congress deputy elections. While this provision is not directly applicable to VC elections, it might usefully be consulted for reference or possibly used by the courts by analogy (leitui). The same could be done for existing legal provisions on bribery, fraud, corruption, defamation (as in campaign speeches), and other areas of concern in VC elections.

3) The Organic Law cannot be fully implemented unless villagers can and do seek to enforce its provisions against those who attempt to obstruct, delay or otherwise interfere with the right to vote and the right to be elected, as well as with the rights to democratic management, supervision and decision-making set forth in the Law. Article 15 of the Organic Law gives villagers the right to appeal to township or county people's governments or congresses, "if any person uses threats, bribery, or counterfeit ballots to prevent villagers from exercising their right to vote and be elected and interrupt villager

committee elections." Relevant government departments are to investigate and handle the case as required by law. The only specific remedy provided in the Organic Law is to invalidate the election if bribery, counterfeiting or improper means are proven to have been used. This raises two issues: a. what specific agency should be responsible to investigate and remedy these cases? b. What law or regulations might apply in these cases? When a national VC electoral law or implementing regulations are drafted, these issues should be clearly addressed, as is done in Article 52 of the Electoral Law for People's Congress Deputies and Local Government Officials.

4) For now, it may be useful to designate a person or office, possibly at the county level, to serve as a permanent election commission to handle disputes and complaints and refer them to judicial and prosecutorial authorities as may be appropriate. For example, in addition to handling complaints, such a commission might be responsible for such matters as setting a uniform election period for the entire county during which VC elections should be carried out, to make it more difficult for local officials to attempt to delay or impede the election process. This commission could be made up of representatives from the bureau of civil affairs, judicial and prosecutorial organs, the people's congress, and other relevant departments in a county.

5) It takes time for a law to be introduced; and village elections are still being conducted. It might be wise for the NPC Standing Committee to consider whether it could make an interim interpretation of the Criminal Code, as it did recently for Article 93 to define "other state personnel" to include VC members when they are acting on behalf of township or higher level people's governments, to make existing provisions like Article 256 of the Criminal Code applicable to VC elections. Such interpretations would help give the Organic Law some "teeth" for enforcement purposes in advance of the time when more detailed laws or regulations might be adopted by the NPC.

Having offered the above recommendations in general, the Center group focused on several issues of great concern and tried to answer a few of the 52 questions posed by the Chinese expert group. We identified the three essential components of the election law. "The first is a set of rules that guides people's behavior. The second is a mechanism to enforce those rules. If someone violates the rules, he or she should be punished. The third is an impartial agency that determines if the law has been violated and develops rules under certain conditions." Judging by these criteria, the Organic Law "is still inadequate for two reasons. First, no effective enforcement mechanism is specified in the law to guarantee its implementation; and, second, there is no impartial agency that is designated with the power and authority to determine violations of the law and to punish such violations."

On Permanent Election Commission at the County Level

The Center participants felt that many questions raised by the MCA expert group with regard to the revision of the National Procedures can be resolved by establishing election commissions at various levels, particularly at the county level. They offered a

detailed description of the responsibilities for the election commission. For example, a permanent independent county election commission could determine a unified Election Day for the county and to investigate and punish those who are responsible for violations of the Organic Law. Moreover, an election commission at the county level would solve many problems with regard to the nomination and determination of candidates. When there is a dispute over the interpretation of the Organic Law and its implementation, the election commission would usually be required to serve as an impartial adjudicator to interpret the rules. An election commission could also play an important role in solving and mediating election controversies. It is stipulated in the Organic Law that the Villagers' Election Committee is responsible for determining the validity of an election. When the Villagers' Election Committee is unable to reach a conclusion, an adjudicator at a higher level is called in to decide. The county election commission would fill that role. Under the current villager committee electoral provisions, no permanent government agency is responsible for recalls. The MCA cannot rely on the election leadership groups at both township level and on the county level, because such organizations disband after the elections are completed. Should villagers try to recall a leader, these bodies no longer exist. Thus, a permanent election commission at the county level would seem to be suitable to deal with the problem of recall.

