

THE
CARTER CENTER



**Observations on The Township People's Congress Elections in Chongqing
January 5-15, 1999
and
Cooperative Activities with the Ministry of Civil Affairs
August 1, 1998-January 15, 1999**

Introduction

This report describes in detail The Carter Center's activities in China from July 1998 to January 1999 with a focus on the observation of China's village and township elections and recommendations to improve the quality of those elections. The report is divided into two parts. Part I is a report on the Center's observation of township elections in Chongqing. Part II covers the Center's activities with respect to village elections in cooperation with the Ministry of Civil Affairs (MCA).

Appendices of this report contain press releases from The Carter Center, a list of press articles on the Center's activities in China by Western and Chinese news agencies. A brief introduction of the Buyun election, China's first-ever direct election of a township magistrate, a list of Western press articles on this election and two Chinese editorials on this elections are also included in the Appendices.

The Carter Center and the Ministry of Civil Affairs (MCA) signed a Memorandum of Understanding in March 1998, outlining a wide range of cooperative activities in the area of village committee elections. Both sides agreed to work together: to set up a computer network system for election data gathering; to standardize electoral procedures; to design and organize training sessions of election officials; and to promote exchanges between China and the United States on election observations and researches on election-related topics.

Since March 1998, the Center installed a pilot computer network to collect village election data in nine counties and three provinces, supported two training seminars in China, and sponsored or hosted three Chinese delegations in the United States. During its work in China on village elections, the Center was able to establish constructive relationship with other Chinese government agencies and academic institutions, including the National People's Congress (NPC), the highest organ of state power.

In November 1998, the Foreign Affairs Committee of the NPC invited the Center to send

a delegation to observe every aspect of China's township elections. This is the first time ever that a foreign organization was allowed to observe elections above the village level in China. The observation of township elections in Chongqing Municipality from January 7 to 15, 1999 attracted wide attention in China as well as in the West.

Report on Observation of the Township People's Congress Elections in Chongqing

Executive Summary

At the invitation of the Foreign Affairs Committee of the National People's Congress (NPC), an eight-person delegation from The Carter Center observed direct elections for township people's congress (TPC) deputies and indirect elections for leading TPC and township government officials in Chongqing municipality in southwest China between January 8-13, 1999.

This mission was very significant for several reasons. First of all, no foreign agencies or representatives had ever been invited to observe township elections. Secondly, unlike villager committees, which are, as defined by the Chinese Constitution, autonomous units of self-government, self-service and self-education, townships are the building block level of the formal, national Chinese government structure. These elections lead upwards through a series of indirect elections to the National People's Congress.

Elections of deputies to the TPC and elections of magistrates and vice magistrates to the township governments, which have been conducted every three years since 1979, are of great importance if China is going to undertake bolder steps in democratization. Any failure at this level will cripple the upward process of elections and a possible shift to direct popular elections.

Thirdly, very few Chinese and Western scholars have studied these elections and little is known about its qualities. Lastly, this mission provided a good opportunity for the Center to compare villager committee elections, with which it has been involved in since 1996, with those of the townships in China.

The Carter Center delegation was warmly received by the NPC. Mr. Zou Jiahua, vice chairman of the Standing Committee of the NPC, met with members of the group for more than an hour. Officials from the Bureau of Liaison of the NPC, which oversees all elections above the village level, officials from Chongqing Municipal People's Congress and correspondents from China's leading newspaper, People's Daily and New China News Agency accompanied the mission.

The delegation was impressed by the large turnout of the voters at the elections of deputies to the TPC and by the eagerness of the elected deputies in critiquing the governance of the township government. It did not see any coercion or manipulation in the three elections it had observed (two elections of TPC deputies and one election of township and TPC leading officials). It concluded that these elections did largely observe the two laws guiding local elections, The Electoral Law of the National People's Congress and People's Congresses at Various Levels and The Organic Law of Local

People's Congresses and Local Governments. However, the delegation was unable to qualify these elections as fully free and fair in the context of genuine choice, a transparent nomination process, a secret ballot, and a public count.

Members of the delegation were mostly concerned with the incompatibility of the electoral laws governing township elections and the Organic Law of Villager Committees, which imposes a much stricter electoral procedure. The lack of secret ballot, the loose procedures of voter identification, the unwillingness of the candidates in addressing immediate concerns of the voters, the careless manner in distributing ballots and counting votes have all contributed to make the process less meaningful. The election of TPC leaders and township magistrate and vice magistrates was hampered by the county government's review and recommendation of candidates, which led to a certain lack of choice and competition.

Recommendations to improve the quality of these elections were made to the officials of the NPC at a series of meetings the delegation had with the Chinese officials during the observation, in the post-observation debriefing with top NPC officials in Beijing, and through a letter sent to Minister Zeng Jianhui. These recommendations include

1. upholding the principle of secret ballot;
2. distributing ballots after carefully verifying voters' identification;
3. cutting down the use of proxies;
4. opening up the nomination process;
5. increasing the number of final candidates and/or introducing meaningful primaries to reduce the number of candidates; and
6. conducting a more transparent counting process.

Chinese officials responded positively to these suggestions. Mr. Zhang Chunsheng, vice chair of the Legal Affairs Committee of the NPC, told the delegation at the Beijing debriefing on January 14 that the electoral laws were the most amended because China's political landscape had been changing at a rapid pace and that these recommendations would be considered when it was time to revise the laws again.

The Center was asked by Minister Zeng Jianhui in June 1998 to submit comments on how to amend the Organic Law of Villager Committees. The recommendation by the Center's staff of the China Village Elections Project was sent to the NPC in the fall of 1998. It was translated into Chinese and circulated among officials of the Legal Affairs Committee and members of the Standing Committee of the NPC. Minister Zeng told the delegation in Beijing in January 1999 that some of the recommendation made by the Center had been incorporated into the final version of the law. The delegation is confident that its recommendations on township elections will become a catalyst for more studies of the electoral process at the township level and that the Center will be able to play a constructive role in improving the quality of township elections.

Zhujiqiao & Banqiao: Direct Election of Deputies to Township People's Congress

The Carter Center delegation witnessed elections for deputies to the township people's congress and for village chair in the villages of Zhujiqiao and Banqiao in Rongchang

county, Chongqing on January 10, 1999. Chongqing Municipal People's Congress selected Zhujiacao village before we arrived in China and the village had made lengthy preparations for our observation. At our insistence, Banqiao village was added shortly after we arrived in Chongqing. There was little time for Banqiao to make any special preparations.

Zhujiacao Village

Zhujiacao village has a population of 1,073, with 803 registered voters. The village has an average annual per capital income of about 2,000 RMB (\$244), which places it in the middle income range for Chinese villagers. We were not able to observe the nomination process and the determination of the final candidates. According to our interviews, a total of eight candidates were first nominated to be the candidates for the deputies to the township people's congress. Through consultation with village small groups and a primary by the village representative assembly, made up of some 40 village leaders and household representatives, three emerged as the final candidates.

