

Provincial Legislation on Village Elections

Björn Alpermann¹

Introduction

The PR China is a unitary state – at least on paper. In reality, as any student of Chinese politics and society can attest, the polity is rather fragmented and uneven implementation of laws is a perpetual problem. Moreover, national legislation often only lays down general principles and refers to regional implementation regulations to flesh out the details “according to local circumstances”. Yet, the resulting differences in provincial legislation are rarely analyzed in a systematic manner. This article sets out to examine provincial regulations in a highly controversial and interesting case, namely village elections.

Village self-administration (*cunmin zizhi*) has been a bone of contention since preparations for the “Organic Law of Villagers’ Committees” started in 1984 and much of this debate focused on the issue of holding purportedly democratic elections in China’s villages.² These discussions have continued, albeit in more subdued fashion, after the trial Organic Law of 1987 was replaced with permanent national legislation in 1998.³ As the central government had now clearly demonstrated that it intended the system of village self-administration to stay, even reluctant provinces were forced to implement it and to adopt more detailed regulations. In the following years a total of 28 Implementation Regulations (*shishi banfa*, IR) and 27 Villagers’ Committee (VC) Election Regulations (*xuanju banfa*, ER) were issued by provincial people’s congresses,

leaving none of the 31 provincial-level units without at least one of these documents.⁴ Thus, a fairly complete set of legal documents is available and offers an intriguing case to conduct a comprehensive horizontal comparison of provincial legislation that will shed new light on its nature and scope of autonomy. For reasons of brevity and clarity I shall limit this discussion to electoral issues, excluding the running of village self-administration after elections. The structure of the paper follows the course of a regular election process. Detailed information on provincial election procedures can be found in the appendix (Table 2). Where appropriate, reference is made to semi-official legal commentaries on the national legislation and contributions by Chinese legal scholars.

Organs involved in election organization

Before the new Organic Law was passed in November 1998 no national legislation existed with regard to organs involved in organizing and steering the election process. The usual practice involved an election committee (EC) at the village-level presided over by the village Party-secretary, a township-level official or a former cadre.⁵ The new stipulations (§ 13) requiring the establishment of an EC at the village level to oversee and conduct election work were aimed at providing for a “just and independent organ [...] to realize the principles of openness, fairness and equality”.⁶ This organ has been universally adopted in provincial legislation with only little variation in the way its members are formally chosen. Selection by the villagers’ assem-

¹ Dr Björn Alpermann is lecturer for Modern Chinese Studies, University of Cologne. He is currently serving as visiting scholar at the Center for Chinese Studies, UC Berkeley.

² See Kevin J. O’Brien/Li Lianjiang, Accommodating “Democracy” in a One-Party-State: Introducing Village Elections in China, in: *The China Quarterly* 2000, Vol. 162, pp. 465-489.

³ In the text below, if not otherwise noted, Organic Law refers to the revised and final version of “Organic Law of Villagers’ Committees of the People’s Republic of China” (*Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa*), adopted November 4, 1998, in: *Bulletin of the NPC Standing Committee* 1987, No. 6, pp. 5-8. For a comparison with the previous, trial version see Björn Alpermann, *Der Staat im Dorf: Dörfliche Selbstverwaltung in China (The State in the Village: Village Self-administration in China)*, Hamburg 2001, pp. 27-43.

⁴ IR could not be obtained for Jilin, Qinghai and Xizang (Tibet), whereas Guangxi, Henan, Jiangxi and Inner Mongolia did not issue separate ER, but included provisions on VC elections in their respective IR. Several provinces already revised their regulations. In the discussion below only the most recent regulations are included, except where otherwise noted. For more detailed information see Table 1 attached.

⁵ See Jørgen Elklit, *The Chinese Village Committee Electoral System*, in: *China Information* 1997, Vol. 11, No. 4, pp. 1-13.

⁶ XU Anbiao, *How the Farmers Exercise their Democratic Rights. Practical Questions and Answers to the “Organic Law of the Villagers’ Committees”* (*Nongmin ruhe xingshi minzhu quanli. “Cunmin weiyuanhui zuzhifa” shiyong wenda*), Beijing 1999, p. 65.

bly (*cunmin huiyi*, VA) or villagers' group (*cunmin xiaozu*, VG), as stipulated in the Organic Law, is the norm, and selection by the villagers' representative assembly (*cunmin daibiao huiyi*, VRA) – which could be conceived of as a kind of standing committee of the VA – is a small variation. The EC varies in size according to the population of the given village and most commonly is set to range between five and nine members.

However, as far as the independence of the EC is concerned, some reservations are in order. First of all, a number of provinces (Guangdong, Shaanxi and Xizang) give the township government in one way or another opportunities to make its influence felt in selecting EC members. Secondly, all but two provinces (Henan and Liaoning) subordinate the EC to election leading groups to be set up by higher-level administrations. Tianjin even exceeds a relationship of guidance (*zhidao guanxi*) commonly applied and adopts one of leadership (*lingdao guanxi*) while Shanxi is ambiguous on this matter. A leadership relation implies that the higher level can issue binding orders to the lower one instead of only generally overseeing the legality of its subordinate's actions. But most importantly, the Chinese Communist Party (CCP) seems to play an integral role in organizing the election process as well as in the general conduct of village self-administration. Whereas the original Organic Law did not mention the CCP at all, the Party's leadership role has been acknowledged in the Organic Law of 1998 (and before that in the Party constitution), and it has been endorsed in most provincial laws on the topic. Almost all provincial IR (Hainan being the rare exception) mention the leadership of the CCP in village organizational life, and about half of the ER do the same.

Has the national legislation therefore failed its stated goal of creating an independent EC? It would be a serious misreading of the available evidence to claim so: the central legislation did not intend independence from administrative or Party influences. Quite to the contrary, official textbooks explaining the Organic Law note that in order to function properly composition of the EC has to be "reasonable": local CCP cadres, VG heads, VRA members, former cadres and Party veterans should all be included, with the EC head usually being either a serving or retired CCP cadre.⁷ Any inde-

pendence the drafters of the law and these textbooks could have had in mind probably only pertained to certain parochial or strong economic interests within the village, although this is nowhere stated explicitly.⁸ Remarkable in this regard are only those provinces which neither mention CCP leadership in election work, nor give township administrations a say in EC composition, nor stipulate strict criteria of personal qualifications for EC members which could be used to influence selection by the voters. Those ambiguously formulated personal qualifications – like "being representative" for the village or "being honest" – in particular lent themselves to politically motivated interpretations and can thus constitute an excuse to exclude unwelcome EC members. However, as a precaution against manipulation EC members are requested to step down from this position as soon as they get nominated as VC candidates according to all but five provincial ER (Beijing, Gansu, Guizhou, Hunan, Tianjin).

Registration of voters

According to the Organic Law (§ 12) every villager with or above the age of 18 years has active and passive suffrage without suffering discrimination for nationality, race, gender, occupation, family background, religious beliefs, educational level, affluence or time of residence, as long as he or she is not legally stripped of political rights. This should make identification of voters relatively easy, at least in theory. Reality is less straightforward, as will be shown below.

Legal commentaries find three criteria constituting the character of a voter according to the Organic Law: (i) age criteria, (ii) spatial criteria and (iii) political criteria.⁹ Among them the first and third are easily defined and verified. For the age criterion the election day of the given village is specified to be the deadline in the official textbook reading of the Organic Law as well as in almost all provincial ER. Age is to be documented with an identity card or alternatively the household registration (*hukou*). Since political rights are only withdrawn by court decision in cases of serious criminal offenses which hardly go unnoticed within a village, this criterion should also be easy to monitor. Most room for debate is actually offered by the seemingly simple question of who belongs to the village in a spatial dimension. This is certainly compounded by the

⁷ See Office for State and Administrative Law, Legal Affairs Committee, Standing Committee of the National People's Congress (Quanguo renda changweihui fazhi gongzuo weiyuanhui guojiafa xingfa shi) et al. (eds.), Study Book on the Organic Law on Villagers' Committees (Cunmin weiyuanhui zuzhifa xuexi duben), Beijing 1998, pp. 34-35 [below cited as Quanguo renda], and XU Anbiao (supra note 6), p. 66. These texts are basically identical on this issue and both already contain many of the more detailed stipulations to be found in provincial IR and ER.

⁸ But see e. g. an article by an official of the central-level Ministry of Civil Affairs: FAN Yu, Evolution and characteristics of the election system for villagers' committees (Cunmin xuanju zhidu de yanbian ji tedian), in: Zhongguo Nongcun GuanCha 2001, No. 1, p. 61.

⁹ See Quanguo renda (supra note 7), pp. 31-32.

fact that official commentaries of the Organic Law provide no further explanation of this point.

The rise of mobility among rural China's population during the reform period has considerably altered the former pattern of villages as closed communities. Not only have millions of villagers seized the opportunity to migrate into big, especially coastal cities, but also a huge, yet not precisely known number of rural inhabitants moved to or regularly commutes to closer-by country towns and medium-sized cities. Often the larger distances involve periods of migration between six months and a year, while movement or commuting within closer range can often be permanent or semi-permanent. To further complicate the picture not only rural to urban, but also rural to rural migration has been taking place with more developed or suburban villages attracting laborers from poorer regions to work in their village enterprises or nearby cities. Therefore, the gap between actual residents of a village and those having their residence registered there (*ren-hu fenli*) tends to grow.¹⁰

Provincial legislation was meant to solve these problems in a suitable way according to regional circumstances.¹¹ The result has been a host of differing, sometimes contradictory regulations across provinces.¹² Five provinces clearly stipulate the *hukou* as the only valid criterion to be counted as voter in a given village; in all others exceptions to this rule are permissible. Exceptions are most commonly (i. e. in 16 provinces) granted to people living and working within a village as well as fulfilling a villager's duties (which are not further defined, but most likely include paying communal fees and contributing a couple of days labor each year for community projects). One large subgroup of residents without proper registration is explicitly included in the voters list in twelve provinces: these are spouses (in reality almost only wives) who moved into their partners' home village after marriage but failed to transfer their *hukou* as well. This special legal protection of their voting rights seems to be particularly relevant to realize the above mentioned principle of non-discrimination on the basis of gender. Nevertheless, 17 provinces leave the final decision to the village EC and four to the VA

or VRA, whereas only four define that these exceptions have to be granted as a rule.

The treatment of absent voters (migrating villagers) is far more varied. Here the trade-off between two goals equally to aspire is evident. On the one hand, the villagers' right to vote has to be upheld. On the other hand, the need to convene at least half of all eligible voters to cast a ballot in order to make the election valid needs to be honored. Every reason given in provincial legislation to exclude absent voters from the voters list facilitates the realization of this quorum requirement of 50% which is stipulated in the Organic Law (§ 14). However, 12 provinces chose not to regulate this case, while Guizhou Province even mandates that absent voters retain their right to vote, adding them to the voters' total. In contrast, the remaining 18 provinces provided reasons to exclude absent voters from the list, half of them using their time of absence as the main criteria (the limit lying between half a year and two years).

Matters get further complicated due to the fact that ten provinces distinguish between different types of *hukou*, thus, in fact adding a fourth criterion to the above mentioned three.¹³ There used to be only two different categories during most of the PRC's history: agricultural and non-agricultural (*nongye* and *fei-nongye hukou*), for simplicity's sake often incorrectly referred to as rural and urban. But the above mentioned social developments brought an array of categories in between these two, and the numbers of people living either in rural areas, but with non-agricultural *hukou*, and particularly of people with agricultural *hukou* living in urban areas have been soaring.

