

**TAIWAN'S RECENT ELECTIONS: FULFILLING THE
DEMOCRATIC PROMISE**

John F. Copper

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PREFACE

In 1984, the author, with Professor George P. Chen, published the book *Taiwan's Elections: Political Development and Democratization in the Republic of China*. We assessed Taiwan's political system as it related to election politics, early local elections, national supplementary elections beginning in 1969, and the watershed competitive national election in 1980—which inaugurated democratic politics in Taiwan at the national level. That work also included a chapter on the 1983 national election, which proved to many observers that the 1980 election had not been just a show offered during an “election holiday” or a temporary democratic event.

The present volume covers the elections since 1983. Included are the nationwide national election in 1985, the first two-party election in Taiwan's history (or for that matter ever in a Chinese nation) in 1986, and the “dual” 1989 election—which many observers perceived to be another breakthrough—perhaps the final step in routinizing a competitive election process that will serve as the foundation for a fully democratic system.

Hence, three different kinds of elections are assessed in this work: an election of local officials, a national election of both of the major elective bodies (the Legislative Yuan and the National Assembly), and a “combination” election of the Legislative Yuan and local offices. All, however, were national and of lasting influence.

During the period covered, a number of events occurred that changed the electoral processes and profoundly influenced politics in the Republic of China. Most were calculated; some were not. Several were formalized in legislative acts. These changes are discussed in Chapter 1.

It is almost axiomatic to say that elections have been a major contributing force behind the democratization process in Taiwan. The discussions in the chapters 2, 3, and 4 will so indicate. The analyses of these elections reflect, in the opinion of the author, that the Republic of China is a transformed nation: from authoritarianism to near or perhaps even full democracy. That transition has been rapid. It may have been faster than the democratization process in any nation in recent history where violence and upheaval have not been a part of the process. For that reason Taiwan may be a unique model of political modernization.

The author wishes to thank Professor George P. Chen for sharing his wisdom on both the issues and the elections themselves and June T. Dreyer, who organized and led two of the election observer teams in which I participated when I saw firsthand the 1986 and the 1989 elections. I also want to express my gratitude to the Pacific Cultural Foundation for support that helped make possible the publishing of this work. I will assume responsibility for any errors herein.

John F. Copper
Memphis, Tennessee

CHAPTER 1

INTRODUCTION POLITICAL CHANGE AND TAIWAN'S ELECTIONS— 1985-89

Taiwan, or the Republic of China, is a nation that has clearly experienced profound and broad political change in recent years. It has probably experienced political modernization at a faster rate of speed than any other nation in the world, at least among those that did not self-destruct or fail in an effort to democratize. Certainly few would disagree that political change in Taiwan has been phenomenal and has changed electoral politics in that country.

However, this writer can only attempt in cursory fashion to relate elections to political development in general. This was done in some detail in the previous volume on Taiwan's elections.¹ Suffice it to say in the way of background that the two are intimately related, and they are related not only by chance, but also by design: Sun Yat-sen, the father of Republican China, put election politics in a central place in his teachings about political modernization and democracy. His plan, most would say, has been largely fulfilled; at least it is proceeding quickly along that path.

In this work the author will discuss other more specific relationships: between recent elections and past elections; the role of new political parties, especially the Democratic Progressive Party; the impact of terminating martial law; other important political reforms; the effect of Chiang Ching-kuo's death; Nationalist Party or Kuomintang (KMT) internal reform; efforts to retire elder parliamentary delegates; a new election law; and finally, primary elections. These developments or events have influenced electoral politics during the period when the elections that are assessed below took place.

There is much to say about the importance of the elections of 1985, 1986, and 1989. This will be done in the next three chapters. These elections reveal profound changes in electoral politics in Taiwan and offer proof regarding how far the democratization process has

1. For a general discussion, see John F. Copper with George P. Chen, *Taiwan's Elections: Political Development and Democratization in the Republic of China* (Baltimore: University of Maryland School of Law, 1984.)

gone. Some estimates of the impact of these elections and the election process itself will be made in the concluding chapter.

Prior Elections

Scholars who assess elections in any nation where elections are meaningful political contests try to put any one election in perspective by examining previous elections. There are always trends. There are unresolved issues. Electoral politics evolve. Looking briefly at Taiwan's elections from 1950 to 1983 will aid the reader in putting the elections treated here in proper context and help them make sense. Considering these earlier elections is especially useful in gaining an understanding of several important trends: the development of a competitive party system, the evolution of freer and more competitive elections, and progressively refined election strategies and tactics.

The history of elections in Taiwan, if one defines elections as something other than efforts to create some kind of barely representative bodies under a colonial government, began in 1950. Only one year after the Nationalists moved to Taiwan following their defeat on the mainland, they held island-wide local elections. Nationalist leaders realized that they had failed in the war with the Communists; that they had to reform the Party and government of which they were a part; and do a better job in putting Sun Yat-sen's teachings about political development and democracy into practice.

So they engineered election politics in local government in Taiwan. This did not overly upset those in the Nationalist government who had an authoritarian bent and/or distrusted the local population. Nor could they use the argument of an external threat to delay the process. They had long contended that there needed to be a secure environment before the democracy-building effort could proceed. A secure environment was provided: the U.S. had neutralized the Taiwan Strait in mid-1950, and Taiwan was protected from the threat of Mao's army, which soon became involved in the Korean War anyway.

They did not trust the local population. But Nationalist leaders could, after a fashion, assume the role officials played in ancient China and exert authority, even control, in local politics by serving as intermediaries. Local politics in Taiwan was infused with centrifugal forces; factional rivalries, in fact, threatened the fabric of local politics. Taiwanese leaders have since denied that local politics was so factionalized and contend that they knew how to practice democracy better than the Nationalists. They have argued Taiwan would have democracy from the "bottom up." As time passed this disagreement served

to cause the two to compete, but not in a hostile way, rather to make democracy more functional and less an object of contention between the two groups.²

Throughout the 1950s and 1960s there were meaningful local elections in Taiwan. They served as the foundation for democratic politics in Taiwan. Officials were chosen by the people. Many of these democratically-elected officials subsequently rose to become national figures. (In Taiwan, local office serves as a better stepping stone to national politics than in most nations.)

Local officials early on felt that successful elections below the national level proved that Taiwan would become democratic through a "seeping up" process. But they also accepted the reality that ethnic tensions between the Mainlander Chinese and the locally-born Chinese, or Taiwanese, was an impediment to democracy from above. Likewise they were cognizant of the fact that the U.S. and many other nations in the international community espoused a one-China policy (at first favoring Taipei but later Beijing); this meant that Taiwan could not repudiate its claim to represent "greater China" justifying systemic political links with a territory and people not under the government's jurisdiction. That kept Taiwan's elected bodies of government unrepresentative of the population actually under its control of the government and hence not representative or democratic. Most Taiwanese and the majority of advocates of faster democratization did not like this. But at least they understood it.

In 1969 Taiwan held a "supplementary" national election. The government increased the number of seats in the National Assembly and the Legislative Yuan (both of which represented "greater China"); the new seats all represented Taiwan. In other words, Taiwan became "overrepresented" in these bodies of government. Some observers have seen this as the beginning of democracy in national politics in Taiwan. Others say it was tokenism and was almost meaningless in terms of putting democracy into practice. Still others contend it marks the beginning or starting point of both the separation of Taiwan from the mainland in terms of election politics and the beginning of truly representative government and democracy in Taiwan. In any case, there were subsequent supplementary elections in 1972, 1973, and in 1975. In all of these elections districts in Taiwan was given more seats. Subsequent elections were even more "supplementary."³

In 1978 a "watershed" election was scheduled. Taiwan "prov-

2. See *Ibid*, pp. 44-45.

3. See *Ibid*, chapter 4.

ince" was to be allocated even more seats. However, this election was cancelled when President Jimmy Carter announced in December that the United States would derecognize the Republic of China and would establish formal diplomatic relations with the government of the People's Republic of China. Taiwan was stunned, even though both its leaders and its population had expected this to happen eventually. There was no proximate warning. The U.S. decision seriously delegitimized the government in the minds of the public, or at least a meaningful segment thereof. It made Beijing's threats against Taiwan loom much larger. Opponents of democracy became stronger and more unified, but so did the proponents of democratization and immediate political change. To the latter, democracy was a way of winning international support for Taiwan, or so they argued.

Thus, 1979 was a year of tension between pro-democracy forces and the government. Political polarization increased. Democracy advocates were soon led (on the streets at least) by anti-government forces, even though there was increasing pressure within the ruling Nationalist Party and the government to reform the system and use elections to promote democracy. Months of heated debate ended with the Kaohsiung Incident in December 1979, when the two forces collided.

Up to that time the public had generally favored the advocates of democracy. Most felt the nation had to take decisive action in view of the diplomatic crisis. However, when the advocates of quick democracy provoked violent confrontation with the government, many began to fear political instability and chaos. In any event, in 1980 the two sides, both pressured by the public, worked out some of their differences. A new election law was written. Compromises were made. Gentlemen's agreements were reached.⁴

As a result, Taiwan had its first competitive election in 1980. Opposition politicians organized. They became collectively known as *tangwai*, or outside the party (meaning outside the Nationalist Party, which was the only serious political party in Taiwan). They established a campaign platform; they worked on strategy and tactics and helped each other. They became in many respects a political party—though forming new political parties was still illegal.⁵

Taiwan's citizenry was exposed to electioneering of the kind it

4. See John F. Copper, "Taiwan in 1980: Entering a New Decade," *Asian Survey*, January 1981 for further details.

5. See John F. Copper, "Taiwan's Recent Election: Progress Toward a Democratic System," *Asian Survey*, October 1981, pp. 1032-33.

had never witnessed before. Many were flabbergasted at the charges *tangwai* candidates levelled against the government and the Nationalist Party or Kuomintang (KMT): corrupt, stupid (for not preventing the crises caused by the loss of U.N. representation in 1971 and U.S. diplomatic recognition in 1979), abuse of human rights, dictatorial, inflexible, old-fashioned, etc. It seemed like a free-for-all; but it also had the trappings of democracy. It was the first competitive national election in Taiwan's history.

Still, many described the event afterwards as an "election holiday." In other words, it was presumed to have been an election staged for the benefit of the U.S. and other foreign countries and designed to give the appearance of democracy. Or it was described as a one-time affair. There had to be another, or perhaps several more, competitive national elections to prove this was not true.⁶

The 1983 election proved that 1980 had not just been a fluke or an election holiday granted by the government: Taiwan had a second competitive national election. Still another election law had been written; or the earlier law was revised thoroughly, depending upon one's interpretation. The *tangwai* had more time to organize. Some new election strategies and tactics were tested by both sides. Many began to think in terms of a loyal opposition; in short, a two-party system was evolving. The KMT began to think in terms of winning elections in a system that allowed free and fair competition. Clearly a competitive election system was being routinized.⁷

The Democratic Progressive Party

Taiwan's electoral politics have been strongly impacted in recent years by the development of a new and real opposition party—the Democratic Progressive Party (DPP). In 1986, DPP competition with the ruling Nationalist Party made the national election that year a two-party contest—the first ever in a Chinese nation. At the time some observers said that a two-party system had evolved. Others felt this was probably an incorrect or at least premature statement. In any event the same statement was heard later, in the wake of the 1989 election. Many have since credited the DPP with transforming Taiwan's political system from a one-party dictatorship to a democracy.⁸

6. Ibid.

7. Copper with Chen, *Taiwan's Elections*, chapter 7.

8. See Hung-mao Tien, *The Great Transition: Political and Social Change in the Republic of China* (Stanford: Hoover Institution Press, 1989)

Clearly the DPP has played a central role in creating genuine party and electoral competition in Taiwan.

The Democratic Progressive Party was founded on September 28, 1986. President Chiang Ching-kuo had, a few months earlier, promised that the ban on forming new political parties would be lifted. However, before that was formally done, *tangwai* leaders held a meeting at the Grand Hotel in Taipei and, after the gathering, announced the formation of the DPP. Neither the KMT nor the government took action to repress the new party. Both allowed the DPP to do what political parties do in democratic nations, including organizing and campaigning for its candidates in the national election three months later. The DPP was thus christened!

What was the DPP? The DPP evolved out of new competitive politics of the 1970s and the growing need for competitive, open democracy resulting from Taiwan's two decades of miracle economic growth and vast social change. In this context political participation became more important and more desired. Democracy seemed to many a *sine qua non* of further economic and social modernization. It was also viewed as inevitable, something that the government had promised, and a necessary progression to change Taiwan's image abroad and strengthen its diplomacy.

As noted above, *tangwai* leaders were mostly "independent" politicians who opposed the Nationalist Party's monopoly on political power and disagreed with the ban against forming new parties. They felt strongly that Taiwan needed a serious opposition party if it were to democratize. They called themselves *tangwai*, or outside the party, emphasizing that they had no connection with the KMT. Thus, they regarded themselves as an opposition. They also suggested that they sought to win political power in democratic elections; in other words, as democracy flowered so would they.

In the 1980s they began to behave more and more like a political party. The 1980 election campaign was a catalyst. But, when they were tested at the polls, they did not do very well. They had to learn some valuable lessons. They found that they needed to avoid extreme positions. They had to be more pragmatic and less ideological. Above all, they discovered their need for better organization and discipline.

In 1982 they formed a "common political demand." In 1983 they created a *hou yuan hui*, or campaign committee. More radical members formed the Association of Tangwai Writers and Editors. In 1984 *tangwai* leaders formed the Association of Tangwai Elected Officials to bridge some of the gaps, heal disagreements and foster unity. This organization later became the Association of Public Policies Studies.

In 1985 a Tangwai Election Campaign Committee was formed to nominate official candidates. The label *tangwai* was openly used in the 1985 nationwide local elections. The government did not take any legal action against the *tangwai* in spite of what was clearly a new political "party" on the scene, campaigning in an election. (Forming a new political party at this time was still illegal.) In fact, many KMT leaders and candidates welcomed the competition.

In 1986 the *tangwai* began forming local branches. The *tangwai*, in fact, seemed to be a political party in every respect except name. *Tangwai* candidates, throughout the Spring and Summer, were preparing a common "party" program or platform for the December 1986 national election. They were organizing to help each other. Thus, in the fall of 1986, when the *tangwai* became the DPP, it was ready to compete in an election.⁹

On November 10, 1986, the DPP held its first party congress. The party adopted a party constitution and a platform. It elected a 31-member Central Executive Committee and an eleven-member Central Advisory Committee. Ironically, the DPP, which had been critical of the KMT's Leninist organization, adopted the same control and communication structure as the KMT.

The DPP's platform included calls for revamping and democratizing Taiwan's political system, particularly through reforming the elected bodies of government. In short, the DPP demanded faster political change in the direction of democracy—though this was to be accomplished within the framework of the constitution. The DPP in fact became in some ways a stronger advocate than the KMT of constitutionality (which to the DPP meant fulfilling the constitutional provisions for democracy that were nullified by the "Temporary Provisions" and martial law). Its economic and social policies were described as socialist or at least liberal: more welfare, health care, social services, etc. The platform also cited a more flexible foreign policy, including efforts to regain membership in the United Nations. Though its foreign policy pronouncements sounded good, few considered them realistic.

The DPP had to deal with two controversial issues: communism and Taiwan independence. DPP leaders were not sympathetic to communism, nor were its supporters attracted to communism, either in form or doctrine. However, DPP leaders did not want to be restricted in the political ideas they might advocate. Moreover, they did not want to copy the KMT's anti-communist position. After some debate

9. See *Ibid*, especially chapter 4, for further details.

the DPP put an anti-communist provision into its platform. Independence was an issue even more difficult to deal with because many DPP supporters felt so strongly about the issue. It was at once both a unifying and a divisive issue. The party resolved its conundrum by calling for self-determination—which was somewhat vague and not very provocative.¹⁰

The DPP's less than stellar performance in the 1986 national election seemed to indicate that it might not remain the only opposition party in Taiwan. Several other political parties were formed. The Labor Party was the most serious contender. Inaugurated in December 1987, it sought support from Taiwan's nearly eight million industrial workers. In so doing it threatened to take a critical base of support away from the DPP. Six other parties announced in 1987. By the end of March 1989 twenty-five parties had registered.¹¹

The termination of martial law in June 1987 and the death of President Chiang Ching-kuo also adversely affected DPP appeal. Terminating martial law removed an issue. It also split the DPP. Some members contended that martial law had not really ended, and, therefore, the decision was not a meaningful one. Others said it had ended, and, to generate enthusiasm, labelled the event significant and called for efforts to realize a DPP-led "Taiwanese government."¹²

In 1989 it appeared to many that the DPP would not perform very well in the national election in December. The party suffered from factionalism over the Taiwan independence issue. Its leaders seemed to be interested in their own careers more than the party's fortune. The DPP had an image of attracting thugs and lower class elements. It also had a reputation for leading demonstrations on the street rather than talking sensibly about policy issues. Recruitment was less successful than DPP leaders had hoped.

The party was not split as seriously as it seemed. Its hoodlum image was to some degree replaced by an image of commonman politics. The electorate demanded democracy, and many perceived that support for the opposition was the way to promote democratization. Then, during the 1989 election campaign the DPP cleverly used the

10. Some KMT leaders replied that self-determination meant nothing since the Republic of China already possessed sovereignty and therefore self-determination was realized. Some DPP politicians equated self-determination with ridding Taiwan of KMT rule; others found it something to attract attention and never defined it.

11. These parties are named and discussed in more detail below. Also see mention of them in Chapter 4.

12. See John F. Copper, "Ending Martial Law in Taiwan: Problems and Prospects," *Journal of Northeast Asian Studies*, Summer 1988, pp. 3-19.

Tiananmen Massacre issue to its advantage. Helping also were dramatic changes in Eastern Europe—which made DPP demands for democracy, formerly thought to be radical, seem quite moderate. As a result, the DPP did so well that even the KMT called their performance a victory.

Lifting Martial Law

The lifting of martial law in Taiwan and the adjacent islands (but not Quemoy and Matsu) in July 1987, marked, to many observers, the success of democratic politics and a turning point in Taiwan's political history. The event has since been associated with the growth of mass politics and an active political opposition. Certainly it had considerable impact.

Martial law was declared in 1934, when the government of the Republic of China ruled the mainland. Shortly after the Nationalists fled to Taiwan in December 1949, the Executive Yuan designated Taiwan a combat area, and in January 1950, President Chiang Kai-shek issued an emergency decree that activated martial law. Martial law was subsequently implemented, a decision that justified the imminent threat of invasion by the People's Republic of China.¹³ However, the U.S. military presence in the region after June 1950 when President Truman ordered the 7th Fleet to protect Taiwan from an invasion and the U.S.-Republic of China Defense Treaty signed in 1954 reduced the seriousness of that threat.

Martial law gave the military extra-constitutional powers. In 1950, the Taiwan Garrison Command was created to enforce martial law provisions. It was subsequently authorized to control travel abroad; monitor entry into Taiwan; approve meetings, parades, and rallies; and review and censor newspapers, magazines, books, movies, and other forms of communications. Many thought of the Garrison Command as an agency of repression. Most thought it at minimum was a trapping of authoritarian government.

The Garrison Command, however, never used all of the powers granted to it. And its powers, or use of them, declined long before martial law was terminated. In August 1950 the government enacted provisions to prevent unwarranted search and seizure, even though this was allowed under martial law. Revisions of martial law power were made in 1951, 1952, and 1953. Civilian courts were given jurisdiction over all cases not involving the military except treason. Provi-

13. Ibid.

sions were made for *habeas corpus* and for providing legal assistance for people who could not afford an attorney.

Martial law did not prohibit the formation of political parties as is sometimes thought; that prohibition was in the Temporary Provisions, which were added to the Constitution in 1948.¹⁴ Nevertheless, as democracy began to evolve, martial law became the subject of debate and often intense controversy. There were two sides to the issue. . .

Some (particularly the KMT and its supporters) argued that Taiwan did not really have martial law: the term *chieh yen fa*, meaning "stringent measures law," had been misinterpreted. The fact that Taiwan had no curfew and civilian rule prevailed was evidence for this view. They also argued that since opinion polls reflected that the public did not object to "martial law" and even supported keeping it, it would be undemocratic to abolish martial law. Also, martial law was used by the police to keep a check on rising crime rates, and the public supported this.

Others (notably the opposition), however, contended that it blocked the full application of the constitution and had a negative psychological effect upon the growth of democratic politics. They were particularly critical of the use of military courts to try civilians and were often incensed when the term "treason" was applied to political actions that seemed part of the process of electoral politics. With martial law in force, they said, party competition is stifled.¹⁵

In 1980 participants in the Kaohsiung Incident were tried on charges of treason and given long jail sentences. This underscored both the positive and negative sides of martial law. It could be used to maintain political stability, and it could indeed prevent anarchy; but it also stymied legitimate protest. Thus, it seemed to be a major obstacle to democracy. In the eyes of the Western media, the Kaohsiung Incident signified that Taiwan had made little progress in democratizing, and it was frequently used to criticize the government of Taiwan.

In the spring of 1986, President Chiang Ching-kuo called for the study of certain reforms, including the termination of martial law. According to those close to him, he was most concerned about the bad image created abroad and the psychological effects martial law had on free and open party competition. It thus seemed to be only a matter of time before martial law would be ended. In fact, President

14. See Han Lih-wu, *Taiwan Today* (Taipei: Cheng Chung Book Company, 1986), pp. 34-35.

15. See footnote #12.

Chiang announced his intentions and for the next several months the government made preparations to terminate martial law.

On July 15, 1987, when the government suspended the martial law decree, the Western media hailed the decision and called it a landmark move and a watershed event in Taiwan's evolution toward democracy. But government officials were in a dilemma as to how to speak about martial law. Many had long taken the view that Taiwan did not have martial law and that the "emergency decree," as they called it, was popular and should not be abolished. However, some government agencies, especially the Government Information Office, wanted to take advantage of the good publicity and concentrate on the "fact" that Taiwan had taken a big step forward on the road to democracy.

The opposition was also perplexed as to how to interpret the announcement that martial law was gone. Some declared that martial law was still in effect. They maintained that the new National Security Law was simply martial law in disguise, or as they put it "old wine in new bottles." Others wanted to rally support for their party by saying that the end of martial law meant more freedom and that it constituted an opportunity. Some DPP leaders hailed it as a chance to recruit and called the party to action.

In terms of tangible effects, the lifting of martial law did several things. It brought an end to the use of military courts in trying civilian cases. It thus forced the development of a new and more independent legal system and different modes of legal practice. This effect, however, was not immediate; it was long-term. This aspect of the termination of martial law, in fact, is still evolving.

Ending martial law also affected the politics of protest and demonstrations. Control over marches and street protest was transferred to local police. This transfer helped democratize the political process by giving local governments jurisdiction. It did not, however, mark the beginning of street politics. There were more than three hundred protest demonstrations—more than two per day—in the first five months of 1987. The DPP and other opposition parties were already using demonstrations to attract attention and support. Ending martial law simply formalized this a bit.

After martial law ended, press control became the responsibility of the Government Information Office, which was more lenient and democratic-minded than the Garrison Command. Things did not, however, change that much—particularly as concerned electoral politics. The opposition continued to complain of government and KMT control of the media. Months later a new press law gave additional

freedoms to the newspapers, including the right for new newspapers to open and for all newspapers to print more. This had a considerable effect on democratic politics, particularly by helping the opposition present its message.

The termination of martial law, on the other hand, also impacted the organization of workers. Strikes were banned under the Temporary Provisions, not martial law. But, workers were not able to organize easily because of martial law, and, just as important, they perceived martial law as intimidating. Moreover, the termination of martial law coincided with public debate concerning ending restrictions on strikes and other labor movements. At the time it seemed that ending martial law might mark the beginning of a role for labor in politics, through its own party or via support of an opposition party.¹⁶

As mentioned above, ending martial law did not legalize the formation of new political parties; but both issues were discussed in tandem. At that time, the ban on new parties was to be cancelled soon and a new law regulating civic organizations was going to be written. Thus, in the minds of many, the termination of martial law was seen as a necessary prior action that was linked to the formation of new, legal political parties. In fact, just before martial law was suspended, the Chinese Liberty Party formed. Two months later the Democratic Freedom Party was announced. Several other parties formed in the ensuing months.

