

## China's Township People's Congress Elections: An Introduction

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There are only three kinds of direct elections in China, the village committee elections, the township (and town) people's congress (TPC) elections and the county (and district) people's congress (CPC) elections.[1] All three elections involve the same group of voters: rural residents. These voters elect members of village committees every three years, deputies to the TPC every three years and deputies to the CPC every five years.[2]

TPC election is very important because of the nature of its directness, the number of voters that are involved[3], the fact that township is a real link of the state power structure and the expectation that if election of administrative officials is ever to be upgraded from the rung of the village it will be at the township level.

### 1. Formation, Responsibility and Term of the TPC

People's congress at all levels, according to the Chinese constitution, is the sole source of power. In theory, it has the responsibility to elect chief officials in each administrative area, debate and approve policies and recall elected officials when necessary.

Townships and towns is the lowest level of governance of the state in China. Vertically, the TPC is the first link of China's complicated web of government structure. As of the end of 1995, there are 29,502 townships and 17,532 towns in China. Horizontally, the TPC is one of four parallel units that govern a township or town: the Party Committee, the people's congress, the government and the economic and social organizations. As Professor Zhang Hou'an writes in his seminal study of rural basic-level governance in China, the TPC is "an organ of state power," "an agency of people's democracy," and "the most basic form of rural democracy." [4]

The TPC, in theory, is instituted through democratic elections. Whereas deputies to the people's congresses of provinces, municipalities directly under the Central Government, and municipalities that have districts are elected by the people's congresses at the next lower level, deputies to the people's congresses of counties and townships are elected directly by their constituents.

The term of the TPC deputies is three years. 1998-99 is the election year for all the TPCs in China.

The most important function of the TPC is to elect township magistrates and vice magistrates, chairmen and vice-chairmen of the TPC's presidium, a body that is in operation when the TPC is in session.[5] Recently there have been efforts to turn that body into a standing committee, as is the case in people's congresses at higher levels.

Responsibility of the TPC, as stipulated by the Constitution, is to ensure the observance and implementation of the Constitution, the statutes and the administrative rules and regulations in its administrative areas. Within the limits of its authority as prescribed by the law, it adopts and issues resolutions and examines and decides on plans for local economic and cultural

development and for development of public services. It also examines and approves the plans for economic and social development and the budgets of its administrative area, and examines and approves reports on their implementation. It has the power to alter or annul inappropriate decisions of the township government and recall township officials elected by it.<sup>[6]</sup>

## 2. Election Procedures

According to China's election law, the following principles have to be observed in TCP deputy elections: the principle of popularity, the principle of equality, the principle of direct elections, the principle of anonymous balloting, the principle of multiple candidacy, the principle of guaranteeing the voting rights of the voters and the principle to supervise and recall deputies.<sup>[7]</sup> The election is funded by a special fund set aside by the government. This is a major difference between the TPC elections and the village committee elections.<sup>[8]</sup>

Steps of the TPC deputy elections are as follows:

### a. Election Leadership Committee (ELC)

The election leadership committee of the township, which is directed by the county election leadership committee, organizes TPC elections.<sup>[9]</sup> According to a provincial regulation on CPC and TCP elections, ELC consists of members from the township Party committee, government, the TPC and other organizations. Members have to be approved by the standing committee of the CPC.

In most cases, the TPC election leadership committee consists of five to nine members, with one chair, one or two vice chairs and four to six members. The Standing Committee of the CPC appoints all members of the ELC. Members are from various organs of the township government such as the township Party committee, administration, the TPC and other township agencies. Township ELC has an office with two to three staff members managing election-related matters.

As far as TPC deputy elections are concerned, ELC is all powerful. Its responsibilities include conducting voter registration and voter eligibility examination and making public voter list; setting up election district and the number of deputies from each district; determining and making public the final candidates for the deputies; deciding the date of the election and determining if the election is valid and making public the names of all the deputies.

### b. Determining the Number of TCP Deputies

The basic number of the TCP, as prescribed by the Organic Law of National and Local People's Congresses, is 40. One deputy can be added for each additional 1,500 residents. For townships whose population is more than 90,000, the number of deputies cannot be more than 100. If the population is less than 2,000, the total number of deputies can be fewer than 40.