The Center participants acknowledged that for this kind of county election to be effective, there should be a law to establish and empower this agency and an unbiased judiciary to support it when issues have to be resolved through legal proceedings. The role of administrator and adjudicator must be separated. Conducting illegal or unlawful elections or not having them at all should be a criminal offense. The court, not the county election commission, should deal this kind of conduct.

On Fair, Open and Competitive Elections

Finally, the Center participants focused on the fundamental principles of conducting elections and how these principles should be incorporated into the Chinese practice at the village level. Elections should be free, open, fair, and competitive. To achieve these goals, it is crucial to protect the secrecy and the integrity of the individual vote. This should be preserved throughout the electoral process and in all election-related matters including electing the VEC, nominations, primaries, the official elections, run-offs, by-elections, and recall votes. As a means of preserving this secrecy, roving ballot boxes should be strictly limited to those physically incapable of voting otherwise. The use of authorized scribes to write ballots for illiterate voters, where those scribes come from another village, should be strongly encouraged. Proxy voting should be ended as rapidly as possible, as they are doing in Fujian Province. Consideration should be given to the use of absentee ballots for voting as in the U.S. and elsewhere.

In terms of eligibility of voters, the principle is that there should be as few restrictions on voter eligibility as possible. On the question of voter eligibility, the Constitution, Article 12 of the VC Law and all of the provincial measures we have reviewed provide

that the right to vote and be elected is regardless of length of residence. This, as a Constitutional matter as well as a practical matter, means rules have to be devised to avoid disenfranchising those who are resident long-term in a village other than where they have their official permanent household registration. As for the candidates, the principle is that, other than loss of political rights, anyone eligible to vote should also be eligible to become a candidate. Let the voters choose from amongst themselves.

Nominations, campaigning, and choices for the voters are very important indicators of openness, freeness, fairness and competitiveness of all elections. All voters should have a full opportunity to nominate any eligible person for any elective office, including seeking to run for office themselves.

There are two types of competitiveness. Type-one competitiveness is to provide effective choices for voters. Currently we have observed multiple candidacies, which is a long step toward this type of competitiveness. We believe that the principle should be extended to have more than one candidate for each position up for election. Thus, there should be, as now, at least two candidates for chair. If there are, let us say, positions for three members of a Villager Committee up for election, then there should be at least six candidates running for those three positions.

Type-two competitiveness involves campaigning. The goal is to ensure that voters have the fullest opportunity to cast well-informed votes for the best candidate for the voter. We have seen videos of the Qiuban candidates' forum in which candidates for VC chair spoke at an open meeting and then remained (for four or five hours) to respond to questions from voters. We have seen written and distributed speeches. We recommend wide circulation of such speeches, meetings, and questionings, perhaps covering a longer period of time, such as a week or ten days.

An election is fair if all types of candidates can realistically expect to win office: men and women, members of majority and minority groups, and so on. The goal is to have majority rule without losing representation of and the support of minorities. These are problems that vex all democracies, certainly including the U.S. We recommend movement toward plans that make representation of minorities possible. We recommend against the practice of drop-down provisions for that reason, among others. One way to proceed is through preserving natural villages to ensure their representation. For example, to elect a chair and co-chair at large; to elect members of the VC based on natural villages reflecting natural communities of interest, perhaps via districting plans.

After the opening rounds of general discussion, the conference shifted gear to focus on specific topics identified by the Chinese expert group. Due the nature of the conference, this report will only summarize the discussion of each topic.

On Pre-election Activities

Many participants felt that it was necessary to establish permanent election

commissions, particularly at each and every county. These Election Commissions will operate not only to oversee the election process, but also to handle matters that arise after the initial election process has concluded. They will be responsible for recalls, any party who does not wish to accept the outcome of the election, and any other persisting problems that need solutions after the elections. Some participants felt that the commissions would also help eliminate potential township officials' illegal intervention.