Nationalist Party Reform

One of the major, but less known, factors that has furthered the cause of democracy in Taiwan is reform in (or of) the ruling Nationalist Party or Kuomintang (KMT). As the ruling party and the majority party, and what some believe will be the dominant political party in Taiwan for some time, changes in rules and procedures to make the KMT more democratic have had a positive effect on the political system, electoral politics, and party competition. The significance of changes, in fact, are quite instructive in terms of the evolution of democratic politics in Taiwan.

The Nationalist Party underwent far-reaching reform when it moved to Taiwan in 1949 after defeat on the mainland. Efforts were made to make the party more efficient, to get rid of factions and substitute party loyalty for personal loyalty, to eliminate corruption, and to make the party popular. Only small efforts were made, however, to democratize the party. Party leaders generally perceived that the

16. Ibid.

party had to maintain discipline and deal with external threats; thus democratic rules and procedures had to wait.¹⁷ Some also pointed out that many political parties in Western democracies perceived they had no obligation to operate by democratic rules, and many did not do so.

In the 1970s Chiang Ching-kuo made serious new efforts to reform the KMT. Most of these efforts took the form of getting rid of corruption and nepotism and bringing locally-born Chinese or Taiwanese into the Party. Steps were also taken to make the KMT more efficient in carrying out public policy. And Chiang Ching-kuo endeavored to make the party responsive to public demands and concerns.¹⁸

Chiang Ching-kuo's hopes to see the KMT compete democratically were fulfilled to some degree as the party began to compete in elections in the 1970s. A giant step forward was made during the 1980 campaign. KMT election strategists realized its candidates had to be innovative and energetic—and democratic-minded. As a result, younger, more progressive leaders were brought into positions of power and importance. The strength of the opposition challenge during subsequent elections compelled the KMT not to reverse these changes. The KMT made reforms of rules and procedures and less attention was paid to ideology. The party began polling more, and it began to pay more attention to popular, critical issues. Problem solving grew as a method of conducting business.

However, it was not until 1988, at the Party's 13th Congress, that democratic rules as well as democratic thinking really "broke out" inside the ruling Nationalist Party. Chiang Ching-kuo had just died. In his will he had asked for continued reform—including party reform. Those in the KMT who respected him, including most party leaders, sought to carry out his wishes. Meanwhile, more democratic procedures had been adopted by local party organizations. By the time the Congress convened, more than half (around 60 percent) of the delegates were chosen by U.S.-style primaries and caucuses.¹⁹

At the Congress, these delegates, and many others in the name of Chiang Ching-kuo, submitted a list of candidates for Party Central

17. See Richard L. Walker, "Taiwan's Movement into Political Modernity," in Paul K.T. Sih (ed.) *Taiwan in Modern Times* (New York: St. John's University Press, 1973), pp. 367-70.

18. See Ralph N. Clough, *Island China* (Cambridge: Harvard University Press, 1978), pp. 61-62.

19. See John F. Copper, "The KMT's 13th Party Congress: Reform, Renovation, New Blood, New Policies," in Cynthia Chenault (ed.), *Modernizing East Asia: Economic and Cultural Dimensions of Political Change* (New York: St. John's University Press, 1989)

Committee seats. They did not accept the leadership's list of candidates. The results were : the average age of the new Central Committee dropped by more than a decade, to 58.7 compared to 69.8 for the previous Committee, sixty percent of the members were newly drafted; forty percent were college or university graduates, nearly a fourth with a PhD degree, and nearly 40 percent were Taiwanese.

The party leadership, pressed by popularly elected delegates, published a list of the number of votes received by Central Committee members, reflecting members' popularity. Knowing in advance that this would happen, many party members engaged in strenuous efforts to win delegates' support. This favored those with charisma and energy and those who advocated democracy, both in the Party and for the nation as a whole.

The Central Committee then selected a Standing Committee—the powerful decision body of the party. It was a majority Taiwanese for the first time. A woman was chosen for the first time. More important, most of its members favored democratization at a faster pace.

Because of the new members and the pervasive desire to reform the KMT, on the top of the agenda of the party's new policies to be delineated at the meeting was democratic reform. The party vowed to "continue the drive for democracy." More specifically, the KMT pledged to make the elective bodies of government more representative. No specific actions were taken in this respect because delegates and leaders both deferred to President Lee Teng-hui, who had already promised to seek measures to make the National Assembly, the Legislative Yuan, and the Control Yuan represent only Taiwan. But the party demonstrated that it supported democratic reform of the system on this all-important issue of representation. In fact, it made commitments to make the elected bodies of government more democratic that were realized during 1989, and which impacted the December 1989 election.

The KMT's platform also cited a need for stability and law and order as a milieu in which democracy could grow. Many KMT leaders believed too much democracy was dangerous because it engendered chaos. Thus, there was a need for balance. The platform discussed policies toward the mainland that reflected the notion that Taiwan was going to be a beacon or model of democracy for Chinese there and around the world. This, according to some observers, put the move for democratic reforms in perspective and made it transcend Taiwan's shores while it answered the call by the KMT's opposition parties regarding Taiwan independence. Party reform was explained as something to help all Chinese, thus giving it a universal character.

Other tenets of policy that were discussed and put into the platform reflected both national needs and public opinion. Many issues were translated into specific agenda items. Most of the party goals or objectives cited might have been campaign issues. Clearly the party seemed to be preparing for an election.

Most party leaders, when asked about the scope of democratization, answered that the KMT expected to be the ruling party in Taiwan for some time, and for that reason it had to democratize in order to make the nation democratic. Many also mentioned that the Taiwan government, including the party in power, had to be a model for China. Some noted, even boasted, that KMT rules and procedures were democratized beyond those of many, perhaps most, political parties in Western democracies. The party evinced an attitude of accomplishment in the reforms—many noting that it helped make Taiwan a model of democratic political change which other nations might emulate.

The mood of the Congress also reflected confidence that the KMT could compete in a fair election with an “even playing field.” In short, the Nationalist Party was getting ready for the election in 1989 and planned to win in a truly fair and open competitive contest. Observers both at this time and later referred to the 13th Party Congress as a watershed event in the democratization process of Taiwan. The mode of conducting business in the nation’s ruling party previously had not been affected much by democratization; now it was. Clearly the decisions made at this Congress paved the way for moves to have party primaries and to revise the election laws so as to rejuvenate the elected bodies of government, as happened in coming months.

A New Election Law

In 1980, preparatory to the December election, the government invited scholars, lawyers, elder statesmen, and representatives of the Nationalist Party and opposition groups to participate in drafting a new election law. The Election and Recall Law of 1980 laid the groundwork for the competitive election that year. For the most part the law worked quite well; there were, however, certain defects. In ensuing years both the Nationalist Party and the opposition (after 1986, mainly the Democratic Progressive Party) complained about these defects.²⁰

These complaints were heard during the 1983 election campaign and the 1986 campaign. The most frequently voiced criticisms from

20. See Copper and Chen, footnote 1, for further details.

the opposition were that the campaign period was too short and that too many restrictions hampered the activities of candidates, especially during the second half of the campaign when rallies were sponsored by the government. They also protested that political advertisements were not allowed on television. The reply was: Taiwan has more elections than most countries and for that reason the election campaigns have to be shorter in duration and restricted, and that public opinion polls reflected strong support for keeping political advertisements off of television.

Another complaint about the Election and Recall Law was that it failed to control "money politics." Numerous proposals were made to resolve this problem, but due to Taiwan's prosperity the role money played in elections seemed difficult to change. It was generally perceived that laws could be enforced to check blatant vote-buying but that other uses of money could not be stopped. Opposition politicians criticized KMT candidates for spending so much money that they were in effect buying elective office. Yet opposition spending was also a problem, and it was growing considerably faster than the spending of Nationalist Party candidates.

In 1986 the Election and Recall Law was amended to change the procedure for electing members of the Control Yuan—the oversight branch of government in Taiwan. Neither the KMT nor the DPP, however, pushed strongly for further change. More far-reaching changes in the law were discussed in 1988. And in early 1989, knowing of the coming December election, both sides took up the issue again. There was considerable public debate. Officials and politicians bickered; they also compromised.

In January 1989, the Legislative Yuan enacted a new Law of Election and Recall of Public Officials, though it was in reality a revision of the previous law. (See Appendix I) This updated law took into account the end of martial law and the transfer of controls over election campaigns from military to civilian organizations. It also reflected the passage of the Civic Organizations Law. Finally, it sought to accommodate expanded political participation, while giving government officials more authority to crack down on certain abuses of the electoral system, especially in the area of vote fraud.

The KMT viewed the new law as liberalizing the rules of campaigning, thus making elections more competitive. In other words, it created a "level playing field." KMT leaders did not view the new law as advantageous to their party. Some KMT hardliners

opposed the new law, characterizing it as unnecessary.²¹

The DPP described most of the revisions or new provisions in the law as concessions. However, DPP leaders note that it added more restrictions in some realms, and most important, maintained a host of laws handicapping any opposition party. DPP spokespersons complained that limits on the number of campaign meetings, campaign assistants, offices, and sound trucks remained almost unchanged. They remonstrated about many regulations: the prohibition on joint headquarters, restrictions on parades, and limits on places where campaign speeches could be given. The law against students serving as campaign aides, guidelines on placing campaign posters (too limiting), and the requirement that only registered helpers could speak for a candidate (while barring other workers from saying anything for a candidate or even presenting video or audio tapes) were also condemned. DPP officials regarded all of these regulations as discriminating against the opposition while benefitting the KMT.

DPP leaders blasted provisions in the law banning political advertising on television. They characterized this restriction as an unveiled effort to give the KMT monopoly-control over political advertising of an important kind, since the KMT owned or controlled the television networks. They did not accept the argument that public opinion surveys reflected majority support for the ban or that it kept campaign costs down. Opposition candidates also universally attacked the limited campaign period and the Election Commission's constraining hold over campaigning during the last days of the campaign period. They further protested that only a few campaign activities were legal and that campaign spending was too limited. KMT candidates said little about most of these issues, but did agree with the DPP that campaign spending was too restricted.

Other provisions in the new law were controversial but did not seem to favor the KMT or the DPP. These included a lowering of the filing fee by fifty percent for party candidates (to discourage "whimsical candidates" (meaning independent or non-party candidates) and a change allowing united campaign headquarters. Both hurt independent candidates and discouraged candidates from running without party approval, thereby favoring a two-party system.

A public financing provision in the revised law was new. Candidates receiving three-fourths or more of the vote needed to win would receive N.T.\$10 (39 cents) per vote under the new law. Campaign donations were also made tax deductible, but were limited to

21. See Chapter 3 for further discussion of this point.

N.T.\$20,000 for a candidate and N.T.\$200,000 for a party per individual (not to exceed twenty percent of that person's pre-tax income), and N.T.\$300,000 and N.T.\$3,000,000 respectively for businesses.²² This was intended to reduce the growing problem of "money politics," though many observers thought it would have little effect. Moreover, it seemed likely to increase the problem of interest group politics.

Finally the new election law limited the membership of the Central Election Commission so that no more than half of the Commissions could come from one political party. By election time, however, the DPP had not nominated a representative to the Commission. Changes in the law also reduced the number of votes members of the Taiwan Provincial Assembly and the Taipei and Kaohsiung city councils could cast for Control Yuan seats from one-half to one-third of the seats. The DPP agreed with this change. DPP legislators, on the other hand, protested a change that shortened from two years to six months the period between electoral rezonings. While they agreed with rezoning to accommodate population shifts, they accused the KMT of trying to gerrymander and make changes too close to election time.

Legalizing New Political Parties

The Republic of China, technically speaking, had a multi-party system before the formation of the Democratic Progressive Party. The Young China Party, formed in 1923, moved to Taiwan in 1949 and sponsored candidates for various elections after that. In 1946, prior to the 1948 election when the government of the Republic of China governed both sides of the Taiwan Strait, the China Democratic Socialist Party formed to promote a platform supporting constitutional government. This party also moved to Taiwan and fielded candidates in subsequent elections. However, both parties were regarded by most as something between loyal opposition parties and adjuncts of the KMT, but closer to the latter. Neither were considered serious contenders for political power. Neither helped make electoral politics competitive.

Some observers had thought these two parties might change and win broad support in a milieu of promised party competition. They were already legal and had an edge. But this was not to be the case.

Meanwhile, critics of the government and the ruling party in Taiwan and supporters of democratic reform had complained that Taiwan did not have a true opposition party and the reason for this was

22. See Chapter 4 for further details.

that the formation of new political parties was prohibited by the Temporary Provisions of the Constitution. Opposition politicians contended, in fact, that this made democratization in any genuine sense impossible. Many Nationalist Party members agreed.

As noted above, the formation of the *tangwai* in the 1970s rectified this situation to some extent, but it was not a completely successful palliative. More was needed. In 1986, President Chiang Ching-kuo announced that the ban on new parties would be lifted, constituting another major step in the development of a two-party or multi-party system. Subsequently the Democratic Progressive Party announced its formation, and Taiwan had a genuine opposition party. The DPP, however, had to compete in the 1986 election without being technically a legal party. This, critics contended, was a handicap. Others argued that it was simply a matter of time before that situation would be rectified and that the DPP was treated during and after the election campaign as a political party.

However, at this juncture it was unclear whether the DPP would become the sole or major opposition party, or whether there would be many contending new parties. The pundits were uncertain.

The lifting of martial law in July 1987 served as a signal for new political parties to form. By the end of March of the next year nine new political parties had announced: the China Liberty Party in July 1987; the Democratic Liberty Party and the Labor Party in September 1987; the China Democratic Justice Party in October; the China People's Party and the Neo-Socialist Party in November; the United Democratic Party, the Chinese Republican Party, and the China Unification Party in March 1988. These parties were of various political stripe, right and left on the political spectrum. Three other parties were in the process of organizing: the China Patriotic Party, the Women's Party, and the Farmers' Party.

By late 1988 it appeared that the formation of so many political parties might fragment the opposition and sap the Democratic Progressive Party's base of support. The Labor Party seemed to be a special threat to the DPP's dominant status as the opposition. The chairman of the Labor Party had been a member of the DPP and was elected to the Legislative Yuan. He appeared to have considerable union respect and a base of support among Taiwan's nearly nine million industrial workers. The Labor Party was at odds with the DPP over labor reform, the independence issue, and a number of other

matters.²³

Meanwhile the DPP declined to register with the government and remained split over the issue of Taiwan independence. Throughout 1988, three Democratic Progressive Party factions struggled over independence and related issues. The Kang Ning-hsiang faction advocated democratic reform as its main objective. The New Tide group advocated independence. The Formosa Faction opposed making the independence issue a part of the DPP's platform. The DPP seemed able to raise funds; yet membership, by mid-1988, had increased only from seven thousand to ten thousand—far short of its goal.²⁴

On January 20, 1989, the Legislative Yuan passed into law the revised Civic Organization Law. (See Appendix II) This law in essence formalized what already existed: party competition. However, it also encouraged still more new parties to form, and by mid-year Taiwan had over thirty political parties. A multi-party system seemed to be evolving, or at least many observers so speculated. Others opined that most, perhaps all, of the new parties would have little or no impact on the election and that party competition would involve the KMT and the DPP only—in essence a two-party election.²⁵ Taiwan's party system seemed to be in the process of evolving in an uncertain direction.

Besides encouraging new political parties to form and legalizing the DPP, the new law restated provisions in the National Security Law that political parties must not violate the constitution, advocate communism, or advocate secessionism. The law also declared that parties must organize and function in accordance with democratic principles. This implied both, that the KMT must continue the internal reform launched in the summer of 1988 at the KMT 13th Party Congress, and that the DPP must focus on electoral politics instead of protest politics.

DPP leaders did not like references in the law to the 1987 National Security Law. The New Tide faction of the DPP, which was more radical and more vocal, promised to keep the independence issue (which could be construed to mean secessionism) issue in their platform and vowed to talk about it during the campaign. The Formosa Faction disagreed. The issue threatened to cause the DPP to split.

23. Shim Jae Hoon, "Clarion Call to Workers," *Far Eastern Economic Review*, January 21, 1988, pp. 18-19.

24. Shim Jae Hoon, "Divided But Growing," *Far Eastern Economic Review*, June 23, 1988, p. 33.

25. See John F. Copper, "The Evolution of Political Parties in Taiwan," *Asian Affairs*, Spring 1989, pp. 3-12.

KMT leaders, or at least most of them, did not like the provision in the law which gave equal access to the media for all political parties and did not give any sign of willingly abandoning their advantages in this regard. Some complained of the law's mandate to continue to democratize the KMT from within. They felt democracy had already influenced the party's mode of carrying on business enough.

Looking beyond the complaints, the new law changed Taiwan's political system from a one-party system (if one recognizes that the two older minor parties were not competing parties) to a multiparty system. It made fully legal the formation of not only parties, but party-related organizations. It also set guidelines for and formalized political party activity. This, of course, had a major impact on Taiwan: polity and on the democratization process.

Furthermore, the new law made the 1989 election a genuine and legal multiparty contest, the first ever in Taiwan. Because new political parties were legal, the scope of their activities increased, as did their prestige, based on a new and important legitimacy. However, the effect of this on electoral politics remained to be seen even after the 1989 election.

The Voluntary Retirement of Senior Parliamentarians

Inasmuch as the government of the Republic of China on Taiwan claims jurisdiction over the mainland of China as well as Taiwan and its official policy is to recapture the mainland, it is a kind of government-in-exile. This explains (among other reasons) why it has kept in office members of those governmental bodies elected when the government ruled the mainland.

As years have passed this has meant that a large number of the representatives of the elected organs of government—the democratically chosen ones—became seen as holdovers from a past era. They represented a dream of reconquering the mainland, a dream that had faded. Opposition politicians and supporters of democracy alike complained that the aging parliamentarians did not represent an electorate in Taiwan and were thus an obstacle to democracy. They also mocked them for their inability to do legislative work and for their resistance to change.

In 1969, through supplementary elections, seats were added to represent Taiwan. More followed. In addition, the system became more representative of the electorate under the jurisdiction of the government, and, therefore, more democratic, because of the attrition of the older parliamentarians. In fact, this seemed to be solving the problem. Many observers looked at the actuarial charts which indicated

that the elder parliamentarians' influence would soon be a thing of the past and argued that nothing needed to be done: time would solve the problem.

However, the speed of democratization in Taiwan was so fast that attrition was not enough and something had to be done to solve the problem. The "old guard" had become seen as the last bastion of an autocratic system. The unelected (in Taiwan) parliamentarians thus became the focus of opposition attacks on the system, and an embarrassment to the country because the issue was so frequently cited by the Western media. As a result, in 1986 President Chiang Ching-kuo included resolving this situation among his recommended (or promised) "important reforms."

The promise of reforms raised expectations. Subsequently the issue became more controversial and opposition politicians, particularly DPP leaders, began to criticize the government and the ruling KMT even more harshly on this matter. The issue became very contentious and polarizing.

The KMT responded: offering a plan, later approved by the National Security Council, to give the three elected bodies of government a membership of 579: 375 for the National Assembly, 150 for the Legislative Yuan, 54 for the Control Yuan. All would be locally elected, or chosen to represent professional groups or the Overseas Chinese. The National Assembly would be so constituted after the 1989 election. The Legislative Yuan would reach 150 in 1992, after growing from 98 to 130 following the December 1989 election. The Control Yuan would reach its maximum size after the 1992 election. This proposal assumed, of course, a bill to retire senior parliamentarians.²⁶

Supporters of the KMT's approach to the problem of getting rid of officials elected when the government was in China, and those appointed as replacements for these officials, said that phasing out the older representatives was the only proper way to handle the issue given the Chinese respect for age. They also argued it was the constitutional way because the older delegates were elected (though they were later frozen in office) or had legally replaced an elected representative. Similarly they contended that the changes cited above would create bodies of government of optimum size to be effective in the functions for which they are responsible. (Scholars had long maintained that the Legislative Yuan was too large to carry out intelligent debate.) Finally, KMT leaders asserted that change should be gradual so as not to give the impression that Taipei was adopting a two-China

26. See Chapter 4.

policy, which might provoke Beijing to take military action against Taiwan. (Proposals were also made to retain some token mainland representatives, though this was not given much consideration inasmuch as this might be accomplished through the Overseas Chinese representation at a later time.)

While the DPP basically agreed with the plan, most DPP and other opposition leaders remained critical, in fact highly critical. They also saw it as an issue which allowed them to make political capital. Thus, they demanded that all of the old parliamentarians step down immediately. They also denounced the size of the severance pay proposed by the KMT, which they said was outrageous considering the size of military retirement pay and the fact the delegates had done very little work.

In March 1988, the DPP organized a demonstration parade in the suburban city of Neihu, where many of the elder parliamentarians lived. The DPP hoped to get some of the members of the Legislative Yuan to retire before the December 1989 election so as to bring up for election more seats for which the DPP might compete. Led by Ju Gao-jeng, the DPP's "Rambo," the march became violent and several people were injured. Ju subsequently published a list of the telephone numbers of the elder parliamentarians, which he called the "old thieves," and called on the public to telephone them and ask them to step down from office so that democracy might prevail. Many senior legislators reported receiving large numbers of harassing telephone calls as a result.

At the end of 1988, at the time legislation was being debated in the Legislative Yuan to deal with this problem, the average age of the non-Taiwan representatives was 80. They held two-thirds of the seats of the Legislative Yuan and the Control Yuan. They held an even larger percentage of the National Assembly, which elects the President. Yet they were dying or becoming inactive at the rate of nearly one a week.

But the DPP could not wait. Its delegates in the Legislative Yuan tried to filibuster to force legislation which would deal with the problem immediately, and DPP spokesmen demanded that all seats be elected from Taiwan only. The DPP perceived that the public supported their cause and kept up the pressure. Violence in the Legislative Yuan ensued. Finally the bill got through the committees.²⁷

In February 1989 the Voluntary Retirement of Senior Parliamen-

27. See "Taiwan" in *Asia 1990 Yearbook* (Hong Kong: Far Eastern Economic Review, Ltd., 1989), p.227.

liamentarians Act was passed by the Legislative Yuan. (See Appendix III) The KMT (though not many hardliners) and the DPP supported the Act. The KMT said it would make the system truly democratic. DPP politicians, however, noted that, because of the presence of the old parliamentarians, they still could not rule the country even if their party won a landslide election. The problem was not yet resolved and would not be resolved before the December 1989 election.

CHAPTER 2

TAIWAN'S 1985 NATIONWIDE LOCAL ELECTIONS

Background

On November 16, 1985, voters in Taiwan went to the polls to elect candidates to four categories of local office: 21 city mayors and county magistrates (5 and 16, respectively), 77 members of the Taiwan Provincial Assembly, 51 members of the Taipei City Council, and 42 members of the Kaohsiung City Council—a total of 191 posts.¹ Elections to these positions have regularly been held every four years since 1951 or before. It was the tenth election for the Taiwan Provincial Assembly and the eleventh for the other offices.

This series of local elections was also the second of its type since the “watershed” election of 1980 (to elect the National Assembly and the Legislative Yuan, or the legislative branch of government) when party competition between the Nationalist party, or Kuomintang, and the nonparty, or *tangwai*, candidates reflected marked political change, democratization, and what some perceived as an evolving two-party system in the Republic of China. These elections were also conducted with participants cognizant of the fact that violence had erupted during elections eight years before. Finally, this series of elections was held in the context of what some regarded as a “crisis of confidence” for the Kuomintang, due to a number of unfortunate events and scandals over the previous year or two that had hurt its image. In addition, the opposition was viewed as factionalized and unable to overcome internal strife.²

This series of local elections is important to the political process in Taiwan for a number of reasons.³ First, the elections are not really local inasmuch as the entire nation goes to the polls at the same time. Hence they might properly be called unified, or nationwide, local elections. Furthermore, the elections are national in the sense that the

1. For background on Taiwan's previous elections, see John F. Copper, with George P. Chen (1984), *Taiwan's Elections: Democratization and Political Development in the Republic of China* (Baltimore: Univ. of Maryland School of Law, 1984).

2. See C. Goldstein “Testing Confidence: The KMT Seeks a New Mandate After a Year of Scandals,” *Far Eastern Economic Review*, November 21, 1985, p. 20.