The CPC will determine each township's number of deputies and file it with the provincial or municipal people's congresses.<sup>[10]</sup>

#### c. Zoning Election Districts

Election districts are normally drawn according to residency in order for voters to get to know their deputies or candidates for deputies. Districts are also drawn according to work units (e.g. industrial plant or military barracks). It is required by the election law that the number of deputies from each district be relatively equal, usually from one to three. There is an election work group (EWG) in each district.

#### d. Mobilization

This period usually lasts from a week to ten days. Training of election officials, designating or selecting election workers such as monitors and counters, conducting simulation elections, offering exposition on electoral procedures and informing voters about the upcoming elections through television, radio, newspaper, wall slogans and blackboards all take place during this period.

#### d. Voter Registration

A voter will only have to register once in order to vote in the TPC deputy election as long as he or she does not change the residence. Registration at each election will only register those who have just moved into the district or become 18 years old or whose political rights are restored. Registration list should be posted 20 days before the election. Any complaints can be registered with the election leadership committee and the committee has to respond to the complaint in three days. If the committee cannot satisfactorily settle the issue, it can be referred to the people's court five days before the election.

#### e. Nomination of Candidates

Candidates are nominated from each voting district. All political parties or organizations can jointly or separately nominate candidates. Ten or more voters freely associated can also nominate candidates. A preliminary list of nominees will be given to voters' groups by the EWG. Formal candidates will be determined according to public preference and submitted to the ELC for approval.

The names of the candidates must be posted in public five days before the election.

#### f. Voting

Each district must convene election meeting or set up polling stations for people to cast ballot anonymously. An election is valid with more than 50% of the registered voters casting their votes. Candidates win if they receive more than 50% of the votes cast. When there are more candidates receiving sufficient votes to win, those who have more votes win. If there are not enough candidates receiving sufficient votes, a run-off election must be held among those who are candidates. Those receiving more votes will win but the votes cannot be less than 1/3 of the votes cast.

The ELC will confirm election results, report them to the TPC Deputy Eligibility Examination Committee and have the results approved by the presidium of the TPC. A list of deputies will then be made public.

### 3. Assessment of TCP Elections

There is very little literature on the quality of TPC elections. No foreign institutions have been allowed to observe township elections. During our several trips to China, we were unable to get any comprehensive answers from the Chinese officials. The villagers we approached on this issue could only give very vague answers.

While we do not have first-hand data on how elections are conducted, a Chinese study of CPC elections seems to indicate that the nomination process is tightly controlled and that the determination of final candidates is made by the county Party committee and CPC presidium which also has a Party branch when the congress is in session. There are barely any campaigns. Voter participation is suspicious. One can still lose even if one wins big during the election. Registration and voter list might not be of high accuracy since there is such a wide mobility in China's countryside. We should not be surprised if the same problems are equally blatant in TCP elections.

In fact, while observing township elections attention should be paid to the following areas where some Chinese scholars have identified problems.

a. The independence and authority of the ELC is of significant importance. From 1979, when the Election Law was revised, to 1986, when the Standing Committee of the NPC restructured the relationship between the township ELC and the township government, ELC was at the mercy of the latter. Since the township ELC now reports only to the county ELC, any sign of township intervention is inappropriate. However, if the chair of the township ELC is the Party secretary and its members are all from various agencies of the township government, the independence and authority of the ELC is naturally impaired. In the 1989-1990 TPC term-change election in Hubei province, in most townships, not only the township Party secretary held ELC chair but most ELC members were also members of the Party committee.<sup>[11]</sup> It is highly unlikely that this pattern will change.

b. The degree of civic education makes a significant difference in voter participation and competitiveness of the election. In our conversation with MCA officials who are running village committee elections at various levels in China, they all pointed out that the most important task in promoting democratization was to educate and teach Chinese farmers their rights and the importance of participatory democracy. This dire lack of civic responsibilities on the part of the peasants are caused by several factors, some of which are not easy to overcome in a short period of time. First of all, the literacy rate in most areas of China's vast countryside is still relatively low. Secondly, the majority of the peasants engage in backbreaking fieldwork are simply too tired to pay attention to things that are not of vital importance to the improvement of their livelihood. Third, a significant number of peasants have become errant migrants in the cities, seeking opportunities to make big bucks and are uprooted from the countryside. Fourth, years of control has taught the pragmatic Chinese peasant not to pay any attention to politics. Lastly, election officials in both the counties and

townships are indifferent and understandably not very enthusiastic about TPC elections. As a result, the eligible voters usually are not very aware of the elections and hardly have any sense that their votes will make a difference in their life. An investigation of a village in Hunan in 1988 finds that half of the villagers did not know that TPC existed in townships. An “exit poll” of a TCP election in 1990 in a Hubei village identifies a quarter of the voters having no knowledge of a TPC.<sup>[12]</sup> In other words, these voters had no clue what they were voting for.