Another issue raised by many participants was the need for pre-election financial audits. They felt that villagers might not understand democracy perfectly but they certainly could see a direct connection between leadership and the financial status in a village. Many villagers are going all out to oust their leaders on the basis of the lack of financial transparency in the villages. In addition, it is necessary that villagers themselves be in charge of the audit. One participant noted that it was not unusual for county accounting personnel to cover up financial irregularities in a village. However, the lack of or inconclusive financial audits should not be used as an excuse not to hold village elections as scheduled.

The most prevalent violation of the Organic Law is for local officials to postpone elections, often resulting in never conducting elections at all. Participants agreed that it was understandable, if under explicit reasons such as rezoning of an administrative district or township government leadership going through a term-change, for a village to delay elections. However, when village or township leaders delay the election without valid reasons, it is unacceptable. One solution may be simply if elections are delayed officials at higher levels should discipline those responsible for the delays and proceed to conduct the elections. Alternatively, the election commission at the county level can step in and organize the election.

Although China has come a long way in establishing electoral laws, there are still definite weaknesses in the Organic Law. There has yet to be developed a system of consequences for those who disobey the Organic Law. Officials present at the conference strongly felt that violations, such as township government or Party secretaries in villages obstructing the conduct of village elections, should be investigated and punished. One participant commented that these infractions could be handled through criticism sessions or administrative disciplines.

Definition of Voter Eligibility

The discussion on village voter eligibility at the conference was very heated. There was not a consensus and everyone at the conference felt it was an issue that had huge impact on the outcome of any village election, particularly of those villages where there are many non-permanent residents living in a village.

Currently, the Organic Law states that for someone to be eligible, a voter must be over 18 (with no maximum limit), lives in the village, is not deprived of political rights; if involved in an ongoing legal case, he or she must get approval from the prosecutor and

has to be mentally sound. Many provinces have interpreted these standards in their own fashion using criteria such as legal residency, living in the village, assumption of duties for the village and continuing to participate in village production activities.

Conference participants expressed the need for a legal definition of a villager. Due to China's growing economic reform and the mobility of the rural population, the past definition of a villager (which was simply determined by household registration) is encountering problems such as mobility and the resulting "empty household" problem. Others also pointed out the necessity of not confusing the definition of a villager with that of a voter. One needs to be clear if a villager committee represents an open or a closed community. If an outsider is determined to be a contributing resident, he or she gains access to the material resources of the village. Despite these problems, if the NPC does establish the definition of a villager simply as someone having a permanent physical residency in a village, with the rapid changes occurring in China, it is quite easy for this article to become out-of-date. Household registration, for example, might be irrelevant in five or ten years.

Although many participants did not agree on whether the criteria of eligibility should be household registration or general residency with contribution to the village's well being, there was consensus that villages did not want those who are unfamiliar with the village's needs to vote. One provincial election official suggested that this could be remedied through minimum residency requirements.

Even when decisions are reached, there will still be a number of exceptions that will need to be covered in the law. Many wondered how the law would deal with migrant workers, college students when they return to a village, and the retired officials who return to their original village.

Qualifications for Candidates

Qualifications for villager committee election were also a hotly contested issue. The Organic Law imposes no particular restrictions, but in practice the election committees of the county, the township and even the village usually makes rules about candidacies.

Some conference participants felt that it was essential for the Villager Assembly (VA) or Villager Representative Assembly (VRA) to establish and enforce guidelines concerning who was allowed to run for office. Many villagers are not qualified, and if elected, may not be able to do the job. However, the Party should have no say in granting, nullifying, or removing candidates from running for villager committee positions. Some of the qualifications suggested were based on age, payment of taxes, education, and criminal background.

However, many other participants believed that if eligibility checks were imposed, it would greatly reduce the so-called self-government. The only criterion should be that the candidate be eligible to vote. The participants were worried that by allowing the

village Party branch, officials from the township or county government to determine the eligibility of the candidates, the competitiveness and openness of the village elections would be gravely compromised. It is the voters themselves who should determine if a candidate eligible or unqualified.