3. See Copper, note 1 pp. 77-78.

Republic of China is now seen by many as synonymous or coterminous with Taiwan plus some small outlying islands under its control, and all its territory and citizens were involved in these elections. The Taiwan Provincial Assembly is a national organ of government in that it represents all the citizens of the nation. Moreover, the entire Provincial Assembly is elected every election, making it more sensitive to changes in public opinion than the National Assembly and the Legislative Yuan.

Second, the Taiwan Provincial Assembly has legislative power (although it is not considerable) that in some ways is vital to the political process in Taiwan; while the magistrates, mayors, and city councils have both considerable legislative and executive power at the local level. Candidates elected to the latter offices control substantial budgets and render decisions on important administrative matters that affect their district as well as the nation as a whole.

Third, unlike Japan and some other countries in the region, those elected to positions of local government in Taiwan are the future leaders of the country. As they have in the past, they will inevitably rise to assume important positions in the national government.

Fourth, prior to this election the Republic of China's election laws had been revamped, and changes in them needed to be tried and tested. The previous laws had proven faulty in a number of ways, and their intent (and in some senses their legality) had been tested and questioned in the elections four years before. Thus the new set of laws would be tested in this election.

Finally, many observers pondered what kind of strategy the Kuomintang would adopt in this election in light of a number of mistakes and examples of poor leadership to which critics pointed and could cite as evidence of needed changes. On the other hand, many others were uncertain as to whether the Kuomintang's mistakes could be defined (in the minds of the electorate) as incompetence or poor performance, as opposed to circumstances or bad luck. Similarly, observers wondered if the opposition, which seemed to be fragmented and unable to offer a credible alternative agenda, could do any better than it had in the past. The opposition candidates seemed to have the opportunity; but could they capitalize on it?

The Campaign and Its Issues

Included in the Election and Recall Law was a provision (unchanged from the old laws) which limited the duration of the campaign to ten days prior to the election. The campaign was held in two parts: first, a five day privately managed campaign period, followed by

a public period that lasted another five days and was run by the Election Commission. Though the campaign period is short by most standards, it is almost identical to the way elections have been run in the past and resembles those conducted in a number of parliamentary systems. (Taiwan's political system is both parliamentary and presidential.)

New provisions in the Election and Recall Law restricted each candidate from holding more than six forums per day during the private campaign period; none of these forums could last more than two hours. As in the past, candidates were not allowed to use radio and television advertisements, even though many had complained about this ban. Many compared Taiwan's polity in this regard to the political systems of Western democracies throughout the world. Opposition candidates also charged it was a much greater disadvantage for them than for Kuomintang candidates, though in view of the costs involved and the number of KMT candidates, many say that this is not true.⁴ In any event, the Election Commission had the support of public opinion on this issue and would not rescind its ban. Tighter restrictions were also placed on the use of campaign vehicles or sound trucks (each candidate allowed only three), campaign posters (which were not allowed in public places except those designated), campaign handouts (restricted in size and in some other ways), and campaign spending (limited, though few had any confidence that this rule could be enforced).

Those critical of the new election rules argued that they would reduce public interest, participation in the campaign, and voter turnout. Many candidates complained that certain restrictions singled them out and did not hurt their opposition-though these charges were made by so many candidates from both sides that unfairness was not, in the final analysis, a very credible charge. Those who favored the stricter new election rules said that they made the campaign more orderly and less disruptive of life during the campaign period. They also contended that the rules reduced the chances of people being hurt during the elections by firecrackers (which were banned) and rowdiness, and reflected the "maturing" of democracy in Taiwan.

Positions to be filled by the choice of the electorate totaled 191, with 357 candidates entering the race-including 157 Kuomintang candidates (18 for mayors and magistrates, 60 for Provincial Assembly

4. See M. Shao, "Taiwan Voting May Highlight KMT's Setbacks," *Asian Wall Street Journal*, November 6, 1989: p 1; C. Goldstein, "Chipping Away at the KMT," *Far Eastern Economic Review*, November 28, 1989: pp. 13-14.

seats, 44 for Taipei City Council and 35 for Kaohsiung City Council), 45 "unauthorized" Kuomintang candidates, 2 Young China Party candidates, 44 *tangwai* candidates (7 for mayors and magistrates, 18 for Provincial Assembly, 11 for Taipei City Council, and 8 for Kaohsiung City Council), and over 100 "others" or independents. The number of candidates declined slightly before the election as several candidates dropped out. The number of candidates per elective position was down slightly, at less than two candidates per post.⁵

In August a core of *tangwai* candidates met and formed the Candidates Aid Group. In September this organization produced a slate of unified candidates and endeavored to write a party platform. The Candidate Aid Group also attempted to find an acceptable way of choosing among competing *tangwai* candidates in each election district so that they would not compete with each other and waste voting strength, as had happened in past elections.⁶ *Tangwai* leaders and official candidates also sought to avoid the polarization between radical and moderate groups which had occurred in the last election, resulting in a less effective appeal to the electorate.

Tangwai and other opposition politicians harped on a number of issues that related to Kuomintang mistakes or "misgovernance" and a higher level of uncertainty about the future of the country; these issues collectively produced what they said was a crisis of confidence. Among the charges of mishandling governmental affairs, the opposition frequently cited the case of Henry Liu. Henry Liu was a San Francisco-based writer and businessman who had been killed by the Bamboo Union gang at the behest of the head of Military Intelligence in Taiwan. The incident strained relations with the United States and provoked a subsequent Congressional inquiry that linked the murder to continued U.S. arms sales to Taiwan. Also mentioned were 1)the scandal concerning the Tenth Credit Cooperative (a credit society that collapsed, resulting in individual financial losses reportedly in the billions of dollars that affected the economic stability of the country); 2)two serious coal mine disasters; 3)a case of poisoned wine marketed by the government wine and tobacco monopoly; and 4)the arrest of a Los Angeles-based newspaper owner and a naturalized U.S. citizen on

5. See "The ROC's Local Elections Draw 357 Registered Candidates," *Free China Journal*, October 21-27, 1985, p.1.

6. The *tangwai* originally planned to field 62 candidates, but decided on a lower number in order to prevent their candidates from competing with each other. See P. Liu, "Candidates Vie for Hearts of Electorate, Work Long Hours Visiting Constituents," *Free China Journal*, October 21-27, 1985, p. 2.

sedition charges for publishing pro-Communist propaganda.⁷

Related to these problems was the fact that there was no apparent successor to the president, although according to the Constitution Vice President Lee Teng-hui would become president in the event of the death or disability of the president. Vice President Lee, however, was new in his job, and his rank in the party suggested that others would make important decisions if he were to become president. Perhaps even more important than the president's age was talk about Premier Yu Kuo-hua's alleged inability to serve in that important office and his involvement in the Tenth Credit Union affair. In short, the issue of succession at the top had never existed before; nor had it troubled so many people.

Opposition candidates also blamed the government and the ruling party for the downturn in the economy and the increased rate of unemployment. (Economic growth in the fourth quarter was 4.1 percent, compared to 10.5 percent in 1984. Unemployment was slightly higher: 2.46 percent in the second quarter, compared to 2.44 percent in 1985.)⁸ The opposition related these two problems to the previously mentioned issues.

The opposition also complained that the Kuomintang was an "official" party in a system where political parties were banned, and they made the connection in terms of government malfeasance and mistakes. Similarly, they remonstrated that opposition candidates were not allowed to form a political party and were thus at a serious disadvantage in the campaign.⁹ Related to the latter complaint, *tangwai* candidates charged that the Kuomintang had control of the media and used it to its advantage in the campaign, while almost all *tangwai* publications were banned by the government. They similarly railed against the system that allowed the appointment-rather than the election-of the mayors of Taipei and Kaohsiung, and the governor of Taiwan, as well as a number of other important posts.

The Kuomintang's rebuttal was that the Henry Liu case occurred because of the actions of two or three overzealous government officials, such actions could and did take place in every government in the world, and such behavior should not discredit either the government or the Nationalist party. As far as the Tenth Credit Cooperative scan-

7. See Goldstein, note 2; and Shao, note 4.

8. For these and other recent economic statistics on Taiwan, see *Free China Journal*, October 21-27, 1985, p. 4.

9. While it is true that the formation of "new" political parties is forbidden by law in Taiwan, according to most observers the *tangwai* is a political party or has all the trappings. It had a "party" platform, a campaign, a flag, and a budget.

dal was concerned, it had ended in the punishment of responsible officials: both the Minister of Finance and the Minister of Economic Affairs had stepped down. Off the record, they averred that such problems occur in a free market economy, that there is no public support for any other economic system, and that Kuomintang management of the economy had been excellent in the past according to some accounts, based on GNP growth, the best in the world in 1984. The coal mine disasters, the wine poisoning, and the Los Angeles newspaper owner's arrest were called minor accidents or mistakes.

Regarding the precipitous drop in economic growth and the rise in unemployment, Kuomintang candidates said that Taiwan's economic problems were a product of "fundamental" problems in the world economy and that Taiwan was doing better economically than most other nations, notwithstanding the slump. They pointed out that Singapore, a nation frequently likened to Taiwan as one of the miracle-growth nations and one that had also experienced outstanding economic performance in 1984, had in recent months experienced an economic decline much more serious than Taiwan's. The KMT maintained that the rise in unemployment was negligible, and unemployment was in any event extremely low by world standards.

Kuomintang party officials and candidates alike sought to stress their record of achievement in terms of economic growth and political stability. They also boasted of political development and democracy and defended Taiwan's political system as one that had been markedly improved and was supported by the large majority of the population in its present form. Informally, they countered the opposition charges of control of the media and the use of the government agencies for party purposes, saying that opposition publications were banned because *tangwai* owners of these publications wanted them banned so as to make a charge of censorship. They also pointed out that despite bans they were readily available to anyone who wanted to read them.¹⁰ Regarding government-Kuomintang complicity, they replied that the government had the right to publicize its accomplishments and that the Kuomintang's so-called media blitz was simply a well-organized campaign effort that used Taiwan's successes as the basis of campaign slogans and the publicizing of Kuomintang candidates' records.

It is doubtful whether these contentions were really major issues in terms of affecting the voters' decisions regarding different candi-

10. This writer was in Taiwan during the campaign and the election and was able to purchase banned *tangwai* publications simply by asking for them. In some cases they were openly displayed in bookstores. In fact, the author was unaware at the time that the magazines had been banned.

dates. In late October 1985, less than a month before the election, the *China Times* (one of Taiwan's largest newspapers) conducted a survey of candidates' views on election issues. This poll indicated that the major concerns of the electorate (as viewed by the candidates) varied significantly from the list of errors and mismanagement attributed to the Kuomintang by the opposition cited above.¹¹ At the top of the list of issues was improving traffic. In fact, this was the leading issue as seen by the candidates overall as well as in all categories of candidates except those running for Taipei and Kaohsiung City Council seats. In Taipei the major issue was strengthening the national police force and keeping public order, and in Kaohsiung it was eliminating public hazards. In all categories of candidates, preventing public hazards and strengthening the national police while keeping social order were number two and three in terms of popularity. Other popular issues in a descending order of rank were administrative renovation; administrative efficiency; labor rights and welfare; tourism; increased pay for military personnel, government workers, and schoolteachers; better education; and stronger social welfare.

According to this same survey, candidates from metropolitan areas reflected concerns quite different from candidates in rural areas: metropolitan candidates stressed social welfare and local (economic) development; rural candidates focused on ideology and administrative change, principles of self-government, political prisoners, and temporary emergency laws.

Another discrepancy existed between voters' concerns and the content of campaign speeches in that candidates did not focus on the issues the polls said the voters were most concerned about; instead campaign speeches focused much more on environmental problems, sanitation, and water control. In fact, these three topics seemed to be on the minds of almost all candidates, Kuomintang and *tangwai* alike, judging from campaign speeches during the Election Commission-sponsored debates.¹² In short, there was a big difference between what both the KMT and the opposition candidates said in their platforms and how they perceived issues and felt they could get elected. As is true in all democratic elections, this had characterized Taiwan's past elections. The gap, however, seemed a bit larger this time.

According to law, candidates could not advocate communism or independence-i.e., abandoning the One China ideal. Everything else

11. Cited in Donegal's Yu-ching, "Traffic Problems Listed Top Campaign Issue," *Free China Journal*, November 2-9, 1985, p 2.

12. This is based on personal observations as well as those of another observer of the elections and the answers given when a number of other observers were queried about this.

seemed to be within bounds. Since communism has almost no appeal in Taiwan to any segment of the electorate, few candidates even touched on the issue in any way. Those who did seemed to do so only as a means of attracting attention, after which they dropped the issue or clarified their anti-communist position. A large number of opposition candidates, however, spoke of self-determination, which many government officials and Kuomintang candidates interpreted to mean Taiwanese independence and therefore cried foul.¹³ In this sense the election laws and gentlemen's agreements that had been hammered out before the election failed to work during the campaign. Nevertheless, government officials chose not to push the issue, while Kuomintang candidates tried to defuse it by claiming that self-determination applies only to people who do not have a nation. Some even targetted the independence issue, announcing that they did not advocate it inasmuch as the country (meaning the Republic of China) was already sovereign and, therefore, independent; or some simply made a joke of the issue.

Some opposition candidates brought up foreign policy problems, especially the government's failure to maintain diplomatic relations with a larger number of nations and with important international organizations, and Taiwan's hackneyed responses to Beijing's overture to negotiate reunification. Some broached the matter of martial law and extraconstitutional provisions that validate or rationalize special security measures. However, these issues were not very effective in winning voter attention or support.

During the campaign, opposition candidates claimed government harassment in the form of videotaping candidates' speeches and photographing audiences at campaign rallies and the like. The Election Commission claimed that this was the same right or freedom that the media or any individual might exercise, though it admitted that tapes and photographs would be used after the election as legal evidence in the event that election law violations resulted in charges being brought against any candidate. While there were accusations back and forth about this during the election, it seemed fairly clear that it would not escalate into a serious controversy.

Campaign activities, while noisy and boisterous, were somewhat more subdued than in the past. This was especially true in Taipei. The campaign, however, was not lacking in antics and sensationalism. One candidate campaigned on horseback. Another wore a surgical

13. According to one observer, self-determination was mentioned less frequently than in past elections. See Shao, note 4.

mask and military equipment, trying to underscore his major campaign issue—the battle against pollution. Another was carried to several rallies and sometimes to the podium on a stretcher, claiming he had been poisoned by his opponents.¹⁴ While making campaign promises, a number of candidates decapitated chickens (an ancient Buddhist ritual somewhat comparable to the Western practice of taking an oath with one hand on the Bible). Many made speeches in Buddhist temples concerning vital issues on their agenda. Most charged other candidates with mudslinging, and several threatened to sue for slander.¹⁵ Both sides fielded candidates with name recognition and public appeal: the Kuomintang ran a basketball player, a TV host, and a computer wizard (who programmed his responses to a number of campaign issues); the *tangwai* used film stars and singers both on their ticket and as helpers in their campaign.

The campaign was conducted in a more orderly fashion than usual—though it is uncertain how much of this should be attributed to new election rules as opposed to the maturing of the democratic processes in Taiwan. There was some tension in the air between Kuomintang candidates and *tangwai* candidates; yet it was obvious that the former had come to accept the latter as legitimate opponents (even though forming a new party remained technically illegal), and the latter regarded themselves as a loyal opposition and the conscience of the ruling party. When Kuomintang candidates and government officials were asked about the illegal status of the *tangwai*, their general response was that the *tangwai*'s technical status does not reflect its true situation. They further stated that it was perhaps wise that it remain formally illegal, inasmuch as something unexpected might occur and the law might need to be enforced—though they did not seem to think such an event was very likely. When asked if they wanted to unseat the Kuomintang, opposition candidates spoke more of themselves as being a check on the power of the Kuomintang, promoters of democracy, and winners of an election in the distant future.

Several months prior to November many observers had predicted that the Kuomintang would do poorly at the polls. A poor performance had been anticipated because of the crisis of confidence and the fact that the KMT supposedly could not match its performance in previous elections from the point of view of superior strategy (not only because its leaders had been innovative in past elections, but also be-

14. This charge was made by a *tangwai* candidate against the KMT. He was later examined and found in good health. See D. Southerland, "Taiwan's Ruling Party Wins in Local Elections," *Washington Post*, November 17, 1985, p. A-20.

15. See "Election Tidbits," *China Post*, November 15, 1985, p. 4.

cause the *tangwai* had either copied the KMT's campaign tactics or had acted to offset them). As the election grew closer, it looked more and more as if the Kuomintang would not do badly, perhaps even matching its performance four years earlier.

The Election and Its Results

Voting took place on Saturday, November 16, without any major problems or incidents. *Tangwai* campaign workers published what they said was proof that some ballots were available before election day, suggesting that either government officials or the Kuomintang candidates had tried to fix the election in one district.¹⁶ But little was made of this as the ballots were counted, either because the vote tallying did not substantiate the charge or because those with the evidence chose to take the issue to court later. Thinking that the election might have been rigged, *tangwai* supporters in the city of Chung Li turned over a car and threw rocks when they learned that their candidate had lost by a very narrow margin. The candidate, however, asked his supporters not to engage in violence, advising them that a recount would settle the matter. In the vicinity of Taipei a candidate was threatened with a knife during his victory parade, but he instructed his supporters not to attempt retaliation, thereby defusing that incident.¹⁷

Notwithstanding some light showers on election day and a predicted lower turnout because of more stringent election laws that somewhat dampened the carnival atmosphere of earlier elections, voter turnout was higher than usual and higher than in the unified local elections four years previous. Ballots were cast by 71.7 percent (8.1 million) of the eligible voters. As usual the turnout was higher in the countryside than in the cities, with the lowest turnout in Taipei. (The turnout for the Taiwan Provincial Assembly was 72.8 percent, slightly higher than in 1981. For the Taipei and Kaohsiung City Council it was 65.5 percent and 75.7 percent, respectively-both lower than in 1981.)¹⁸

Overall, voter turnover was not only up; it actually reversed a decade-long slow decline. Observers, in fact, were puzzled by the higher turnout. More debate about issues directly relevant to the

16. This observer received a copy of the *tangwai* documentation of the alleged vote fraud. According to several *tangwai* supporters, it consisted of a xeroxed copy of a ballot that had been available to military personnel before the election.

17. *China Post*, November 15, 1985, p. 8.

18. "Kuomintang Remains in Firm Control of Local Politics," *China News*, November 17, 1985, p. 8.

voter, good election strategies on both sides, and an increased awareness of party competition are probably the best explanations.

Kuomintang candidates won 146 of the 191 contested seats (76.84 percent), including 59 seats (out of 77) in the Provincial Assembly, 17 (out of 21) mayor and magistrate races, 38 seats (out of 51) on the Taipei City Council, and 32 seats (out of 42) on the Kaohsiung City Council.¹⁹ Considering the expectation that Kuomintang candidates would not fare well due to problems the party faced during the year and the crisis of confidence in government attributed to party leadership, the Kuomintang could claim a major, or at least unexpected, victory.

On the basis of electing 26 of its 44 candidates (winning 13.61 percent of the open seats) and winning some major races, the *tangwai* also claimed victory. (Ten independent candidates won the rest of the seats, except one winner from the Young China party-which supports the KMT.) Although it still suffered from considerable factionalism locally, the *tangwai* had clearly put in office a good percentage of its candidates and had campaigned without splitting its ranks. Compared to 1981, when 19 of 31 "official" candidates won elective office, the *tangwai*'s performance was much improved, having profited from its previous experience.

On the basis of the total number of seats won in the previous election, the election was inconclusive in terms of analysts trying to proclaim a victor. The Kuomintang ended up with one more seat, though there were two more seats contested. The percentage of the popular vote won by the Kuomintang (71 percent) and the opposition (29 percent) was virtually the same as in the 1981 election. In terms of leadership changes at the top, the word was "keep the incumbent": the speaker of the Provincial Assembly, the speaker of the Taipei City Council, and the speaker of the Kaohsiung City Council all won. Overall, incumbents did better than in past elections, which suggests that the electorate was generally happy with the conditions of the country and the performance of the government.

In the mayoral and magistrate races, the Kuomintang won 17 of 21 races for a gain of one seat over the previous election total. Offsetting this gain, Tsai Ming-yao, the incumbent Kuomintang county chief in Kaohsiung, lost to Mrs. Yu Chen Yue-ying-one of the most vocal and well-known *tangwai* candidates. This was a hotly contested election, and according to some observers the defeat embarrassed the

19. "KMT Scores High in 1985 Local Elections," *Free China Journal*, November 10-17, 1985, p. 1.

KMT.²⁰ Yu had lost the election to Tsai in 1981 by only 3,000 votes, or one-half of one percent of those ballots cast. This time she won by 28,000 votes.²¹ The fact that the KMT won the magistracy race in nearby Pingtung County, however, suggests this was more a personal victory for Mrs. Yu than a KMT problem in the Kaohsiung area. This view is further substantiated by the fact that Yu did not have close ties with other *tangwai* candidates, and many of them criticized her "personal" campaign.

In the Kaohsiung City Council race the KMT gained one seat, winning 38 of 51 seats in contention-or 74.5 percent of the seats.²² Moreover, the Speaker, a Kuomintang candidate, won against a very vocal opposition candidate who had sued the Speaker before the election and had lost the suit.

In terms of change or unexpected results, the Taipei City Council race was the biggest. Although KMT Speaker Clement Chang was re-elected, all eleven *tangwai* candidates won. Two independent candidates also won. In all, the Kuomintang lost three seats. Moreover, most of the winning *tangwai* candidates were either adamant critics of the Kuomintang and the government or were controversial figures, or in some cases were both.

For example, one of the winners was Lan Mei-chi, wife of Huang Tien-fu, a highly vocal opponent of the government widely known as the brother of one of the activists jailed following the Kaohsiung riots in 1979. One of the biggest vote getters was Hsieh Chang-ting, a young lawyer who built a reputation for opposing martial law and supporting consumer rights. Another successful candidate was Li Ting-chung, the wife of Lei Yu-chi, who was in jail over a libel suit against a high Kuomintang official.²³ It thus seemed that for the next four years the opposition would have a significant voice on this 51-member council that runs the nation's capital city.

The Taipei City Council race has still other implications. If one accepts the position that "as the capital goes, so goes the nation," then the Taipei City Council race should be considered portentous for the Kuomintang. Some observers credited the opposition's victory in Taipei to the voters' higher level of education and political awareness and a significant number of younger voters. A more studied interpre-

20. "Nationalists Sweep Taiwan Polls, But Lose Key Area," *Japan Times*, November 18, 1985, p. 4.

21. Goldstein, note 4, p.14.

22. *China News Agency*, November 18, 1985 in *Foreign Broadcasting Information Services*, November 21, 1985, p. 2.

23. For a complete list of names of winners and their "party" affiliations, see *ibid.*

tation suggests that the voters were more strongly influenced than the rest of the country by Kuomintang problems and the crisis of confidence. For all intents and purposes, the collapse of the Tenth Credit Cooperative affected the residents of the Taipei area; the scandal had hardly any impact elsewhere. The voters of Taipei were also much more aware of a leadership vacuum in regard to President Chiang Ching-kuo's successor; and they were more concerned about problems the nation faced in dealing with Beijing, the United States, and other foreign policy issues.

An alternative explanation is that the *tangwai* was much better organized in Taipei than elsewhere and it managed to formulate a better campaign strategy (especially to prevent its candidates from competing against each other) than in the past. How much it accounts for the *tangwai* victory in Taipei is difficult to say. In any case, the KMT had cause for concern.

On the other hand, the KMT lost only 3 seats. The party, moreover, fielded 38 successful candidates out of 49. This is a 77.5 percent record of winning candidates, better than the KMT did elsewhere.²⁴ Also, the percentage of votes for the KMT in Taipei equaled its record elsewhere. In short, KMT organizers ostensibly were familiar with the situation in Taipei, and the outcome was not a surprise. In fact, it may have been in part facilitated by the fact that the KMT diverted its energies elsewhere, knowing its limitations in Taipei and predicting defeat. This being the case, the KMT could be expected to recoup its losses in the next election.