c. Election district zoning is also flawed. Although the Election Law requires that different districts have about the same number of deputies, in reality this rule is often violated. This violation is particularly serious in the seat of the township government that is divided by the ELC into many smaller districts so that more deputies can be elected. In the more remote areas, districts are often so big and communication so backward that voters hardly know who the candidates are. Casting votes in these areas are nothing but a guessing game.

d. Voter registration has become increasingly hard in the countryside. The sheer number of population is almost beyond imagination. In the 1989 election, a county in Hubei trained 12,657 “registrar” to register voters.<sup>[13]</sup> With economic reform in full swing in China, many peasants have for the first time left the land and begun to look for jobs in the urban centers. This has made the voter registration even more difficult.

e. One of the keys to ensure an open and free election is to install an open, free and transparent nomination procedure. The corruption of this procedure destroys the essence of a democratic election. Unfortunately, this is the very area that has many problems in TPC elections. The usual nomination procedure in TPC elections goes through a cycle of from the top to the bottom and from the inside to the outside. The ELC will first rank candidates and with this ranking in mind, members of the ELC will solicit opinions from representatives of different agencies and organizations. The ELC will then produce a preliminary list and then consult a larger group of cornered voters including Party members, members of the Communist Youth League, activists and leaders of district election work group. Elimination of candidates takes place during this consultation period. This opaque procedure is known as “consulting nomination.”

Since late 1980s, Party committee nomination was severely restricted but a new problem emerged: too many candidates were nominated. In the election of 1987, voters in Nankai District, Tianjin nominated so many candidates that they were 23.5 times more than the number of deputies approved. In Putuo District, Shanghai, the approved number of deputies was 291 but more than ten thousand candidates were nominated.<sup>[14]</sup> Neither of these two approaches is healthy and none helps making the nomination transparent and easy for people to make a determination.

f. The other problem of TPC deputy elections is related to the restriction on campaigning by the candidates. The Election Law stipulates that the Party, organizations and candidates can only publicize their candidates within the voter small groups. This rule is designed to limit campaigning. Only the ELC has the power to introduce candidates to a wider

audience. These ELC drafted introductions are either too simplistic or too subjective to facilitate free and open choice.

g. Proxies are widely used in both village committee elections and TPC deputy elections. The more the proxies, the more indifferent the voters are toward the elections. Although the law clearly defines a fairly complicated process of authorizing other people to vote for someone unavailable to vote for him or herself, it is not strictly enforced. Voters give their proxies as if they are candies distributed at Spring Festival. Roving boxes are another source of cheapening the election process. They are supposed to be for the old, the handicapped and the disabled but many healthy and mobile voters also take the advantage.

#### 4. The Temporary Party Committee at the TPC

Newly elected deputies will participate in the first session of the new TCP, usually in December and January. They will listen to and examine the work report of the township government, examine and approve the new budget, elect chairman and vice chairmen of the TPC presidium, and elect township magistrate, vice magistrate and people's jurors. Subsequently, the TPC should meet at least once a year and each session can be no less than two days.

Although this procedure is not written into any of the related laws, in practice, before the new TPC convenes, a Party representative meeting will be held at which a temporary Party committee is organized to supervise the proceedings of the TPC. This is to guarantee that all actions taken and all decisions made at the congress are under the Party's watchful eyes, including two indirect elections.

#### 5. The Deputy Eligibility Examination Committee (DEEC)

When the new TPC convenes, the DEEC will report to the deputies on the results of the elections. They will report to the congress its findings of the following questions: if in each of the elections there were more candidates than actual number of deputies, if those candidates nominated by 10 voters freely associated were put on the final ballot, if there were more deputies than what was approved and if any deputies failed to win sufficient votes. Although we have little information as to the operation of this committee and how often it ever takes action to reverse the result of an election or against those who have knowingly violated the electoral procedures, this committee's role can never be overestimated if China is going to seriously enforce the various laws related to the election.