Nomination of Candidates

The participants in the conference on candidate nomination had many mixed responses on the most effective procedures. Some felt that a primary election would be too complicated to undertake. However, another participant felt that a sea-election (haixuan) was too complicated and too expensive. With haixuan it is very difficult and expensive to eliminate the control of nomination by the township or county government officials. Most participants seemed to like the idea of nominating through their villager small groups. However, it was acknowledged how easily this nomination procedure could be manipulated to produce candidates favored by the higher up. Yet another participant observed that despite the many complaints about haixuan, it was a procedure for nomination that had allowed ordinary voters to participate actively in village elections. The comment was made that it might take many years to simplify the processes of election in a new system such as this, however the slow progress was imperative to preserve the democratic element.

It was also noted that in designing these new procedures, it was necessary to realize that there must be a delicate balance. The government must not implement too many regulations because that infringes on the concept of villager self-government. However, if there are not enough guidelines, then there will be loopholes that make manipulation of the nomination possible. Another participant emphasized that the real problem was in making sure that the procedures are properly implemented. If there are new procedures that are effective, yet they are not implemented, villagers will lose faith in the system.

Campaigning

There are currently very few, if any, guidelines concerning village election campaigning. In the past, the word “campaigning” wasn’t even allowed to be used due to its connection with Western democracy. Today, however, villagers are asking if it is possible to allow campaigning to take place so as to be better informed.

In order for campaigning to proceed without getting out of control (such as candidates running for villager committee positions on the platform of not paying legal taxes and fees to the government), regulations are necessary. Participants hoped that campaigning would include public speeches (either given or posted) concerning pertinent issues or door-to-door visits. Regulations on campaigning, such as assuring the openness and fairness of the procedure and minimizing negative campaigning were unanimously approved of by the participants.

Currently, the most urgent concern is the mandatory screening of all campaign speeches by the village election committee imposed by some provinces. This is supposedly to discourage any illegal ideas from being expressed in such speeches. Participants agreed that restricting free speech was taking away the essence of democratic elections and directly affecting the education of voters. Most villagers wish to promote new ideas, not lose them due to censoring. However, a few participants worried that not screening the speeches would lead to electing candidates with empty promises.

Voting Issues

Many different issues were raised amongst the participants regarding voting procedures. For example, participants debated on the merit of casting ballots in a secret setting. One provincial election official expressed that the government should not force secret voting on those who did not want it. However, many participants objected to this statement saying that not casting the ballot in a secret ballot booth was a violation of the Organic Law. However, it was also expressed that there should be a balance in educating the voters on the importance of secret voting, yet not forcing voters into the booth.

Another issue that was raised concerns the drop-down voting procedure (allowing votes received for a higher position by losing candidates to be added automatically to a lower position, making it more likely for a few politically active candidates to be elected into the villager committee). Many participants disliked the procedure, but felt that it was unavoidable in certain circumstances. Therefore, it was agreed that the best action would be not to prohibit it, but also not to encourage the procedure.

Participants also deliberated on the necessity of having police at the voting site when voting interruptions might occur. The officers' only role would be to protect the ballot box and to ensure public order. However, in the past there have been cases of police getting involved in the election and trying to stop villagers from voting by beating them up. Therefore, it is a difficult situation that still needs to be addressed.

The debate on roving ballot boxes and proxies was also very heated. Concerning roving ballot boxes, it was recognized that they could not be eliminated due to the threshold of less than 50% voter turnout, which would invalidate the election. Some villages have successfully restricted the use of roving ballot boxes to the elderly, sick and handicapped. The problem is that the boxes can be tampered with quite easily and the location where the votes are counted needs to be monitored more effectively. Proxies, another method to increase voter participation, also have many more supporters. However, it was recognized that in order for proxy voting to be allowed it was essential for the proxy to be held only by a close relative and that everything must be documented thoroughly. Although all these measures are being taken to boost voter turnout, one participant noted that the current turnout rates of 90 – 95% were unusually high. These high rates might suggest that villagers were in fact forced to vote or that the proxies were being abused.

Another participant favored a term limit for all villager committee members because no term limit would lead to easy abuse of power. He then pointed out that peasants were not necessarily opposed to only one candidate running for each VC position. This position was highly contested and many other participants articulated that an election with only one candidate running should be strictly forbidden because it could create more opportunity for corruption. However, it was also acknowledged that due to the emerging market economy, most capable leaders have left the villages to work elsewhere, resulting in a general lack of qualified opponents.