The Kuomintang's defeat in Taipei may also suggest that its strategy of nominating younger, better-educated candidates, not only to project an image of a party keeping up with the trends but also to offset charges of "money politics," did not work. Before the election the party boasted that the average age of its candidates in the Taipei race was slightly over forty-three years. It claimed that more than 68 percent had completed university education-over 20 percent of them had graduate degrees-and around 25 percent were new (with an average age of thirty-five). During the campaign many candidates were described as being specialists in law, the media, public administration, etc. The public seemed to be less concerned about qualifications than they had been in the past. It is more probable that the KMT's policy of advertising candidates' qualifications, especially educational and professional, did not have the impact the party anticipated because the

24. Ibid.

public did not regard it as novel, having been exposed to it in the previous election. Furthermore, this time the opposition used it as well.

The perception of the Kuomintang's performance outside Taipei was certainly better. The Tenth Credit Cooperative scandal was not a big issue outside Taipei, and the Henry Liu case and foreign policy issues generally seemed of less concern to voters in areas distant from the capital. In the countryside, KMT candidates appealed to conservative voters more effectively and showed a better understanding of local issues than their competition. Similarly, outside Taipei the Kuomintang was able to split the opposition and/or exploit factionalism within opposition ranks with considerable ease.

Unlike the Taipei City Council contest, the Taipei county magistrate race was not a case of the KMT faltering or losing. You Ching-a German-trained lawyer and an outspoken critic of the KMT who earned national fame for defending several of the best known defendants in the Kaohsiung riot trials in 1980—lost to KMT-incumbent Lin Feng-cheng by more than 250,000 votes out of one million cast. Analysts said that his slogan of “recovering Taipei county” (which satirized the government's policy of recovering the mainland) and his talk of self-determination and the need to form a new political party—both considered illegal or on the fringes—seemed to do little to ingratiate him with the electorate. *Tangwai* supporters, however, said that You's performance showed that the *tangwai* had made inroads into an area that was formerly KMT turf. Thus they claimed his defeat should not necessarily be seen as a loss.²⁵ Plainly, it was one of the most visible and controversial contests.

In contrast to the above, most of the contests for Taiwan Provincial Assembly seats were not hotly or strongly contested. A partial explanation is that the *tangwai* saw better opportunities elsewhere for winning or taking positions whereby they could proclaim their views, even though the Provincial Assembly has traditionally been dominated by Taiwanese and some have perceived that it could eventually be controlled by the opposition. In short, the Taiwan Provincial Assembly contest was the least exciting part of the election. Furthermore, the results were less meaningful in terms of either proclaiming a victory for one side or the other or in terms of assessing the nation's political future.

Vote buying was, as always, a serious problem, but not noticeably worse than in previous elections. The major cause was Taiwan's prosperity—certainly not to be condemned. Perhaps vote buying can be

25. See Goldstein, note 4.

kept in check through legal means and by publicizing campaign spending. No one seemed to have a better solution.

Compared with previous elections, there were noticeably fewer voters influenced by candidates who appealed to their sympathies. This must be regarded as a positive factor, reflecting a more educated and objective electorate. The elected candidates' age and level of education and experience clearly reflect the rational choices made by Taiwan's electorate. The winning candidates, younger and better educated than ever, could boast of more experience in government or in positions related to the offices they sought. They also boasted of sufficient energy to do the job, and the electorate listened. More than half of the winning candidates (51.8 percent) were in their forties. Only 13 victorious candidates were over sixty; three were in their twenties.

As far as education is concerned, 68.6 percent were college educated, 73.2 percent if military institutes are counted. No victorious candidate had less than a high-school education. All new mayors and magistrates had a college education. Of special note is the large number of female candidates elected: 9 of 51 (17.6 percent) winners of seats on the Taipei City Council; 6 of 42 (14.3 percent) victors in the Kaohsiung City Council race; and 13 of 77 (16.9 percent) elected to the Taiwan Provincial Assembly. On the other hand, female candidates did not do exceedingly well in the magistrate and mayoral races, where only two women were elected.²⁶

Conclusions

The obvious conclusion to draw from the November 1985 "national" local elections is that Taiwan continued to experience significant and meaningful political development of a democratic kind. One might say that this election offered more proof of democracy than most, since it was conducted in the context of problems and adversity. Because of these difficulties it would have been easy for the Kuomintang to resort to authoritarian practices and induce the government to prohibit many of the opposition's activities. On the contrary, the KMT demonstrated more tolerance and patience toward the opposition than in previous elections. Similarly, the opposition could have

26. "Backgrounds of Elected Mayors (1985), Magistrates, Provincial Assemblymen and City Councilmen," *China Post*, November 18, 1985, p. 2. Even the percentage of women (10 percent plus) who won in mayor and magistrate races is high compared to elections in most Western countries. Of the victorious female candidates 9, 6, and 13, respectively, were KMT. The two victorious women in mayor and magistrate races were independents.

been harder on the KMT during the campaign for its failures and could have been much more critical than they were.

In terms of concluding who won the election, the only reasonable bottom line is that both sides won, that the country won, and that the process of political development won. In terms of a contest between the KMT and *tangwai*, the results plainly suggest a draw. In one sense, it is possible to say that both won. There were fewer defectors from either camp. Moreover, moderation generally prevailed in both camps in terms of views and election campaigning.

If one wants to argue that the KMT won the election, the figures do suggest that conclusion—even though it was the narrowest of victories (one seat). The KMT also “won” in view of the predictions that it would lose. Several months before the campaign, most newspaper editorials were pessimistic about the fate of the KMT at the polls. The ruling party seemed to be in considerable trouble because of the various problems mentioned above. The KMT in some senses suffered a crisis of confidence. Knowing that the fate of political parties tends to wax and wane, with victories often resulting in overconfidence and defeats making the opposition work even harder, the KMT should have expected losses, even significant losses, in this election. But it did not.

The *tangwai* could certainly celebrate and even claim victory because of the fact that the “party” suffered less from factionalism than it had in the past. It was also less split along ideological lines, and its election strategy was much improved. *Tangwai* candidates gained savvy from previous elections and used it in this election. One might also cite the fact that the *tangwai* did better in the most strongly contested races—for mayors and magistrates. *Tangwai* leaders could in particular rejoice in the Taipei City Council victory and even claim that it was a bellwether. It is no doubt significant that in Taipei more than half of the electorate was under the age of thirty, and most of them did not identify with the KMT in terms of party affiliation. There was clearly a message here regarding the *tangwai*'s potential in terms of election opportunities.

On the other hand, during this election the *tangwai* said much less than was expected about its future as a political party—even though it behaved more like a party than it had in the past. It rarely complained that it was not allowed to become a legal party. One might conclude that the *tangwai* had become resigned to the fact that this was not going to happen. In other words, the KMT would not allow it to happen. More likely, *tangwai* leaders realized that it would matter very little, since the *tangwai* was still too divided for party status to

benefit its candidates. Thus, *tangwai* leaders looked more toward the distant future when they considered a legal party and a two-party system evolving.

The system would likely be a one-party-dominant one for the immediate future. The *tangwai* would play the role of a pressure group or the conscience of the KMT and the advocates of democracy rather than a true opposition party in a two-party system. Alternatively, the *tangwai* was already so much a political party—a fact both it and the KMT perceived—that there was little reason for discussion.

Similarly, *tangwai* candidates said much less of substance about self-determination than in the past, using the issue only to draw attention to their campaign. Whereas the polls showed it was not a good campaign issue, this had also been true in previous elections. Apparently less was said about self-determination because it was taken for granted or because the candidates themselves, possibly influenced by their perception of the electorate's view, did not want to antagonize top officials in the national government. Holding an election itself was proof of national sovereignty, and KMT candidates were saying much the same thing about independence as the *tangwai* (the KMT simply used different logic: that Taiwan is synonymous with the Republic of China and that it is sovereign and will remain sovereign).

The fact that there was less identification among the voters with ethnic differences was a good sign. As in past local elections, the large majority of KMT candidates were Taiwanese. In this sense the KMT had become a Taiwanese party. In contrast, the *tangwai*, which some saw as evolving into a Taiwanese party some years ago, was not a Taiwanese party, or at least did not seem so in this election. Ethnic differences were less important than in previous elections and less a factor than many observers expected.

Based on this election, labeling the KMT as a conservative party and the *tangwai* as a liberal or progressive party was not easy to defend. It seemed to be more accurate to call the KMT a progressive-conservative party. The *tangwai*'s platform entitled the progressive adjective, but liberalism was not a party theme (perhaps because so few in Taiwan understand its meaning or because liberals have not done well in the United States or Japan, where the populace of Taiwan looks for political lessons). The same is true of capitalism (KMT) and socialism (*tangwai*). This dichotomy was much more blurred in this election. Taiwan's capitalistic development strategy had worked so well that it could not be challenged, and the KMT had been so aggressive in adopting social welfare programs that the *tangwai* could not make this a good campaign issue. In the past their candidates talked a

lot about equality and poverty. A number of *tangwai* candidates, in fact, advocated lower taxes and a more capitalistic economic system. Thus, there was some switching sides on economic issues.

Some observers have argued that Taiwan has had too many elections and that the electorate had become bored, thus explaining the declining voter turnout. This seems to have been disproved by the results of this election. In fact, Taiwan in 1985 witnessed a reversal in the decline of voter turnout during several of the last elections. Moreover, an even lower turnout had been predicted. Apparently the bored-voter thesis or the voter-alienation theory was wrong. Voter turnout was apparently higher because more voters perceived that it was their duty to vote and more could identify issues as affecting them directly. One might also say that democracy had matured in Taiwan, and the individual voter felt more a participant inasmuch as he or she had become accustomed to the democratic process of electing politicians who actually represent the people in governing.

One may conclude that this election was competitive and interesting and that if the future was to be predicted on the basis of this election, future contests would be even more instrumental in the operation of Taiwan's political system. Its system would then continue to become democratic at a high rate of speed, without the difficulties many nations have experienced in institutionalizing democracy. In that sense, Taiwan is a model.

CHAPTER 3

TAIWAN'S 1986 NATIONAL ELECTION: TRANSITION TO DEMOCRACY

Introduction

On December 6, 1986 voters went to the polls throughout Taiwan in what many have since called a watershed election. Some said it pushed forward the political modernization process in this island republic by perhaps a decade or more. Other observers declared the election was proof that Taiwan had made the transition from an authoritarian political system to a democracy. Clearly politics, especially electoral politics, changed as a result of this election and its campaign.

This was the 68th major election held in Taiwan over the past three decades. It was the first, however, in which the competition was organized in the form of a legally constituted party—even though this was still partly unfinished business. The newly formed Democratic Progressive Party (DPP) nominated candidates that ran as “party” candidates, while their predecessors ran as a group of non-party or independent opposition candidates. They carried green and white “party” flags. The media and the electorate referred to the DPP as a political party. Hence this election was dubbed the first two-party election in Chinese history.

The 1986 election must also be seen in relation to events during 1986, particularly announcements by President Chiang Ching-Kuo that the government in the not-too-distant future would end martial law and allow the formation of new political parties. 1986 was clearly a time of significant political change in Taiwan. This was especially true of the few months preceding December 6, 1986.¹

The Political Context of the Election

During the early half to two-thirds of 1985 the government and the ruling Party in Taiwan passed through what might be called a period of malaise. A number of trends were less than positive—including economic growth (compared to the past) and unemployment

1. For further details, see John F. Copper “Political Developments in Taiwan in 1986,” *China News Analysis*, January 15, 1987, pp. 1-9.

(increasing, though still low compared to other countries). The country also faced some rather serious problems or crises. Early in the year the Henry Liu case (the murder of a San Francisco businessman) broke, implicating top political intelligence officials in Taipei. The foreign media interpreted the case as one of the KMT killing a U.S. citizen because he had written something uncomplimentary about Taiwan's government, and in particular about President Chiang Ching-kuo. A number of U.S. newspapers harshly criticized the government and implicated other officials by association. The subcommittee on Asia of the House Foreign Affairs Committee of the U.S. Congress held hearings during which several noted Congressmen sought to use the event as a reason to end arms sales to Taiwan.²

The collapse of the Tenth Credit Union, the second largest financial conglomerate in Taiwan, further undermined the credibility of the government and the ruling KMT. It was monumental in terms of its size and the number of businesses and investors affected—involving more than 100 companies collectively worth more than 3.5 billion U.S. dollars. The collapse gave the impression that the government was not properly managing the economy and that corruption and malfeasance were serious problems.

On top of these problems the country witnessed a number of highly publicized accidents that many blamed on the government—two coal mine disasters and poisoned wine (from the government's wine and tobacco monopoly) that was sold to consumers. And there was unfavorable press over the arrest of a Taiwan-born (but with U.S. citizenship) Los Angeles newspaper owner. There were also rumors about President Chiang Ching-kuo's health and increased speculation about the problem of his successor. Some, especially opposition politicians, opined that he did not have a successor.

Mid-year 1986 the KMT seemed to be heading for an election defeat in November. However, past problems and crises were not as important as they appeared, or were handled deftly. In any case, an election loss was averted. The Henry Liu case by this time was seen by most of Taiwan's voters as a case of one or two officials acting on their own against a double or triple agent (who had done intelligence work for Washington, Taipei and Beijing). The Tenth Credit scandal was in part put to rest by officials, including two cabinet members, stepping down and taking responsibility. That issue also became seen as one resulting from insufficient government regulation rather than

2. For details, see John F. Copper, "Taiwan: New Challenges to Development," *Current History*, April 1986, pp.168-171.

corruption. The public, moreover, was unsure it wanted more regulation in view of the fact that a free and open market (although maybe too free) had given Taiwan its miracle economic development. The other problems as well seemed to pass so that, by November, they were no longer seen as terribly important. The nation's most serious "problem" was its growing foreign exchange position, resultant of a huge trade surplus. Some observers commenting about the problem said that it was one that most developing nations wish they had.³

The ruling Nationalist Party also appeared to be taking the coming elections seriously and showed its willingness to adjust to new political realities in order to help its candidates to electoral victory. In March the KMT held its third plenary session of the Party's 12th Central Committee. At that meeting several new members were appointed to the important and powerful Central Standing Committee. The new appointments mirrored progressive changes in the direction of Taiwanization, democratization, and a younger leadership of the Party. Some even speculated that the older, less flexible and more authoritarian-minded leaders of the Party no longer held the balance of power in top Party decision making bodies.⁴

A few months later President Chiang Ching-kuo (also Chairman of the KMT) ordered the formation of a twelve-member committee to study the status of martial law and the ban on the formation of new parties; the committee was also to examine the problem of an aging National Assembly and means of improving local government. The first two "tasks" were by far the most important. What was meant by "studying" martial law and the ban of new parties was, in essence, finding a way to get rid of both and figure out how the system could best be pushed ahead on the road to further democratization without evoking political chaos or instability.

On the subject of legalizing new parties, *tangwai* leaders proposed that they be allowed to have permanent offices countrywide in the form of their Tangwai Research Association for Public Policy (TRAPP). TRAPP would serve as a permanent national "party" organization that could coordinate "party" activities during periods when elections were not pending. This would help give the *tangwai*

3. See John F. Copper, "Taiwan in 1986: Back on Top Again," *Asian Survey*, January 1987, pp.89-90.

4. See "ROC Sets a Model for All Chinese, Chiang Says," *Free China Journal*, March 31, 1986, p. 1. For a comparison with the previous Central Standing Committee, see Edwin A. Winckler, "After the Chiangs: The Coming Political Succession on Taiwan" in Richard C. Bush (ed.), *China Briefing, 1982* (Boulder CO: Westview Press, 1983), pp. 103-121.

the status of a real political party—even though it had been so labeled during previous election campaigns. It did have a platform, “party” funds, and a unified campaign. In May, the government, upon the recommendation and support of President Chiang, decided in the affirmative.

Additional meetings (that included *tangwai* officials as well as scholars and others) were held to discuss the proposals to abolish martial law and allow (formally) new political parties to form. The issue was not whether to carry out these decisions; that was seen as inevitable. Nor were there any really intractable issues between the two sides relative to implementing the proposals.

The substance of national security legislation that would replace martial law was an issue, but not a divisive one. The public did not consider martial law offensive or bothersome (according to public opinion polls), but it did see the abolishment of martial law as necessary to fulfilling the goal of democratizing the system. Notwithstanding the public’s support of martial law, on May 19 (the 38th anniversary of its enactment) demonstrators organized to protest what they considered “unfair and undemocratic impediments to freedoms guaranteed in the Constitution.”⁵

The formation of new parties was not as hot an issue as some thought because the *tangwai* was already in most respects a political party. Older KMT officials opposed giving it legal status for various reasons, including the fact that allowing the *tangwai* to operate as a party, but one without legal status, seemed to be the most cautious means of allowing party competition to develop. Moreover, a significant number of *tangwai* and opposition politicians were not enthusiastic about the offer of legal status—since the *tangwai* was in large part a protest party and winning legal status, some perceived, would be a liability rather than an asset in the coming election campaign. The *tangwai* lacked a base of support in the sense parties in Western countries can identify a region, social class, or other segment of the population that supports the party and renders it various kinds of help; thus the protest vote was viewed as crucial.

In early June four members of the opposition were jailed for libel. Opposition leaders viewed the court action as an attempt to prevent their candidates from running in the December election, charging that the decision was influenced by the KMT. On June 9th 5,000 demonstrators protested the eight-month sentence meted out to one *tangwai* politician (for libeling a university professor in an article in *Neo-For-*

5. *Facts on File*, October 24, 1986, p.799.

mosa magazine). It was described as the largest demonstration since the 1979 "Kaohsiung Incident."⁶

In August TRAPP organized a rally at an elementary school in Taipei, attracting 50,000 participants and onlookers. The gathering was attended by the executive director of the U.S. National Democratic Institute for International Affairs, giving the impression that the U.S. supported TRAPP and an end to the ban on political parties. In fact, some perceived this as a sign of U.S. pressure on the government to "open up" the coming election.⁷

In early September, Taipei City Councilman Lin Cheng-chieh (also publisher of the opposition magazine *Progress Monthly*) was sentenced to eighteen months in jail on the same charge as the others: libel. Lin somehow evaded the police for a while. He then appeared at the steps of the Presidential Office Building, and in front of a large crowd, smashed a clock (the word for clock being a homonym of end or final)—signifying his "had it" attitude with the government. This provoked (or at least became the cause of) several days of protest demonstrations in Taipei and other large cities in Taiwan that attracted large numbers (thousands at times) of people.⁸

On September 9 protestors in Taipei formed a large street march—the first led by the opposition since the "Kaohsiung Incident" several years earlier. The march attracted even more participants and spectators and seemed to inject both unity and enthusiasm into the opposition movement. It also appeared to enhance public support for *tangwai* politicians. Meanwhile, the government's contention that the court decisions against *tangwai* notables were not influenced by any other branch of the government or the ruling Nationalist Party, though true, was not very convincing.⁹ This fueled "demonstration fever." On September 28—without further consultations with the KMT, the government, or Chiang Ching-kuo's committee—135 *tangwai* politicians, after a meeting at the Grand Hotel in Taipei, announced that they had decided to form the Democratic Progressive Party. The announcement was provocative inasmuch as it was still illegal to form a new political party. Yet it seemed apparent to almost everyone that the ban on new parties would be lifted and that the DPP's "crime" was one of simply acting prematurely—which was not

6. Ibid.

7. Agency France Press, August 15, 1986 in Foreign Broadcasting Information Service, August 18, 1986, p.V2.

8. Paul Mooney, "Opposition in the Streets," *Far Eastern Economic Review*, September 25, 1986, p.18.

9. Ibid.

very serious. It was also obvious that the *tangwai* made this move (rather than continuing discussions with the committee) in order to avoid the perception that it was a creation of the KMT or was born out of *tangwai* -KMT cooperation.

A few days later President Chiang, in a meeting with Katherine Graham, owner of the *Washington Post*, affirmed that martial law would be lifted and that new political parties would be allowed to form. Judging from the tone of the President's statement and considering the person to whom the announcement was made (causing it to be reported with some fanfare in the *Post*) it was a promise to be taken seriously.¹⁰ This was subsequently underscored when the President blocked action by the Ministry of Interior to file charges against the DPP for violating the prohibition against new political parties.

In mid-October the KMT approved a proposal whereby martial law would be replaced by national security legislation patterned after the U.S. and other Western democracies. While it was assumed that this would take some time to be formalized by the Legislative Yuan, most thought that the legislation passed because the KMT held the majority vote in that body. In the meantime, martial law for all intents and purposes was held in abeyance. Certainly DPP leaders made this assumption. Hence, to the DPP, the elections would not be held under the constraints of martial law or the ban on forming new political parties.

On November 8, You Ching, one of the most visible leaders of the DPP, told Japanese reporters that the DPP had a membership of 2,500 and expected to grow to 100,000 in less than a year.¹¹ He declared the DPP's objective was to "break KMT one-party monopoly rule and build a welfare society after the Western European model." He also said that the DPP stands for "self-determination" and wanted Taiwan to be readmitted into the United Nations (though he did not say how this might be accomplished or if he meant that the country's name should be changed).

On November 10 the DPP announced its "party" organization and leadership. Oddly, the DPP was structured after Leninist organizational principles. Opposition politicians had long pointed out KMT "hypocrisy" because of structuring the ruling party after these "communist" tenets of party organization. Apparently they were not im-

10. See Daniel Southerland, "Taiwan President to Propose End to Island's Martial Law," *Washington Post*, October 8, 1986, p. 3.

11. See Carl Goldstein, "The Opposition Party," *Far Eastern Economic Review*, November 20, 1986, p.36.

pressed with the organizational structures of the Western political parties. They had studied various party structures (including those in the U.S.) but ostensibly considered unity and party discipline too important to adopt the organizational structure of any of them.

Chiang P'eng-chien, a relatively little-known member of the Legislative Yuan, was elected chairman of the DPP in what appeared to be a close and divisive vote. You Ching and several others were in contention. Inside observers said the decision was a compromise and that the DPP's most well-known and most charismatic leader (meaning You Ching) was not picked to head the DPP because of factional infighting. Many called Chiang's appointment a mistake. Subsequently P'an Li-fu, a DPP Standing Committee member representing activists from the south of Taiwan, threatened to resign and take representatives of Pingtung county with him. A serious party split seemed in the offing.¹²

Because those involved realized that party unity was a *sine qua non* to compete successfully in the December election, a formal split was avoided, and party unity, at least on the surface, was restored. Obviously something had been learned from the *tangwai's* performances in past elections. Moreover, the DPP had to maintain party unity if there was to be a two-party election—which the polls showed the public wanted. Individually, DPP leaders had to consider public opinion not only for the sake of the party but also, in most cases, for the sake of furthering their own candidacies—since most of them were running for office in December.

President Chiang meanwhile announced that, to become a legal party, three conditions must be met: agree to abide by the Constitution (meaning among other things forswearing violence), renounce communism, and deny supporting independence. These conditions did not seem onerous. The opposition had long supported the Constitution; it had even criticized the KMT for not upholding it, especially in its original form. Few *tangwai* politicians had even hinted at supporting communism; there was certainly no support among the electorate. The DPP had been critical of Taiwanese Independence Movement activities in the U.S. and Japan and eschewed direct contacts with the Movement in either place.¹³

The DPP, however, refused to accept the President's three condi-

12. See Ramon H. Meyers, "Political Change and Democratization in the Republic of China 1986," *Free China Journal*, December 1, 1986, p. 2.

13. DPP leaders made such statements at the time the party was formed. For further details, see John F. Copper, "Political Developments in Taiwan 1986," *China News Analysis*, January 15, 1987, pp. 1-9.

tions, ostensibly because the new party did not want to give the impression it was colluding, or even cooperating, with the KMT. DPP leaders, in fact, sought to accentuate differences between their party and the KMT. The DPP openly challenged the KMT's policy of reconquering the Mainland and instead called for separation from the People's Republic of China. The DPP charter even contained a "plank" which stated that the future of Taiwan should be "decided by the residents of Taiwan. . ." Many interpreted this to mean advocating self-determination and/or ties with the Taiwanese Independence Movement. DPP officials pointed out that the two were not the same.