When we arrived the whole village was already gathered together in the school courtyard wanting to vote, with the people sitting in rows according to their membership in seven agricultural work groups. Brief resumes and pictures of the three candidates for the positions of two deputies to the people's congress were hung on the wall in the courtyard. Shortly after our arrival, the election meeting was called to order by a township-appointed official. He announced that the election meeting was valid because more than half of the registered voters (613 out of 806) were present at the meeting site. The procedures for the voting were first explained to the assembled voters. The ballot box was held up high with great fanfare with its door wide open so that the villagers could see that it was empty. Then ten people, who had been selected to monitor the elections and count the ballots, were called up to a table at the front of the courtyard to receive their election official badges. The three candidates for deputies to the township congress took seats behind the table at the front of the assembled voters and then each proceeded to give a brief speech.

The first speaker was Wang Fujiang. At 53, he was both the secretary of the Party committee in the village and the chair of the village committee. ("Party" refers to the Communist Party). He stressed that he would help the farmers use scientific farming methods in order to increase production. The second speaker was Liu Dajin, the 41-year-old village clerk and a Party member. He also pledged to bring scientific technology to the village to benefit agriculture. The third candidate and speaker, Liao Tianwen, was not a Party member. He was 47 years old, leader of the 7th Villager Small Group in the village and head of a construction collective, which had built the new school house. He promised more generally to provide the villagers with a better life, and he urged them to supervise his actions.

The three speeches, varying from one-half minute to two minutes, were very brief and made such similar arguments that it was difficult to distinguish the views of one speaker from the other. The speeches were followed by brief questions asked by four villagers, three men and one woman. The candidates answered the questions in the order in which they had given their speeches. The questions took the form of suggestions for more

economic reforms.

The first question asked about building roads to the village. The second question pointed out that the village was not doing as well as other surrounding villages because of inadequate water resources. The third question quizzed the candidates if they could find better access to the market to sell watermelons. The fourth question asked to have the village's finances open to scrutiny by the villagers. The candidates' replies to these questions were vague promises to do whatever the villagers demanded, such as pledges to build more roads, provide better water resources and scientific agriculture, look for all means to sell watermelons and open up the village's finances to public scrutiny. (Note: All villages have to open their fiscal accounts to public scrutiny. The Organic Law of Villager Committee, adopted by the National People's Congress on November 4, 1998, requires this. However, township governments have no responsibility to open their finances to the public).

A second count of the voters was conducted and the chair of the meeting announced that there were 793 voters present. We were puzzled by this sudden surge in voters as we had not seen many new voters come into the schoolyard. We asked and found out that there were 183 proxies carried by the voters present.

Next the monitors and the counters came to the front table to count out the ballots to be given to the villagers row by row. They appeared to do a careful job of counting and distribution of the ballots. Even though it was announced that voters could mark their ballots in secret in classrooms of the school, almost all voters marked their ballots at their seats. Some silently circled or crossed out the names on the ballot and folded them over; others conversed with people around them and then marked their ballots and folded them. Most waited quietly to be lined up to put their ballots in the ballot box.

This was definitely not a secret ballot, but from random interviews, it appeared that most villagers had come with their minds made up as to whom they would vote for. There may have been some last minute changes or switching, but it was not evident from watching the voting process of any coercion in the vote for deputies to the township congress. Those interviewed also invariably expressed a sense of empowerment and belief that through the process of competitive elections, they could choose officials who were responsive to their needs. They much preferred this process to the previous method of upper level selection of their officials for them by higher level government of Party officials; because, to paraphrase a few of the interviewees, they could vote against those they believed were not performing well.

After the villagers marked their ballots, they were lined up by their row and each one put his or her ballot in the ballot box. They then showed their identification card to be stamped by the monitor. Their names had not been checked against a registration list before they were given the ballot nor, it seemed, after they voted. Some left, but most returned to their seats to await the vote count. The counters carried out the counting both inside the schoolrooms and at the table in the front of the schoolyard. The voting and counting procedures were done in what the Chinese would call a "sui bian" way, that is in

a rather relaxed fashion. The balloting, though written, was only partially secret and the counting was not done in a uniform manner.

Nevertheless, the voting results from 793 voters (with 15 abstentions) showed that the election of deputies to the township people's congress was relatively competitive and did not appear skewed. The head of the Party branch and village head Wang Fujiang, received 706 votes, Liu Dajin 427 votes and Liao Tianwen 398. Several of those interviewed before the election had expressed satisfaction with affairs in the village and had particularly praised Wang and Liu for providing cable television to the village.

Nevertheless, even though Liao was not a Party member, he lost by only 29 votes. In an interview afterwards, Liao said that he thought the election had been fair. He blamed his loss on the fact that, as opposed to the other two candidates who held village-wide positions, as head of the construction collective, he was known primarily within his own small group and among those for whom he had built homes. He said he planned to run again for the deputy position and will try harder to provide better housing and water facilities so as to become more well-known to his fellow villagers.

Banqiao Village

Banqiao has a total population of 2,130 and 1,575 registered voters. The village is coincident with the voting district, and it elects three deputies to the TPC. Eight candidates were initially nominated (for three deputies) by groups of ten people freely associated within the 13 village groups. All but one had a high school education or above. Four were Party members; 7 were incumbents either to township government or village committee. The village representative assembly then met and voted in a secret ballot for 4 candidates for deputies. We did not witness that process.

The election meeting was held in the school courtyard. Villagers arrived and sat in thirteen groups. A township-appointed official announced the election and explained the process. Ballots were counted and then distributed by the small village group leaders, sometimes in an organized way, sometimes by widely distributing them. Many people were given more than one ballot, and one of our team saw a voter with 6 or 7 ballots. People were given the option of marking the ballot in a secret voting booth, but we did not see anyone use it. Instead, most marked the ballots on their laps and then handed them to their village group leader, although some brought the ballot directly to the voting booth.

At the same time that they received a ballot for the deputies for the TPC, they also received one for their village committee elections. After giving their ballots to the leader of the small groups, they then gave their voting card to be stamped, indicating that they had voted. No one checked the voter card against a registration list, and no submitted the voting card before getting the ballot.

Then, either the election workers gathered all the ballots and put them in the box, or in a few isolated cases voters would put their own ballots in the box. The counting was

largely done in four schoolrooms where few people could witness it.

Ye Sixue, village chair and incumbent deputy, received 1,304 votes and was reelected. Liu Gangwei, a member of the village committee, received 1,123 votes and won. He Chengmei, a female member of the village committee, received 1,091 votes and won. Lei Mingheng, the village school principal and a village committee member, lost with 642 votes, probably because of the discontent over the school fees.

Baoding: Township People's Congress and Indirect Election of TPC and Township Officials

From January 11-12, 1999, the delegation observed the first meeting of the newly elected Baoding Town People's Congress and the election of TPC leaders and town magistrate and deputy magistrates.

On January 11 the delegation attended the first session of the Baoding town people's congress. The congress deputies had registered on the afternoon of January 10 and the presidium had been selected. The congress consists of 48 deputies from 9 villages, representing a population of 12,730. The town is divided into 21 voting districts.

The plenary session of the people's congress began at 10:00 a.m. with the playing of the national anthem. This was followed by a report by the town magistrate on the work of the government, a financial report by the head of the town finance department, a report on the work of the people's congress presidium by the chair of the people's congress, and a vote to pass draft measures on elections. All of these documents were provided to the deputies in written form and to the delegation. The morning session ended at noon.