While the number of the afore-mentioned group remains comparatively small to date, they tend to be above-average in education and management skills. This means that not being able to recruit them to leadership positions within the village can constitute quite a loss to the community. Therefore, nine of ten provinces mentioning this distinction provide the possibility to register those people who changed their residence status to non-agricultural (*nong-zhuan-fei*) as voters, if they still fulfill a villager's duties, and five more (Anhui, Heilongjiang, Hebei, Henan, Zhejiang) open avenues for particularly talented or educated persons to be registered without explicitly discussing the *hukou* problem.¹⁴ Only Beijing stands out in clearly excluding anyone without an agricultural *hukou*.

¹⁰ See Richard Levy, The Village Self-Government Movement: Elections, Democracy, the Party, and Anticorruption – Developments in Guangdong, in: China Information 2003, Vol. 17, No. 1, pp. 42-43; LIU Molan, Research on Legal Problems in Village Committee Elections (Cunmin weiyuanhui xuanju zhong de you guan falü wenti yanjiu), in: Jinan zhiye xueyuan xuebao 2006, No. 2, pp. 32-33.

¹¹ See XU Anbiao (supra note 6), p. 64.

¹² Also see TANG Ming, Two Basic Problems Concerning the Improvement of the Legal System of Village Self-administration (Guanyu wanshan cunmin zizhi falü tixi de liang ge jiben wenti), in: Fashang Yanjiu 2006, No. 2, pp. 5-6.

¹³ This is a fact often overlooked; see e. g. LIU Zhipeng, Discussion on Election Rights in Villagers' Committee Elections (Lun cunweihui xuanju zhong de cunmin xuanjuquan), in: Zhongguo Nongcun Guanxia 2002, No. 3, p. 66.

This rule is not contained in Beijing's ER and only hinted at in its more recent IR by the use of "farmer" (*nongmin*) instead of "villager" (*cunmin*), but accompanying explanations by the municipal bureau of civil affairs plainly state this.¹⁵ Obviously, the village is here still conceived of as a community of farmers owning the agricultural land collectively (even if not working it collectively anymore), instead of a community established through residence only. This applies to all other provinces drawing the distinction between different types of *hukou* too: none of these mentions residents with simple *fei-nongye hukou* as eligible voters, but only those who changed from agricultural to non-agricultural (*nong-zhuan-fei*). Thus, residents who never had an agricultural *hukou* and therefore never fulfilled "villager's duties", whatever these might comprise, will be automatically excluded. It is possible to interpret this as a breach of the principles of non-discrimination on the basis of occupation and family background stated in the Organic Law and repeated in almost all provincial legal documents on the topic. But obviously, within China this has not yet been seen as a contradiction.

Surprising as this lack of clarity in such a crucial matter might appear, the issue remains a murky one given that 21 provinces do not even try to tackle it, and discussions within the Chinese legal profession as to who constitutes the subject of villagers' self-administration are likely to continue as long as there is no national legislation on the matter.¹⁶ These doubts have already led to law suits against decisions taken by village ECs.¹⁷ More commonly, objections will only be raised with the EC itself. A new clause in the Organic Law (§ 12) provides for the publication of the voters' list 20 days before the election date. This has been translated in all provinces into a right to raise objections against (non-)registration. So, generally there is a possibil-

ity at least to urge an EC to reconsider its original decision, even if only Qinghai and Xizang (Tibet) explicitly open up further avenues for complaints. On the other hand, the deadlines for the different parts of the process seem not in all cases to be in line with each other. Shaanxi is an extreme example since the deadline for publishing the list and raising objections against it are identical. But in thirteen cases the final settling of the voters list seems to collide with another part of the election process to be dealt with below, namely candidate nomination. This means that possibly the rights of a voter to participate in this crucial stage of the election process might be infringed upon since the EC is not obliged to consider his objection before the final candidate list will be published.

Candidate nomination and selection

Turning to the passive voter's right, the right to stand for election, one can find more seeming contradictions between the principles of non-discrimination and provincial legislation. First of all, the Organic Law (§ 23) itself sets rules for the conduct of the VC and its members: these should respect the constitution, laws and state policies, be honest, fair and diligent. While these are reasonable demands for office-holders in any political setting, repeated in seven provincial ER, it is more problematic to turn these into general criteria qualifying to stand for election as twenty provinces do. Doing so, means to submit proposed candidates to screening by the EC, possibly leading to their exclusion from the final candidates' list, thus infringing upon their passive voter's right.¹⁸

The official textbook interpretation of the Organic Law seems to support this view. Here § 23 of the Organic Law is not taken to mean qualifications for candidates, but still interpreted as a clue to what they might look like. However, the actual stipulation of such criteria is left to the VA or VRA, that is the voters, to decide.¹⁹ Any regulations regarding this matter on the part of the province run counter to the ultimate rationale of elections: letting voters decide who is to take office. Therefore, active as well as passive voter's rights are affected by these stipulations.

Of course, this is less problematic with the above mentioned criteria than with more fuzzy ones which offer the EC considerable leeway in its decision on candidates, especially when an EC's lack of independence is borne in mind. This lack of clarity is lamented by some Chinese legal experts,

¹⁴ See also the discussions on these points referred in this conference report: XU Zengyang/WANG Guangzhong/ZHENG Bojing, Summary report on the academic conference on rural China's elections to villagers' committees (Zhongguo nongcun cunmin weiyuanhui xuanju xueshu yantaohui zongshu), in: Shehuizhuyi Yanjiu 2000, No. 6, pp. 79-80. However, the discussants seem not to have been aware of the density of provincial regulations on these matters.

¹⁵ These were obtained from www.chinarural.org along with the IR (visited 05.04.2001); LIU Baocheng, Explanations to 'Some regulations of Beijing municipality concerning carrying out <The PRC organic law of villager's committees>' (Guanyu 'Beijing shi shishi <Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa> de ruogan guiding' de shuoming) (July 7, 2000).

¹⁶ On this see CUI Zhiyou, Judicial thinking on Chinese villagers' self-administration (Zhongguo cunmin zizhi de faxue sixiang), Zhongguo Shehui Kexue 2001, No. 3, pp. 26-27; SUN Jufang/FENG Ruilin, Legal Problems in Village Elections and Countermeasures (Cunmin xuanju cunzai de falü wenti ji duice), in: Wuhan Ligong Daxue Xuebao 2006, Vol. 19, No. 4, p. 550.

¹⁷ See TIAN Lei, When Villagers Elect Village Officials, Is an Agricultural Household Registration Necessary? (Min xuan cunquan, yiding yao you nongye hukou ma?), in: Nongcun Gongzuo Tongxun 2005, No. 1, pp. 48-50.

¹⁸ Also see Richard Levy (supra note 10), pp. 35-36.

¹⁹ See Quanguo renda (supra note 7), pp. 36-37; Xu Anbiao (supra note 6), pp. 70-71.

but the proposed cure – more and more detailed criteria – only appears to make matters worse.²⁰ In current provincial ER the criteria most often requested are physical health, a certain level of education and leadership or organizational capabilities as well as the ability to lead the village to common prosperity. Stipulating a certain educational level as eligibility criterion for candidates obviously contravenes the anti-discrimination clause in the Organic Law (§ 12). Moreover, the last qualification of “being able to lead the village to prosperity” is particularly hard to prove *ex ante*. Nevertheless, the ability to produce people possessing this gift has been elevated to be the final touchstone for the evaluation of village elections by Li Peng, then-chairman of the National People’s Congress (NPC) Standing Committee.²¹ Therefore, it may be argued that provincial provisions on candidate qualifications to that effect contradict the rationale for democratic elections, but they could hardly be claimed to contravene the central government’s rationale for conducting village elections.

While formerly an array of village organs like the CCP committee, the EC, the former VC or even the township government in actual practice held the right to nominate candidates besides voters themselves, the new Organic Law (§ 14) speaks only of the latter possibility.²² This formulation has been universally adopted throughout provincial legal documents. Almost all (26) provinces explicitly adopt a method that became known under the name of *haixuan*, in which voters cast nomination ballots either in an assembly of all voters or in villagers’ groups. This kind of “open primary” has been hailed as the most democratic way to nominate VC candidates.²³ Only Fujian, Gansu, Guizhou, Sichuan and Xizang retain a wording in their ER that could be read to mean direct nominations by other means than casting a ballot. Moreover, alternatives to *haixuan* nomination, including

joint or self-nominations, are permissible in another seven provinces.

Not all of the candidates generated through these methods are allowed to stand for the formal election, however. Although the Organic Law (§ 14) requires a certain degree of competition (i. e. more candidates than VC posts to be filled),²⁴ this leaves room to limit the number of additional candidates which 28 provinces do, thus creating only semi-competitive elections. Two more provinces (Shanghai, Yunnan) choose not to specify the number of additional candidates, but still require them. The lone exception to this rule is the Autonomous Region of Xizang (Tibet) who’s people’s congress passed a “Decision on provisionally not carrying out competitive elections in the whole Autonomous Region”, making it the only provincial-level unit in China without a guaranteed choice for voters, since also the way to reduce nominations to the final candidates’ list is left unspecified (see below).

The minimum required to render elections semi-competitive would be to lump all VC positions together and add at least one additional candidate to the total. This is what Shandong does, although this method has been declared not permissible by textbook interpretations of the Organic Law. There it is argued that each post, i. e. VC head, vice-head and ordinary VC members, has to be elected semi-competitively.²⁵ Most ER actually provide for this, listing the number of additional candidates for different posts separately. A minimum solution (plus one candidate for each post) is permissible everywhere but in Jilin where at least two additional candidates for ordinary VC membership are required, and it is the only permissible solution in Chongqing and Jiangsu.

However, it would be premature to conclude from this a very low level of voters’ choice in these two provinces. Indeed, the effect of electoral systems can only be gauged when their constituent parts are viewed in connection with each other. Here the methods of nominating candidates and reducing their number to the final list have to be taken into account. Of the 26 provinces providing for *haixuan* nominations nine (including Chongqing and Jiangsu) require a quorum of 50% of voters’ turnout in the process. These nine plus ten more of this group of 26 declare their final candidates according to the number of nominating votes in the *haixuan*. Thus, choice is not as limited as it might seem at first glance because voter participation in

²⁰ See for instance ZHANG Liwei/WANG Junxia/GAO Jingmin, Discussion on Village Elections and the Self-governance Mechanism – Simultaneously Discussing Flaws and Improvements of the “Organic Law on Villagers’ Committees” (Lun cunji xuanju yu zizhi jizhi – Jian tan “Cunmin weiyuanhui zuzhifa” de quexian yu wanshan), in: Neimenggu Gongye Daxue Xuebao (Shehui Kexue Ban) 2004, Vol. 13, No. 2, p. 51; SUN Jufang/FENG Ruilin (supra note 16), p. 550.

²¹ See *Anonymous*, Li Peng points out before the plenum of the inspection group on the implementation of the organic law of villagers’ committees: Make progress in promoting the healthy development of villagers’ self-administration (Li Peng zai renda changweihui cunmin weiyuanhui zuzhifa zhifa jianchazu quanwei shang zhichu: Jin yi bu tuidong cunmin zizhi jiankang fazhan), in: Renmin Ribao, 01.06.2001, p. 1.