Meanwhile a nationwide opinion poll was conducted (and published in one of Taiwan's largest newspapers) which reflected public support for the President's decision to lift martial law and to allow new parties to form. However, more detailed public opinion queries reflected that the public had not changed its view about martial law but rather remained supportive of it. The poll also indicated public disapproval of the formation of the DPP.¹⁴ In light of this poll, the President's actions apparently represented a commitment to a wholly democratic system—therefore the public supported him. Martial law, even if supported by the public, had to go in order to realize the bigger objective: democracy. The DPP's suddenness in forming and violation of the law apparently alienated a sizable portion of the public. Alternatively, the DPP's stated tenets on a number of issues had this effect.

In any event, the lines were being drawn between the KMT and the DPP on several important issues. Polarization was not so serious, however, as to make the election process unworkable. Most wanted the system to work. Moreover, it was clear the DPP was going to participate in the election as a party, even though legal status was yet to be granted. Blocking its participation would have hurt Taiwan's political development and sent the wrong signals domestically and internationally.

The Election Campaign

On November 14, a week before the campaign began, seven U.S.-based dissidents returned to Taiwan to support the DPP and "democratize the elections." The leader of the group, Lin Shui-chuan (who had been in the U.S. since 1982 after finishing a prison term in Taiwan) was refused entry because he presented no travel documents. Some of the other members of the group also failed to show passports;

14. See "Gearing up for Elections," *Asia Bulletin*, November 1986, p.35.

the rest declined entry when Lin was detained. The group started a scuffle with police before they left—causing a scene that soon became a campaign issue for the DPP.¹⁵ DPP candidates, looking for an election issue to rally their supporters, charged the government and the ruling KMT with supporting police brutality, oppression, and with subverting democracy.

With this introduction, the campaign began on November 21 with individually (candidate)-sponsored forums and speeches. This lasted for eight days. Prior to the onset of the campaign period, a number of candidates held “teas” and other “parties” as a way of starting their campaigning early—in violation of the Election and Recall Law.¹⁶ KMT candidates generally observed the election rules in this regard. During the period of candidate-sponsored forums, over 500 individually-sponsored meetings were held. Moderate DPP candidate Kang Ning-hsiang held the most—43. Opposition DPP candidates Hsiao Yu-chen and Chou Ching-yu held 37 and 36 respectively.¹⁷ Candidates generally attracted good crowds, but according to several observers (in agreement with this writer's perception) these crowds were not as large as in the past two elections. There also seemed to be a larger discrepancy in the size of the audiences attracted to different candidates.

Following the period of private campaigning, public forums sponsored and arranged by the Election Commission were held for seven days. There were 721 such meetings throughout the country. By assigning the place, order of speakers, and time of presentation, the public forums in some ways resembled debates between political candidates in the U.S. and in other Western democracies. This was certainly the case inasmuch as the electorate was able to compare candidates' views and presentations.

According to opinion polls conducted both before and during the campaign, the issues the electorate perceived as important differed markedly from those the candidates thought were the central issues. Voters surveyed in Taipei indicated traffic, air pollution, and public safety as their biggest concerns. They ranked the formation of new political parties below a dozen other issues in importance. In Kaohsiung, voters rated public safety as their first concern, followed by traffic

15. See footnote 13.

16. This had been a problem in previous elections. Candidates could circumvent the Election and Recall Law by holding private birthday parties and teas, that were in reality political meetings. No solutions to this problem had been found.

17. “By-Election Campaigning to Enter 2nd Stage Today,” *China Post*, November 29, 1986, p. 3.

and air pollution. The formation of new parties was not even among their top twenty priority concerns. In contrast, candidates in Taipei replied that social welfare, foreign relations, and national security and human rights were their foremost concerns. They put the top three issues as ranked by the voters below fourteen other issues. Candidates in Kaohsiung stated that social welfare, economic freedom, foreign relations, and national security were the most important campaign issues.¹⁸

The discrepancies (which also existed in previous elections) may be explained by the fact that none of the issues the voters regarded as the most important, with the possible exception of the crime issue (part of the public safety problem), were issues that could be sensationalized or used to attract attention. Certainly they were not issues that could be used to excite listeners at rallies. Candidates thought that they had to attract a devoted and committed group of supporters (to enlist as campaign workers and activists) first. They also perceived that they needed to attract public attention to get their campaign started well; without this they would be viewed as boring and could not build momentum.

Many candidates seemed to believe they could ignore the issues the voters considered important early in the campaign and address these issues only when asked or when other candidates did so. Some said they could bring up these issues during the "less interesting" government-sponsored forums. Many candidates, furthermore, pointed out that nearly all candidates took an identical position on these issues, i.e. favoring more orderly traffic, getting rid of air pollution, and reducing crime. Even specific means of handling these problems or solutions did not differ among candidates very much, at least sufficiently enough to build candidate identification or image based on positions on these issues.

During the campaign, KMT candidates in general espoused more conservative positions while DPP candidates took more liberal views. However, few candidates presented themselves as ideologues, inasmuch as this was not a mark of success in previous elections. Hence, liberal and conservative views on many issues were not very clear much of the time. Finally, there was considerable disparity of views within each party, blurring differences between the parties.

Still, the two parties were different enough that party identification was not difficult. DPP candidates fairly consistently favored

18. "Poll: Citizens, Candidates Differ on Election Issues," *China Post*, November 12, 1986, p. 3.

more press freedom and freedom of speech and advocated increased civil and political freedoms. DPP candidates were in general agreement that campaign regulations were too restrictive, that the campaign period needed to be lengthened, and that limits on campaign spending needed to be broadened or lifted (notwithstanding public concern about "money politics" and a serious problem of vote buying in previous elections). KMT candidates were usually stronger advocates of law and order and reducing crime. As a rule, they favored keeping the present election rules or changing them only slightly (even though the election laws were not working very well). KMT candidates as a group expressed satisfaction with the nation's progress in broadening civil and political liberties.

DPP candidates supported increased social welfare and made this a major issue in the campaign, just as the *tangwai* had in previous campaigns. KMT candidates took credit for the nation's economic prosperity, and they boasted of successful social welfare legislation and work done by the KMT in this area. KMT candidates also claimed credit for low unemployment and the nation's low disparity of income that made social security less necessary than in other countries.

DPP candidates advocated a more aggressive foreign policy, in particular arguing for policies that would get the country back into the United Nations and other international organizations. They did not, however, cite any specific means for doing this and appeared to lack any feasible plan. They did, on the other hand, have concrete proposals regarding the Asian Development Bank: Remain in! KMT candidates, when they talked about foreign policy issues, stressed the government's successful economic and cultural diplomacy and defined past "diplomatic failures" as inevitable, not as mistakes.

DPP candidates criticized the government's "three no's" policy and suggested "contacts while maintaining separation" with the People's Republic of China. As with most foreign policy issues, they did not elaborate on this issue. They criticized the nation's large defense budget and suggested that more money should be spent on social programs, unemployment insurance, etc. KMT candidates generally espoused the line of not trusting, and therefore not negotiating with, the communists. They were critical of "unrealistic" DPP foreign policy proposals, though they generally avoided talking about the issue of retaking the mainland, which the DPP labeled as unrealistic. For the most part, KMT candidates supported current defense spending.

Foreign trade issues were rarely discussed. Likewise, Taiwan's large trade surplus with the U.S. and currency revaluation were not important election issues. This was so in spite of growing tensions

with the U.S. over trade and rapidly growing foreign currency reserves that threatened to touch off inflation.

The DPP talked about democracy and the need for greater freedoms for candidates to say and do as they desired in order for the political system to become truly democratic. They charged that the KMT monopoly of the media and the country's one-party system precluded real democracy. They continued to indict the KMT for not allowing genuinely free elections and for lack of fairness in the election system, especially the system's favoring the ruling party. KMT candidates spoke of the need for political and social stability as a precondition for democracy and accused DPP candidates of naivete in this regard. They also accused the opposition of "reckless" and unrealistic talk about democracy, which KMT officials labeled foolish and dangerous since it would "play into the hands of the communists."

The most emotionally-laden or sensitive issues were self-determination and DPP street politics, labeled by the KMT as lawless and leading to anarchy. Views on both issues polarized during the campaign. Some KMT candidates charged that DPP candidates advocated independence, which was treason. Others said the DPP played into the hands of the Taiwanese Independence Movement and the Communists. Many argued that the DPP's advocacy of self-determination was either already realized, since Taiwan had a legally constituted government, or was an unnecessary provocation. The People's Republic of China underscored the latter point when a press spokesman for the Ministry of Foreign Affairs publicly assailed the DPP's advocacy of self-determination during the middle of the campaigning.¹⁹

KMT and DPP differences on the touchy issues were amplified when dissident Hsu Hsin-liang tried to return to Taiwan from the United States. Hsu had left Taiwan under indictment for treason before the "Kaohsiung Incident" in 1979. He subsequently applied for and was granted political asylum in the U.S. Not having been an important official or opposition spokesman at the time (a county magistrate), he was not able to win much of a following in the U.S. or much support back home—though his name was remembered through his brother, who was running for office from his home district. However, Hsu became better known immediately before the campaign as he became intensely critical of the government and after he claimed to represent the DPP in the U.S. and vowed to return to Taiwan as an

19. For further details on Peking's attitude, remarks, and threats, see "The Peking Factor," *Asiaweek*, December 21-28, 1986, p.29.

"Aquino."²⁰

DPP leaders repudiated Hsu's claim to represent the party in the U.S. They underscored this when his advocacy of terrorism and terrorist tactics were documented in Taiwan's newspapers at the time, some in rather lurid detail.²¹ This embarrassed the DPP and caused many in the opposition to distance themselves from Hsu and the Taiwanese Independence Movement. Still, DPP leaders perceived Hsu's return as an opportunity to rally their forces and win public sympathy and support for their cause. Demonstrations and rallies during the spring and summer had had that effect; why not now? Thus the DPP prepared for Hsu's rumored arrival on November 20th.

DPP leaders were also plainly aware of the fact that the government had ordered the police and other authorities to behave with the utmost restraint and leniency in order to prevent anything from happening during the campaign which would be construed by the foreign press as sullyng an otherwise fair election or oppressing democracy. Thus, the DPP assumed they could organize demonstrations at the airport without fear of retaliation. So they joined in mass to meet Hsu.

Many KMT candidates meanwhile opposed the government's "excessively lenient policy" toward protest demonstrations. They saw it as creating a situation in which the DPP was given carte blanche to advocate radical policies, undermine government authority, and create a situation verging on a breakdown of law and order. Others, however, opined that the fear of anarchy would work to the KMT's advantages. They saw a repeat of the Kaohsiung Incident of 1979, when the opposition alienated the population by creating political instability which threatened to escalate into chaos.

In any event, 20,000 demonstrators gathered at the airport when Hsu was rumored to arrive. They turned over and burned police cars, threw rocks, and hit, kicked, and insulted police officers—including women officers. One reporter videotaped a scene of a demonstrator in a shoving fracas with police, after which he doused his head with animal blood or paint from a sack in his pocket, then claimed that he had been beaten by police. This was reported by several large newspapers and the T.V. networks. It clearly damaged the image and reputation of the DPP. So did the fact that the opposition was seen to have

20. Carl Goldstein, "Barricaded Tarmac," *Far Eastern Economic Review*, December 11, 1986, p.16f.

21. See "Dissident Enters Illegally Flying Under False Colors," *Free China Journal*, December 8, 1986, p. 2. Several of Taiwan's major newspapers carried stories citing Hsu's advocacy of violence and reprinted some of his writings on the use of terrorism during the campaign.

started the violence and the widespread belief that police acted with restraint. One public opinion poll recorded an immediate 3 percent drop in voter support for the DPP.²²

The DPP cried foul play and officially repudiated the violence, perceiving that it was creating a serious backlash. In order to effect damage control, the DPP showed their own tapes at their campaign offices and elsewhere in public. These tapes showed only the police throwing rocks and using water cannons and tear gas. One tape they played repeatedly showed the demonstrators being pushed away by police; they dubbed this "movie" "the ugly cop." DPP leaders also decried media reports on the incident that allegedly unfairly favored the KMT. On one occasion, DPP supporters held a rally to burn copies of the *United Daily News*—one of Taiwan's largest papers—which had reported that the violence was started by DPP supporters and was organized by the party.²³

Hsu later managed to get to Taipei from the Philippines. But he was discovered before disembarking at Taipei International Airport, and the plane carrying him was forced to leave before it was widely known that he had arrived. Subsequent repeated efforts by Hsu to get to Taiwan failed. His campaign to play the spoiler role or become "Taiwan's Aquino" ultimately proved anti-climatical.

Besides the "Hsu incident," the campaign was full of antics and tricks. Even before the campaigning started a number of candidates publicly accused their opponents of sexual and financial misconduct. Several filed suits against opposing candidates prior to and during the campaign. Organized rumormongering was common. Candidates frequently hired audiences to support their speeches and forums and to disrupt their opponents, using firecrackers car horns and other noise makers. A number of DPP candidates had their workers cut the electricity during their speeches; they could then blame the disruption on KMT "operatives."

Some campaign workers printed counterfeit ballots and placed them in their opponents' offices, after which they telephoned election officials. Campaign workers also called voters during the night, using opposing candidates' names. Phony handbills were printed to misrepresent opposing candidates. Campaign dirty tricks were widespread; some were reportedly learned from studying election campaigns in Western democracies.

Candidates and their workers and supporters regularly violated

22. "The People Spoke Their Minds," *Asiaweek*, December 21-28, 1986, p.25.

23. *Ibid.*

election laws by using too many handbills, larger posters than prescribed by law, and by campaigning in places that were restricted. "Illegal" marches were commonplace. Political advertisements were put in the newspapers in violation of the Election and Recall Law. Some did television commercials to get more exposure, in violation of the spirit of the election law. In short, election rules were blatantly and frequently flaunted.²⁴

Yet there was little violence. Nor was there frequent breaking of important election rules or laws. DPP politicians burned KMT flags, but did not burn any national flags. DPP candidates used unflattering terms (such as "pig" on some occasions) to describe the President, but when this seemed likely to create a backlash they refrained from any mention of the President or other high officials. KMT candidates accused the DPP of disregard for social stability and of lawlessness; they did not accuse them (or at least very rarely) of treason or sedition.

Some DPP candidates talked about "revolution." Several claimed to be "Corazons"—making reference to President Aquino of the Philippines. Yet few opposition candidates' statements could be construed as preaching or advocating revolution. Many DPP candidates referred obliquely to self-determination; few mentioned the Taiwanese Independence Movement. Fewer still made any mention of Beijing or communism. The People's Republic of China assailed the advocacy of self-determination by DPP candidates, but the latter did not reply.

In short, the election was full of technically illegal actions on the part of numerous candidates. But most knew that the law would not be rigidly enforced. This made many of the campaign regulations almost meaningless. Some even opined that the Election and Recall Law was not, in fact, working and that it should be regarded as defunct. Still, the system worked. In fact, some said the system was strengthened because it was able to work "under stress."

The Election Results

306 candidates had registered to compete for 73 seats in the Legislative Yuan and 84 seats in the National Assembly—a total of 157 seats. There were 169 candidates for National Assembly seats and 137 for Legislative Yuan seats. Of the 306 candidates, 179 represented the Nationalist Party or Kuomintang; 44 represented the newly formed

24. See, for example, "Videotaping Questioned," "Nonpartisans Insulting Head of State, Newspapers Say," "Nonpartisans Get Warnings for Street Demonstrations," *China Post*, November 27, 1986, p. 12.

Democratic Progressive Party. The rest were independents or representatives of the two minor parties.

The KMT won 59 seats in the Legislative Yuan and 68 in the National Assembly. Translated into a margin of victory, the ruling party captured 80.8 percent and 80.95 percent respectively of the seats contested in these two elected bodies of government. In popular vote the KMT won 66.3 percent and 60.2 percent respectively in the two contests. On the basis of these figures the ruling party could claim a victory. And its leaders did.²⁵

The KMT also performed well on the basis of electing a high proportion of the candidates it nominated. In fact, no KMT candidate that did not have the Party's official endorsement won in the election. Party discipline, in short, was maintained, which had not been the case in previous elections. Finally, many KMT candidates claimed to be at a disadvantage because DPP candidates were freer to engage in tricks and antics, while the KMT restrained its candidates and acted to prevent or minimize violations of the Election and Recall Law. Thus, their performance must be judged in view of a serious handicap during the campaign.

The KMT may be proclaimed the victor in another sense. It was due for a defeat in the sense that electorates tend to be fickle and change their minds about political participants whether they are performing well or not. The KMT had won the two previous national elections (in 1980 and 1983) and won (according to most observers) the nationwide local election in 1985. In popular vote as well as in seats, the KMT did better in these elections than in major elections during the 1970s. Additionally, the fact that the public wanted two-party competition seemed to indicate that the KMT was destined to lose.

Another factor was the KMT's election strategy. The KMT's strategy in this election (unlike previous elections) was not clearly superior to that of the opposition. In other words, the ruling party lost this advantage. Some observers even contended that the KMT had become complacent. In at least one case the KMT did not calculate the electorate correctly. The Party's military candidate, retired Air Force Chief of Staff Chen Hung-chuan, lost because of a diluting or splitting of the vote in his district. This reflected bad planning. The KMT also showed signs of some disagreement among its candidates

25. See, "Voting Heavy, Smooth-Running in Apparent Landslide for KMT," *China Post*, December 7, 1986, p. 3.

concerning how to cope with the DPP—whether to take a hard line or not.

Finally, the KMT did well in spite of the fact the DPP had the momentum. Rallies and demonstrations in the months preceding the election gave the opposition both unity and a spirit of cooperation, not to mention a feeling that they were making democracy work. Many, if not most, opposition politicians perceived their cause to have historical significance. Events during the campaign focused attention on the new party and its candidates. Just before the election DPP leaders boasted they would win thirty percent of the popular vote. They did not win that much.

The DPP also claimed victory. In several respects its claims were more credible than the KMT's. The DPP won 12 and 11 seats respectively—double the figure they (meaning the *tangwai*) won in the previous election for the Legislative Yuan and an increase of four over the previous National Assembly contest. They won 16.4 and 13.1 percent of the seats contested in the elective bodies, which was impressive when compared to the opposition's past record. Over half of the DPP candidates were elected—23 of 44. The DPP's popular vote was also several percentage points above that attained by the *tangwai* in previous elections: 22.2% in the Legislative Yuan election and 18.9% in the National Assembly contest.

The DPP, moreover, did not suffer from factionalism. The *tangwai* had. No DPP candidate won who was not officially endorsed by the DPP leadership. There were no "unofficial" DPP candidates. None left the party or refused to follow the party platform at least nominally. In fact, DPP party unity reduced the number of independent candidates drastically. Seven joined the DPP before the election. Only two seats in the Legislative Yuan and four in the National Assembly were taken by candidates not officially nominated by the KMT or the DPP. One Democratic Socialist Party candidate won (in the National Assembly race). The China Youth Party, with two and three candidates in Legislative Yuan and the National Assembly races respectively, failed to elect a candidate. In short, the election seemed to be much more a contest between the KMT and the opposition, which in this case coalesced to become the DPP, than in previous elections.

The DPP also had the big vote getters: the top four DPP candidates for the Legislative Yuan contest—Hsu Chung-shu, Hong Chichang, You Ching, and Hsu Kuo-ta—won the largest number of popular votes. DPP candidates were the top vote getters in five of the eight electoral districts in this part of the election. The DPP also had

big winners in the National Assembly contest: the biggest vote getters in four districts.

The DPP fared especially well in the capital city and in Taiwan's second largest city, Kaohsiung, capturing over 30 percent of the popular vote in both. Since some consider the big cities, especially Taipei, bellwethers, the DPP could look ahead to an even better performance in future elections.²⁶ It also had another plus from a strong showing in the capital city: some psychological advantage in terms of its impact on the legislation process.

The DPP also performed well in spite of the fact that economic growth projections published just before the election made the government and the KMT look good. The electorate was looking at an economic growth of 10.7% for the year. Clearly the public was pleased with the KMT's performance in economic growth terms. The announcements that martial law and the ban on new political parties would be rescinded likewise should have helped the KMT. That the KMT had nominated a slate of candidates that was generally young, reform-oriented, and Western-educated also made the KMT attractive to the voter.²⁷

The bottom line: Most observers felt the election results suggested more a victory for the DPP than for the KMT. Clearly the DPP's performance as measured against its past record was astoundingly better. The KMT's was not; it gained seats in the National Assembly but lost in the Legislative Yuan. The DPP had the biggest winners. In terms of the popular vote, perhaps the best indicator of success, the DPP did better; and the KMT did worse.

An assessment of the results of the election suggest still other conclusions. Most important, the political development process won—democracy won. It is no doubt accurate to say that the nation and political modernization were bigger winners than either party or any candidate. Clearly the voters wanted a more competitive party system to advance democracy, and they got it.

Reflecting the electorate's feeling toward the electoral process in this election, the voter turnout in this election was higher; 65.4 percent—compared to 63.17 percent in the previous comparable election. There had been a gradual decline in voter turnout in elections in Taiwan until the 1985 nationwide local election. However, because it was a local election, some considered the better turnout a fluke, not a signal of a reversal of the downward trend. The higher turnout in this

26. "The People Spoke Their Minds," *Asiaweek*, December 21-28, 1986, p.25.

27. *Ibid.*

election could thus be seen as a positive sign and perhaps as sufficient proof that voter alienation or cynicism about the political process had not grown.

Female candidates did well in the election—winning six seats in the Legislative Yuan and nine in the National Assembly. In other words, women captured just under ten percent of the seats in the Legislative Yuan and over ten percent in the National Assembly race. The largest vote getter in the Legislative Yuan race was a woman. The performance of female candidates in this election, though it was not markedly different than several past elections, compares very favorably to most Western democracies, better than most.²⁸

The education level of winning candidates was also high. Only four winners in Legislative Yuan contests and twelve for seats in the National Assembly did not have an education level beyond high school. 23 and 15 candidates respectively in the two races had graduate education. Over 31 percent of winning candidates for Legislative Yuan seats had graduate education—a very good mark compared to the Western democracies. Nearly 95 percent were college educated or had an equivalent degree. 23 candidates with PhD degrees ran; twenty (or 86.95%) won.²⁹

The age of victorious candidates is also instructive: 46.5 average. The average age of winning candidates in the Legislative Yuan was 45.9; in the National Assembly contest it was 47.2. The majority of winning candidates in both elections were in their forties. In neither race did a candidate over 69 win.³⁰ This suggests that the voters wanted representatives with both experience and sufficient energy to serve in the jobs for which they were chosen.

A number of less quantifiable indicators also reflect positive signals. As in past elections, candidates emphasizing ideology did not fare well. Radical candidates also did poorly, particularly compared to previous elections, and this was especially true among non-KMT candidates. Several that talked about revolution during the campaign did not win. Kang Ning-hsiang, a well known opposition candidate who lost in the previous Legislative Yuan election (many say because of his moderate position) won big in this election. The KMT's biggest winners were moderates or progressives: Chao Shao-kang in Taipei and Hung Chao-nan in Taichung. Chao said throughout the cam-

28. This compares to 4.6 percent in the U. S. Congress—2 percent in the Senate and 5.28 in the House of Representatives.

29. See, *North American Daily* (in Chinese), December 9, 1986, p. 2.

30. Ibid. See also "People's Voice Loud, Clear," *Free China Journal*, December 15, 1986, p. 2.

paigned that "a vote for me is a vote for reform."³¹

Money also seemed to be less a factor in this election than in previous elections. Most observers (including this writer) perceived that vote buying (both with money and gifts) and expensive campaigning were less prevalent. Clearly, most victorious candidates were not known as much for their large or lavish campaign spending as had been the case in previous elections. Certainly "money politics" did not seem as great a problem—notwithstanding the country's continuing economic growth and prosperity. It may be that accusations and publicity about vote buying and excessive campaign spending in recent elections and during the campaign for this election had some impact.