At 2:00 p.m. in the afternoon, the deputies divided into three groups to discuss the reports. Each group was headed by a member of the presidium, who served as discussion leader. A number of deputies used the discussion sessions to draw attention to problems in their villages that, in their opinion, the town government had not resolved satisfactorily. These problems included lack of a road connection between four villages and the town center, weak transmission of radio broadcasts, and government promotion of particular crops without feasibility studies. It was evident that the town consisted of "have" and "have not" villages, based on availability of road connections to the town. The reason for the lack of a road to connect four of the villages, it was revealed, was that important cultural relics were in the area and any shortest route road construction would jeopardize these relics. [Dazu county is the site of Song dynasty stone carvings.]

Much of the discussion focused on issues of general concern: the need for more scientific farming, the need to improve education, the need for better water conservancy, fees for schools and tuition. There was criticism of the financial report for its lack of specificity regarding future plans, i.e., for stating goals without stating means to reach them. A deputy spoke out against the policy of fining women who did not show up for the one day per month allotted for their physical examination, at which the intrauterine device was checked; he suggested that more than the one day be allotted for this check and that

women not be fined.

At 4:00 p.m. the discussion leader announced that it was time for the group to nominate initial candidates for the positions of chair and vice chair of the presidium and town magistrate and deputy magistrates. Delegates proceeded to voice general opinions about what sort of qualifications to focus on in choosing leaders, such as work style and knowledge of the people and the situation in the villages. At 4:15 specific nominations were raised for the different positions. The first nominations were for the incumbents for chair and town magistrate; no other names were put forward for these positions. An additional six names were put forward: two for vice chair and four for deputy magistrate. At 4:45 p.m. papers with the names of those nominated were passed around for deputies to sign if they wished to be part of the group of nominators. The discussion leader explained that to be an initial candidate, the candidate must have the signatures of at least ten deputies. As there are four positions for deputy magistrate, deputies could sign their support for up to one chair, one magistrate, one vice chair, and four deputy magistrates. The meeting ended at about 5:00 p.m., after the nomination papers had been passed around the table for signatures.

Whereas the discussion of the reports and problems was often animated and some speakers spoke for a considerable length of time, the nomination of initial candidates was a very quick procedure, lasting only a few minutes.

On the morning of January 12, the discussion groups reconvened at 9:00 a.m. The discussion continued until 10:30. At 10:30 a.m., the discussion group leader announced the initial candidates that had emerged from all three small discussion groups: the incumbents as the only candidates for chair and magistrate; two candidates for deputy chair; and six candidates for the four positions of deputy magistrate. The group leader explained that the deputies must vote in small groups on the deputy magistrate candidates to whittle down the initial six candidates to five formal candidates. The group leader proposed a deputy to count the ballots and another deputy to record the votes. The deputies approved. Ballots were handed out with the six names; the discussion leader explained that deputies could vote for up to four candidates. Deputies filled out their ballots in the meeting room and dropped them in a ballot box; the ballots were then counted aloud and recorded. After this procedure, two delegates took the ballot box with the ballots and the record of final results out of the room, and the discussion continued. At 11:30 a.m., someone came in to announce the results of the voting on initial candidates from the three small groups. The meeting ended, with the deputies aware of the formal candidates for the positions.

At 1:00 p.m. the plenary session reconvened. The incumbent magistrate and the five candidates for deputy magistrate gave brief speeches, lasting no longer than a couple of minutes. This was followed by a question and answer session, during which deputies addressed questions to specific candidates. Following this question and answer session, the convening presidium chair proposed vote counters and monitors. These names were approved by the deputies with a show of hands. The vote monitors counted the delegates present; they held the ballot box up to show the deputies that it was indeed empty; then

they gathered the ballots from the convening presidium and counted them. There were four separate ballots, each a different color, each for a different position. The ballots were handed out to the deputies. The convening presidium chair explained to the deputies how to cast votes, stated that write-in candidates could be done so long as the candidate was a delegate to the congress (i.e., including non-voting delegates attending the congress), and indicated that deputies may vote in private if they wished. About a half dozen deputies chose to vote in private – which in this case meant voting in one of the rooms where the small group discussions had been held. After deputies marked their ballots and folded them, they walked to the front of the room to drop them in the ballot box. The entire process took about a half-hour, after which time the deputies were permitted to take a break while the votes were being counted. Vote counting took place at the front of the assembly hall, as votes were read aloud and recorded on a large blackboard. After approximately a half-hour, the results were announced. The incumbent chair won 47 (of 48 possible) votes (with one invalid vote); the incumbent magistrate won 48 votes; distribution of votes for the two candidates for vice chair was 44 votes to 3 votes (with one invalid vote); distribution of votes among the five candidates for the four deputy magistrate positions was 46 votes, 40 votes, 39 votes, 39 votes, and 20 votes.

The plenary session then listened to resolutions to pass the three reports presented the previous day and approved each with a show of hands. The session closed with the national anthem.

Issues and Recommendations

Observations on Direct Elections of Township People’s Congress Deputies:

Our specific observations are laid out in considerable detail in our preliminary report of January 14 (attached). While keenly aware that we are at a very early stage of our own understanding of people’s congress elections, comments on the electoral procedures that we witnessed are set forth below.

1. Secret Ballot:

Ballot secrecy is one of the fundamental tenets of a good electoral process. Only when a voter can express his preference free from any possibility of influence can his vote be considered to be genuinely private. We would suggest that the method of voting used in township elections—where voters can choose among voting in private, voting in the presence of their neighbors, or choosing a proxy to vote for them—does not sufficiently guarantee ballot secrecy.

1.1 Secrecy of the Vote:

In the elections that we observed, we saw no apparent influence or actual coercion of voters using the “anonymous balloting” method. However, the very real possibility of influence was still present.

When voting in private is only optional, any voter that decides to exercise this right is immediately distinguishing himself from his neighbors and may be suspected by others of

wanting to vote against a popular or “official” candidate or against a perceived group consensus. His vote is perceived as being of a different status from others.

In a society where clan and religious influence is growing, it is extremely important to make a voter’s choice confidential. Without this shield of confidentiality, the voter will be subject to powerful village group pressures.

Feudalistic tradition still lingers in China. In this culture, the patriarch of the family tends to make decisions for all other members of the family. A secret ballot will mitigate this influence.

1.2 Distribution and Collection of Ballots:

When ballots are distributed to voters, this should be done in a rigorous and systematic manner in order to avoid the possibility of fraud. Most commonly (and also stipulated by Article 34 of The Electoral Law of the NPC and Local Peoples Congresses at All Levels), a voter receives his ballot only after he has had his voter identification card checked off against the registration list. The voter then marks his ballot and personally places it into the ballot box.

In the two direct elections that we observed, we witnessed a variety of methods of distribution and collection of ballots. None accorded strictly with the above procedure. We observed that the election officials were more concerned with distributing and collecting the ballots quickly than with whether correct procedures were followed in a systematic and controlled manner.

1.3 Proxy voting and Voter Turnout:

At both election sites we observed proxy ballots were issued without written authorization from the absent voters as is required by the law. As elections become increasingly competitive, voters need to have absolute confidence that only those people authorized by law have ballots. We also observed some voters holding more than the three proxy ballots allowed by the law.

In addition to these procedural irregularities, we are also concerned by the use of proxies at all. Proxies do not guarantee that a voter’s preference is actually expressed. For example, it is quite possible for someone in a family to insist on voting on behalf of all family members or, alternatively, not to vote in the way that the proxy requested.