²² See LIU Xitang, Villager’s Autonomy and Distinctiveness of Democracy in China (Cunmin zizhi yu woguo nongcun minzhu de dutixing), in: Zhongguo Nongcun Jingji 1998, No. 12, p. 59; FAN Yu (supra note 8), p. 59.

²³ See WANG Zhenyao, Village Committees. The Basis for China’s Democracy, in: Eduard B. Vermeer et al. (eds.): Cooperative and Collective in China’s Rural Development. Between State and Private Interests, Armonk 1998, p. 247.

²⁴ The size of a VC is no major point of distinction between provinces; it generally varies between three and seven according to population size and affluence of a village.

²⁵ See *Quanguo renda* (supra note 7), p. 36.

candidate nomination is the rule. The remaining seven provinces in the *haixuan* group opt for another round of voting, now that the possible candidates are known. The relative majority in this primary (*yuxuan*) decides on the final candidates' list. This offers even more room for informed choice since voters can now estimate the preferences of others.

Variation does not stop here, however. Seven provinces in the *haixuan* group provide a general choice between *haixuan* and an alternative method of nomination. The alternative consists of a primary for which nominations by voters are to be directed to the EC without balloting. This method is also adopted in Gansu (without the option of *haixuan*). In Fujian which applies the same nomination procedure a primary with a quorum of 50% is possible as well as a decision by the VRA (quorum of two thirds). VRA decisions without quorum requirements are the norm for Guangdong, Guangxi and Hubei, whereas in Guizhou and Xizang the final decision seems to rest with the EC, though not specified in the latter case. Obviously, this last one is the method of candidate reduction which runs the highest risk of distorting voters' preferences.

Furthermore, what has to be taken into account when discussing voters' choice within the candidate selection process are rules pertaining to the final composition of the VC to be elected. Here, the Organic Law (§ 9) stipulates appropriate representation of women and ethnic minority groups which is repeated in 24 provincial ER, while Shanghai and Fujian only mention women's representation. Five more provinces mention neither of the two representation requirements. This is especially surprising in the case of Ningxia, an autonomous region for Hui. In contrast, Hubei even requires non-Han ethnic groups to take a majority of VC positions in villages where they constitute the greater part of the population.

Additional regulations are issued by some provinces, seven asking for balanced representation of several natural villages if they constitute one administrative village, electing one VC together, and nine forbidding direct relatives or spouses to serve on the VC together. These provisions, as valuable as they might be to avoid complete domination of village politics by a single gender, ethnic or family group, raise the question of how such a representation is to be achieved in the actual election process. This issue has not been addressed in any of these laws, the only exception being Hainan's ER which states clearly how to avoid two relatives or spouses being elected for the same VC. This suggests that the EC is responsible to somehow ensure these composition requirements are fulfilled during

the process of candidate selection. It is hard to see how this task is to be carried out without bending the relevant election regulations.

A final element completes the discussion of candidate selection and voters' choice, the election of so-called write-in candidates. Formally, this is a part of the election process itself, but it is more appropriately dealt with in this section since the election of write-in candidates is a final way to enhance choice. The possibility to use the ballot to write in other names besides the final candidates is provided by 28 provinces, including Xizang, thus adding at least the theoretical possibility that a final candidate might fail there. Of course, chances for write-in candidates to win will be slim if supporters do not rally before the vote. This is impeded by the fact that usually only final candidates are allowed to participate in what might be called "campaigning".²⁶

Except for five provinces some kind of "campaigning" is provided for in each province ranging from simple introductions of candidates through the EC to speeches by the candidates themselves and questioning by the voters. The EC is mostly left to decide on details, only five provinces make "campaigning" mandatory, and ten provincial regulations carry the reminder that "campaigning" has to stay within the limits prescribed by law. Anhui, Heilongjiang and Shanxi even give the EC the right to disqualify candidates who violate the law in their campaign speeches. In a temporal dimension "campaigning" is in six cases required to stop on the election day. It is evident from these provisions that provincial legislators tended to circumscribe "campaigning" in a number of ways to uphold the orderliness of the election process and equal chances for competitors.

Election process

The basic rules for the first round of formal elections are the same throughout China. This is due to the fact that the Organic Law (§ 14) clearly demands a quorum of 50% of voters' participation to render the election valid and an absolute majority of votes cast for candidates to be elected. While these two principles – and more technical, but very crucial aspects like the use of secret ballot booths, immediate and open count of votes etc.²⁷ – have been adopted everywhere, election systems vary in other important ways. First of all, there is the ques-

²⁶ Lishu county, Liaoning, one of the forerunners in village elections, in 1998 introduced a new system (*baoming jingxuanzhi*) in which anybody willing to participate in a contest of election speeches may do so if he or she registers and hands in his or her manuscript to the election organs prior to delivering the speech. See FAN Yu (supra note 8), p. 62.

tion of how to cast the ballots: for each post to be filled separately or for all of them together?

This can sometimes make a considerable difference since voters might still want a second-best candidate for the post of VC head or vice-head to serve on the VC as ordinary member. In the past, if balloting has taken place separately, this wish has been accommodated by adding the failed candidate for the higher post to the candidates' list for the lower one.²⁸ Whether this runs counter present ER which forbid any changes of this list after nomination is final, should be debatable because these candidates already qualified to stand for higher office. However, this problem is not dealt with in most provincial ER as 21 of them offer the village level to choose between separate or one-round-for-all elections. In the latter case, only five provinces explicitly solve the above mentioned problem in providing that a candidate standing for two different posts, but failing to achieve the higher one, will get the votes for the higher office transferred and added to the tally of votes received for the lower one. A drawback of this rule is that by allowing the same people to stand for different offices the total choice for voters may again be limited.

Interestingly, another balloting method which is explicitly prohibited by three provincial ER (Hainan, Hubei, Shanghai) is expressly allowed in Hebei and Shandong: first electing the VC as total and then choosing the VC head and vice-head in a second vote from within the elected VC. While this process ensures that all candidates get their seats on the VC according to voters preferences overall choice in the formal first round may be affected. The importance of the nomination and selection rules is therefore heightened. Here, Hebei guarantees a high voter participation through a 50%-quorum for the *haixuan* nomination, while Shandong's ER call the nomination already a "primary" (*yuxuan*) and demand no quorum. In both cases, final candidates are selected by the number of votes obtained in these nominations. All things considered, at least in Shandong voters' choice is in fact more limited by this election modus than in most other places.

Since there are multiple seats on the VC to be elected it is possible that more candidates than posts available pass the required 50% of votes

threshold. In this case, according to provincial ER uniformly the ones with most votes relative to the others win, while a run-off election is held between candidates with the same number of votes. But we find more variation in the more likely case that not all positions are filled in the first round of voting. Firstly, the absolute majority rule uniformly applied in the first round election is only retained by eleven provinces for the second round, and in Henan only in the case that not a single candidate received more than 50% of votes. The majority of 19 provinces opts for a *qualified relative majority*, i. e. a candidate in the second round has to gain more votes relative to the others, while at the same time receiving more than a third of the total. Two provinces (Jilin plus Henan in the case that only single positions need to be filled up) even stipulate a relative majority to be sufficient in the second round without any minimum requirement.

Secondly, five provinces declare that if three or more VC members got elected in the first round, so that the minimum number required in the Organic Law is reached, elections could stop there: the remaining seats may be left provisionally vacant, there are detailed provisions on substitutes for VC heads and vice-heads, and there is no deadline for further elections set. Nevertheless, most provinces still require a second round of elections and set deadlines to hold them varying between three days and six months. While a first group of 14 provinces makes no further stipulations regarding the result of the second round, the others passed sometimes detailed, but mostly just slightly varying regulations: six provinces declare that if the minimum of three VC members got elected but there are still unoccupied seats after two rounds of voting, these may remain vacant permanently (at least, in two cases, if the VC head got elected). Two more provinces add this same clause in case even the third round of voting does not bring the wanted number of elected VC members. The third group issues deadlines for third round elections again ranging between three days and six months according to various circumstances.

One might expect to find provinces with higher majority requirements to be more easily satisfied with electing a minimum of three VC members. Yet, this link cannot be established. Of the eleven provinces stipulating absolute majority throughout all rounds of election five do not even mention further proceedings if the second round of voting fails to fill all positions on the VC, too. This is surprising since the high threshold of an absolute majority may be more easily missed even in the second round. On the other hand, of course, Jilin which requires only a simple relative majority does not

²⁷ Some authors even suggest that the confidentiality of the vote is better protected and more standardized in VC elections than in elections for local people's congresses; see TIAN Xiaohong/PAN Xiaojuan, Challenges to villagers' self-administration and policy choices (Cunmin zizhi mianlin de tiaozhan yu zhengce xuanze), in: Lilun Qianyan 2001, No. 10, p. 6.

²⁸ See Jørgen Elklit (supra note 5), p. 10; Carter Center, Carter Center Delegation Report: Village Elections in China. And: Agreement on Cooperation with the Ministry of Civil Affairs, People's Republic of China, March 2-15, 1998, Working Paper Series, Atlanta 1998, p. 13.

bother to consider a case in which the second round might end with not all seats filled. Apart from these extremes, nothing conclusive can be said with respect to the bulk of provinces in between which require a qualified relative majority. In general, there are so many different combinations of certain procedures to be found in provincial ER that they seem to be composed almost at will. Furthermore, several provincial ER do offer a choice of different election modes at certain junctures so that inter-provincial variation is compounded by an intra-provincial one.²⁹

Turning to the more technical aspects of elections, we find two more noteworthy aspects, namely absentee voting and the use of a mobile ballot-box (*liudong piaoxiang*). The use of proxies who cast ballots in the place of voters being absent or otherwise unable to vote themselves has been criticized by some election observers as excessive: proxy votes at times reached a proportion of more than 20% of votes cast.³⁰ Obviously, there is no way to ensure that agents really respect the decision by the original voter and the possibility that weaker fragments of society will in fact lose their active voting right persists (e. g. with husbands voting for their wives). Similarly, the use of a mobile ballot-box bears the latent danger of manipulation since it is not always within view of the public.³¹

Therefore, a number of safeguards has been adopted by many provinces. Absentee voting, clearly defined as applying only to those voters who are not in the village at the time of balloting, is possible in 28 provinces (only Chongqing, Fujian and Gansu make no use of absentee voting at all and simply exclude absent voters from the voters' list). Five of these 28 require a written authorization by the absent voter to be presented at election day, while 15 even subject absentee voting to prior consent by the EC. All of the 28 limit the number of proxy votes a single voter might cast, mostly to three, but in eight cases to even less. And finally, ten provinces exclude candidates as eligible proxies. A mobile ballot-box can be used in all but six provinces, but with varying degrees of strictness as to who has access to it. Guangdong even requires consent of the township election organ to use a mobile ballot box. Moreover, 18 provinces demand that a mobile ballot-box has to be accompanied by at least three election workers (2 in Anhui and Xizang), an assignment which in 28 provinces

excludes candidates themselves and in most cases their relatives as well.