A poll taken after the election showed that the populace perceived that the election reflected progress—by nearly seven-fold over those who perceived that it did not. Over 60 percent replied that the election was fair—nearly five times as many as those that thought it was unfair. Vote buying was also judged to be a less serious problem (confirming what observers, including this one, perceived), with nearly 70 percent saying that they did not think it was a serious problem in their district or did not personally know about any such incidents. The problem seemed to be perceived by those polled as more serious in other areas.³²

Most considered the election to have gone smoothly in view of the existence of a new party and the fact that it was the first true party competition in a national election in Taiwan. Because it was generally understood that the government was not going to enforce most of the campaign rules, many felt the election, especially the campaigning, would not be orderly. On the other hand, there were very few serious incidents during the campaign and none during the voting.

Clearly there was no overwhelming issue that divided the nation. Issues were "bread and butter" issues. Sensitive or controversial issues were used primarily as attention getters. Perhaps this was because the system was "on trial," as were the democratic process and political modernization. This was as it should have been, considering the country was in a transition phase evolving into a democratic system—at a very high rate of speed.

31. See "The People Spoke their Minds," *Asiaweek*, December 21-28, 1986, pp. 24-29.

32. See *China Times* (in Chinese), December 7, 1986, p. 1.

CHAPTER 4

TAIWAN'S 1989 NATIONAL AND LOCAL ELECTIONS

Introduction

On December 2, 1989, the electorate in Taiwan went to the polls to pick 101 members of the Legislative Yuan, 77 members (or a plenum) of the Provincial Assembly, 94 members of the Taipei and Kaohsiung city councils, and 21 county magistrates and city mayors. This was one of four major elections in Taiwan's recent history to play a vital role in pushing the democratization process ahead.¹

Observers noted that this election was in many ways the culmination of rapid, progressive change in the electoral processes in Taiwan. This was also another watershed election in several respects because the opposition Democratic Progressive Party attained what most consider a resounding victory, giving it the status of a serious opposition party and perhaps auguring in the beginning of a two-party system. There was widespread discussion of Taiwan independence causing relations with the People's Republic of China to become a campaign issue as it had never been before.

The election was preceded by several important "legal changes" in the system (since the last national election in 1986) that affected the election process. First was the enacting of the Civic Organization Law, which made it legal to form new political parties.² Thus, for the first time the Nationalist Party (KMT) faced a genuine, legal opposition. It was unclear in the months prior to the election whether the opposition would take the form of one main or core opposition party or many. Nearly forty parties formed; eighteen entered candidates in the race.

Second, the government had just revised the Public Officials Elec-

1. The other three were in 1980, 1983 and 1986. For details on past elections, see John F. Copper with George P. Chen, *Taiwan's Elections: Political Development and Democratization in the Republic of China* (Baltimore: University of Maryland School of Law, 1984); John F. Copper, "Taiwan's 1985 Elections," *Asian Affairs*, Spring 1986, pp. 27-45; John F. Copper, "Taiwan's 1986 National Election: Pushing Democracy Ahead," *Asian Thought and Society*, July 1987, pp. 115-136.

2. Excerpts of this law have been published in typewritten form by the Government Information Office in Taipei. A complete English version will be forthcoming.

tion and Recall Law.³ Control over election campaigns and other enforcement of election laws was transferred from the military to civilian organizations. The new law also expanded political participation and made elections more competitive in form. The Democratic Progressive Party characterized the revisions as making the system more democratic, but it complained that there were too many limits or restrictions on electioneering and that the law discriminated against the opposition in a number of ways. DPP leaders particularly complained about the short campaign period and the forbidding of television advertising, which they charged did not hurt the KMT since it owned or controlled all of the T.V. networks.⁴ KMT candidates complained that the "equal access" to media coverage in the revised law treated the ruling party unfairly since it was much larger. Both lauded provisions which were aimed at discouraging "whimsical candidates" and which hurt smaller parties and independents; the two major parties felt these provisions made the process more rational. Both chided the unrealistic restrictions on campaign spending.

Third, early in the year the Legislative Yuan passed the Law on Voluntary Retirement of Senior Parliamentarians.⁵ In enacting this bill, the Legislative Yuan sought to reduce the number of delegates to the elected bodies of government who were voted into office (and subsequently frozen or replaced with appointed members) before the government moved to Taiwan in 1949. This was a sensitive issue because the opposition regarded these delegates to the National Assembly, the Legislative Yuan, and the Control Yuan as illegitimate. DPP candidates mocked them in public and asked them to "step down or hurry up and die," charging they were an obstacle to democracy. The KMT argued that they were duly elected and should be allowed to retire with respect. The issue mirrored the fact that Taiwan's political system assumes one China, which the KMT supports and the DPP labels ludicrous. The KMT, in its one-China policy, however, had the support of both Washington and Beijing.

Another systemic change affecting the campaign and the election was the inauguration of a primary election system by the KMT, with

3. *The Public Officials Election and Recall Law of the Republic of China* (Taipei: Shine Chin Enterprises Co., Ltd. 1989)

4. These complaints were presented by Shih-yuan Tsai, Deputy Secretary-General of the Democratic Progressive Party, during a briefing to an election observer team in Taipei during the campaign. They are also contained in a typed booklet entitled "Taiwan According to the DPP" given to members of the observer teams.

5. This statute has been printed in English and is available in typed form from the Government Information Office.

the DPP immediately following suit. This weakened the KMT leadership's control over the nomination process and caused some ruling party officials already in elective office to fail to be nominated. Both created serious problems for the KMT. Primaries also resulted in the military and veterans having a large voice in the nominating process, since their turnout was high and they voted as a bloc in the primaries. The KMT hence nominated more Mainland Chinese. The primaries caused problems for the DPP as well, but in the context of already serious differences on central issues and leadership it was not as disruptive a process as for the KMT.⁶

This was the first election in Taiwan since the termination of martial law in July 1987 and the January 1988 end of a ban on new newspapers. It was the first since the death of Chiang Ching-kuo in January 1988 and the succession of a Taiwan-born president. It also followed the opening of significant contacts with the People's Republic of China. Finally, it came in the wake of the Tiananmen Massacre—which some linked to an urgent need to keep Taiwan separate from China and which led some to talk about and even advocate independence.

The election results were generally unexpected. Only the KMT and the DPP emerged with meaningful representation in the elective bodies of government. Other parties and independents did poorly. More important, the DPP victory exceeded the predictions of most experts. This gave rise again to speculation about the evolution of a two-party system, the impact of opposition politicians on the decision making process in the future, and much more. The KMT, though still in control and sometimes claiming the ruling party had won in a fair and even contest, perceived the election as a setback.

The Campaign

The campaign began officially on November 17 for the Legislative Yuan race and on November 22 for the other contests. The period was divided into two parts: the individually or privately-conducted part followed by officially-sponsored or public sessions. In fact, however, the campaign began much earlier, technically in violation of the election law; but this was not unlike previous election campaigns. Candidates, in order to circumvent the restrictions on the length of campaigns, held teas and birthday parties and gave "educational speeches." Observers viewed these events as "early campaign" efforts.

6. See Wu Wen-cheng and Chen I-hsin, *Elections and Political Development in Taiwan* (Taipei: Government Information Office, 1989), pp. 16-18.

The DPP's "early campaign" was highlighted by the return of a number of dissidents, mostly anti-KMT figures, from abroad, mainly from the United States. Many came carrying U.S. passports with different spellings of their names and in this way escaped detection. Hsu Hsin-liang was the most famous. Hsu, who was under indictment for treason, had tried to return for the 1986 election, only to be detained at the airport and sent back. This time he returned on a fishing boat and was arrested, making it difficult for the government to ignore him. In fact, he said that he had come back to stand trial, which he had been denied before. Former U.S. Attorney General Ramsey Clark attempted to travel to Taiwan to represent him but was not granted an entry visa. In jail, Hsu was allowed to talk to news reporters, thus drawing attention to his case while rallying his supporters. On October 10 supporters besieged the detention center where he was held, sparking a riot that resulted in injury to a number of police and onlookers.⁷

Another was Lin Yi-hsiang, whose mother and daughter were mysteriously murdered subsequent to the Kaohsiung Incident in 1979. Lin, shortly after he got back to Taiwan, published what he called the "basic law" for the "Republic of Taiwan." The text was printed in two of Taiwan's large newspapers. The Justice Ministry initiated proceedings against him as well as the newspapers, but the Ministry did not act quickly. Lin's "basic law" thus became well known and was widely discussed throughout Taiwan during the campaign.⁸

A third famous dissident who returned was Kuo Pei-hung. Kuo, chairman of the U.S.-based World United Formosans for Independence, was on the wanted list in Taiwan for sedition. He came back without notice before the campaign and organized his followers for a "grandstand play." On November 22, during an evening political rally, he stepped out of the crowd and up on the platform and to the podium. He proceeded to give a highly emotional and inflammatory speech in which he attacked the government and the KMT. This excited the crowd, most of whom expected the police to close in at any moment and arrest Kuo. The police attempted to do exactly that, but when they moved in someone turned out the lights. Kuo and hundreds of his supporters donned black masks, and in the confusion Kuo escaped. The police, and the government, were thoroughly embarrassed by the incident. Subsequently DPP candidates exhibited or

7. Lincoln Kaye, "On the Defensive," *Far Eastern Economic Review*, October 19, 1989, p. 26. For details on Hsu's earlier attempts to return, see Copper, "Taiwan's 1986 Election" cited in footnote 1.

8. For details, see *China Post*, November 11, 1989, p. 12.

wore similar black masks at their rallies—black symbolizing their blacklisted colleagues who could not return to Taiwan or could not run in the election. After some deliberation, the Election Commission banned the use of masks by candidates.⁹

Just before the campaign period started, 32 DPP candidates belonging to the New Tide Faction, which advocated or supported Taiwan independence, announced the formation of the “New Country Alliance” and called for a new constitution and the election by Taiwan’s electorate of all members of Taiwan’s elected bodies of government. This pushed the independence issue further to the forefront of the campaign and underscored the challenge of the issue to the government and the KMT—and to Beijing.¹⁰

The KMT responded, though not in kind. KMT legislators pushed a tough anti-crime bill through the Legislative Yuan, timing it to be announced just before the election. Government officials also initiated several special crime control efforts, including dragnets that brought in large numbers of wanted criminals. Some were associated with the DPP. Beijing assailed the advocates of Taiwan independence, referring to the “evil consequences of the policy of two Chinas,” and promised to make a “strong response.”¹¹ Nationalist Party leaders widely quoted Beijing’s threats.

The government, with KMT prompting, also announced a number of bills and actions that Party leaders hoped would help KMT candidates. Though many had been on the agenda for some time, they were given special emphasis or a different spin. In mid-November the KMT published a campaign advertisement saying that a vote for the KMT would be a vote for a bullish stock market—implying that voting for the DPP would cause the market to fall, thereby hurting nearly four million owners of shares of stock (one fifth of the population and perhaps half of the voters).¹² The government, apparently at the instigation of KMT leaders, also backed down from investigating investment houses which had been criticized for creating an atmosphere of wild financial speculating in Taiwan. Officials also suddenly decided

9. See “No more marks allowed, Election Commission says,” *China News*, November 30, 1989, p. 12. See “Kuo Pei-hung’s parents ask police to stop hunt,” *China Post*, November 27, 1989, p. 12 for details on the impact of the case during the campaign.

10. See James McGregor, “Taiwan Poll Renews Independence Issue,” *Asian Wall Street Journal*, November 30, 1989, p.1.

11. See “Guarding Against the Ideological Trends of Taiwan Independence,” *Liaowang*, November 27, 1989, pp. 21-22, translated in FBIS (China), November 29, 1989, p. 52.

12. See “KMT ad misled investors into purchasing shares,” *China Post*, November 26, 1989, p. 8.

against imposing a higher stock transaction tax to dampen stock speculation.

When the campaign period started, the government ordered 10,000 extra police on duty to keep order. Riot police in full gear patrolled areas where they thought violence might occur. Government spokesmen said this was justified by the rise in crime in Taiwan in recent years. Moreover, crime escalated at election time due to criminals taking advantage of the increased presence of cash in the hands of campaigners and their assistants. There were other reasons for concern about violence during the campaign: Chen Yung-yuan, an independent candidate for a Legislative Yuan seat, had been shot on the street in Changhua, apparently by gangsters who had tried to extort money from him. The death of Yu Deng-fa, the founder of the opposition movement in southern Taiwan and father of Yu Chen Yueh-ying, who was running for Kaohsiung county magistrate, also drew attention. Yu probably died of natural causes (as the coroner had reported), though DPP leaders claimed he had been murdered. DPP candidate Hsu Jung-shu's office was torched and TV host Hu Kua, a KMT supporter, reported numerous death threats.¹³

The DPP complained about the police, but many of their candidates requested the same police protection that was offered to all candidates. Many also hired their own bodyguards. A police dragnet launched during the campaign resulted in five thousand arrests and the seizure of hundreds of handguns smuggled in from China.

DPP candidates and their aides accused the KMT of vote buying at nearly every rally. In private, however, DPP leaders admitted that DPP candidates were also engaging in the practice. The prosecutor's office of the Supreme Court offered a NT \$200,000 reward for evidence of vote buying, but this brought few results. Certainly it did not hinder the practice much. On the other hand, one expert opined that vote buying was only a 20 percent guarantee of a vote for a specific candidate.¹⁴

Spending in excess of legal limits was also commonplace. DPP candidates accused the KMT of using funds from party-owned companies in illegal ways. Wu Li-yi, a KMT candidate, shocked an American election observer team when he stated publicly that he would spend N.T.\$30 million (over one million U.S. dollars) on the election and his DPP opponent would spend double that. Like their KMT counterparts, DPP candidates clearly had money to spend, as reflected

13. See "Shadow of Violence," *Asiaweek*, December 1, 1989, p. 35.

14. See *China Post*, November 28, 1989, p. 12.

by their well-heeled campaigns, gifts, and lavish parties. Observers noted that vote buying and illegal campaign spending were the result of Taiwan's economic boom combined with the now greater importance of elected officials in influencing economic decisions. Most regarded the growth of "money politics" as unfortunate but also inevitable.

The DPP almost daily charged that the KMT possessed a monopoly over television coverage and political advertising since all three of Taiwan's stations are either owned by the KMT or by the government. Late in the campaign, the DPP decided to do something about this. Announcing it in advance, the DPP began broadcasting from a "guerilla station." DPP leaders subsequently claimed to be establishing a permanent station in the Philippines to broadcast opposition views to Taiwan. DPP candidates meanwhile sold videotapes of their speeches, anti-KMT demonstrations, and the rally where Kuo Pei-hung appeared and then disappeared.¹⁵

Both parties took a number of opinion surveys during the campaign. Many distorted the results; some were completely fake. One opposition candidate even sued a polling organization over an inaccurate survey. The KMT published several surveys indicating that most of the population did not support Taiwan independence. The DPP responded with polls indicating that virtually no one wanted to unify with China and be ruled by the Chinese Communist Party, thus suggesting that the majority favored separation and thus independence. Completely different results were obtained by asking the question differently. Both sides also published inaccurate poll data predicting the election outcome.¹⁶

So-called "snails without shells" (people with sufficient incomes, but unable to afford decent housing) staged mass "sleep-ins" in expensive residential areas and in conspicuous places in several of Taiwan's large cities during the campaign.¹⁷ Some observers said the DPP was behind these demonstrations. "Water buffaloes without skin" (people who could not cheat on their income tax because of withholding) also complained in organized public appearances.

A large number of candidates slandered opponents. Many filed

15. See Lincoln Kaye, "Television Tangle," *Far Eastern Economic Review*, November 30, 1989, pp. 23-24.

16. "Opposition Candidate Sues Group Over Inaccurate Survey," *China Post*, November 30, 1989, p. 11. Also see, "KMT Projects Winning 70 Percent of Votes," and "DPP Comes Out on Top in NTU Simulated Poll" in *China Post*, November 30, 1989, p.11.

17. "'Snails without Shells' Endorse 18 Candidates," *China Post*, November 30, 1989, p. 12.

lawsuits against opposing candidates. A retired military man slapped Kaohsiung county commissioner Yu Chen Yueh-ying while she was campaigning. Organizing groups to heckle other candidates or honking car horns to disrupt their speeches was widespread. Candidates beheaded chickens and swore to be honest politicians or took vows in temples. There was a multitude of other campaign antics.¹⁸

Some opposition candidates compared the Presidential Square in Taipei with Tiananmen. Others said that if the KMT stole the election its leaders would have to leave as the Marcos' did and would probably take all their treasures and money with them. Some accused the old guard KMT of "refusing to die." Many spoke in Taiwanese only, saying that it was the "language of the people", in contrast to Mandarin Chinese, which was the ruling class language. Many accused top leaders of having multiple wives or of other moral indiscretions.

Ju Gau-jeng, the "KMT's Rambo," accused opposition candidates of stupidity with regard to the independence issue, and he said they were ignorant and generally uneducated. He even declared that some of his critics "should be exterminated." He bragged of his large following and claimed credit for changing the KMT's foreign and domestic policies singlehandedly.¹⁹

Attracting more attention than other candidates, New Country Alliance members responded to authorities in Beijing criticizing their advocacy of independence by staging public burnings of People's Republic of China flags while challenging Deng Xiaoping and other communist leaders to use military force against Taiwan. Many cursed Deng and other Chinese leaders. One DPP candidate sent an invitation to Premier Li Peng to come observe the election.

The single candidate drawing the biggest crowds, however, was Hsu Hsiao-tan of the Labor Party. Hsu, who had been a stripper, ran on a platform of supporting the arts and openness in government. Depicting both, she distributed a campaign poster with a picture of herself, nude, breaking through a KMT emblem. At one point she challenged her opponent, also female, to a debate in English and a comparison of nipples.

Toward the end of the campaign uncertainty prevailed in the stock market, and the Tai Index saw the biggest drop ever in a single

18. See Ho Ying, "Tactics and Strategies Within the Combat Zone," *China News*, November 30, 1989, p. 12.

19. *Ibid.*, p. 23.

day. The next day it rose a record amount.²⁰ The government, on behalf of the KMT according to opposition critics, issued a statement on the stock transaction tax a couple of days later hoping that this statement would cause the market to rise. The stock market stabilized, but slid downward during the last few days before the election.

The day before the election, when KMT General Secretary James Soong announced that 34 of the elder parliamentarians would be retired, DPP leaders cried foul. They had a similar reaction when a statement by Deng Xiaoping, to the effect that he would solve the "Taiwan problem" in five years probably from "inside of Taiwan," was published the day of the election. DPP leaders said this was calculated to frighten the electorate from voting for opposition candidates.²¹

The newly organized Campaign for Clean Elections sought to oversee the election. It published several tracts on human rights problems in Taiwan and a list of those candidates engaging in vote buying. Because it was an arm of the DPP (according to the KMT), most of the accused were naturally ruling party candidates. Two to three hundred foreign reporters covered the election along with several U.S. election observer teams, including one composed of five members of Congress.²²

The kind of campaign just described naturally overshadowed the two parties' platforms and strategies. Thus both need to be assessed in-depth.

The KMT's platform remained much the same as in previous elections. It claimed credit for the Taiwan economic "miracle" and the high standards of living and prosperity it produced. It also claimed to have engineered political development. The KMT similarly portrayed itself as the party of experience, which could keep the nation "on track"—prosperous and stable. More specifically, its agenda consisted of capitalism mixed with the right amount of social security and welfare, a trade-led growth economy, and shifting to a capital and knowledge-intensive economy. The party claimed also to be a party of progress and a "party on the go" that would lead the nation ahead.²³

The KMT took a tough stand against crime and advocated social

20. See James McGregor, "Taipei Stocks Bounce Back By Record 6.5%," *Asian Wall Street Journal*, November 30, 1989, p. 1.

21. "Candidates Engage in Last-minute Campaigning on Eve of Election," *China Post*, December 2, 1989, p. 12.

22. "300 Newsmen, Observers Here for Election," *China Post*, December 2, 1989, p. 12.

23. For a summary of KMT platform and strategy, see "Campaign Strategist," (Inter-

and political stability. It promised actions to deal with bread and butter issues such as air pollution, traffic, and water problems.

The only ideological issue of importance in the KMT's platform was anti-independence. KMT leaders promised to keep Chinese territory and culture in tact: a one China policy. Party leaders who sought to give this a different or more positive spin cited the "Taiwan model" for reform on the mainland. Some KMT candidates, however, ignored or played down the one-China idea, choosing to concentrate on domestic issues.

The KMT appealed to farmers and the business community more than to other groups, but it claimed to represent the whole nation rather than specific groups or interests. Its program was basically conservative, which it said fit with the traditionalism and conservatism of Chinese culture. It lauded education, hard work, honesty, and merit. It also spoke of morality in government.

KMT strategists sought to portray the DPP and most of the other new opposition parties as radicals and hotheads who associated with criminal and lower-class elements. The KMT pictured the opposition as having little experience, unrealistic programs, and an agenda that might bring the country to ruin economically and to war with the mainland.

The DPP's campaign platform listed "political order based on democracy and freedom" as its first item. Party briefings and campaign literature focused on "real democracy" and more political and civil liberties. DPP leaders pointed out that to have democracy the KMT must cut its ties with the government and end its control of the media and its "illegitimate" relationship with numerous industries and businesses. They stressed that constitutional guidelines such as checks and balances must be respected and charged the KMT with being in power too long.²⁴

The DPP's main tactic was to make the electorate believe that, in order for Taiwan to become democratic, the public must support the DPP. In short, a DPP victory—or even a better performance in the election—would mean truly competitive elections, and therefore, political modernization in the direction of democracy. In this connection party leaders insisted that Taiwan must become democratic in order to parry efforts by Beijing to incorporate Taiwan.

view of Wang Shu-ching, Chief Commissioner of the KMT City Committee, by Chen Yi-ming), *Free China Review*, December 1989, pp. 32-37.

24. See "Taiwan According to the DPP," (mimeographed brochure given to foreign observers by the DPP during the election).

The DPP platform called for balanced economic and financial administration, which in more specific terms meant full employment, a fairer tax system, better transportation, and environmental protection. It proposed an improved welfare system and social security system. The DPP advocated a "peaceful" foreign policy and mentioned specifically cutting the size of the military, ending hostilities with the mainland, and participating in international organizations.

Most frequently mentioned in DPP candidates' speeches were the unfair advantages possessed by the KMT, the KMT's hold on the government, the senior parliamentarians, and KMT vote buying. They charged that under the KMT political change had not kept pace with economic development. Although the party itself did not take a specific position on the issue of Taiwan's independence, it did cite self-determination in its platform. Moreover nearly all of its candidates argued that unification with China was a stupid idea, which had no public support, and that something must be done (meaning keeping Taiwan separate) in response to Beijing's terrible human rights record and its threats toward Taiwan. DPP leaders chided the KMT's wait-and-see policy and the idea that time was on Taiwan's side.

The DPP made a clear and strong appeal to only one interest group: labor. Party leaders made reference to farmers' problems, but not strongly; they did not expect to win many of those votes. While not trying to appeal to socio-economic or occupational groups or to regions in Taiwan, DPP leaders aimed to attract anti-government, anti-KMT, and protest vote. The DPP also appealed to the democratic-minded and to those with a socialist inclination. Its program was clearly more liberal than conservative, if compared to the KMT or to definitions used in platforms of political parties in Western countries.

The DPP stated that its strategy for election victory was to seek power at the local level and "surround the center." This, especially the terminology, sounded like Mao's 1940 strategy to defeat the Nationalists: by winning popular support, a guerrilla war strategy aimed to defeat the Nationalists by prevailing in the countryside and later surrounding and strangling the cities. Many, in fact, understood the allusion. On the other hand, DPP leaders also vowed that in this way they could get the KMT accustomed to sharing power and not evoke a KMT backlash to their gains. In any event, the DPP had good cause to adopt such a game plan because it was more capable of winning local elections, and local elected positions are powerful and are spring-

boards for national elective office in Taiwan.²⁵

As in previous elections, the platforms of both parties failed to reflect very well what the voters thought were the most important issues. The biggest election issue as reflected in most polls was crime. Following were pollution and traffic. Taxes, water control, and other tangible issues were also important. Economic growth was an issue, but only in the sense that the electorate wanted sustained growth; few wanted higher growth rates. Trade was an issue, but this was a matter of keeping trade on track. Social security, health insurance, and welfare were important, but what the public wanted in these areas was unclear.²⁶

With regard to these "bread and butter" matters, not only did the two parties not focus on the issues, but their positions did not differ very much. Both parties called for a crackdown on crime. The KMT claimed to be the party of law and order, and most citizens perceived it as such. However, because big increases in crime in Taiwan had occurred on the "KMT's shift," its position on law and order was somewhat less than credible. Some even said that the KMT had become too soft and was making too many concessions to democracy. Others said the KMT did not mind the increasing crime rate since this was an issue that favored a KMT vote. On the issues of pollution and traffic and on a number of other substantial issues, the KMT was seen by the electorate as more competent to handle the problems, but also as the party that allowed the problems to become as serious as they were. Most voters expected higher taxes to pay for more social welfare if the DPP were to rule the country, but they did not think seriously in terms of that happening and thus did not show much worry over higher taxes.