While we understand that the reason for using proxy votes is to maximize people’s ability to vote, particularly in an increasingly mobile society, we think that the inherent potential for abuse outweighs the positive aspects of high turnout. For there to be fully accepted election results, it is not essential for every single eligible voter to vote, unless mandated by law. However, it is a necessary condition of a good election that everyone who is eligible to vote has the guaranteed opportunity to express his preference.

If one of the reasons that proxies are used is as a mechanism for ensuring that the 50% voter turnout threshold is met, it may be desirable to rethink the use of any such

threshold. While aware of the difficulties in getting all eligible voters to make their choice through a safe and secret method, we still think it is worthwhile to consider various options. One of these options might be the system of absentee ballot. To adopt this system, the names of the final candidates have to be made public much longer than the current five-day period. Another option, which we prefer, is to allow voters a much bigger role in picking and choosing final candidates and to carry out intensive civic education. If voters regard an election as being significant and competitive, their participation will be ensured.

2. Nomination Process:

Although we were not able to observe the nomination process, we interviewed extensively and discussed the process with officials at all levels. We offer the following observations:

Despite our efforts, we did not fully understand the procedures that were actually used or the full rationale for each of the multiple stages. The law permits both organizational and popular nomination and requires several rounds of consultation before the final candidates are determined. While we feel it makes perfect sense for both the organizations and individuals to nominate candidates, we are somewhat concerned with the preponderance of the organizational candidates. Voters might be reluctant to nominate any more candidates once the Party puts out its slate of candidates.

While the Party did not seem to be dominant in the nomination process at both villages we observed, the consultation process, through which the final candidates were determined, was clearly opaque and probably influenced heavily by a small group of voters who formed the core of the village leadership. Our finding in this area is that most voters did not have access to the consultation process and those who did participate made their choice through raising their hands at each stage. This method surely hampers free choice.

Many different techniques are used throughout the world for nominating candidates for election. The best ones are those that are easily understood, transparent, and best recognize individual preferences. In this sense, we feel the nomination procedures required by the Organic Law of Village Committees are in step with the universally accepted principles of open and transparent nomination. That law does not allow any organizational nomination and requires all voters—the villager assembly, or an elected body of voters—villager representative assembly, to determine the final candidates. We believe that only by closing off all channels of possible manipulation and undue influence can genuine choice be guaranteed.

3. Registration Lists and Voter Identification Cards:

As noted above, while we observed that seemingly good registration lists were maintained, there was little actual use of these lists on election day. They were not used to double-check against the voter identification cards of registered voters before ballots were issued. Not only is this procedure stipulated by law, but it is also the primary purpose of such a list. In conjunction with a good method of voter identification (such as

a national identity card), the registration list is the best method for ensuring that only those who should have ballots are able to vote.

We noted that some voters appeared to have voter identification papers in advance of the election, while others received them on election day and others did not have them at all. In a small electoral unit such as the village, where everyone knows everyone else, this is perhaps not an obvious problem. However, as a general observation, if one of the purposes of seeking to perfect the electoral mechanisms is so that it might form a solid, trusted basis on which higher level elections could be built in the future, then all procedures that act as safeguards to the integrity of the election—including the proper use of the registration list for distributing ballots—should be practiced rigorously.

4. Multiple Candidacy:

We have suggested elsewhere that the formula of 1/3 candidates per position might usefully be expanded to include a minimum of two candidates for every position. Not only would this seem to be a more easily understood and natural formula, but it would also increase the range of choice for villagers and likely produce a more diverse and representative set of candidates. We were told that preliminary elections took place in both villages that we visited with the voter representative groups to determine the final candidates. We feel it was unnecessary since only one candidate was eliminated and the decision to drop the candidate was made among a relatively small group of voters. To save time and resources and to ensure genuine choice, it could have been quite possible to put all four candidates for the two positions

5. Transparent Counting Process:

In our observations, we observed a mixed method of counting the ballots. In one village, one third of the ballots were counted in an open-air public space, with the remainder being counted in schoolrooms, observed only by election officials. In the other village, all the ballots were counted in three separate schoolrooms. A key element in securing voter confidence is to make sure that voters or designated monitors have the maximum possible access to the count.

6. Standardization of Electoral Procedures:

Beyond our observations that relate directly to the election of township people's congress deputies, perhaps the most significant potential challenge for voter education are the differences in the laws governing the election of township people's deputies and those now governing the election of village committee members. In both villages where we observed the elections for the township people's deputies, elections for village committee members also were being held on the same day, using almost identical procedures.

However, while the election for the township people's deputies was in broad compliance with the law, the procedures used for the election of the village committee members were not. For example, the new Organic Law of the Villager Committees now requires a secret ballot booth and a nomination process based on individual—not group—nomination. A strong case can be made for the need to standardize procedures.

Different election procedures could lead to confusion among voters and local officials as to the correct procedures. It could also lead election officials to opt for the easier method, degrading the quality of the electoral procedure. This is clearly the case in both villages whose elections were organized according to the township election law in an apparent violation of the law governing the election of village committee members.

Standardized election procedures would make voter education and election administration much more straightforward and cost-effective.

Observation of Indirect Election of Township Leaders:

1. Making the Election More Competitive

While the indirect election we observed in Baoding was conducted strictly according to the related laws, we feel it could have been more competitive if there were more candidates for the two key positions: town magistrate and chair of the town people's congress presidium. It is unclear to us why a different standard of choice should apply, for example, to the magistrate as opposed to the vice-magistrate. It was, however, very obvious to us that once the presidium of the township people's congress nominated one candidate for the positions of chair and magistrate respectively, all deputies understood the message and refrained from nominating any new candidates. While it is legitimate for the Party and other organizations to recommend candidates, there is an inherent tendency for this group-based nomination system to weaken the deputies' will to nominate other candidates because they feel the need to follow the Party's lead or are afraid of disciplinary actions from the Party.

2. Removing the Unnecessary Preliminary Election

We also feel the preliminary election was cumbersome and unnecessary since only one candidate was eliminated from the pool of six candidates for four positions after nearly two days of discussions.

3. Moving toward Direct Election

The current laws do not allow direct elections of township and town people's congress leaders and government officials. Nonetheless, we were interested to learn that during our trip an experimental direct election in neighboring Sichuan province was held to elect directly a township magistrate. Although not authorized in the law, local leaders designed a process that showed a strong democratic spirit by exposing candidates more fully to the voters. We feel direct election of town and township officials should be carefully studied and experimented with since it would likely strengthen the government's connection with the people and ensure much greater accountability.

Deng Xiaoping said in 1984 that direct elections of top Chinese leaders might take place in 50 years. Last June, the Party also indicated that the great achievements of direct elections of village leaders might be applied to the town and township officials. President Jiang Zemin has repeatedly called for officials to seek correct methods of governance from actual practices and to study new situations in a world that is shrinking because of unlimited access to information and economic globalization. This is clearly a

subject that Chinese leaders, lawmakers and researchers at the NPC will need to study further in advance of the next round of township level elections three years from now.

Report on Cooperative Activities with the Ministry of Civil Affairs, July 1998 through January 1999

Executive Summary

Thanks to a grant from the Starr Foundation based in New York, the Center's China Village Election Project installed 14 computers and the data collection software in June and July 1998 in nine pilot counties chosen from three pilot provinces and Beijing with cooperative efforts from the Ministry of Civil Affairs (MCA) and the GC Information, Inc. In August and November 1998, the Center sponsored two training sessions on data collection and electoral procedures.