Bearing in mind that it can sometimes be hard for villages, especially those with high numbers of out-migrants, to reach the required voter turnout of 50%, we might ask which strategies provincial legislators choose to help VC elections to succeed. Theoretically there are two strategies available: either lowering the total against which the quorum is measured, or raising the number of votes cast. We already saw that 18 provinces stipulated various reasons for the exclusion of absent voters, in line with the first strategy. On the other hand, 13 provinces seem to apply the second strategy by making absentee voting particularly easy in that they do not require consent by the EC. There even exists an overlap between these two groups as six provinces choose to make stipulations in both directions: these are Guangdong, Guangxi, Qinghai, Shaanxi, Sichuan and Hubei. Interpreting this as a conscious strategy, however, is problematic given the lack of more detailed information on the drafting process of provincial regulations. The most we can say is that it should in principle be easier to fulfill the quorum requirement in these six provinces than in the others. But the widely established use of proxy voting suggests that most provinces consider it a necessity that VC elections do not fail because of out-migration.

Vote of recall, dismissal and by-elections

According to Liu Zhipeng the right to recall elected VC members is one of a bundle of rights categorized as a Chinese villagers' voting rights.³² According to the Organic Law the exercise of this right is subject to a number of general rules. In the concrete stipulations of provincial legislation we find again that basic principles promulgated in the Organic Law are generally adhered to, but that sometimes considerable variations persist.

Firstly, when bringing forward a motion of recall a reason has to be given according to the Organic Law (§ 16).³³ While 21 provinces leave it at this open formulation without stipulating detailed cases in which a motion of recall might be raised, the other ten do so. And in five provinces the enu-

²⁹ See for example the cases of Chongqing and Hainan where two completely different modes of candidate nomination and election coexist.

³⁰ See Carter Center (supra note 28), p. 4-6.

³¹ CHENG Tongshun, Rural basic-level elections: perfect in the trial phase (Nongcun jiceng xuanju: zai changshi zhong jianquan), in: Zhongguo Nongmin 1996, No. 11, p. 30.

³² The other being the right to be registered as a voter, to nominate candidates, to cast votes and stand for election [what is called active and passive voter's rights above], a defense right against malpractice in elections and a right of information. See LIU Zhipeng (supra note 13), p. 65.

³³ Although the Organic Law does not explicitly require written form for the motion of recall, official commentaries read this provision into the law; see *Quanguo renda* (supra note 7), p. 42, and even more pronounced XU Anbiao (supra note 6), p. 77. In 22 provincial ER written form is explicitly required, but in the rest such clarification is lacking. In Hunan and Shaanxi providing a reason for recall is only mentioned in connection with the VA to be assembled to vote on the motion. Therefore, an oral motion is probably sufficient here.

meration is even exhaustive, which means that *only* in those circumstances listed a recall is permissible. Therefore, in Guizhou, Ningxia and Xinjiang recall of a VC member is basically only allowed if he is convicted as criminal offender, seriously neglects his office or violates against discipline. In Qinghai in addition to the first two of these reasons a sentence to serve in a labor camp or violations against birth-planning regulations also suffice.³⁴ In Hebei “violations against law and discipline” as well as serious neglect of office are the only permissible causes for a vote of recall. These clauses have to be seen as a deliberate circumscription of the voters’ right of recall. The same is true for Nei Menggu (Inner Mongolia) where the township government is requested to examine the validity of the reason given before a vote of recall can be held. Similarly, Qinghai and Ningxia give VC members who are successfully recalled the right to petition to the township government which then has to examine whether the reason for recall was correct. If not so, then the township government has to call a new VA to repeat the vote. Only if the motion is passed again, the decision to recall the VC member will be upheld.

Secondly, the Organic Law stipulates that only a motion raised by at least one fifth of eligible voters can lead to a vote of recall and that there is only this way to recall or replace a VC member.³⁵ Following official interpretation that means that even in special cases where some other organs like the township government, the village Party branch or the VC itself wanted to hold a vote of recall, it needed to gather those supporters beforehand.³⁶ However, ten provinces give the township government the right to motion a vote of recall in some specified cases, mostly criminal offenses or neglect of duty. Moreover, in some provinces these cases are only vaguely defined; Guizhou even includes violations of birth-planning rules and in Guangdong the period for neglect of duty is rather short: two months in its ER of September 2001, compared to six in the old version of November 1998.³⁷ Furthermore, five provinces demand that a vote of recall *must* be held in any of the cases they list as reasons for recall (Guangxi, Hainan, Jiangsu, Jiangxi, Sichuan).

³⁴ Interestingly, Qinghai makes “education through labor” (*laodong jiaoyang*) sentences a reason for holding a vote of recall on VC members, but explicitly not for excluding a voter from VC elections.

³⁵ Some Chinese scholars raised the question if this proportion has to be measured against the voters’ list used in the last election or if changes of voters’ status would have to be checked. This is indeed unclear even in provincial legislation. See this conference report: XU Zengyang/WANG Guangzhong/ZHENG Bojing (supra note 14), p. 80. A number of other issues pertaining to the recall of VC members are raised here. Some of the critical remarks however are overblown if one takes provincial ER into account.

³⁶ See *Quanguo renda* (supra note 7), p. 43.

These stipulations clearly contravene the letter if not the spirit of the Organic Law. Whether they really run counter the intentions of central-level legislators might seem debatable. The textbook explanation to the Organic Law surely suggests so. On the other hand, it could be argued that NPC delegates have more recently shown that they are willing to get tough on VC members who engage in fraud or corruption when this involves state-set tasks. Under such circumstances they have to be held responsible according to the harsher rules the Criminal Code provides for state officials.³⁸ Yet in my own view, this cannot be taken to legitimize these provincial deviations from the Organic Law. The NPC interpretation of the Criminal Code only pertains to VC work in official state-assignments, not in self-administration affairs. These two spheres of activity are distinguished by law, and the sphere of self-administration is clearly protected against interference by other organs including state administration.³⁹

Thirdly, the Organic Law requires a VC to convene a VA to discuss and vote on the motion of recall “in good time” (*jishi*). Most (25) provinces more specifically set a deadline of one month or less, two or three months in five more cases, with Qinghai being the only province without a clear deadline. Moreover, in case the VC does not adhere to this deadline 24 provinces transfer direct – plus in one case indirect – responsibility to convene voters to the township government. The right of the VC member against whom the motion is directed to state his or her case is enshrined in the Organic Law and endorsed in all but three provincial ER. Fourthly, and most importantly, the majority rule for a recall has been deliberately set very high by national legislators, requesting an absolute majority of *all* voters, not just of votes cast. This measure was deemed necessary to protect the normal functioning of a VC without interference from family clans or other pressure groups.⁴⁰ Again, this principle

³⁷ This is only one of several interesting differences between the two versions: A clause establishing CCP leadership over all levels of election organs has been newly introduced; township administration became a role to play in the dismissal of EC members; instead of a primary for selecting among nominated candidates a quorum is now required for the *haixuan* nomination which directly establishes the final candidates’ list; the majority required for the second round election was raised from qualified relative to absolute majority; and finally clauses on the automatic termination of VC office and by-elections were added. In sum, these changes point to more administrative meddling in the election process and less free choice for the voters. For more detail on Guangdong see Richard Levy (supra note 10).

³⁸ See Interpretation by the Standing Committee of the NPC regarding the second paragraph of Art. 93 of the ‘Criminal law of the People’s Republic of China’ (Quanguo renmin daibiao dahui changwu weiyuanhui guanyu ‘Zhonghua renmin gongheguo xingfa’ di 93 tiao 2 kuan de jieshi), in: Bulletin of the Standing Committee of the NPC, 2000, No. 3, p. 223, and the explanations attached, pp. 224-226.

³⁹ See also Björn Alpermann, The Post-Election Administration of Chinese Villages, in: The China Journal 2001, No. 46, pp. 45-67.

has been generally adopted with the notable exception of three provinces. Hunan and Jiangsu do not mention this particularly high hurdle thus creating a latent contradiction between provincial and central legislation. And Guangxi openly defies this principle, instead only requiring a 50%-quorum of voters and an absolute majority of votes cast to pass the vote of recall.

However, deviations from the Organic Law do not stop there. Despite the intentions of national legislation referred above, 23 provinces stipulate an automatic termination of VC membership in certain specified cases, thus in fact alienating the voters' right of recall. Given the demands posed on the conduct of VC members by the Organic Law which have been extensively discussed already it might seem reasonable to terminate their membership if convicted for criminal offenses and the like. However, it would still be more to the letter of the Organic Law to let the VA decide on such matters since its § 11 states: "No other organ or individual [besides the voters] is allowed to designate, appoint or replace VC members." Moreover, it is quite unclear in most instances which organ has to declare that a VC membership is revoked. Even if in some provincial ER this organ is stipulated to be a criminal court, it is still "another organ", so that the contradiction remains. On the other hand, hardly anybody would argue against an automatic termination of VC membership in the cases of death or transfer of *hukou* out of the village. Nevertheless, this is only provided for in three respectively six provincial ER. A final way to lose VC membership is to resign voluntarily. Here, for some unknown reason 25 provinces stick very strict to the letter of the Organic Law and lay final decision on a written request to resign in the hands of the VA. It remains a puzzle, however, what would happen if a VA voted not to let a VC member step down.

Even though this is nowhere mentioned in the Organic Law it is logical that any vacancy on the VC should be filled through a by-election. Accordingly, 19 provinces set deadlines for a by-election to be held ranging from one to six months. Seven provinces, however, use the same clause as in the election process, rendering a by-election optional if three or more VC members are still in office. Whereas most provinces uphold the absolute majority requirement for by-elections, the general trend seemingly is to provide simpler rules than for

a regular election. Therefore, Fujian, Hunan, Jiangsu and Xinjiang do allow non-competitive by-elections, and ten provinces generally let the VC preside over the by-election process.

In general, the provincial ER seem to circumscribe voters' rights regarding recall and by-elections in some instances, but they also offer voters a more reliable basis to pursue their complaints against malpractice of VC members. Furthermore, some of the contradictions between them and the Organic Law seem actually to be built-in in the national legislation already.

Conclusions

The analysis above clearly demonstrates substantial variations in provincial regulations on village elections. In some instances stipulations between provinces are blatantly contradictory, in others provincial regulations even violate the letter of the national legislation. The most problematic areas can be summarized as follows: Firstly, regarding voter registration the lack of a national guideline results in a wide variety of different regional regulations. Secondly, in the process of candidate nomination and selection several provinces set considerably stricter criteria compared to the national level and some strengthen the role of election organs at the cost of voters' choice. Thirdly, during the election process itself general principles of national legislation are adhered to by provinces, yet considerable variation occurs with regard to particulars. Moreover, several provinces offer lower-level administrations various voting systems as alternatives to choose from thus compounding inter-provincial variation with intra-provincial differences. Fourthly, quite a number of provinces obviously circumscribe voters' rights pertaining to recall and dismissal of village officials while strengthening the role played by township administrations in this process. This is the most noticeable deviation from national legislation to be found.

This diversity in regional regulations clearly attests to the importance of provincial legislators in forging a legal system of village self-administration. While they are certainly not autonomous in their decision-making, their independence is sufficient to lead to substantially varying legal situations "on the ground". This simple fact is sometimes overlooked in empirical studies which try to explain different outcomes in the implementation of the Organic Law only with regard to local socioeconomic causes – such as the level of economic development of a village, the size of the private/collective economy etc. – and skip over provincial regulations.⁴¹ The answer why for example some villages chose *haixuan* nominations while

⁴⁰ See ZHOU Keyun, Report on the results of deliberations of the NPC Law Committee on the 'PRC Organic Law on villagers' committees (revised draft)' (Quanguo renda falü weiyuanhui guanyu 'Zhonghua renmin gongheguo cunmin zuzhifa (xiuding caoan)' shenyi jiegou baogao), Bulletin of the Standing Committee of the NPC 1998, No. 5, p. 519.

others did not may not lie in local conditions but may rather be found in the choices offered through different provincial regulations.