The choice between parties, in the last analysis, was more a matter of supporting either the status quo or more democracy. The KMT had a better agenda; the DPP had in its favor the democratization issue. To some extent ethnicity was important: Mainlanders favored the KMT; Taiwanese identified with both parties, though the DPP was seen as a Taiwanese party. On the issue of Taiwan independence the choice between the two parties was clear, though the meaning of that term was not. Meanwhile, nearly every candidate's campaign was

25. For further details, see James McGregor, "Taiwan's DPP Pins Hopes on Local Posts," *Asian Wall Street Journal*, December 1-2, 1989, p. 1.

26. The issues the voters were most concerned about were little different from other recent elections. There were differences in voters' interests comparing urban and rural areas. In some cases the polls reflected contradictory interests; for example, voters favored increased social security and health insurance, but not higher taxes.

to a great extent personal: differences between himself or herself and the opponent.

The Election Results

The Election Commission was not able to announce all of the results of the election by midnight on polling day as it had promised. Despite the more refined and sophisticated vote tallying system, accusations of vote fraud and demands for recounts slowed down the process. The DPP had organized protest demonstrations in advance, thinking that its candidates would be cheated or assuming they would lose. In most cases, however, the DPP candidate either was victorious or the KMT candidate won so clearly that alleged irregularities were not taken seriously. Yet a couple of exceptions caused protest demonstrations to go on for two or three days.

In the Legislative Yuan contest the KMT won 72 seats, the DPP 21, and others (meaning independents) 8; this was 71.3%, 20.8% and 7.9% of the seats respectively. In the Provincial Assembly race the KMT won 54 seats, the DPP won 16, and others 7; this was 70.1%, 20.8%, and 9.1% of the seats. In the country magistrate and city mayor races the KMT won 14, the DPP 6, and others 1, or 66.7%, 28.6% and 4.8% in the order listed. For the Taipei City Council and the Kaohsiung City Council races the tallies were: KMT 36, the DPP 14, and others 1, and the KMT 29, DPP 8, and others 5.²⁷

In comparison to the number of seats each held before the election (as a result of the 1986 election in the case of the Legislative Yuan and the 1985 election for the other races) the KMT lost ground in every category: 6 seats in the Legislative Yuan, 5 in the Provincial Assembly, 3 county magistrate and city mayor offices, 2 Taipei City Council seats, and 3 Kaohsiung City council seats. Since the DPP had come into existence in 1986, after the previous local election, DPP gains other than in the Legislative Yuan election were all new. However, if one assumes the DPP is the successor to the tangwai, the DPP made significant gains in those races. In the legislative race the DPP gained 9 seats.

Besides reflecting a broad and significant DPP victory, which will be discussed further below, the election results indicate that third parties were unprepared. The new opposition parties, in short, failed to prove they had, or could build, a base of support. Only the Labor Party won a seat—a single place on the Kaohsiung City Council. The

27. Final election results were published in *China Post* and *China News*, December 4, 1989.

two older parties which were aligned with the KMT also failed to demonstrate viability: the Young China Party lost the two seats it held in the Legislative Yuan and its one seat in the Provincial Assembly, while the China Democratic Socialist Party lost its only seat in the Provincial Assembly. Similarly, independents did less well than in previous elections, losing ground in all of the races except the Legislative Yuan race. While it may be too early to make such a conclusion, this is strong evidence that a two-party system, not a multi-party system, is evolving. In any event December 1989 witnessed a two-party election victory.

Because there was a larger number of candidates than in previous elections, a significantly smaller percentage of contestants won: 33.2% for Legislative Yuan seats as compared to 73% in the 1986 election. In this sense the election was more competitive than other recent elections. Besides this, few incumbents won office. This was in part because few ran: only 48 of the 304 candidates for Legislative Yuan seats were incumbents. Of those, seven lost. This translates into 70% newcomer winners.²⁸ In many cases incumbent legislators decided to run in other elections, many of them viewing some of the other offices, especially county magistrates, as more important. KMT-DPP competition was also more intense for magistrate offices, thereby causing both parties to try to put their best candidates up for these races, in a number of cases pulling them from other races.

Family members or relatives of known political figures generally did well. Relatives of the presidents of the Legislative Yuan, the Judicial Yuan, and the Control Yuan all won seats. Two sons of the former mayor of Kaohsiung won posts running on the KMT ticket. Yu Chen Yueh-ying, who was reelected Kaohsiung County magistrate, saw her son elected to the Legislative Yuan and her daughter elected to the Taiwan Provincial Assembly. Chang Po-ya was elected to the Legislative Yuan and her sister Chaiyi was elected mayor; their mother was a noted local politician. Meanwhile several candidates ran in place of their husbands or wives. However, some kin of known political figures lost, such as You Ching's brother, who ran for the Legislative Yuan.²⁹

A number of candidates won on sympathy vote. Chen Shui-bian, who had been injured in an accident, campaigned in a wheel chair; he won. Yeh Chu-lau, whose husband burned himself to death in April

28. "7 Legislators Not Reelected; 70% of Parliament Newcomers," *China Post*, December 4, 1989, p. 12.

29. "Political Dynasties Flourish as Family Members are Elected," *China Post*, December 4, 1989, p. 12.

after his opposition magazine was closed and while under investigation for sedition, won a seat in the Legislative Yuan. A number of candidates who had served jail terms were elected. Several won who campaigned on the independence issue and some won after declaring they could avoid jail if elected.

Mainlander and female candidates did well, especially in the Legislative Yuan. Mainlanders won 19.2 percent of the seats; female candidates won 14.1 percent. Over 25 percent of KMT victors of Legislative Yuan seats were Mainlanders—the result of the military vote in the primary. Almost 20 percent of KMT winners were female—a product of the KMT entering more female candidates than ever. Less than 6 percent of DPP victors were Mainlanders or women.³⁰

The increase in the number of Mainlanders (all second generation) was five fold. (Only three had won seats in the 1986 election.) Some observers said this marked an end to the KMT's "affirmative action" policy designed to run more Taiwanese candidates. It needed to be reversed, many said, since the percentage of KMT Taiwanese candidates in recent elections had exceeded the percentage of the Taiwanese population. Moreover, many applauded the young Mainlander candidates as a force for reason and democracy, since most advocated phasing out senior parliamentarians and reforming the KMT, yet were more moderate on other issues. Some said the ethnic backgrounds of candidates had faded in importance. In any event Jau Shau-kong, a second generation Mainlander, won the third largest number of votes nationwide. Another Mainlander, Yu Mu-ming, was the top vote getter from the southern Taipei area.³¹

The educational level of winning candidates was high but did not show an increase from the last election. In fact, it dropped. This was due in part to the larger number of DPP winners—the DPP not giving the same emphasis to educational qualifications as the KMT. The level of experience of winners was also less for the same reason. Putting a positive twist on these facts, many observers said educational qualification had been overemphasized in past campaigns, while lack of experience may be interpreted to mean broader experience.³² The average age of winning candidates was somewhat higher, though for

30. These calculations are my own based on a number of local newspaper reports on winning candidates.

31. "2nd Generation Mainlanders Do Well in Poll," *China Post*, December 4, 1989, p. 12.

32. "Newly Elected Officials by Age and Educational Background", *China News*, December 4, 1989, p. 12.

victorious candidates for Legislative Yuan seats it was almost the same.

Voter turnout was 75.4% of an estimated 12 million eligible voters. This was up markedly from the last two elections. In fact, the voter turnout in this election was the highest in ten years. Inasmuch as campaign rallies were not attended as well as in the last three elections, voter interest seems to have been hidden. Alternatively, voters were interested but based their decisions on information from other sources.³³

In light of the election results, the KMT could, and in some cases did, claim victory. The ruling party won 60 percent of the popular vote and more than two-thirds of the seats in every category of candidates: Legislative Yuan, 71.3% (69.6% not counting the 13 of 18 vocational seats); Provincial Assembly, 70%; Taipei City Council, 67%, Kaohsiung City Council, 67%; county magistrates and city mayors (taken as one category), 67%. The KMT accomplished this while making the playing field level or almost level and in spite of many voters favoring the opposition not because of its platform or its candidates but in order to make the system democratic. Finally, by comparison with elections in Western democracies the vote was a resounding victory for the KMT.

Still, few observers viewed the election as a KMT victory; most saw it as a major setback. All of Taiwan's major newspapers carried headlines that proclaimed a KMT defeat. The KMT held an emergency meeting Sunday morning after the election to discuss the results, and most at the meeting considered it an effort to discover what went wrong. Party Secretary-General James Soong stated solemnly: "We calmly accept the upset."³⁴

DPP leaders unequivocally viewed the election as a defeat for the KMT and a victory for their party. The DPP won 31 percent of the popular vote. An additional 9 percent of the popular vote went to independents, most of whom favored the DPP. DPP leaders declared after the election that they had accomplished this in spite of the tremendous disadvantages (not a level playing field), the small membership of the party (20,000 compared to 2.5 million KMT members), and the fact that their party was only three years old. DPP leaders also noted that the purported split over the issue of independence had not proven real. In addition, they pointed out that all other competing

33. For details, see "Voter Turnout," *China News*, December 4, 1989, p.12.

34. See "Worst Poll Setbacks for KMT in 40 Years," *China Post*, December 4, 1989, p. 1.

parties had failed.³⁵

In terms of popular vote the DPP registered an increase of nearly 10 percent from the previous election in 1986. In total number of seats, the gain was even more impressive—25 percent. The DPP made advances in every category of elections. In the Legislative Yuan election the DPP won nine more seats for a total of 21. Since 20 is required to introduce legislation, this was a breakthrough. In the city council elections, the DPP doubled its representation in Kaohsiung and gained 40 percent in Taipei over what the *tangwai* had won in 1985. In the Taiwan Provincial Assembly the DPP made a smaller, but still impressive, gain.

The biggest DPP victory came in the county magistrate races. Many consider the county magistrate the most powerful popularly elected official in Taiwan, and the DPP campaigned hard for these slots. In these races the DPP won 38 percent of the popular vote, compared to the KMT's 53 percent. It won 6 magistrates (Taipei, Ilan, Hsinchu, Changhua, Pingtung, Kaohsiung). As a result, the DPP gained control of the executive of the county governments wherein 40 percent of the population lives, including the capital city. The KMT had never before lost more than 4 magistrate races.

Anti-KMT county magistrates have in recent years destroyed police and intelligence agency records on county employees and have tried to withhold tax revenues from the national government. In so acting they caused major problems for the national government and the KMT. Now DPP magistrates can do this, and much more, if they choose. They may try to disestablish KMT organizations, especially KMT branches, within or close to county or city governments. They may seek to restructure local police systems. They may institute local health insurance programs and unemployment and welfare benefits. The DPP will certainly exercise considerable political influence in the counties for the next four years and probably beyond.

The DPP can also claim victory inasmuch as most of the candidates that the KMT tried hardest to defeat won. You Ching, winner of the county magistrate seat in Taipei county, site of the capital city and the home of President Lee Teng-hui and other top government leaders, is the best example. There are several others. In addition, many of the most radical and controversial DPP candidates won. The majority of DPP winners were of the New Tide faction, the most vociferous supporters or advocates of Taiwan independence.

35. For DPP victory statements, see various articles in *Independence Evening News* (in Chinese) December 3 and 4, 1989.

Implications for Taiwan's Polity

Most observers would say of the December 1989 election that the DPP did better than most expected and that it should be credited with a victory, perhaps a big victory. Furthermore, the DPP will be a force to be reckoned with politically in Taiwan for the foreseeable future. The success of the DPP also means that Taiwan has a meaningful organized opposition and that competitive elections and competitive politics are now well established. This translates into the following: Taiwan has made another big stride toward a democratic system.

Some observers, in fact, say that Taiwan is no longer just becoming a democracy; it already is one. Some opposition candidates stated during the campaign that Taiwan has democratized faster than any nation in the world over the last few years. Others admitted they consider Taiwan the most democratic country in East Asia, save Japan. These statements may be premature; yet clearly Taiwan has in a number of significant ways made the transition from an authoritarian to a democratic system.

This does not, however, mean that all of the important hurdles in the political modernization process have been crossed. Nor does it mean, necessarily, political stability and tranquility. Democracy is not without costs. The DPP victory will probably mean greater, not less, tension between the KMT and the opposition. There will no doubt be difficult relations between the national government and the county and city governments for some time. Decision making may, in fact, be paralyzed on some issues as a result. Discord between the two parties could spread into other realms.

The nation may well polarize further on the issue of separation or Taiwan independence as a result of this election. The most vociferous pro-independence candidates won, but so did their loudest opponents and the advocates of the future unification of Taiwan with China. This injects an ideological issue into Taiwan politics which may not be auspicious. Ethnic politics may also gain, because ethnic issues were amplified by candidates who made issue of differences in political viewpoint and advocacy based on provincial or group identification. Similarly, special interest groups played a greater role in this election than in previous electoral contests. In fact, there were many complaints that candidates were toadying to interest groups while ignoring the silent majority. There is also evidence that special interests and money politics reinforced and strengthened each other. Efforts to check money politics in Taiwan clearly have not succeeded, though vote buying or its equivalent seems to be the result more of economic prosperity than increasing corruption.

Party politics, for better and worse, are apparently a fact of political life in Taiwan. Party competition normally facilitates the democratic process, but it also creates partisanship and other undesirable effects. Partisanship indeed seems to have taken root in Taiwan.

The election results indicate some events and campaign tactics had a different impact on the voters than originally thought. There was clearly some misinterpretation of issues and stances that would influence the electorate. Moreover, the KMT made some fairly serious errors during the campaign.

Many observers felt that the events in China in June—the Tiananmen Massacre—would help the KMT at the polls. Initially, it did have a salutary effect on the KMT campaign efforts. It made the government and the ruling party look good by comparison; students were not being killed with tanks and machine guns in Taipei. It also solved the KMT's problem of formulating a "mainland policy"—which was troublesome and which in 1988 and early 1989 was a major knotty issue. After Tiananmen, the KMT did not need to worry about this very much. But these issues came back. DPP candidates to some extent successfully portrayed themselves as similar to the Beijing students and in this way won some sympathy from the electorate. More important, the DPP found a poignant argument for self-determination, Taiwan independence, or whatever version of separation it advocated: Tiananmen and the repression that followed justified Taiwan moving away from China. As one DPP candidate put it: "Beijing's brutality justifies calls for separation." Certainly separation at the time of this election—less than 6 months away from Tiananmen—did not look like a radical notion; rather, it seemed the only sensible policy.

Events in Eastern Europe and the Soviet Union also helped the DPP. Democracy seemed to be "breaking out around the world." This being the case, pushing for even more democracy in Taiwan did not seem to be out of place. The KMT had taken the position that it had introduced democracy to Taiwan at a very rapid pace; the DPP said it was not fast enough. The DPP in this context seemed to be right.

The DPP's disadvantage in not having access to television was no doubt exaggerated; otherwise the DPP could not have done so well. In fact, survey polls indicate the electorate did not base its decisions much on TV, clearly not as much as in many Western countries. Moreover, the DPP was able to both make this an issue of fairness (and thus democracy) and offset the handicap with effective advertising in newspapers, magazines, and other places.

The KMT, and many outside observers, overestimated the impact of the DPP split. KMT leaders did this intentionally to some extent to support their position that the DPP was a group of ruffians; the rationale being if they were ruffians, naturally they would not be able to get along with each other. Differences over whether to agree with, support, or advocate independence have been around for some time; these differences did not cause a very serious split in the DPP ranks. In any event, the DPP was not very dependent on party discipline, instead it relied on activist candidates and personalities to win.

Counterpointwise, the KMT was not seen as factionalized; yet it was—over how quickly to democratize, whether to let the DPP have certain breaks and thereby level the field, and over some specific issues. The issues of patriotism and separation confused KMT candidates. Some KMT candidates also seemed to desire fair competition with the DPP and thus did not try as hard in the campaign. A major split in the KMT was never imminent, but differences in viewpoint did affect the ruling party's performance.

The KMT also made some errors in strategy. KMT notables in the government appeared to try to control the stock market in order to influence the election outcome. They also tried to use statements made by Deng Xiaoping and other pronouncements made by Beijing to counteract the DPP's call for independence. To a sizeable portion of the electorate this appeared to be cynical manipulation. KMT leaders also seemed to give too much emphasis to educational standards so as to portray the DPP as hoodlums. Thus, in picking candidates they weighed too much on education and not enough on charisma. This made the KMT look elitist and helped give the DPP an image of a commonman party.

The KMT underestimated the sympathy vote and tried to use logical arguments against it. It also put too much reliance on opinion surveys, while trying to use them to influence voting. Both had bad results.

The KMT may also have been overconfident. At times it seemed to be. It also appeared less professional and less on the ball than in the past. A number of the members of foreign election observer teams noted this. Changes in personnel may have been the cause. A decline in morale as a result of Chiang Ching-Kuo's death may explain it. Similarly a number of KMT leaders seemed to be locked in a power struggle with others in the party. President Lee Teng-hui was still new in office, and, though his public image was very good, he has yet to resolve some internal party disputes and convince many Party stalwarts of his leadership abilities.

DPP candidates made much of the fact that they were underdogs. And this worked. They won the protest vote and the sympathy vote. DPP candidates also benefitted from the widely-held view that a vote for them was a vote for democracy. To some, a vote for the DPP would encourage the KMT to do better. Thus there was a large bloc of votes which did not directly support the DPP but which helped it in the election. Most voters did not consider the possibility that the DPP might win sufficiently to rule the country and did not worry about their shortcomings. Finally, to some, DPP candidates (assuming the KMT could not lose at the national level) winning local office would make the system more competitive and perhaps more efficient.

In sum, the DPP's strategy and performance in the campaign were considerably better than most observers anticipated. The KMT's were worse. This, plus the DPP's attraction of the protest vote and the vote for competitive elections and democracy, help explain the DPP's gains. But so do world events: Tiananmen, the democracy movements in Europe, and the pending collapse of communism. Deng's threatening statements in this context amplified the help these events gave the DPP. Events in Japan, too, had an effect: the ruling conservative Liberal Democratic Party, which had been in power for nearly 35 years, seemed to be suffering from age and corruption. Many in Taiwan modelled their politics after Japan; this being the case, the KMT could look forward to a long period of rule in an essentially one-party dominant system. However, the Japanese electorate's rejection of the Liberal Democratic Party in the summer and the LDP's subsequent difficulties sent another signal to Taiwan's voters.

All of these factors could be reversed, or at least different, in the next election. Thus 1989 seems to suggest a rise of the opposition and competitive democracy in Taiwan; it does, however, not mean a demise of the KMT.

How DPP politicians perform in office will surely influence the next election. By 1992 the DPP will no doubt be seen to some degree as a ruling or government party— certainly at the local level. The DPP will have to campaign on its record next time. That may be an advantage; in Chinese politics, it helps to be an incumbent. Yet being an outsider, at odds with the KMT, proved a boon in this election. In the next three years the DPP will have to come to terms with the KMT, compromise or paralyze the system— either of which may hurt their image with the protest voter.

The DPP will also have to reconcile many of its election promises and statements with reality. DPP candidates spoke of a "peaceful foreign policy" and of reentering international organizations, including

the United Nations. Fulfilling these promises will be very difficult. The DPP will have to defend many of its "socialist" policies in the context of the failure of both communism and socialism around the world. They will have to cope with the female vote, which is growing in influence in Taiwan. The KMT has a better record with both women candidates and women's issues. The DPP will have to deal with an image of a party dominated by narrow objectives that appeals to special interest groups rather than the national interest. It will have to deal with the crime issue, which certainly will not be easy.

Meanwhile the KMT will no doubt learn something from this election setback. How the KMT responds to this "defeat" is difficult to predict. It has been a party that has dealt with all kinds of adversity in the past. It may be able to improve its image based on Taiwan's democratization, its enhanced role in global economic affairs, and what some call Taiwan's new identity. It may be able to adjust to breaking its ties with the government and its control of television and a large number of corporations and enterprises. It can probably also change from an election strategy that emphasizes morality in government to a strategy built on tough political campaigning in a pluralist country.

In any event, it is clear that the election process and democracy have been advanced by the 1989 national election. Probably future analysts will say it was furthered by a big notch.

CHAPTER 5

SUMMARY AND CONCLUSIONS

The analysis of the factors that have promoted or facilitated democratic electoral politics in Taiwan and the separate assessment of three elections in Taiwan above, reflect that democracy has quickly, and no doubt permanently, become a part of this nation's political system. In fact, that this has occurred is no longer in doubt. Why and how it happened are still questions of some interest.

Local politicians in Taiwan often argue that national democratic elections were made possible, even engendered, by democratic elections for local office in Taiwan for more than three decades—beginning in the 1950s. They reason that there was a “seeping up” process: democracy worked at the local level, so why not apply it at the national level? Additionally, there was pressure from local governments and from the population to “push democracy up.”

Indeed, democratic means of selecting local officials have been used in Taiwan for some time. Popularly elected officials made local politics work democratically. They sought to push their system to the top, or democratize the nation by a “seeping up” process. Over time these “democratic politicians” also rose in eminence and assumed positions of greater importance, many of them in national affairs and in the central government.

The political system they encountered at the top was, in principle, a democratic system of government. It had a democratic constitution. Its political ideology—Sun Yat-sen's Three Principles of the People—was democratic. A political culture or climate had begun to evolve in the direction of democracy. Free market capitalism made this possible, or necessary. Economic development created a middle class that made demands for political change.

Central government officials nevertheless argue that, rather than democracy seeping up, they gave Taiwan democracy at the local level. They could have encouraged a different political system. They served to oversee and force it to work. Local politics in Taiwan was full of factional struggles. Had there not been oversight or what the Nationalist officials call tutelage, chaos probably would have resulted. Some top Nationalist officials have also averred that they wanted to create democracy at the local level because they knew it could not have been

implemented quickly at the national level. They were committed to democracy, but could not install it in the central government because of both internal resistance and external threats.

The sudden or unexpected competitive election in 1980 and the subsequent quick evolution of democratic electoral politics—in less than a decade—suggests that it was not just a “seeping up” process. Democratic political thought helped make it possible. Central government officials had to have been ready and favorably disposed. President Chiang Ching-kuo—Taiwan’s “democratizer”—also played a vital role. He was an impetus from above for Taiwan’s democratization. He conveniently used electoral change and election politics to direct Taiwan’s political modernization towards democracy.

The U.S. was also a factor. America had high expectations for Taiwan: because Chiang Kai-shek (and every other president following him) was a Christian; because Taiwan called itself “Free China” and had a political system and a constitution both patterned after the American models; because of the free market economy and the degree of penetration of Taiwan by foreign (mostly from Western democratic countries) business and ideas. The U.S. also encouraged, with a heavy hand at times, Taiwan to democratize—early on in order to justify economic assistance and policies that favored the Nationalist government over the Communist regime in Beijing. Later, after 1979 when the U.S. broke relations with Taipei and the U.S. Congress wrote the Taiwan Relations Act, to rationalize this legislation—the only law in U.S. history written to govern relations with a specific country and which cited concern that Taiwan remain secure and that it continue to see progress in the areas of human rights and democracy.