As of January 1999 eight pilot counties had successfully transmitted village election data to the MCA office in Beijing. We have viewed the data twice in Beijing and talked with MCA officials about the usefulness of the system. Officials at MCA clearly like the system since it makes it easier for them to check election result, compare electoral procedures, and identify possible problems. Both the Center staff and MCA officials were happy that the exchange between President Carter and Minister Duoqi Cairang on collecting election data in the summer of 1997 had become a reality in such a short time.

The MCA is currently conducting an analysis of the data collected from about 3,500 villages and seeking approval to release the data to the public.

In July and August 1998, the Center hosted two delegations from China, one from the Chinese People's Political Consultative Conference (CPPCC) and one from the MCA. Wide-ranging discussions were held between Center staff and the Chinese officials on the current status of China's elections and the future of the political reform in China. The MCA delegation also observed a Georgia primary election and offered a candid assessment of the American electoral system and its operation.

In November 1998 and January 1999, staff members of the China Village Elections Project at the Center observed several village elections in Hunan and Chongqing. These elections were conducted after the Standing Committee of the 9th NPC adopted the amended Organic Law of the Villager Committees on November 4, 1998. The new law stipulates procedural measures in conducting villager committee election, including a fixed three-year term, an open nomination, secret ballot booth and a transparent count. We have observed discrepancy between what is required by the law and what was done during these elections. Through our observation and conversations with Chinese local election officials, we have also identified a few other problems that the law failed to address. Despite these shortcomings, we strongly believe that the adoption of the amended Organic Law represents a new era in China's local elections and will lead to greater choice and more effective civic education of Chinese rural voters.

The CPPCC Delegation Visit to The Carter Center

In mid-July 1998, we received a delegation from the CPPCC, with whom we had met twice before in Beijing. The CPPCC is a historically weak, although high status, consultative branch of government, made up of the eight political parties from the founding of the modern Chinese state, and other organizations and individuals. Beyond being the official constitutional consultative body, the CPPCC also views its mandate as one of research in emerging areas of interest to Chinese society, from science to political reform. In this latter context, we organized briefings on the political party process for this group with local politicians, party officials, and academics and held surprisingly candid discussions with them on the function of political parties in representative systems.

The delegation affirmed the basic structure of the Chinese constitution--the “multi-party cooperation system under the Communist Party's leadership,”-- but they said that this did not preclude elections moving up to higher levels, to the township and perhaps even the county level. When asked how the government might react to a demand for democracy that might escalate faster than a 50-year timetable, the CPPCC told us that the process of the “democratization of decision making” is already underway but that the political reform process could only be accelerated in relation to the pace and success of economic development. They were clearly concerned with the cost implications of democratization. When asked what the prospects for establishing new political parties or organizations in China were, they replied that the constitution permitted the organization of new political parties and that these were allowed to publish their opinions in the newspapers, although not those that advocated the overthrow of socialism or the CCP.

MCA Delegation to Observe U.S. Elections in Atlanta, August 10-13, 1998

In accordance with the Memorandum of Understanding (MOU), signed on March 14, 1998, by The Carter Center and MCA, the MCA sent its first delegation to the United States and observed the electoral process in Atlanta, Georgia in August 1998. The delegation consisted of officials from the Ministry in Beijing as well as representatives from each of the three pilot provinces, Hunan, Jilin and Fujian.

Seminar on US Electoral System

During the visit the delegation participated in seminar on the nature and guidelines of U.S. elections hosted by Dr. Robert Pastor of the Center, Dr. Charles Bullock of the University of Georgia and Mr. Tom Mishou from the Secretary of State Office. They lectured on the cycle of US national and local elections, the US government agencies responsible for election monitoring, reasons behind variations in voter participation and the primary and general election processes in Georgia.

Of most concern to the delegation were the difficulties of financing a campaign and the issue of running for office as an independent. Members were interested in voting by the elderly and illiterates, absentee ballots and the processes of nomination. They also inquired about the relationship between the county and city elections and the formation and structure of election monitoring bodies at the state and local levels.

Discussions between the delegation and election officials continued at the Secretary of

State's office. Ms. Linda Beazley, Director of the Georgia State Elections Division, gave a very informative talk about the technical and procedural aspects of regulating elections statewide. Members were most interested in the training and certification of election officials, the technical problems encountered in the electoral process and punishment for and safeguards against election fraud.

Meeting with President Carter

President Carter met members of the delegation. Mr. Xu Liugen, head of the delegation, briefed President Carter on the progress of village committee elections in China. He described the considerable progress of direct elections over the past ten years and informed President Carter that election officials and experts in China were studying the possibility of direct election of township officials. President Carter reiterated the Center's commitment to raise funds for the Village Elections Project but emphasized that this help was only at the invitation of the Chinese people. He reported on the efforts to acquire computers and funding to fulfill the Center's obligation to the project and proposed that the Chinese government undertake a national date sample to evaluate the quality of the village electoral process. He added that the Center would be happy to help with this national sample as it did in the former Soviet Union. Lastly, President Carter urged the delegation to explore the option of using the Internet rather than point-to-point modem connection to transfer election data.

Observation of Georgia Primary Election

On August 11, the election day, members of the delegation were split into two groups and observed the electoral procedures in Fulton, DeKalb and Douglas counties. The two groups received credentials from the office of the Secretary of State and were granted access to the entire electoral process. The delegation observed the opening and closing procedures at various polling sites and also observed the counting and reporting of election results at the Secretary of State's office. During a visit to the local ABC affiliate, Bill Nigut, the WBS-TV political correspondent, gave the delegation a detailed briefing on the special role of the media in the US electoral process. The delegation issued a written report on their observation of the elections.

The delegation left Atlanta on August 13 and flew to Washington D.C. for USIA programming which included meetings with representatives of Street Law, Inc., an organization that develops civic education programs about the rule of law and democracy. The delegation attended a State and Local Elections Forum in Montgomery County, Maryland, and held meetings with two organizations involved in the technical management of elections, American Information Systems, Inc. and the International Foundation for Election Systems. The delegation met with members of the American Bar Association's Standing Committee on Election Law and officials from the Federal Election Commission, the Subcommittee on Asia and the Pacific of the House International Relations Committee, and the House Committee on Government Reform.

Training of Computer Operators in Beijing, August 31-September 6, 1998

To ensure the smooth operation of the data collection system, the Center funded a training session of 22 computer operators from the 9 pilot counties and three pilot

provinces from August 31 to September 6, 1998. Mr. Tom Crick and Dr. Qingshan Tan from the Center took part in the training.

The training was well designed with a focus on hands-on learning process. Instructors from the MCA Data and Information Center and GC Information, Inc. had prepared training manuals covering a wide range of subjects. The training was divided into three parts. Part I was a morning session on village committee election procedures with an emphasis on the importance of election data collecting. Part II was a two and half-day session on computing basics and maintenance. Part III was a two-day session on how to use village committee election data gathering software. It covered every operating procedure of the software including data collection, entry, modification, queries, statistical analysis, transmission and reception.

The training method was effective and the result very positive. During the training, instructors focused on hands-on experience and used sample data to simulate the transmission and reception operation at county, provincial and national levels. Having performed all the procedures and seen the result of their work, the trainees came to understand the data collection system much better and were confident that they would be able to fulfill the requirements of the pilot project.