Apart from this diversity, however, it is very hard to find general trends in provincial legislation. Regulations on constituent parts of the election pro-

cess seem to be combined in provincial ER almost randomly and it is practically impossible to see why for instance some provinces preferred particular methods of candidate selection over others. To answer these questions more in-depth studies of the drafting processes in provincial people's congresses would be necessary. Thus, this study raises important issues for subsequent research on the factors influencing provincial legislation.

⁴¹ See for instance *SHI Tianjian*, Economic Development and Village Elections in Rural China, in: *Journal of Contemporary China* 1999, Vol. 8, No. 22, pp. 425-442; *Jean C. Oi/Scott Rozelle*, Elections and Power: The Locus of Decision-Making in Chinese Villages, in: *The China Quarterly* 2000, No. 162, pp. 513-539.

Appendix:

Table 1 Provincial legislation on village self-administration⁴²

Provincial-level unit	Acronym	Implementation Regulations (IR), date of promulgation	Election Regulations (ER), date of promulgation
Anhui	AH	27.01.1999	27.01.1999, rev. 27.12.2001
Beijing	BJ	03.08.2001	22.09.2000
Chongqing	CQ	27.03.2002	20.07.2001
Fujian	FJ	28.07.2000, rev. 19.11.2005	28.07.2000, rev. 19.11.2005
Gansu	GS	26.05.2000	11.12.1998
Guangdong	GD	27.11.1998, rev. 30.05.2002	04.09.2001
Guangxi	GX	01.12.2001	~
Guizhou	GZ	28.11.1999	28.11.1999
Hainan	HAI	11.01.2001	31.05.2001
Hebei	HEB	24.09.1999	24.09.1999, rev. 28.09.2002
Heilongjiang	HLJ	10.08.2001	20.10.1999, rev. 13.06.2002
Henan	HEN	29.09.2001	~
Hubei	HUB	30.03.2001	22.01.1999, rev. 02.08.2002
Hunan	HUN	28.11.1999	29.07.2000
Jiangsu	JS	29.06.2001	26.08.2000
Jiangxi	JX	30.06.1999	~
Jilin	JL	~	24.11.2000
Liaoning	LN	30.03.2000	28.07.2000
Nei Menggu (Inner Mongolia)	NM	07.04.2000	~
Ningxia	NX	17.11.2000	17.11.2000
Qinghai	QH	~	02.04.1999
Shaanxi	SHA	08.09.1999	08.09.1999
Shandong	SD	22.12.2000	21.11.1998
Shanghai	SH	22.09.2000	01.06.1999, rev. 19.08.2004
Shanxi	SX	26.09.1999	29.07.2005
Sichuan	SC	21.07.2001	28.11.2003
Tianjin	TJ	12.09.2001	20.09.1999
Xinjiang	XJ	28.09.2001	31.05.1999
Xizang (Tibet)	XZ	~	20.01.2002
Yunnan	YN	28.12.1999	28.12.1999
Zhejiang	ZJ	22.10.1999	22.10.1999

⁴² Source: <http://www.chinarural.org> (visited 28.02.2007). Note: Only revisions after the promulgation of the final Organic Law in November 1998 are given.

Table 2 Synopsis of Provincial Legislation on Village Elections⁴³

2.1 Organs involved in election work

2.1.1 CCP

a) not mentioned	AH; CQ; FJ; GS; HAI; HLJ; JS; JL; NM-IR; NX; QH; SC; SH; SHA; XZ; YN
b) provisions of Organic Law replicated	BJ; GX-IR; HEB; HEN-IR; HUN; JX-IR; LN; SX; TJ; XJ; ZJ
c) other (specification)	<ul style="list-style-type: none"> - GD (election work under leadership [<i>lingdao</i>] of CCP committees of all administrative levels) - GZ; HUB (CCP grassroots organs help and guarantee self-administration; leadership role not mentioned) - SD (leadership role of CCP grassroots organs; no other stipulations)

2.1.2 EC

a) selected (<i>tuijian</i>) by VA/VG	BJ; CQ; GS; GD; GZ; HLJ; HEN-IR; HUB; HUN; JS; NM-IR; NX; QH; SD; SH; SC; YN
b) other (specification)	<ul style="list-style-type: none"> - AH (proposed by VG, selected by VA/VRA) - GX-IR; HAI; HEB; JX-IR; ZJ (in VA, VRA or VG) - JL; LN; XJ (in VA/VRA) - SHA (in VA/VRA presided over by township gov.) - SX (in VA/VG, presided over by former VC, quorum generally two thirds of household representatives) - TJ (in VA/VRA presided over by CCP village committee with cooperation from former VC) - XZ (in VA presided over by former VC or township gov.) - FJ (in VA or VRA by secret ballot)

2.1.3 Composition of EC

a) specified	<ul style="list-style-type: none"> - GS ("certain number of non-cadres" required) - GD (township gov. can propose recall of EC members who do not work according to laws and regulations) - HAI; JL (women and ethnic minorities must be represented) - LN (<50% people with active village leadership positions) - SHA (has to be "reasonable" [<i>heli</i>], therefore township gov. can propose members)
b) not specified	AH; BJ; CQ; FJ; GD; GX-IR; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; NM-IR; NX; QH; SD; SH; SX; SC; TJ; XJ; XZ; YN; ZJ

2.1.4 Size of EC

a) specified (number)	<ul style="list-style-type: none"> - AH; GX-IR (7-9 as decided by township gov.) - BJ; HAI; HEB; HLJ; JS; NM-IR; QH; SC; SHA; SD; TJ; XJ; YN (5-9) - CQ; FJ; GS; GZ; JX-IR; JL; NX (5-7) - GD (7-11) - GX-IR (7-9, max. 11) - HEN-IR; SH (7-9) - LN (7 or 9) - SX (3-7)
b) not specified	HUB; HUN; XZ

⁴³ For sources see table 1; the regulations used are all election regulations (ER) except where those were not available. Then implementation regulations (IR) have been used as noted in the synopsis.

2.1.5 Relationship of higher level election organs to village EC

a) guidance relationship	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GS; GX-IR; GZ; HAI; HEB; HLJ; HUB; HUN; JS; JX-IR; JL; NM-IR; NX; QH; SC; SHA; SD; XJ; XZ; ZJ - GD (but CCP organs exercise leadership over election work) - SH (but leadership relations between higher level election organs themselves) - YN (higher levels also guide election work for VG heads and VRA)
b) other (specification)	<ul style="list-style-type: none"> - HEN-IR; LN (not mentioned) - SX (both leadership and guidance mentioned) - TJ (leadership relationship)

2.1.6 Qualifications of EC members

a) lawful, honest, diligent	<ul style="list-style-type: none"> - FJ; HUB; JS; TJ; XJ; XZ - AH; JX-IR; NM-IR (only honest mentioned) - HEB (only honest, diligent mentioned) - LN; SHA (only diligent mentioned)
b) capable in organization/ leadership	HUB; JS; JX; LN; NM-IR; SHA; XJ
c) trust/authority in the village	SHA
d) other (birth-planning, patriotism, etc.)	<ul style="list-style-type: none"> - AH (good political quality, educated) - CQ; SC; SH; SX (representative) - FJ; XZ (listening to villagers) - HEB (good political-ideological quality, educated, capable) - HUB (representing villagers' interests) - JX-IR (good political-ideological quality, responsible) - LN (people of principles) - SHA (familiar with village) - XJ (protecting unity of the state and solidarity of ethnic groups)
e) not mentioned	BJ; GS; GD; GX-IR; GZ; HAI; HLJ; HEN-IR; HUN; JL; NX; QH; SD; SX-IR; YN; ZJ

2.2 Registration of voters

2.2.1 Spatial criteria

a) registration (<i>hukou</i>) in village absolutely required	GD; NM-IR; QH; SD; XJ (no exceptions specified)
b) exceptions allowed for moving in after marriage	<ul style="list-style-type: none"> - CQ; GX-IR; HUN; SHA; SH; SX; XZ; YN - GS (up to 1/2 year after moving to village, if duties fulfilled) - GZ (deadline for moving in: 20 days before election) - JL (if >1 year in village) - NX (if duties fulfilled)
c) living/working in village (time period specified)	<ul style="list-style-type: none"> - AH; HAI; HEB; HEN-IR (if more than 1 year and duties fulfilled) - HLJ; NX (more than 1 year) - HUB; JS; SX (if duties fulfilled) - JL (other reasons than marriage, if duties fulfilled and >3 years) - LN; SC (no specification) - FJ (time not specified, registration valid for long-term) - SHA; XZ (sent to work in village, unable to vote in <i>hukou</i>-locality) - TJ (if <i>hukou</i> already moved out or not yet moved in, but villager's duties fulfilled)
d) <i>hukou</i> moved already, but still living/working in village	HUN (if duties fulfilled)

e) other	<ul style="list-style-type: none"> - AH (talented persons can get registered) - BJ (other reasons why someone cannot vote in <i>hukou</i>-village) - CQ (retired state employees and talented persons can get registered; villagers who moved for family reasons >1 year ago without transfer of <i>hukou</i> will not) - GS (migrants who left >1/2 year ago do not get registered) - GZ (migrants who left without transfer of <i>hukou</i> will get registered) - HAI (migrants who left >1 year ago and do not return for vote can be excluded) - HLJ (in special cases exception may be granted by EC; migrants who left >2 years ago and do not return to vote are excluded from voters list) - HEB (educated [i. e. schooling of <i>dazhuan</i>-level or technical <i>zhongzhuan</i>] or talented persons may become registered without <i>hukou</i>; migrants who left >2 years ago and do neither return to vote nor send a proxy may not be registered) - HEN-IR; JL (persons voluntarily working in the village with educational level of <i>dazhuan</i> or above or mid-level or above technicians or other outstanding personnel can get registered without time or duty requirements) - HUN (if resident without <i>hukou</i> for some other reason is not registered in <i>hukou</i>-locality) - JX-IR (neither definition of villager given nor regional criteria specified) - NX (migrants who left without transfer of <i>hukou</i>, but neither return for vote nor send proxy are not registered as a rule) - QH (Migrants who left without transfer of <i>hukou</i>, but do not return for vote and residents without <i>hukou</i>, but working in village are not registered as a rule. Registration required for: villagers accused of criminal offenses, if not yet sentenced or out on bail, sentenced to short prison term only or because of light criminal offenses without withdrawal of their political rights; people under "education through labor" [<i>laojiao</i>].) - SHA (migrants who left >2 years ago and do neither return to vote nor send a proxy are not registered as a rule) - SX (residents without <i>hukou</i> but married to villager and living in village get registered as a rule; other residents without <i>hukou</i> but living, working in village and fulfilling villager's duties get registered with consent of VRA) - ZJ (in special cases exception may be granted by EC)
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2.2.2 Type of *hukou*

a) registration not automatically in cases of <i>nong-zhuan-fei</i>	<ul style="list-style-type: none"> - CQ; GX-IR; GZ; JL; NX; SHA; SH; TJ; YN (only if villager's duties fulfilled) - BJ-IR (clearly exclude all <i>fei-nongye hukou</i>!)
b) not mentioned	AH; FJ; GS; GD; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; LN; NM-IR; QH; SD; SC; SX; XJ; XZ; ZJ