#### 6. The Indirect Elections of TPC Leaders and Township Officials

When the newly elected TPC convenes, there are two more elections in which the only voters are the deputies. Since most TPCs hold meeting for only two days, these two elections are back to back with little time in between and with much pre-election activity taking place before the TPC deputies meet.

The first election is to elect the presidium of the TPC. The presidium presides over the TPC and is usually made up of 5 to 11 members. Candidates for the members are nominated by the township Party committee to the TPC and deputies will vote on each and every candidate. Those who receive more than half of the votes from the deputies will become members of the presidium. In most cases the township Party secretary holds the chair of the presidium and members of the presidium are township or village officials or entrepreneurs.<sup>[15]</sup> This election is more a formality than a real competitive race. Since many TPCs exist only when they are in session, membership of the presidium is not a job that has power or entails prestige. The presidium is more or less a safe haven for those township leaders who are retiring to the second line.

The second election is the election of three categories of officials: a) magistrate and vice magistrates of the township/town; b) chairman and vice chairmen of the TPC presidium and c) people's jurors. The township Party committee controls the nomination. The process is as follows: the Party committee will first find out who are best qualified to be the township leaders and make a recommendation. The presidium of the TPC will submit a slate of candidates to all the deputies and ask them to comment on it. If there are more candidates than the positions, final candidates will be determined according to deputies' input. The election law does allow single candidacy.<sup>[16]</sup>

Deputies will then cast their votes to elect magistrate, vice magistrate and people's jurors. With the election results announced the deputies will proceed to approve reports and listen to the newly elected magistrate address them and close the meeting.

These two indirect elections are probably the most flawed in terms of the principle of free choice and competition. There is no open nomination process; there is strict Party control of the process; and oftentimes there is only one candidate for the chairman of presidium and magistrate positions. Given the short time of the meeting time, there is really no time for deputies to organize and draft their candidates if they decide to challenge the official candidates.

## 7. The TPC in Operation

The actual operation of the TPC varies from place to place. A recent article in Tribune on Townships and Villages paints a very critical picture of the TPC. According to the August 1998 article, TPC can be characterized as a township party congress, a debriefing meeting, a work assignment conference, a gossip exchange occasion or even an annual banquet.<sup>[17]</sup> When TPC is not in session, there is no day-to-day staff that can deal with any problems that should be addressed by the deputies. This leaves a vacuum for the township government and Party committee to take control of the role of the TPC.

As in people's congresses at all levels, at first glance, the deputies seem to represent all walks of life in the society. For example, in the election year of 1983-1984, there were 240,090 deputies elected from 4,700 townships and towns. The demographic breakdown of the deputies is as follows:

Workers: 4.37%  
Party Members: 46.84%  
Peasants: 72.25%  
Non-Party Members: 53.16%  
Officials: 15.4%  
Women: 19.89%  
Intellectuals: 5.96%  
College graduates: 0.8%  
Overseas Chinese: 2.02%  
Between Junior and Middle School 60.54%

In the election year of 1989-1990, there were 75,108 deputies in 1,514 townships and towns in Shanxi province. The breakdown of the deputies is as follows:

Workers: 1.29%  
Party Members: 62.34%  
Peasants: 71.88%  
Non-Party Members: 37.69%  
Officials: 18.41%  
Women: 21.78%[\[18\]](#)

But, as Zhang Hou'an observes in his book, there is the so-called "three more and three fewer" phenomenon in the makeup of the deputies: more Party members, fewer non-Party members, more men, few women; and more officials, fewer ordinary citizens. This seeming balance is achieved under executive orders from the top, not through a free and open election. In fact, before 1987, the Central Committee limited the Party member percentage among the deputies to within 50%. It was increased to 65% in 1987. Statistics show that in the election year of 1990, the percentage of Party members was as high as 70-80%. The percentage of officials is usually limited to around 25%. However, this only reflects the number of township officials. The percentage will be much higher if village leaders and enterprise managers are included in this category.[\[19\]](#)

Another problem of the TPC is that many deputies are not well-trained or educated to be responsible deputies. They are not interested in scrutinizing township government performance, do not know how to make proposals, and have no intention of fulfilling the role of a deputy.