Training of Provincial Election Officials in Electoral Procedure and Data Gathering, Hunan, China, November 16–20, 1998

The Center sponsored a training session of provincial election officials in electoral procedure and data gathering in the capital city of Hunan, Changsha, November 16 - 20, 1998. 158 officials from 14 prefectures, 122 counties and Department of Civil Affairs of Hunan Province attended the training. Dr. Yawei Liu and Mr. Tom Crick from the Center attended the training.

The training lasted five days with one day set for observing a village committee election. The lectures, totaling 34 hours, were given by experts from the Ministry of Civil Affairs, Department of Civil Affairs of Hunan Province and GC Information, Inc. The trainees studied systematically the newly adopted Organic Law of Village Committees as well as the implementation measures of the election stipulated by the provincial government. They also learned the basics of computers, Internet and data collecting system. Both the Center and Hunan Provincial Department of Civil Affairs felt that the training session was very important to the success of the fourth round of the village committee elections in Hunan.

When asked what they had learned from this training session, trainees reported that they now had a better understanding of the basics of election and its relationship to democracy and the rule of law. They began to understand what role nomination, primary, campaign and secret ballot played in the election. Moreover, by observing the election in Xiangtan County, trainees witnessed the election-day process and built up their confidence. Lectures on the data collecting system gave them a preliminary training of the operation. The trainees were eager to go back and make preparations for the 1999 elections.

This training was the first-ever province-wide village election-related training in China. It was quite a success because the training was intensive and an important opportunity was created for election officials from different locales to exchange ideas and experiences. Civil affairs officials from the provincial government told us repeatedly that they would make great efforts to hold training sessions at the prefecture level in the same format when computers were installed in 1999.

Observation of Village Committee Elections in Ya'ai Village, Xiangtan, Hunan, November 18, 1998

During the province-wide training of election officials in Hunan, Yawei Liu and Tom Crick, together with all the trainees, went to Ya'ai village outside Xiangtan City to observe its village committee election.

Ya'ai is a village of medium size and moderate income, with a population of 1,103 and an average annual income of 1,600 Chinese Yuan (an equivalent of \$200). There are 758 eligible voters in the village.

Due to a traffic accident and pouring rain, we arrived late. By the time we trudged through the mud to the schoolyard where the election meeting was held, the final candidates for the chair had already finished their campaign speeches. The voters were lining up behind 10 makeshift secret ballot booths, trying to mark their ballots and cast them into the boxes that were not exposed to the rain. As the voters were jostling to cast their votes as soon as possible in the rain, the procedure was rather chaotic. We suspect many ballots were exposed to and damaged by the rain, as indicated by the large number of invalid ballots (206 out of 749).

Through conversation with provincial election officials who had closely monitored the electoral process in Ya'ai, our interviews with village leaders, and the public notices posted in the schoolyard, we were able to reconstruct a rough picture of the electoral process.

On October 31, the Village Committee posted the first public notice on the wall of the schoolyard, announcing the formation of a village representative assembly consisting of 32 villagers. We were not exactly clear how these villagers became villager representatives but were told that most were villager committee members, village small group leaders, leaders of other mass organizations in the village and deputies to the township or county people's congresses. In a nutshell, these representatives, eight of whom were Party members, formed an elite group in the village. In addition, roughly every 10 households were able to send a representative to this body. It was this body that would eventually play a major role in every stage of the election.

The second public notice announced the formation of a 17-member election leadership group. According to the Hunan Electoral Measures for Village Committees, members to this group could be either selected by the villagers assembly or villager representatives assembly. In Ya'ai, members were nominated and picked by the villager representative assembly. The third public notice designated the election day, November 18, rain or

shine. Ballot counters, announcers and monitors, chosen by the Election Leadership Group, were made public in the fourth notice.

Hunan Electoral Measures does not allow organizational nomination. It permits individual, self and small group nomination. As a result, the nomination process in Ya'ai was clearly vibrant and competitive. According to the fifth public notice, 22 villagers were nominated for the chair, 36 for the vice chair and 69 for the 3 village committee member positions. There was one self-nomination, made by Huang Guofang, who was not a Party member, but a very successful local businessman. He was apparently very popular among the voters since he received 213 votes during the nomination stage, the most of all 22 nominated candidates for the chair. The two runner-ups for the chair in the nomination were Liu Fuquan, the incumbent, with 114 votes and Wan Bingkang with 97 votes.

By any measure Huang should be one of the final candidates for the chair. However, to the surprise of us, he was not listed in the sixth public notice, which announced the final two candidates for the chair (Liu and Wan, both trailing Huang in popular votes), three candidates for the vice chair (Liu, Wang and Zhu Pinghui, the incumbent Party secretary and chair of the village election leadership group), and six candidates for the 3-member positions (Liu, Wang, Zhu, Chen Zhanao, Chen Xinqi and Huang Xiangyu, the only female candidate).

We were puzzled by the fact that Huang did not make it to the final cut. We tried to find out why and were told by a provincial election official that Huang did not win enough votes at the primary attended only by members of the villager representative assembly. We were wondering if Huang was only popular among ordinary villagers but not among the elite group of the village. This suspicion was proved to be true when we learned what Huang had said at the representative assembly.

The limited primary in Ya'ai was indeed a good mechanism to winnow down the number of candidates. All villager representatives had the right to cast a vote and the meeting was open to the public. All concerned villagers could come and pose questions to the candidates for the chair and vice chair who were given time to elaborate on their agenda if elected to the position they were pursuing. After speeches by the candidates and Q & A sessions with the representatives and villagers, all candidates left the room and the vote began. What doomed Huang's opportunity was his promise that if elected he would not take any pay from the village and that he would not use any of the village money for meals or banquets. This promise, according to the provincial election official, was viewed as pompous and empty and indicated a questioning of the integrity of all villager leaders who had received compensations and eaten at the expense of the village. In addition, he allegedly failed to lay out a specific plan for the villagers and did not say what he would do if he did eat meals at the expense of the village. We did not have a chance to talk with Huang and obtain his version of the story.

It seemed that Huang's popularity did suffer a little as a result of being dropped from the final candidacy but his support in the village was strong enough to spoil the election. We

left in torrential rain and were not able to see the vote count. The tally of the votes was as follows: The two final candidates for the chair, Wan and Liu, received 192 and 172 votes respectively. The write-in votes for Huang was 180. Wan received 86 votes in his quest for the vice chair and Liu got 26. The Party secretary, Zhu, gathered 318 votes. No one won for the chair and vice chair positions. Three candidates received enough votes to become members of the village committee (463, 431 and 385 respectively).

Election officials, as we observed, were elated by the result. “This means,” said a MCA official, “real competition and the deepening of democratic construction in the countryside.” We were not given an explanation for the fact that 206 ballots cast were invalid. It could be due to the rain, as we have pointed out earlier in the report, or caused by a massive popular but silent protest. Roving ballot boxes collected 138 votes. We are not sure if these votes were cast in a manner that protected a secret ballot.

The run-off was held on December 28, 1998. There was no central balloting location as was the case on November 18. 10 polling stations were set up in the village (A Hunan official said the polling stations were actually roving ballot boxes). A total of 740 voters cast ballots. Wan won handily by 446 votes. Huang received 258 votes. Zhu, the Party secretary, also received enough votes to become vice chair, a position traditionally held by vice chair of the village committee. Huang, according to the MCA report, spoke at the village meeting announcing the results of the election. In his speech, he declared that the electoral procedure was fair, that he would fully support the new chair, and that he would run for the chair again in the next election.