2.2.3 In these cases

a) consent by EC required	BJ; CQ; HAI; HEB; HEN-IR; HLJ; HUB; HUN; JS; LN; NX; SC; SHA; TJ; XZ; YN; ZJ
b) consent by voters/VA/VRA required	<ul style="list-style-type: none"> - AH; FJ (VA/VRA) - JL; SH (VRA)
c) no consent required, right to be registered	<ul style="list-style-type: none"> - GS; GQ-IR; GZ - SX (for married residents; consent of VRA required for others)
d) other	<ul style="list-style-type: none"> - GD; HEB; JX-IR; NM-IR; QH; SD; XJ (no exceptions mentioned) - JX-IR (no criteria or definition given)

2.2.4 Absent voters (migrants)

a) have to be notified by EC	<ul style="list-style-type: none"> - CQ; FJ; HLJ; HUB; HUN; NX; QH; SC; SH; SHA; SX; XJ - GX-IR (20 days before election day)
b) not mentioned	AH; BJ; GS; GD; GZ; HAI; HEB; HEN-IR; JS; JX-IR; JL; LN; NM-IR; SD; TJ; XZ; YN; ZJ

2.2.5 Absent voters excluded from voters' list

a) if they do not show up for voting	- CQ; FJ; JL - XJ (and if they cannot return to vote)
b) if they neither show up for voting nor authorize a representative to vote	GX-IR; NX; QH; SC; SH; SX
c) if they have been away for a long time (period given)	- CQ; HAI (more than 1 year) - GS; HLJ (more than 1/2 year) - GD; HEB; HUB; SHA (more than 2 years, if they do not use proxy) - XZ (more than 1/2 year, if they do not use proxy)
d) other (specification)	GZ (retain right to vote; i. e. will be counted for total)
e) not mentioned	AH; BJ; HEN-IR; HUN; JS; JX-IR; LN; NM-IR; SD; TJ; YN; ZJ

2.2.6 Exclusion from voters' list for mentally disabled persons

a) decided by EC alone	AH; CQ; GS; GD; HEB; HUN; LN; NM-IR; NX; SHA; XJ; XZ
b) other organs involved (specification)	- GX-IR (documentation by state-owned hospital on township-level or above required) - TJ (consent of guardian or documentation by hospital on county-level or above required) - YN (documentation by hospital)
c) method of decision not mentioned	HLJ; HEN-IR; SC
d) not mentioned at all	BJ; FJ; GZ; HAI; HUB; JS; JX-IR; JL; QH; SD; SH; SX; ZJ

2.2.7 Other reasons for exclusion

a) political rights legally withdrawn	AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SH; SHA; SD; SX; SC; TJ; XJ; XZ; YN; ZJ
b) other	HUN; SC; YN (anti-discrimination clause of Organic Law not repeated)

2.2.8 Voters' list (publication and objections)

a) publication of voters' list 20 days prior to election day	AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SH; SHA; SD; SX; SC; TJ; XJ; XZ; YN; ZJ
b) objections possible within (min. days prior to election day)	- AH; JX-IR; NM-IR (3) - BJ; CQ; GS; JS; QH; SC; SH; XJ (10) - FJ (within 3 days of publication) - GD; HAI (5) - GX-IR; GZ; YN (7) - HEB; SD; XZ (no date, but see below) - HLJ; HUB; HUN; LN; TJ (no limit) - HEN-IR; NX (15) - JL; SX (within 7 days of publication) - SHA (20) - ZJ (within 5 days of publication)
c) deadline for settling objections by EC (days prior to election day)	- AH; GS; GD; HUB; HUN; JX-IR; NM-IR; NX; SHA; XJ; YN (1) - FJ (within 2) - BJ; JL; LN; SC; SX; TJ (within 3) - CQ; SH (5) - GX-IR; GZ; HAI; QH; SD (3) - HEB; HEN-IR; XZ; ZJ (10) - HLJ (within 3; if less than 3 days left, then before election day) - JS (7)

2.2.9 Objection against decision by EC

a) possible (days prior to election day/responsible organ)	<ul style="list-style-type: none"> - QH (five days prior to election date possible to file suit against EC decision with People's Court; court decision required before election day) - XZ (file complaint at county-level election guidance group; no date set)
b) not mentioned	AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; SC; SH; SHA; SD; SX; TJ; XJ; YN; ZJ

2.2.10 Deadline for publication of final candidates list

a) 5 days prior to election day	BJ; CQ; GD; GZ; HAI; HEB; HLJ; JS; JX-IR; LN; NM-IR; SHA; SH; SC; XJ; XZ; ZJ
b) other (days prior to election day)	<ul style="list-style-type: none"> - AH; HUB; NX (10) - FJ (15) - GS; GX-IR; JL; QH (3) - HEN-IR; TJ (publication not mentioned) - HUN; YN (7) - SD (no deadline for publication specified) - SX (2)

2.3 Qualifications of VC-candidates

a) law-abiding, honest, fair, diligent	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GD; GZ; HEB; HLJ; HUB; JL; LN; NM-IR; NX; QH; SC; SHA; SX; TJ; XJ; XZ - GS; GX-IR; HEN-IR; HUN; JS; JX-IR; SH (refers to conduct of VC, not as qualification of candidates)
b) capable in organization/leadership	AH; BJ; CQ; GS; GD; HLJ; HUB; HUN; JL; QH; SHA; TJ; XJ; XZ
c) leading the village to prosperity	AH; GS; GZ; HEB; JS; NM-IR; NX; SHA; SX; XJ; XZ
d) healthy	AJ; BJ; CQ; GZ; HEB; HLJ; HUB; JL; NM-IR; NX; QH; SC; SHA; TJ; XJ
e) educated	AH; BJ; CQ; GX-IR; GZ; HEB; HLJ; JS; JL; NM-IR; NX; QH; TJ; XJ
f) other (specification)	<ul style="list-style-type: none"> - HAI; SD; YN; ZJ (not mentioned at all) - GZ; NX; SC (capable to carry out duties) - HLJ (no violation against birth-planning within last three years) - NM-IR (with authority among masses, protecting inter-ethnic solidarity) - SHA (understanding economy; other specifications by VA possible) - SX (EC in consultation with VA/VRA can decide on additional qualifications) - TJ (no feudal superstition; no clan-activities) - XJ (protecting unity of the state and solidarity of ethnic groups; fulfilling state-set tasks; constructing new socialist village) - XZ (protecting unity of the state and solidarity of ethnic groups; rejecting separatism)

2.4. VC-candidate selection

2.4.1 Size of VC

a) like Organic Law (3-7)	<ul style="list-style-type: none"> - HAI (and HAI-IR, i. e. according to population size) - JX-IR; NX; SD - ZJ (according to population size)
b) not mentioned	SHA; YN

c) other	<ul style="list-style-type: none"> - AH (decided by EC) - BJ; CQ; FJ; GS; HEB; HLJ; HUB; JL; LN; QH; SC; SH; SX; TJ (decided by VA/VRA) - GD (decided by township) - GX-IR (decided by VA) - GZ; NM-IR; XZ (3-7, exact size proposed by township, decided by VA/VRA) - HEN-IR (3-5, max. 7, decided by VA) - HUN (3-5, only wealthy or very big villages 7, decided by VA/VRA) - JS (decided by VRA) - XJ (stipulated according to population size, but final decision through VA)
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2.4.2 Nomination of candidates

a) direct by voters	AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; LN; NM-IR; NX; QH; SD; SH; SC; SX; TJ; XJ; XZ; YN; ZJ
b) other (specification)	HEB (no proxy voting in nomination)

2.4.3 Methods of nomination

a) "haixuan" (voters cast ballots in VA or VG)	<ul style="list-style-type: none"> - AH; CQ; GD; HUB; HUN; JS; NM-IR; SX; ZJ (quorum 50%) - BJ; GX-IR; HAI; HLJ; JX-IR; JL; LN; NX; QH; SH; SHA; SD; TJ; XJ; YN (no quorum required) - HEB; HEN-IR (quorum 50%; if nominations for higher post do not suffice to become final candidate, they are added to lower post-nominations)
b) other (specification)	<ul style="list-style-type: none"> - CQ (alternatively: direct nominations by voters to EC, introduction of candidates, then first round election without primary) - GZ (direct nominations by voters to EC) - FJ (individual or collective nominations by voters to EC; alternatively: no nomination prior to first round election without primary) - GS (nomination by voters in VA or VG) - HAI; SX (alternatively: no nomination, but directly proceeding to first round election) - HUN (additionally: self-nomination in written form to EC five days prior to election) - QH (alternatively: joint nomination through ten voters or self-nomination with nine supporters) - SC (direct nomination by voters individually or collectively; if one candidate is nominated for different posts, he/she is confirmed as candidate for the post for which he/she got most nominations) - TJ (alternatives possible: method decided by EC according to wishes of majority of voters, e. g. joint nomination by five supporters) - XZ (individual or collective nominations by voters to EC) - YN (alternatively: self nominations or joint nominations by voters, then primary) - ZJ (alternatively: nomination of provisional candidates, then primary)

2.4.4 Number of final candidates

a) specified (additional candidates for posts of VC head/vice-head; ordinary VC members)	<ul style="list-style-type: none"> - AH; BJ; NM-IR (+1-2; +1-2); - CQ; JS (+1; +1) - FJ; GD; GX-IR; HEB; LN; NX; QH; SC; SX; XJ; ZJ (+1; +1-3) - GS; GZ; HAI; JX-IR; SHA; TJ (+1; +1-2) - HLJ (at least twice the number of positions; at least 50% more candidates than positions) - HEN-IR (twice the number of positions; +1-2) - HUB; HUN (at least +1; +1; decided by EC) - JL (+1; +2-3) - SD (+1-2 for all positions together)
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b) not specified	<ul style="list-style-type: none"> - SH (more than positions available; EC specifies) - XZ (according to “Decision on provisionally not carrying out competitive elections in the whole Autonomous Region” adopted by the AR People’s Congress: non-competitive elections with equal numbers of candidates and posts) - YN (more than positions available)
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2.4.5 Reduction of nominated candidates to final slate

a) by number of nominating votes	<ul style="list-style-type: none"> - AH; BJ; GD; HAI; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; SH; SX - CQ; YN; ZJ (in case of <i>haixuan</i> nomination) - HEB; TJ (if same number, then primary to decide) - SD (nomination already called primary [<i>yuxuan</i>])
b) by primary (<i>yuxuan</i>) with relative majority	<ul style="list-style-type: none"> - GS; GX-IR; HLJ; NX; QH; SHA; XJ - YN (in case of self- or joint nominations; relative majority) - ZJ (in case of nomination of provisional candidates)
c) other (consultation, VRA, etc.)	<ul style="list-style-type: none"> - CQ (in case of direct nominations to the EC no reduction at all; if this method fails to elect all VC members in the first round, a second round of semi-competitive elections is held among candidates with most votes) - FJ (primary by all voters [quorum: 50%], household representatives or VRA [quorum: 2/3]; decision on method by EC) - GD; GX-IR; HUB (VRA; no quorum stipulated) - GZ (EC organizes discussions in VG, decides on final candidates according to wishes of majority of voters) - SC (VA/VRA decides whether to hold primary or to proceed to first round election with all nominated candidates) - XZ (not mentioned)