Violation of the Organic Law and Provincial Regulations on Election Procedures

One of the toughest issues of direct village elections was caused by the nature of the law, labeled as a “soft law” by the National People’s Congress (NPC), meaning that it is hard to enforce. NPC officials believed that “soft law” violators should not be punished, but simply re-educated. They saw no reason to punish citizens for not observing a law ensuring self-government. The government was willing to punish civil servants and government officials above the village level who acted illegally.

An issue of equal difficulty was where can villagers who feel that their rights are violated go to appeal and which agency of the government will take on the complaints and correct the problem. Working in conjunction with the lack of consequences, is the fact that not only is it difficult to get a case reviewed, but also the law is vague as to who is supposed to process and investigate claims. Most distressing is the fact that since no court at any level has ever accepted a case involving the violation of the Organic Law, the top priority is first to persuade a court at any level to take on such a case.

Participants repeatedly emphasized the need for the NPC to clarify the government’s role in discouraging severe problems such as bribery, vote buying, intimidation of voters and the Party’s undue intervention in the process. Even more importantly was the need for clarification in general of the Organic Law, explaining not only the responsibilities of each level of government concerning elections, but also an elaboration on the power held by the villager committee members and its Chair. There was also a reiteration of the need to establish a permanent election commission that would operate throughout the year to ensure not only that elections were fair, but also to make certain that all problems related to each and every election were handled properly.

The NPC, by virtue of declaring the Organic Law to be “a soft law,” did not wish to establish effective consequences for those who violated the Organic Law. However, it was necessary for the government to realize the seriousness of the offense. Participants agreed that laws in general should not be classified as “hard” or “soft” laws. A law is a law no matter what. They felt that these classifications were misleading and could lead to very negative outcomes. It was recognized that education of voters was important, but the ability and authority to punish violators of the law and to prevent election fraud might be more urgent.

Concerning education of the voters, many participants felt that voter education was especially needed to head off the increasing bribery occurring before election time. Many candidates try to buy votes through empty promises, packs of cigarettes or even hosting huge banquets. It was unanimously agreed that voters needed to be educated that a vote was worth more than anything monetary, and that giving anything of significant material value for a vote was simply wrong. There are still many incidents of voters feeling pressured by candidates to vote for them or even just being forced to vote in general. Participants iterated that villagers should feel that voting was a privilege, not an obligation.

On Recall of Villager Committee Members and By-Elections

Participants all agreed that there were many difficulties in initiating a recall of elected villager committee members. Issues range as follows: Who is going to preside over the recall if the incumbent VC chair is recalled and refuses to convene a meeting? Who will be in charge of verifying the validity of the recall petition? How do we determine if the recall is legitimate and not rigged by village clans or rival factions? Can governments above the village level initiate a recall when members of a VC should clearly be recalled but villagers refuse to conduct one? How should township government step in when there is no action on the part of the VA, VRA, or VC? The Organic Law and provincial regulations do not answer all these questions but they are faced by thousands upon thousands of villagers all over the country and give headaches to officials in charge of village elections at all levels. Inability to recall and problems in the process of a recall are fast becoming a primary source of instability in the countryside.

Participants expressed the need for the Organic Law to simply elaborate on the procedures for a recall. One official suggested that there be a time limit as to how long a village had to deal with a recall, and after that time elapsed, the recall should be in the township jurisdiction. Another participant said that some provinces had created their own criteria for recalls. For example, the work of a villager committee member or chair will be stopped automatically if: the person violates the law, has a serious violation of family planning, or is not able to participate in administration for a specified time. If more than one-fifth of the villagers suggest a recall, a working group is dispatched from the government to ask the affected party to resign from office. A recall proceeding is initiated when the involved party refuses to resign his or her position.

Many officials argued that villagers alone could initiate a recall. This is because it is the villagers who have elected the officials in the previous election. The villagers should feel free to ask the township for assistance, but they should not feel obliged to adopt the township's views.