Visit to Nanzhang Village, Xian, Shaanxi Province, January 2, 1999

When visiting Xian, a friend notified Yawei Liu that villagers in Nanzhang Village on the outskirts of the city had sought to remove the chair of the village committee for alleged embezzlement and corruption and that they would talk with him about this case.

Yawei went to Nanzhang Village and talked with several villagers for an hour. According to the documents submitted to Yawei by the villagers and from his conversation with those who came to see him, we found the following:

- The current chair of the village committee, Chen Yuping, was appointed by the district government in 1986. Since then, there have been no elections in the village although the Provisional Organic of Law of the Village Committees requires village committee elections every three years. In 1998, Chen Yuping was also “elected” the secretary of the village Party branch.
- Not only have there been no elections in the past 12 years, Mr. Chen Yuping has never disclosed village fiscal accounts to the villagers. As Nanzhang is located in the suburbs of Xian near a growing wholesale depot, all the lands were sold in the past decade for about 37 million Yuan (\$4.6 million). Other than the 12 million Yuan (\$1.5 million) that was passed to each household in the village, no one in the village knows what has happened to the rest of the proceeds from the land sales. They have accused Chen of using the money to bribe district officials and to land lucrative deals for himself and his friends.

□ Since May 1997, villagers launched a campaign to force Chen to open the village books and hold an election to replace him. They had gone to every government agency to seek help in addressing this issue, including the district government, the municipal department of civil affairs, the provincial department of civil affairs, and the district and the municipal courts. The courts rejected their suit and the government agencies at various levels made all kinds of promises but no action was taken. In August 1998, some activists were detained briefly by district police for interrogation on charges of inciting riots.

□ When villagers were given the cold shoulder by all the local government agencies, several activists set up an appeal fund with their own money and went to Beijing to talk with the Ministry of Civil Affairs in late October 1998. On their way back to Xian, they learned that a new Organic Law of Village Committees was adopted and felt they would be empowered by this law. The Society Daily, a newspaper published by the Ministry, sent down a correspondent to investigate in November 1998. He did his investigation with the cooperation of the provincial Department of Civil Affairs and the district government. The Daily did not run any article on this and no action was taken by January 1999.

□ The appeal took a twist when the correspondent told the villagers that he knew someone who was working for the CCTV's Focus program and might get a Focus crew to come down to the village. The villagers were elated because they felt that a Focus investigation would certainly motivate the local leadership to stop the alleged abuses of Chen through an audit and an election. The correspondent requested cash allowances to "lubricate" his connections and to pay for the crew's use of secret cameras hidden in the rims of their spectacles. The desperate villagers gave him 20,000 RMB to deliver a Focus crew to the village and were busy raising another 100,000 RMB to pay for the Focus investigation. The correspondent called them in late December and said that a crew was on its way to Xian. No Focus crew showed up. The correspondent later told the villagers that his supervisor in the Daily's editorial department did not like his report of the abuses in Nanzhang and that he was forced to resign. There was no further contact between the correspondent and the village since then, nor was any of the money returned to the villagers.

□ An auditing group from the district government has been going through the books of the village since late 1998, but no villagers have been allowed to participate in the process. No one knows when the accounts will be made public. No election date has been scheduled either.

Zhujiqiao Village, Rongchang, Chongqing, January 10, 1999

Though the vote for deputies to the township people's congress took most of the morning on January 10, 1999, it was followed by a vote for village chair and village committee members. The two men, Wang Fujiang and Liu Dajin, who were elected as deputies to the TPC, also ran for village chair. In the process of the voting for the chair and assembly, one member of our team observed that four or five people took ballots from other voters and wrote in Liao Kaiwen's name as a write-in candidate for village chair and assembly. Then several of these people jumped up and protested that the nomination

process had been flawed.

At that point, our group had to leave, but we later learned through a MCA official the somewhat shocking result of the election: of the 803 registered voters, only 675 cast ballots. Wang received 383 votes and Liu 259. There were 4 abstentions and 6 invalid votes. (We are not sure how abstentions were defined but they might be blank ballots cast into the box. The missing ballots in this case were not counted). Neither won enough votes to be the chair. The two winners for the committee received 566 and 506 respectively.

The absence of 118 voters for the villager committee election (793 voters cast votes in the TPC election) indicated that there might be an organized protest caused by a strong suspicion of the nomination process. We were puzzled by the failure of the discontented voters not voting for someone they could trust, conceivably Mr. Liao. Was it cynicism or something else? We are not sure.

Banqiao Village, Rongchang, Chongqing, January 10, 1999

Su Yali, a 43-year old incumbent and a party member with middle school education, won with 1,250 votes in the village committee election. We were surprised that he was the only candidate for the chair, which could be considered as a violation of the new Organic Law. We found out that in the nomination Mr. Su had received the vast majority of nomination votes and that the second person, an accountant, withdrew his candidacy for the chair at the last moment. When asked why he dropped out of the race, he said he was too old. We asked the third ranking candidate, a women, why she did not run for the chair, and she said that she was too busy with her work as chair the women's association in the village.

During the election no voter used the secret ballot booth that was set up by the village election leadership group. Proxy voting was high with 149. There was no public view of the counting. Roving boxes were allowed although we do not know how many ballots the boxes collected. Of the three candidates running for the committee, the votes were 1,013, 985 and 715, a clear sign of some competition. Notably, the top vote-getter and the loser were not Party members.

Hengdian Village and Cihang Village

The delegation also visited two other unscheduled villages on January 9, our first day in Dazu County. In the first village, Hengdian, we were not able to review the election records but fortunate enough to locate the Party secretary. He told us that the voter turnout for the November 20 villager committee election was 100%--all 2,014 voters cast ballots and there were no abstentions or invalid ballots. The incumbent, Yu Shiming, a 54 year-old Party member only received about 1,100 votes, losing to the challenger Yao Yongti, who was about 10 years younger and better educated. He got about 1,800 votes. But the voters did not abandon Yu totally. Since Hengdian used a drop-down system, Yu was running for the vice chair concurrently. He won in that position with about 1,400 votes (1,100 were votes for him to be the chair.)

When we questioned this drop-down method here in Chongqing and earlier in Fujian and Hunan, we were told that if someone was good enough for the chair, he must be good enough for the vice chair or committee members. A more rational argument is that it is very hard to find people of good quality and competence in the village who are willing to work for villagers. To kick them out of the village administration through one round of balloting is too harsh and may cause other potential candidates for these positions to quit. We have not heard any complaints from the villagers about this method of protecting village leaders and more research is needed to determine if it limits the scope and depth of competitions during the elections.

According to the Party secretary, voters did not use the secret ballot booth during the election. Village small groups made the initial nomination and the villager representative assembly selected the final candidates. There were about 200 proxies in the election and the township did appoint the chair of the village election leadership group.

The delegation tried very hard to persuade our hosts to give us another opportunity to interview farmers. We finally got 20 minutes and fanned out to talk with villagers about the election. One group ran into the new chair of the village, Lu Daquan, who happened to be building a big house with a storefront alongside the road.