2.4.6 Representation required for

a) women and ethnic minority groups	<ul style="list-style-type: none"> - AH; CQ; GS; GX-IR; HAI; HLJ; HEN-IR; HUN; JS; JX-IR; JL; LN; NM-IR; SC; XJ; XZ; YN - HUB (in minority areas: non-Han ethnic group should be main part of VC) - SH (only women mentioned)
b) other (specification)	<ul style="list-style-type: none"> - FJ (women; representation of different natural villages within VC if applicable) - GD; GZ; HEB; QH; TJ; ZJ (in addition to (a), also representation of different natural villages if applicable)
c) not mentioned	<ul style="list-style-type: none"> - BJ; NX; SHA; SD; SX

2.4.7 Other provisions on composition of VC

(specification)	<ul style="list-style-type: none"> - CQ; GD; HEN-IR; NM-IR; SC; SH; SX; XZ (no relatives or spouses on VC) - HAI (no relatives or spouses on VC; after election the one with lower office or less votes in case of the same level of office has to resign)
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2.4.8 “Write”-in-candidates

a) explicitly allowed	AH; BJ; CQ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SC; SD; SH; TJ; XJ; XZ; YN; ZJ
b) not mentioned	FJ; SHA; SX

2.5 “Campaigning”

a) EC introduces candidates to voters	QH
b) in addition to a) speeches/question and answer sessions required	GS; HLJ; HUN; SHA; YN

c) in addition to a) speeches by candidates/questioning by voters allowed	<ul style="list-style-type: none"> - BJ; FJ; GD; GX-IR; HEB; HLJ; HUB; JS; NX; SX; SC; TJ; XJ; ZJ - SH (only meeting and questioning mentioned)
d) other	<ul style="list-style-type: none"> - AH ("campaigning" organized by EC if applied for by candidates; speeches must not violate legal boundaries or otherwise EC can disqualify candidate) - CQ (speeches, but only in cases where candidates are not chosen by <i>haixuan</i>, but through direct nomination by voters) - HAI (publication of short cv together with candidate list) - HEN-IR (EC can organize speeches and questioning before election, but these must respect laws) - JL (EC can organize speeches and questioning either before or on election day; order of speeches according to stroke order of family names [=neutral]) - SX (speeches must respect laws, election promises must be submitted in writing and checked by EC and township election organ)
e) specifications for b), c) and d)	<ul style="list-style-type: none"> - FJ; QH; SH; TJ ("campaigning" must stop on election day) - GS ("campaigning" only on VA before election day) - GD; HUB; HEB; ZJ (speeches must respect laws) - HLJ (candidate speeches must not violate legal boundaries or otherwise EC can disqualify candidate) - HUN (speeches must respect laws, no personal attacks on competitors) - SHA (speeches and questioning before vote on election day itself) - XJ ("campaigning" must stop on election day; speeches must respect laws, no personal attacks on competitors)
f) not mentioned at all	GZ; JX-IR; LN; NM-IR; SD

2.6 Election process

2.6.1 First round

quorum 50% of voters; absolute majority	AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SH; SHA; SD; SX; SC; TJ; XJ; XZ; YN; ZJ
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2.6.2 Ways of casting the vote

a) in one round for all posts	<ul style="list-style-type: none"> - HEB; HEN-IR; SD - HLJ (simultaneously on three separate ballots)
b) separately first for VC-head/vice-head, then members	GX-IR
c) both a) and b) possible	BJ; CQ; FJ; GS; GD; GZ; HUB; HUN; LN; NM-IR; QH; SHA; SX; SC; TJ; XJ; XZ; ZJ
d) other	<ul style="list-style-type: none"> - HAI; HUB; SH (both (a) and (b) possible, but not first electing all VC members and then selecting head and vice head from among those elected) - HEB; SD (first electing VC as total, then choosing head and vice-head among elected)
e) not mentioned	AH; JS; JX-IR; JL; NX; YN

2.6.3 In case of a candidate standing for two different posts in one-round election (a), but does not win enough votes for higher office

a) votes for higher office get transferred and added to the vote count for lower office	<ul style="list-style-type: none"> - CQ; GS; HAI; NX - HEB (applies also in nomination process)
b) other	<ul style="list-style-type: none"> - AH; BJ; FJ; GX-IR; GZ; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; QH; SHA; SD; SH; SX; SC; TJ; XJ; XZ; YN; ZJ (not mentioned) - GD (in case of multiple nominations one-round election not allowed)

2.6.4 Who decides on way of casting the vote

a) EC	- BJ; FJ; GS; TJ (EC decides according to wishes of majority of voters) - HUB; NM-IR; SD; XJ; XZ
b) voters/VA	- HAI - SX (VA/VRA)
c) EC proposes, VA/VRA decides	- CQ; SHA; ZJ (VA) - LN (VA or VRA)
d) other (specification)	- AH; GD; GZ; HEB; HEN-IR; HUN; JS; JX-IR; JL; NX; QH; SH; SC; YN (not mentioned) - GX-IR; HLJ; HEN-IR (no choice)

2.6.5 More candidates than should be elected get >50% of votes

a) those with most votes win; in case of equal numbers run-off election with relative majority	- AH; BJ; CQ; FJ; GX-IR; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JL; LN; NX; QH; SHA; SD; SH; SX; SC; TJ; XJ; YN; ZJ - GS (but run-off not mentioned) - GD; JX-IR; NM-IR (within 3 days)
b) other (specification)	- GZ (not mentioned) - XZ (those with most votes win; in case of equal numbers run-off election, majority rule not specified)

2.6.6 Less candidates than should be elected get >50% of votes

a) second round of elections with absolute majority (specification)	- GD; GX-IR; SHA; XJ (candidates listed according to votes in first round) - FJ (within 15 days) - GZ; LN; SD; SH; XZ - HEN-IR (in case whole election is repeated)
b) second round with relative majority (specification)	- AH; BJ; CQ; GS; HAI; HEB; HLJ; HUB; HUN; JS; JX-IR; SX; SC; TJ; YN; ZJ (candidates must obtain at least 1/3 of the votes) - HEN-IR (in case only single posts need to be filled on the same election day) - JL (no minimum requirement) - NM-IR; NX; QH (candidates listed according to number of votes in first round; candidates must obtain at least 1/3 of the votes)
c) second round can be postponed (period given)	- AH; BJ; FJ; HAI (15 days) - GD; TJ (3 days) - GZ; JS (2 months) - HEB (if at least 3 VC members elected: 3 months; if less than 3 elected: 1 month) - HLJ (1 month) - HEN-IR (1 month; in case whole election is repeated) - HUB (if less than 3 got elected: 15 days) - HUN (less than 3 elected: 3 days; 3 or more elected: 3 months; in both cases: either candidates of first round or newly nominated ones) - JX-IR (10 days) - NM-IR (in case of special problems) - SD (less than 3 elected: provisional VC with elected and next best 3 candidates; 2nd round within six months to fill vacant posts)
d) if 3 or more VC members got elected remaining seats on VC can remain vacant provisionally (no date for further elections set)	- HUB; NM-IR (if VC head not elected, vice-head with most votes serves as provisional head; if neither of the two positions elected, VC member with most votes serves as provisional head) - HAI (proposal by EC, decision by voters, but only if VC head is already elected) - SD (if VC head not elected, a vice-head serves as provisional head; if neither of the two positions elected, a VC member chosen as provisional head) - SH (if VC head not elected, vice-head serves as provisional head; if neither of the two positions elected, VRA picks provisional head among elected VC members)

2.6.7 Second round does not deliver the needed number of elected VC-members either

<p>a) if 3 or more VC members got elected remaining seats on VC can remain vacant (period given)</p>	<ul style="list-style-type: none"> - BJ; CQ; LN (permanently) - JX-IR; GD; QH (3 months) - NX (permanently if 3 or more VC members elected; for maximum of six months if less) - SHA (2 months) - SX (permanently, in case VC head is elected, otherwise see next box) - SC (1 month; if VC head vacant, vice head temporarily serves as head; if both vacant, one of the elected VC members temporarily serves as head) - XJ (permanently in case VC head is elected; otherwise 3 months)
<p>b) other (specification)</p>	<ul style="list-style-type: none"> - AH; FJ; GS; GZ; HEB; HEN-IR; HUB; HUN; JS; JL; NM-IR; SD; SH; ZJ (not mentioned) - GX-IR (after 3 rounds a 4th can be delayed up to 90 days) - HLJ (after 3 rounds of voting: a) at least 3 elected: remaining positions can remain permanently vacant; b) less than 3 elected: old VC remains in office until number of newly elected reaches at least 3) - JX-IR; SHA (if less than 3 VC members elected, third round within 30 days/1 month) - GD (after 3 rounds of voting: if 3 or more VC members elected, VA/VRA can decide to leave remaining posts permanently vacant; if less than 3 VC members elected, next round within 10 days) - QH; SC (if less than 3 VC members elected, third round within 3 days) - SX (in third round of voting relative majority with at least 1/3 of votes sufficient; if post of VC head is vacant, elected vice head or VC member with most votes temporarily serves as VC head; election of VC head is repeated in time set by VA/VRA) - TJ; YN (provisional VC for maximum of 3 months with already elected members: meantime vice-head with most votes serves as provisional VC head; if neither VC head nor vice-head elected, VC member with most votes serves as provisional VC head) - XZ (provisional VC with elected members; unfilled posts remain vacant until third round within 2 months is held)

2.6.8 Absentee voting (1)

<p>a) possible without prior formalities</p>	<ul style="list-style-type: none"> - GD; HUB; HUN; LN; ZJ (written authorization required) - GZ; JX-IR; QH
<p>b) possible with prior formalities</p>	<p>GX-IR; HEN-IR; SHA; SC; YN (written authorization required)</p>
<p>c) possible only by consent of EC</p>	<ul style="list-style-type: none"> - AH; BJ; HEB; NM-IR; NX; SH; SX; XJ (written application required) - HAI; JL; SD; TJ; XZ - HLJ (ballots send by mail have to arrive before end of vote on election day) - JS (sick voters shall use proxy)
<p>d) other (specification)</p>	<p>CQ; FJ; GS (not possible, absent voters who do not return to vote are not counted in voter total)</p>

2.6.9 Absentee voting (2)

<p>a) one authorized representative has maximum of three absentee votes</p>	<p>BJ; GD; GX-IR; GZ; HAI; HLJ; JS; JX-IR; LN; NM-IR; NX; QH; SHA; SD; SC; TJ; XJ; XZ; YN; ZJ</p>
<p>b) other (specification)</p>	<ul style="list-style-type: none"> - AH; HEB; HEN-IR; HUB; SH (max. 2) - HUN; JL; SX (max. 1)

2.6.10 Absentee voting (3)

<p>a) VC-candidates excluded as representatives</p>	<ul style="list-style-type: none"> - GZ; HAI; HLJ; HUB; HUN; JS; SC; TJ; XJ - JX-IR (their relatives excluded as well)
<p>b) not specified</p>	<p>AH; BJ; GD; GX-IR; HEB; HEN-IR; JL; LN; NM-IR; NX; QH; SH; SHA; SD; SX; XZ; YN; ZJ</p>