On the Role of the Party

Participants all agreed that the Party continued to play a very important role in direct

village elections and the Party's role was guaranteed by the "Working Procedures of the CCP at Grassroots Organizations in the Countryside", but they differed greatly on how the role of the Party was to be implemented in village elections and more importantly, in villager self-government. They also had different opinions on whether one person could take the positions of both the Party branch secretary and the villager committee chair.

No matter whether participants approved of the Party having a lot of influence in the villager committee decision-making process or not, there was a general consensus on the need for the government to clarify the different responsibilities of the villager committee and the Party branch. One official stated that in many villages, if the Party branch members did not win most of the seats in the VC, the branch simply took over all the important responsibilities in the village. Another participant expressed his concern that villager committees often felt threatened by the Party branch's assumption that they should have more power. By establishing or clarifying each group's jurisdiction, there would be fewer power struggles and much more cooperation between the villager committee and the Party.

Some participants believed that the most effective way to run the village would involve the Party Secretary being elected as the villager committee chair. They expressed that this would be the real solution for the rivalry and confusion of responsibilities that existed when non-Party members chair a villager committee. Some provincial Party committees have made a very explicit decision to encourage Party branch members to run for villager committee positions. In fact, it is desired that as many as 90 percent of the positions in the Party branch and the VC should be concurrently held. It is believed by many leading provincial Party leaders that concurrent holding of VC and Party branch positions will reduce the numbers of leaders in a village, lessen the burden of the peasants and overcome struggle in the decision-making process.

However, as many participants as there were who believed that the Party should control the villager committee, there were just as many participants who believed that allowing the Party and the villager committee to combine would result in disaster. Many participants were concerned that the policies of provincial Party committees to fill VC spots with Party members would encourage corruption and abuses of power due to the resulting lack of checks and balances in the community.

One participant was weary of the cycle of the Party taking over elections just after the villagers have finally gotten involved. The participant warned that if this habit continued, villagers would soon lose faith in the voting process and never trust the government again.

Closing Statements by Charles Costello and Zhang Mingliang

Following an intense two day-discussion the meeting finally drew to its conclusion. Mr. Costello represented the Center and delivered the closing statement. He expressed the Center's appreciation at being invited to participate not as outsiders but as partners. He

feels that the guidebook will be very important and the Center will help with the printing and distribution costs so that there can be wide distribution of it.

Costello said that there should be national principles stated clearly on core elements of democratic principles, such as ballot secrecy and multiple candidates. Local variation is good, but not on the basic rights of villagers. There are high costs and time involved in conducting elections for officials and, especially, for the villagers. We hope that there can be ways found to simplify and lower the costs and time involved for villagers. “We believe you should move to just primary and general elections for voting by all villagers, e.g., eliminate meetings with the VSG and VRA. Doing so would not only save time but also be more democratic.”

Costello also expressed the Center’s preference of having more than one candidate for each open position in all village elections. “Having observed many elections by now, we are still convinced that the standard of having at least two candidates for every position is the most democratic way. Only then can the people exercise choice for each and every position that is up for election. The law does not require that, but perhaps the provinces can require that. Doing so would improve democratic practices.”

The Center believes, according to Costello, that Chinese villagers now have a better understanding of democratic elections and their processes and that many villages are now ready to have fuller and more vigorous campaigning. The villagers have their own judgment and it is not easy for them to be fooled by empty campaign promises. However, the Center does feel women’s participation in direct village elections is an important issue. “There should be no quotas, but the VC makeup should reflect the electorate and hence greatly increase towards a closer parity in the percentage of women. In respect of tradition, history, and culture, we have not seen MCA and DCA efforts to address in a concerted manner the issue of better representation of women.”