Lu Daquan told us that Cihang Village had a population of 1,206, among whom 764 were registered voters. He did not know everything about the election that turned him from a well-to-do businessman into the paramount leader of the village. He told us that he was 40 years old and was not a Party member. He got 764 votes in the election. There were two candidates for the vice chair and 7 candidates for the five members of the committee. There were no secret ballots when casting votes and the Party branch still played a role in determining final candidates. One alarming fact mentioned by Lu was that there were about 280 proxies in the election, about one third of all the votes cast.

Issues and Recommendations

Issue 1: Reduce the Difference between the Organic Law of the Villager Committees (The Organic Law) and the Electoral Law of of the National People's Congress and People's Congresses at Local Levels (The Electoral Law).

We have for the first time observed TPC and village committee elections being conducted on the same day in Chongqing. The differences between the two laws are glaring. For example, the Organic Law does not permit any nomination of candidates by the Party branch of civic organizations in the village, but the Electoral Law allows both organizational nomination and nomination by voters freely associated. The Organic Law stipulates that secret ballot booths must be used during the election whereas the Electoral Law only says that all ballots shall be anonymous. The elections we saw in Chongqing seem to rely more on the Electoral Law because there was no action taken to ensure voting in the booths and almost all voters cast their votes in public.

We mentioned this finding to Mr. Zhang Chunsheng, vice chair of the Legal Affairs Committee of the NPC during our debriefing in Beijing with officials from the NPC and

suggested that efforts should be made to reconcile the differences in the laws governing local elections. Otherwise, they could lead to confusion and downgrade the quality of the elections. Mr. Zhang welcomed our recommendation and told us that the electoral laws in China were revised frequently and they would look into this issue when it was time to revise the laws again.

Issue 2: Improve Ballot Secrecy

This issue should be approached from two sides. One is the enforcement of the Organic Law, which requires setting up secret ballot booths. Ya'ai village in Hunan set up 10 makeshift booths for voters to mark and cast ballots. Both Zhujiqiao and Banqiao in Rongchan county turned a classroom into a secret ballot room but very few people used it. We pointed out elsewhere in this report that when using a secret ballot booth is optional, it puts the burden on those who desire to use it. The second issue is civic education. We got the impression from our conversations with villagers that they did not really care too much about casting ballots in secret or that such elections at the village level are simply viewed as quite informal. We suspect this is due to a lack of understanding of the significance of casting one's ballot in secret. We believe that if voters can cast their ballot in a secret and secure environment any attempt to manipulate the election from the higher-ups, the incumbents, the religious organizations or the clans can be rendered ineffective. The lack of competition in the elections may also contribute to the farmers' neglect of casting their ballots in secret. We have detected through our observations an obvious sense of helplessness on the part of the voters because they tended to believe that elections were more ceremonial than substantive and that their votes would not make any difference.

Issue 3: Enhance Transparency of Nomination and Determination of Final Candidates

Voters will have greater choice if they are allowed to nominate candidates. This choice was available to all voters in the village elections we observed in both Hunan and Chongqing. However, they did not have much choice when it was time to winnow down the number of candidates. We saw this Ya'ai when the most popular candidate was taken out of the race by a much smaller group of villagers—the villager representative assembly. We were told that a similar procedure was used in both Banqiao and Zhujiqiao to determine the final candidates. We recommend an open primary in which all voters can participate in determining who will become final candidates. This measure, which we believe is adopted by many Chinese villages, including Lishu County in Jilin, will surely prevent what had happened in Zhujiqiao from taking place: a fierce complaint of the opacity of the selection process followed by a massive walkout.

Issue 4: Conduct Verification of Voter Identification Cards

As recommended in our report on the township election, it is crucial for election workers to verify voter identification cards before ballots are distributed. The issue seems less urgent at first glance because a villager committee election occurs in a small locale in which people know each other and because real competition is yet to be institutionalized.

However, any neglect of this procedure will cause enormous problems if elections become more competitive and are used to elect officials to the township, county or province. Technical mishaps are very likely to create political turmoil. We have seen too much of this in elections we have observed in other countries.

Issue 5: Abolish Proxies and Reduce the Use of Roving Ballot Boxes

Proxies are apparently encouraged at all levels to increase voter turnout and to make sure the success rate of elections is high. While we think it is commendable to get as many voters as possible to be involved in the elections, encouraging participation through proxies violates the cardinal principle of one person, one vote. It cheapens the process of choosing local leadership and creates an environment in which a secret ballot is impossible. At this stage, with the law requiring that an election is invalid if less than 50% of the registered voters participate in the election, it may be impossible to abolish proxy voting but it should be used meagerly and carefully with particular attention to the authorization of the proxies. A more effective method such as individual secret absentee balloting should be set up to deal with eligible voters who are away and cannot attend the election. With more and more rural population migrating to the urban centers for better opportunities, this will become even more serious.

Using roving ballot boxes is very popular in villager committee elections because it creates another effective method to increase political participation. We have never been able to follow the roving boxes and see how this method works in operation, but we are highly suspicious of its integrity. In fact we have learned that many electoral fraud incidents are related to the misuse of the roving boxes.

One way of ensuring high voter turnout without using proxies and roving boxes is to use well-staffed and managed polling stations instead of central election meetings. By opening the polling stations early and closing them late, more voters can come and exercise their democratic rights. We understand this method of voting is practiced mainly in the cities and in the countryside in some provinces such as Fujian and Liaoning. It should be encouraged on a larger scale.

Issue 6: Give Candidates Space for Campaigning

We were unable to hear campaign speeches in Ya'ai. Neither could we hear any in Banqiao and Zhujiqiao. Of the speeches we have heard, they were either very dry with political slogans or very broad without illustrating a specific agenda. We don't expect candidates to become eloquent debaters or articulate orators, but we would like to see that they are allowed to talk with their supporters on more occasions than just the villager representative assembly or the central election meeting. Candidates should be encouraged to use posters, pamphlets, and fliers to promote themselves and permitted to go door-to-door campaigning for themselves. Campaigning should not be viewed as self-aggrandizement or smearing of other candidates. It is part of the political culture that is needed if China is to build a healthy civil society and introduce a political structure that

allows choice and institutionalizes accountability.

Issue 7: More Effective Measures to Enforce the Organic Law

It has become very clear to us that the MCA does not have all the power to enforce the Organic Law. Arguably all the government agencies and Party departments can intervene if there is violation of the Organic Law and this means in reality that no single institution can be held accountable if the implementation of the law is obstructed. We saw villagers from Nanzhang Village trying to find an authority who could help them launch the election but they failed miserably. Nanzhang villagers are not alone in seeking outside help and attempting to establish a more transparent and accountable system of self-governance. It is sad to see them become desperate and sadder to see them pour down their resources to a conviction that a media investigation would get the relevant authorities to look into the problems they were encountering.

Are there any other methods to keep the channel of communication between the authorities and the villagers open? Is it possible to set up an agency to coordinate with MCA in supervising the implementation of the Organic Law? Can punishment be clearly identified in the law so that violators understand what is at stake if they cross the line? Is it possible to set up a National Election Commission that will have the responsibility to administer elections at all levels, to mediate electoral disputes, and to punish violators of the electoral laws? We throw out these questions for our colleagues in China to dwell upon. We believe China is undertaking a great effort to reform its political system through multi-layered elections and to increase communication between the government and the governed. We also believe there is a long way to go to complete this all-important reform in a peaceful and stable manner. The Carter Center is always willing to provide its technical expertise in democratization and facilitate this reform.

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