2.6.11 Mobile ballot-box (1)

a) not mentioned	CQ; HEB; JS; JL; SH; SC
b) allowed for elderly, sick and disabled only	- AH; HUN (consent of EC required, names of voters using mobile box publicized) - GS; NM-IR; SX; TJ; XJ
c) allowed for elderly, sick and those with inconvenient access to voting	BJ; FJ; HEN-IR; HUB; JX-IR; QH; YN
d) other (specification)	- GD (only for those who really cannot walk to polling station; consent by township election guidance group required) - GX-IR; GZ; HAI; LN; NX; SHA (for all those with inconvenient access) - HLJ (only 1 or 2 mobile ballot boxes per village) - SD (only for those who really cannot walk to polling station) - XZ (not specified) - ZJ (if necessary)

2.6.12 Mobile ballot-box (2)

a) has to be accompanied by at least xx election personnel	- AH; XZ (2) - BJ; FJ; GD; GX-IR; HAI; HLJ; HEN-IR; HUB; HUN; JX-IR; LN; NX; QH; SHA; SX; TJ; XJ; YN (3)
b) not specified	GS; GZ; NM-IR; SD; ZJ

2.6.13 Safeguards against manipulation

a) candidates excluded from EC	- AH; CQ; FJ; GD; GX-IR; HAI; HEB; HLJ; HEN-IR; HUB; JS; JX-IR; JL; LN; NM-IR; NX; QH; SC; SH; SHA; SD; SX; XJ; XZ; YN; ZJ
b) candidates and their relatives excluded as election workers	- AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HEB; HLJ; HEN-IR; JS; JX-IR; LN; NM-IR; SC; SD; SH; SHA; SX; XJ; ZJ - HUB; JL; NX; QH; TJ (only candidates) - YN (additionally: supervising election workers have to belong to other VG)

2.7 Reasons for recall of VC-members

a) criminal offenses	GX-IR; GZ; HAI; JS; JX-IR; NX; QH; SD; XJ
b) administrative sentence to labor camp (<i>laojiao</i>)	JS; QH
c) neglect of office (time period given)	- GX-IR; NX (3 months) - GZ; HEB; SD; XJ (in "serious" cases) - JX-IR (3 months, or causing problems for village life and production) - QH (in "serious" cases or more than 6 months)
d) birth control offenses	- JX-IR; NX (unauthorized birth only) - QH
e) corruption/fraud	JX-IR
f) in yearly appraisal more than 50% of voters not satisfied	GX-IR
g) other (specification)	- GZ (violation of discipline) - HEB; SD; XJ (violations of laws and discipline) - NX (not up to office)
h) enumeration exhaustive	GZ; HEB; NX; QH; XJ
i) not specified at all	AH; BJ; CQ; FJ; GS; GD; HLJ; HEN-IR; HUB; HUN; JL; LN; NM-IR; SC; SHA; SH; SX; TJ; XZ; YN; ZJ

2.8 Process of vote of recall

2.8.1 Initiation of recall

a) initiated by >1/5 of voters	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GS-IR; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SC; SD; SH; SHA; TJ; XJ; XZ; YN; ZJ - SX (township gov. checks name list)
b) other initiator (township gov. etc.)	<ul style="list-style-type: none"> - AH; HEB (township gov. in cases of illegal behavior or neglect of duties) - BJ (township gov. in cases of criminal offenses) - GD (township gov. in case of serious breach of law or neglect of duties for more than two months) - GZ (in case of violation against birth-planning rules or six consecutive months of neglect of office) - HAI (township gov. in cases of criminal offenses) - SC (township gov. in cases of illegal behavior, criminal offenses, sentence to labor camp, neglect of duty with negative results) - SH; TJ (township gov. in cases of criminal offenses or neglect of duties for more than six months) - XJ (in any of the above mentioned cases or in case of neglect of office for three months township gov. has right to propose vote of recall)
c) other	<ul style="list-style-type: none"> - GS (no stipulations at all regarding recall, resignation or replacement in ER, but in more recent IR) - GX-IR (>50% of Village Representatives; in any of above mentioned cases of misconduct: vote of recall must be held) - HAI; JS; JX-IR; SC-IR (in any of above mentioned cases of misconduct: vote of recall must be held) - NM-IR (township examines correctness of reason given and registration of proposing voters within three months)

2.8.2 Form of initiation

a) form not specified	FJ; GD; HEN-IR; HUN; LN; QH; SH
b) written	AH; BJ; CQ; GS-IR; GX-IR; GZ; HAI; HEB; HLJ; HUB; JS; JX-IR; JL; NM-IR; NX; SD; SHA; SX; SC; TJ; XJ; XZ; YN; ZJ
c) reason for recall must be given	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GS-IR; GD; GZ; HAI; HEB; HLJ; HUB; JS; JX-IR; JL; LN; NM-IR; NX; QH; SD; SH; SX; SC; TJ; XJ; XZ; YN; ZJ - HUN; SHA (orally before VA)

2.8.3 Deadline for VC to convene voters (VA)

a) not specified	QH
b) specified	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; JX-IR; JL; LN; NX; SH; SHA; SD; TJ; XJ; YN; ZJ (30 days) - GS-IR; NM-IR; SC (3 months) - HUN; JS (2 months) - SX (20 days) - XZ (30 days; alternatively possible to convene VRA for discussion within this time)

2.8.4 If VC fails to convene VA, township gov. does

a) yes	<ul style="list-style-type: none"> - AH; BJ; CQ; FJ; GS-IR; GX-IR; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JL; LN; NM-IR; SH; SHA; SX; SC; TJ; XJ; XZ; YN; ZJ - NX (township gov. "can" convene VA)
b) not mentioned	GD; GZ; JS; JX-IR; QH; SD

2.8.5 Right of accused VC-member to state his case

a) provided for	AH; BJ; GS-IR; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SC; SD; SH; SHA; SX; TJ; XJ; XZ; ZJ
b) not mentioned	CQ; FJ; YN

2.8.6 Rules for vote of recall

a) absolute majority of all voters needed	<ul style="list-style-type: none"> - AH; BJ; CQ; GS-IR; GD; HAI; HEB; HLJ; HEN-IR; HUB; JX-IR; JL; LN; NM-IR; QH; SHA; SD; SH; SC; TJ; XJ; XZ; YN; ZJ - FJ (additional stipulations: if vote of recall not successful, it cannot be repeated for the same reason for one year) - SX (additional stipulation: if vote of recall not successful, it cannot be repeated for the same reason for six months) - NX; QH (additional stipulations: if vote of recall successful, recalled VC member can apply for investigation through township gov.; if investigation does prove above mentioned reasons for recall lacking, township gov. orders new vote: again absolute majority of voters needed to uphold recall decision)
b) other	<ul style="list-style-type: none"> - GX-IR (VA, quorum 50%, absolute majority of voters present sufficient) - HUN; JS (not mentioned)

2.9 Reasons for automatic termination of VC-membership

a) criminal offenses	AH; CQ; GD; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JL; NM-IR; SD; SH; SHA; TJ; XZ; YN; ZJ
b) administrative punishments (<i>laojiao</i>)	CQ; GZ; HEN-IR; HUB; HUN; NM-IR; SH; TJ; YN
c) neglect of office (time period given)	<ul style="list-style-type: none"> - AH; CQ; HLJ; JL; SH (3 months) - SC (6 months)
d) birth control offenses	CQ; HLJ; GD
e) death	GD; HAI; HUB
f) move (incl. <i>hukou</i>) out of village	CQ; GD; GZ; HUB; QH; SC
g) enumeration exhaustive	AH; CQ; GD; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JL; NM-IR; NX; QH; SC; SD; SH; SHA; TJ; XZ; YN; ZJ
h) other	<ul style="list-style-type: none"> - HEB (in case of indictment post temporarily suspended) - SH (rated "not up-to-standard" in "democratic appraisal" twice in a row; serious mistakes leading to grave economic losses to the collective) - SX (VA/VRA can dismiss VC member in cases of criminal offenses, administrative punishments, inability to serve duty for six months because of illness or neglect of duty for three months)
i) not mentioned at all	BJ; FJ; GS/GS-IR; GX-IR; JS; JX-IR; LN; XJ

2.10 Process to resign

a) written request; decision rests with VA/VRA	<ul style="list-style-type: none"> - AH; BJ; CQ; GS-IR; GX-IR; HAI; HEB; HEN-IR; HUN; JS; JX-IR; LN; NM-IR; NX; QH; SHA; SD; SH; SX; SC; TJ - GD (decision within 30 days; publication of decision within five days) - XZ; ZJ (written form not required) - YN (decision within two months)
b) other	<ul style="list-style-type: none"> - FJ (not mentioned at all) - GZ (written request, addressee unspecified) - HLJ (written request to VC which has to inform VRA within 15 days) - HUB (process not specified) - JL; XJ (written declaration to VC; VC informs villagers)

2.11 Rules for by-elections

2.11.1 By-election in given time

a) yes (months)	<ul style="list-style-type: none"> - AH; GX-IR; HEB; HLJ; HUB; HUN; JX-IR; NM-IR; SC; SD; XJ (3) - FJ; YN (2) - HAI (3, if VC head is lacking or VC in total <3 members; otherwise, replacement optional) - JS (2, if VC head is lacking or VC in total <3 members; otherwise optional) - JL (1) - NX (6) - SH (if VC less than 3 members: 3 months; if still at least 3 members, VRA can decide not to hold by-election) - SX (if VC head is lacking or VC in total <3 members: 6 months; otherwise by-election optional)
b) not specified (other)	<ul style="list-style-type: none"> - BJ; CQ; GS-IR; GD; LN; GZ; QH; SHA; TJ; XZ - HEN-IR (replacement optional) - ZJ (in case VC members in total <3 required, no date set; otherwise replacement optional)

2.11.2 Rules for by-elections

a) absolute majority of VA needed	CQ; GS-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; LN; NM-IR; NX; QH; SHA; SD; SX; TJ; XZ; ZJ
b) other	<ul style="list-style-type: none"> - AH (candidates nominated by VA/VRA; election semi-competitive; absolute majority in first, qualified relative majority in second round) - BJ; SC (if just one ordinary VC member has to be replaced, procedures set by VC according to wishes of voters) - FJ (candidates nominated by VRA; election not necessarily competitive; absolute majority of VA needed) - GD (relative majority sufficient if more than one third of votes obtained) - HUN (election not necessarily competitive; quorum and majority rule not stipulated) - JS; XJ (election not necessarily competitive; but quorum 50% and absolute majority needed) - SH (except VC head other positions can be replaced in by-election held by household representatives [quorum: 2/3])
c) not specified	GX-IR; JX-IR; JL; YN

2.11.3 By-election presided over by

a) VC	<ul style="list-style-type: none"> - AH; FJ; GZ; HAI; HUB; NM-IR; XZ; ZJ - GD (only if whole VC has to be replaced township gov. presides over election) - TJ (only if single VC members have to be replaced; other stipulations according to original procedure)
b) other	<ul style="list-style-type: none"> - BJ; SC; TJ (if VC head or two or more VC members have to be replaced, then according to original procedure) - CQ; HEB; HLJ; HEN-IR; NX; QH; SD; SX (according to original procedure) - GS-IR; GX-IR; HUN; JS; JX-IR; JL; SH (not mentioned) - SHA (rules set by VC according to wishes of majority of voters, but quorum of 50% and absolute majority required) - XJ (presided over by township gov.) - YN (not specified)