Costello used the experience of the Center in observing elections in other countries and tried to highlight the importance of laying down a solid procedural foundation for fair and open elections. “Good, standardized procedures based on law is the way to implement the rule of law which is necessary to reflect good democratic practices. There is a danger in the use of bad procedures. Bad procedures, unfree elections cause anger and could lead to greater social instability. The Carter Center observed this in Peru: Bad management led to a march of 100,000 on the nation’s capital. In the Ivory Coast, refusal to hold free and fair elections led to a military coup. We have observed that the villagers are becoming very aware of their rights and opportunities. We must respect the power they feel. Therefore, the Chinese must act quickly to address such issues as, especially, how to handle the villager complaints quickly and fairly.”

Costello finally announced the decision that the Center would like to hold another conference at the end of the joint project to see what progress has been made after the *National Procedures* are printed, distributed and applied in elections in provinces in 2001 and 2002. He told participants that the Center would look forward to meet some of

them during the presidential election in November 2000.

Zhang Mingliang was the last one to speak at the conference. He agreed with Costello's evaluation of the workshop and declared the workshop a great success. He outlined the uniqueness of the conference in several aspects. First, many ideas had been made clear and many new ideas formulated. Second, a lot of experiences had been exchanged among the provincial departments in China. Third, in addition to direct practitioners of the *Organic Law*, accomplished scholars and civil society builders from various countries and regions were present at the conference. Finally, we all learned from each other from discussions with differing points of view. Zhang also told all participants that the cooperation between the Center and the MCA has moved beyond the honeymoon period.

He recalled the steps taken by the Center and the MCA since March 1997 when the Atlanta-based organization first observed village elections in Fujian and Hebei. In 1998, a Memorandum of Understanding was signed and the pilot project to standardize village election procedures took off. In 1999, a formal agreement was reached. This time the delegation went to observe elections in his home province Fujian. "And this conference," says Zhang, "is one of the most memorable moments of the three-year-old project."

Zhang itemized the accomplishments of the conference as follows: first, the direct result of the conference, the standardization of procedures, will have a direct influence on the basic interests of 900 million farmers in China. Second, the quality of all those in attendance is top-notch and they have brought a lot to the table. Their input will make a big difference in the quality of the National Procedures. Finally, the democratic way in which the workshop was conducted is indeed exemplary and should be introduced to all workshops and trainings. He liked the way that everyone was speaking in a direct and open manner.

Zhang feels that the regulations of today reflect ten years of experience. There are many problems because of the low educational level of villagers in China. There are many agreements and many disputes. To improve and make further progress, there are certain rules of the game that officials at all levels, both inside the civil affairs apparatus and outside, must follow and observe. First, the rule of law must be fully realized and implemented. Second, we must do everything based on the facts. China has a large variety of people and conditions. Democratic practice comes first but any kind of practice should fit the unique conditions in the countryside. Third, we must do everything according to the will and preference of the masses. We should encourage democracy by encouraging villagers to address many issues themselves and not look to higher authority for answers.

Fourth, social stability is primary. We must consider every aspect of elections to see if it can support social stability and the economic reform.

Zhang then prioritized immediate and long-term tasks for the department and all those who are determined to democratize China. Task Number One is to dedicate to raising

the awareness of democracy among county and township level officials. Task Number Two is to study all regulations through research to use experiments to try out new regulations. “We are getting so many complaining letters from the peasants but this is not a bad thing. It is rather the proof of the rising democratic consciousness among the masses.” Task Number Three is to continue to move forward on legislative work. There are still many problems that need to be addressed by new laws. Task Number Four is to improve administrative capacity of the township officials who are dealing with villagers on a daily basis. If there is no improvement in their function, working style and working methods, they will end up losing the trust of the villagers.

The Fifth Task is to push forward on training and information dissemination. “China has reached a stage that democracy can be fulfilled everywhere. We need to learn from other nations’ experiences, even though what kind of elections we have are China’s own internal affairs.” The coming round of elections is the first real round of elections after the new *Organic Law* was adopted in November 1998. The DCA staff is too limited, so we need to train those at the local levels in the spirit of the new law. And the final task is to move forward with deeper and more productive cooperation between the MCA and the Center. “Cooperation over the next three years will certainly be useful and equally productive. The Center will certainly make a great contribution to the standardization of village election procedures in China. I am looking forward to the next workshop, one that does not need to be held in Beijing.