#### 8. Recent Developments in the Area of TPC Election

When we visited China in March, we were told by a senior scholar at CASS that Shenzhen municipality in Guangdong province had submitted a proposal to the Bureau of Liaison of the NPC to conduct direct elections to choose township and town magistrates and vice magistrates and that the proposal had been tabled. In August and early September, it was said that the Politburo would discuss the direct election of township and town magistrates and vice magistrates and that the Party Central Committee office was trying to solicit opinions from provincial and municipal leaders on direct elections at the township level. When we went back to China in November, we learned that the idea of a pilot on direct election of

township and town officials was put off indefinitely. Both Jiang Zemin and Li Peng preferred to limit direct elections only to village committees, which are self-governing units, not a layer of the real governance structure. Opposition against upgrading elections seems to be originating from the fear that the Party's power and legitimacy will be significantly weakened at the local level. This opposition is entrenched not only at the local level but also at the very top, namely, the Department of Organization of the CCP Central Committee.<sup>[20]</sup> China's recent crackdown on dissidents who attempted to form a new political party, Li Peng's declaration that China would not allow any political organization opposing the central leadership of the CCP to exist and Jiang Zemin's speech on December 18 all seem to bring out a big political chill and might initiate a freeze in China's budding democratization.

However, there is no denial that the current government is much more democratic than its predecessors; there is an increasing advocacy of government legitimacy and accountability; and there is the serious effort to push village level self-government.

There are also other pro-election voices in China demanding a revision of the Chinese Constitution for direct election of township leaders to go forward. Some believe launching pilot programs does not need constitution amendments. In an article entitled "Grassroots Democracy" in *Political China: Facing an Era of Choosing a New System*, the author loudly calls for direct township leadership election.

This kind of voice can be very easily silenced by the government. Disappointed and discouraged as they are by the CCP's move, many Chinese scholars argued to us that reform and progress could be made within the constraints of the Constitution and other laws. They pointed out that current Chinese laws did mandate an open nomination process, multiple candidacies and anonymous balloting. The problem was that the Party had corrupted this electoral procedure by making its will the voters' will. Strong civic education, training of election officials and careful monitoring of electoral procedures could certainly improve the process and make the township and town government more accountable and transparent.

This is what makes the Center's monitoring and observation of TPC elections in China this much meaningful, pertinent and necessary. The Center has already established a reputation in China as the leading Western agency to provide assistance and advice on China's village committee elections. Through this observation, we will be able to build a strong relationship with the National People's Congress, which runs all other elections in China. If down the road, the Chinese government decides to expand elections beyond village officials, the Center will be in a strategic position to lend a hand.

#### 9. Necessity of Direct Elections of Township Officials

A UNDP report says that in 1995 there are 5 million rural officials at the township and village level. If this number of rural officials goes through a process of choice and accountability, it will certainly make China's march toward a more open society and the rule of law much easier and more rapid. If village committee election is a large scale-training of voters in democratic politics, this will be a tremendous exercise for officials to get trained and learn how to behave in a politically transparent environment.

If TCP elections are carried out with real choice, serious nomination process and multiple candidates, there should be significant changes in the structure of township government because TCP deputies are forced to be responsible to their constituents. However, fundamental changes might not be possible without direct elections of township officials. To a large extent, the county Party committee and the CPC Party leadership manipulate indirect elections in a very aggressive manner. The Party apparatus also controls promotions of township officials. This rigid system reduces officials' creativity and weakens their sense of responsibility. There are serious problems of leadership at the township level.<sup>[21]</sup> The rapid economic development in the countryside also makes this system of leadership incompatible. The lack of transparency and accountability makes it possible for township officials to be authoritarian and corrupt.

The relationship between the township officials and villagers can only worsen in this context. As township officials become more and more cynical and bent on self-aggrandizement schemes, villagers, through village committee elections, have become more and more aware of their individual rights and begun to force their direct leaders to be responsive and responsible. This will certainly lead to a tension that might have serious political and social consequences.

While democratization is not a miracle medicine to ensure social and political stability and protect economic prosperity, it will certainly pave the way for a more rational, predictable and responsible way of governance.

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