Similarly, Beijing was a factor—albeit an indirect one. The People’s Republic of China sought to isolate Taiwan. It endeavored to make the government of Taiwan appear autocratic and its foreign policy hostile, uncompromising, and narrow-minded. Taiwan’s reaction was to push the democratization process even faster—in order to convey the message that its future should be decided by its people, that Taiwan should not be ruled by a communist government against its will. Taiwan even appealed to the global community, saying that it had democratized and, therefore, did not deserve to be isolated or considered territory belonging to Beijing. Beijing’s threats to Taiwan also reduced ethnic tension between Mainland Chinese and locally-born Taiwanese—who were put in the “same boat” as far as their future, meaning their survival and the nation’s sovereignty, was concerned. The intimidating statements made by Chinese leaders in Beijing have clearly served as a unifying factor and a diversion from

otherwise factional tendencies and fractious disputes in Taiwan. Unity and common understandings between various groups in Taiwan have clearly helped advance democratic processes.

Of course, one must also give credit to the fact that Taiwan, being an island, is protected by its geography from outside hostile forces. Island countries have had a better record with democracy. So have nations that are secure because of natural frontiers or barriers or security arrangements. A history of cosmopolitanism was also an ingredient. Taiwan, for centuries, has had contacts with other peoples and nations. It was a trading entity in the distant past and retained this tradition through the years. This has made the incorporation of new political and other ideas, in this case a system based on the will of the people, easier to accept and use.

Taiwan was made even more secure by the U.S. security guarantees: in 1950 (when the Korean War started) and the U.S. intervened to bloc an invasion of Taiwan and in 1954 in the form of a mutual defense treaty. This U.S. commitment was reiterated in 1979 in the Taiwan Relations Act, which came at a time when the U.S.-Republic of China Defense Treaty was going to be cancelled. In short, the United States helped provide an environment wherein democracy could sprout and grow. Not having to worry (at least so much) about an invasion or about other external threats, Taiwan's leaders and its people could focus on internal problems, including political development, and could fulfill the promises of democracy in the Constitution and in Sun Yat-Sen's Three Principles.

Economic growth also promoted democratic institutions in Taiwan. This is to be expected if growth is self-generated—or done the hard way, by earning it rather than by luck or circumstance. Taiwan accomplished its economic growth by hard work, good planning, and cooperation between the private and public sectors, between the population and its leaders, and among various interest groups. In recent years, Taiwan has gained the status and recognition of being the number one nation in the world in economic growth and the foremost success story in economic development. The criterion is growth in the gross national product over two decades—the standard most often cited by economic development and political development theorists alike. Because of rapid economic growth Taiwan needed democratic reform. The political system had to modernize because the economy had become increasingly sophisticated and needed a political system that was open and could accommodate change and innovation lest economic growth be impeded. In other words, Taiwan's economy was

built on free market capitalism which created democracy and needed democracy to continue to grow.

Just as economic growth provided an infrastructure for democratic politics, so did social change. Land reform was the first step. Launched in the 1950s, it eradicated feudalism in rural Taiwan. It made the local democracy discussed above possible. Together with astute planning, land reform made the agricultural sector of the economy grow quickly and at a rapid, sustained pace. As it grew, food production became more efficient and many people moved into the cities to work in Taiwan's industrial sector, which "took off" in the 1960s. Urbanization, which probably occurred faster in Taiwan than in any other nation in the world at this time, promoted city political machines. Commensurately, more people became interested in politics with the changed environment and the breaking or weakening of family and other ties that were part of rural society. As Taiwan's middle class grew, so did the perception that politics was not just for the rich or some other elite. Mass politics evolved. This created the need, and the demand, for democracy. Elections soon were seen as the key to realizing democracy.

This is not to say that these things occurred in a clear step-by-step sequence: security, economic development, social change, political development. That the order was neat and that one had to be accomplished before the other could begin is, of course, an oversimplification. They occurred simultaneously to some degree and were interrelated and interdependent. Still there were different thrusts or prominent conditions in each phase of Taiwan's political development. In fact, this may be said to constitute the Taiwan democratization model or paradigm. The "Taiwan experience" in democratization, in other words, is a kind of step-by-step approach to political modernization. The formula? Security comes first, or it is the precondition. Then build consensus through economic development plans. Successful economic growth creates the need for democracy. Social change follows economic modernization and is sandwiched between economic change and political change.

If political change comes last in the sequence, has not Taiwan reached the last stage? This might seem to be the case; yet it is also true that political modernization makes possible continued economic development and social change. If Taiwan is to make the leap into a knowledge-intensive economy, then continued or further political development is essential. There seems to be a symbiotic relationship. The same is true for social change of a progressive nature.

However, political change in Taiwan has not been without set-

backs, turmoil, and apprehension. This has been reflected particularly in election campaigns. This author, as well as many other observers, both local and foreign, agree that during campaign periods, the system has appeared to have changed too fast. The chapters above have discussed candidates in each election that have resorted to antics, unfair tactics, and dishonest or illegal means to win. Each election has witnessed new and sometimes serious problems that brought the system into question. Taiwan's election law apparently has not worked well; certainly it will be changed again in the future, perhaps many times. Money seems to have become the bottom line in election politics. Further democratization seems, in every election, to have created violence and chaos. Political campaigns have been seen by many as circuses, demeaning to the candidates and to the electorate.

But even in light of these developments, few have said that the nation should turn back, that democracy was a mistake. Rather, the citizens know that they are on the right track in spite of problems and second thoughts.

If Taiwan has democratized faster than any other nation in the world, as this writer has earlier suggested, then one must ask: Why has it succeeded? One can cite the conservative nature of Chinese political culture: rapid change does not hit so hard because of fundamental attitudes about politics, such as the need for moral behavior and universality of political ideals, etc., that Chinese espouse. The Chinese people also fear anarchy; this is with good reason, since their culture evolved with the need for government to control water, build infrastructure projects for the transport of food, and much more. When government did not function, the people suffered grievously; many perished. Hence, when critics or opponents of the government go too far, particularly in the direction of destroying the system or using violence, the people respond with a demand for caution. When some advocate overthrowing the system the people respond by siding with the government. The electorate wants democracy, but it does not want it to come through the destruction of the government (unless the government is worse than anarchy or is itself promoting chaos, and that has not been the case in Taiwan). Some say government officials in Taiwan know that if the opposition becomes too extreme or threatens violence the people will turn against them. Thus, they are more tolerant of opposition antics and demands than governments in most countries.

That Taiwan had a democratic constitution before its period of rapid political development began was also helpful. Opposition politicians—working within the system, or at least using it—asked that the

constitution be fully implemented. They assailed the "Temporary Provisions" which nullified some of the guarantees in the constitution, especially those that provided for civil and political freedoms and set forth a design for a democratic system. They did not advocate scrapping the constitution and framing another one, nor did they advocate not having a constitution—or at least not until recently, (and their recent demands have not been taken very seriously). Opposition politicians likewise have not been very critical of the political system's structure. Candidates for election, for example, have rarely attacked the fundamental organization of the political system. They want to change it, make it more democratic, but not destroy and rebuild it. This has made the opposition in a sense a loyal opposition—even though one would not guess this from observing an election campaign. Similarly, there has been a broad consensus on the desirability of economic growth. Differences have been primarily about how to do it, who should benefit and, in more recent years, how to protect the environment while continuing to grow. Finally, although self-determination or Taiwan independence has been a heated, if not explosive, issue, there is behind all of the argument and rhetoric the fundamental belief that the Republic of China is a legal government and has sovereignty. The questions are rather whether the government should claim title to the mainland of China, whether there should be one China or two, or whether the central government should have representatives in elected office that are delegates from places other than Taiwan. The sovereignty of the nation has not been in contention.

Having demonstrated in the previous three chapters that Taiwan has made quite impressive progress in electoral politics and thus in political development, leading toward, perhaps even close to or already, democracy, it seems that Taiwan's experience with electoral politics contains some lessons for other countries. This would appear particularly true in view of the fact democracy is now "breaking out" all over the world. Moreover, there is a special lesson for newly democratizing nations: Taiwan has accomplished, largely through election politics, democratization similar (in the words of some opposition politicians) to what it took Japan decades to do and some Western countries centuries. Building democracy is usually a slow process; in Taiwan it was a rapid one. Most of the countries poised to try democracy—and there are many—are in a hurry.

Taiwan's success with democratic electoral politics is also unique among Chinese people. The People's Republic of China has never had a meaningful democratic national election. There have been no two-party, competitive elections in China. Competition in the sense of

having more than one candidate for an electoral position is something very new there. Hong Kong has not gotten started either. Singapore has had competitive elections, but barely so. Some say elections there are not really competitive; the opposition is too weak and the government too intolerant of opposition politicians. Taiwan can thus serve as a model for even Singapore. Only in Taiwan have there been truly competitive elections. Only in Taiwan have there been two-party or multi-party (depending upon one's point of view) elections.

Turning directly to the factors that have influenced Taiwan's elections in a positive way and to the three recent elections themselves (and their significance), it is necessary to examine trends and make some forecasts. Some mention should also be made about unresolved issues.

One thing that is certain from looking at the factors influencing electoral politics as well as the significance of the most recent elections, is that Taiwan no longer has a one-party system. Party competition has become a part of the electoral process and electoral politics in Taiwan. It is even a part of the political process in a broader sense. This will certainly continue to be true in the future. In fact, it is so widely regarded as necessary for democratization to continue and a democratic system to work that it is inconceivable that party competition will not last.

This is not to say, however, what kind party system is evolving. There seem to be three possibilities : a one-party dominant system, a two-party system, and a multi-party system. There is evidence for and an argument to be made to justify predicting any of the three options.

Given the outstanding record of the Nationalist Party in engineering economic development and social modernization, and, in general, governing the nation, it would seem reasonable to predict, and support as desirable, the evolution of a one-party dominant system. Such an argument can also be made in light of the unrealistic proposals made by the opposition parties, factionalism in the Democratic Progressive Party and its general inability and lack of preparation to rule the nation. One can certainly imagine a scenario where Taiwan follows the pattern of Japanese politics. Like the ruling Liberal Democratic Party, the Nationalist Party may remain in power for the foreseeable future, with the opposition parties remaining only an opposition party or parties. The Nationalist Party would have to maintain a comfortable majority in the elected branches of government and win all future national elections. But it is not unreasonable to think the Nationalist Party can and will do this.

While voting trends and election results, especially in the last election, cannot be used to argue for a one-party dominant system, one can certainly make the case that opposition strength is based in large part on the desire of the electorate for a democratic system and on the fact that votes for the opposition are to a large extent votes for democracy, not votes for a new ruling party. Independent opposition candidates, the *tangwai*, and then the Democratic Progressive Party have certainly been able to count on fifteen to twenty percent of the voters voting against the party in power or for party competition, thus voting for them. This being the case, assuming it goes no further, a one-party dominant system will result. Even if it increases to near fifty percent of the vote, but goes no further, the outcome will still be a one-party dominant system.

An argument for a one-party dominant, Nationalist Party-led nation can also be made from looking at the overwhelming advantages possessed by the ruling party in the realms of party registration, party finances, organization, experience, etc. It would also follow from the belief or advocacy that Taiwan needs strong leadership which only the KMT can provide. Similarly, some may contend that the transition from rule by the Nationalist Party to another political party would be too traumatic given present or near-term future conditions (such as Beijing's threats, the need for a strong defense, economic growth, and more), and that many voters perceive this—enough to keep the Nationalist Party in power indefinitely.

The broad base of support possessed by the Nationalist Party that has not been shaken by the opposition parties is further evidence for the one-party dominant system. The KMT has the support of business, farmers, labor (though this support may have weakened), and professional organizations. It appeals to all ethnic groups and to the electorate in all regions of the country. Though seen by some as a party of Mainland Chinese, it has in every national election won more than half of the Taiwanese vote. It is conservative, but so are most Chinese. It has the reputation for being moderate, rather than radical, and this suggests broad support.

A second alternative is the development of a two-party system. The outcome of the 1986 election and especially the 1989 election can be offered as proof for the growth of a two-party system in Taiwan. As soon as the Democratic Progressive Party became a genuine political party (though still not legal in 1986) it performed well in a national election. It performed even better in 1989. All other political parties failed in both elections, especially in the last elections. The DPP was able to maintain party discipline while attracting various

kinds of opposition politicians into its fold. It learned even before it gained party status to avoid ideological issues and to eschew blatant sensationalism and radicalism. In short, the DPP from the onset had a fairly broad base of appeal, and as time passed (actually not very long considering the history of the development of political parties in most countries) its political base became wider.

The DPP has also, to a considerable extent, come to be seen as *the* opposition in Taiwan. It has been the beneficiary of nearly all of the protest vote. It has learned to get attention and publicity and in the process to upstage other opposition parties. Some would also argue that it has come to be seen as a party representing the Taiwanese; even if that is only somewhat true (which to date seems to be the case), the DPP may be able to broaden its support among the majority Taiwanese electorate. There is certainly a "Taiwanese nationalism" in Taiwan and it is likely to grow in the future. Some have also labelled the DPP the "liberal" party as opposed to the "conservative" Nationalist Party. If Taiwan's economic and political development have reached a mature stage, as some argue, liberal ideals may be a logical next step. All of these facts or pieces of evidence indicate the DPP will increase its strength in future years, making it a truly competitive party. The result has to be a two-party system.

One can also argue for the evolution of a two-party system looking at the fact that the model for democracy in Taiwan has been largely the United States, not to mention pressure from the U.S. to democratize. Because the U.S. has a two-party system, it is reasonable to think that Taiwan will copy or emulate this system. Moreover, many high-ranking officials in Taiwan as well as scholars (partly because they were trained in the U.S., but partly for academic reasons) believe that a two-party system is preferable to any other. In recent discussions about Taiwan's future party system there has been frequent mention of the fact that the Western European countries with multiparty systems are less stable and their political systems work less effectively.

Another factor is that, while the constitution of the Republic of China does not mention political parties, it can be argued that the presidential system of government implied in the constitution, and in effect in Taiwan for four and one-half decades, lends itself to the development of a two-party system—just as it did in America.

Finally, the electoral system in Taiwan favors the growth of a two-party system. The type of ballot, voting districts, and much more favor a two-party political structure. So do the election laws, including recent changes that discriminate against "frivolous candidates"

who are not members of either the Nationalist Party or the Democratic Progressive Party.

A third possibility is the development of a multiparty system. The fact that the Civic Organizations Law makes it easy to form a political party and there has been a proliferation of new parties is *prima facie* evidence for a multiparty system. One can thus argue that it is simply a matter of time before a number of these parties gain a following and voter support.

There is reason to believe issue parties will develop in Taiwan. On some important issues the KMT and the DPP have the same platform or have ignored the problems suggested by the issue. Geographically based parties have not developed. The initial success of the Labor Party (though it did not do well in the 1989 election) is certainly evidence that third parties can attract interest group support.

Given the fact that Taiwan's political situation is in such flux and the electorate so undecided, as witnessed, for example, by the fact that when the DPP formed in 1986 polls showed the public did not favor its declaration as a party—there seems to be room for more political parties. This would also be evidenced by the fact that a number of interest groups, farmers to mention only one, do not feel adequately represented by any political party. They are generally conservative and do not favor the Democratic Progressive Party on ideological grounds. If they decide the KMT does not represent them well, for which there is some evidence, they may seek to support another party. Labor has already done so, or has taken the first step to do so.

It is also easy to foresee factionalism in the DPP that could result in a party split or in the formation of a new party by disaffected DPP members. Clearly, some of the disputes among DPP members and its leaders look like the seeds of future party disagreements of a serious enough nature that they could lead to a party division. Taiwan independence is just one of these issues. Efforts by DPP members or factions to more actively vie for the support certain groups of the electorate could also cause a party schism. Some DPP members have sought the support of interest groups to the chagrin and displeasure of other party members. This is likely to be a more serious problem in the future. Cooperation with the Nationalist Party on important issues also threatens to split the DPP, and this will continue to be a problem.

Another critical factor is that the DPP has become viewed as something other than an opposition party because of its victory in the 1989 election. It is the party in power in a number of counties now. This leaves room for other parties to claim that the DPP is no longer anti-government or anti-KMT, and to try to fill the void. Clearly,

DPP leaders in office cannot behave as members of a protest party and this will change the image of the DPP. It may alter its attractiveness to voters. It should also be noted that the DPP's strength lies in middle-echelon elective office positions, especially the county magistrates and city councils and mayors. The DPP has not yet shown strength at the town or village level. Independents, which could go in any direction in terms of future party identification (or making none), are strong at that level. They might form new parties in the future or associate with presently existing third parties.

Though the two most recent elections give evidence for a two-party system developing in Taiwan, two elections (in the opinion of this writer as well as many other observers) are too few to provide a convincing argument about the development of a party system. It will take several more elections to discern the direction of changes in the party system; it may take even longer. In fact, Taiwan may have something in between two or three different party structures for some time. If the DPP manages to absorb or defeat challenges by other opposition parties, yet does not offer a strong challenge to the KMT, Taiwan's party system may resemble periods in U.S. history when one of the political parties was dominant over the other even though the system was a two-party one. Another possibility would be for the Nationalist Party to lose strength while the DPP and other opposition parties both gain strength. This would leave the KMT in power if the DPP and other parties could not form a coalition or if the KMT could attract a coalition partner. One might draw other scenarios.

Finally, something needs to be said about projecting trends discernible during the last three elections. Unfortunately, because of the newness of competitive elections and the considerable change the nation is undergoing politically, projecting trends is exceedingly difficult.

Still, it is clear that there are some significant trends. For example, successful candidates have not been very ideological. The ineffectiveness of an ideological campaign was demonstrated by several candidates in the 1980 election. Such campaigns have not reappeared to any extent. In the last three elections ideology for the most part played an insignificant role. Candidates could be identified as conservative or liberal, even the parties; yet they could not be labeled as highly ideological. Political philosophy was not often discussed and there was little evidence that it might become a future campaign issue. Most candidates would be defined as pragmatic or issue candidates, or personalistic; certainly most winning candidates can be so described. The pragmatic nature of the Chinese people and the failure of ideological systems, especially communism in the People's Republic of China,

seems to add weight to the argument that ideology will not become an election issue in the future and the parties won't become ideology-based.

Candidates who overstated what they would do in office and candidates that were too showy were often rejected, consistently enough that one might label this a trend. However, a line must be drawn between this kind of candidate and the charismatic candidate. The latter did well in these elections; not only that, they fared better in the 1989 election than in the previous elections. Likewise, commonman candidates fared especially well in the 1989 election. Well educated candidates were able to impress the electorate with their educational status in the national elections until 1989. Educational qualifications may have peaked as a campaign asset or such qualifications may have been carried too far in elections before 1989. Alternatively, because the DPP ran a number of candidates with outstanding educational qualifications in 1989 the difference between the two major parties may have evaporated at least in the voters' minds. It seems unlikely that education will increase in importance as a qualification for political candidates. In other words, elected bodies of government will not become institutions for the educated elite. Whether the KMT will continue to give it major billing is difficult to predict.

Money politics will most certainly remain a factor in elections. The opposition has been disadvantaged because of fewer funds in a number of elections. This was particularly true in elections before 1989. However, it was barely true, or not at all, in 1989. The playing field appeared to have become nearly level in this respect. In any event, neither party has wanted restrictions placed on campaign spending. With a financial advantage in the hands of the two biggest parties, the use of money in campaigns may become institutionalized. On the other hand there may be a return to demands for disclosure to embarrass their opponents, thereby enabling poor candidates to use a financial handicap to his or her advantage. If one party sees this as an advantage, or if independents seek office on a bigger scale, the importance of money may change. The evidence is mixed about this. This author favors the view that money will be an advantage to candidates and this favors the Nationalist Party and the Democratic Progressive Party.

Party discipline was a problem in every election discussed here as well as in previous elections. It was less so in 1989, but this may be an anomaly. Both parties will certainly make strenuous efforts to increase party discipline in the future. Cooperation between the KMT and the DPP will no doubt help both. The growth of a two-party

system will, of course, be a contributing factor. Party discipline may also contribute to the rise of a two-party system.

Campaign strategies will no doubt be refined and improved. The success or failure of both the KMT and the opposition in these elections was to a large extent determined by election strategy and tactics. It is particularly apparent that the DPP improved both its election strategy and tactics for the 1989 election. At the same time, the KMT suffered because of serious mistakes in both areas. Both parties will probably learn much from their mistakes, as well as from their successes, and devote more time and energy to strategy and tactics, observe those of their opponents, and do a better job in this realm in the future.

Regarding future campaign issues, it seems probable that the problems about which voters have expressed the most concern will remain. Crime, pollution, and traffic are almost certain to be future campaign issues. These problems are not being solved, or at least not at a sufficiently rapid pace to satisfy voters. Some of them are not being solved at all; they are becoming more acute. Regarding these issues, perception may be more important than the reality of the problems. It seems that, if anything, the perception is that the problems are increasingly important ones. New voter issues will naturally arise, and as polling becomes more commonplace and more sophisticated, voter concern will carry greater weight.

This does not mean that candidates will not campaign on their own issues, non-issues, fabricated issues, and sensational issues. Candidates for elective office in Taiwan have found, just as in the U.S. and other Western democracies, that they must identify with a controversial issue or position in order to build a following before the campaign starts. Such issues tend to be more extreme and be issues of concern to minorities, interest groups, or voting blocks. Candidates then move to the center and take on more popular issues. This has been a visible pattern in recent elections and will be more so with each passing election.

Candidates will also use controversial issues to attract attention. Attendance at campaign rallies has declined during the period covered here, seeming to indicate that candidates must first draw a crowd before they can do anything else. As in advertising, they must first get the attention of the audience. Such an approach seems to favor issues such as Taiwan independence. In recent elections, many DPP candidates made this part of their platform and spoke of it in campaign speeches. Most (increasingly so in recent campaigns), however, used it as an attention-getter or introduction. They did not define the issue or

their position clearly; in fact, most made it an emotional issue rather than one they talked about in specific terms or on which they broached clear solutions or answers. This seems likely to continue.

Such campaigning tends to polarize the electorate and even the entire society and nation. This has been quite noticeable in recent campaigns. It promises to continue, though in some ways the electorate seems to be getting used to it. But, it seems unlikely to exacerbate ethnic tension inasmuch as the KMT is a multi-ethnic party and the DPP has not moved further in the direction of becoming a single-ethnic party. Meanwhile, ethnic differences as well as ethnic identification are diminishing. Alternatively, campaigning will accentuate ethnic tension, but only temporarily.

Domestic issues will likely continue to dominate the slate of campaign issues. Economic issues will remain in priority position: GNP growth, salaries, worker benefits, insurance, etc. Growth will not be an overriding issue as long as it is sustained at the present level or a bit lower. A recession, though, would change this. Issues tangential or related to the economy will remain important and may become even more central. Pollution and traffic are critical issues that are in essence economic; labor is another.

Foreign policy issues will remain important—more important than in most other countries. Taiwan is more sensitive to the foreign policies of most other countries because it is an exporting country. It is also threatened militarily by the People's Republic of China. Taiwan also lacks diplomatic legitimacy. Thus, the electorate's interest in foreign policy is quite understandable. Foreign policy issues may even increase in importance; or domestic issues and foreign policy issues will in some cases merge. Because of this, the DPP must adopt more realistic tenets of foreign policy; its naivete is too noticeable. So too the KMT will have to abandon its unrealistic "return to the mainland" policy. Both positions make the parties too vulnerable to attack and ridicule by the other.

The issue of unelected (or chosen more than 40 years ago) delegates to the elected bodies of government, which was a major issue in the 1989 election, will not likely be very important in future elections. All (or nearly all, assuming the legislation cited here and a subsequent high court decision work) will retire before the next election. DPP charges about the undemocratic nature of the system will have to change. On the other hand, it is likely the DPP and other opposition candidates will seek other points for complaint. They will almost certainly continue to experience disadvantages in running for office, or for winning. They will likely continue to rally for democratic change,

even if and when the system becomes as democratic as most Western democracies. Democracy and the fairness to make it work can always be made an issue.

Constitutional issues will probably remain important. In fact, the pitch of complaint may rise. This was more an issue in the 1989 election than previous elections, and these structural and fundamental issues seem to be gaining rather than receding in importance. Winning elections to a great extent depends on the system in which campaign races are conducted, and political candidates realize this.

Future election issues and the course of political change in election politics will, of course, be influenced by the success or failure of the present government. President Lee Teng-hui in a sense is able to bridge many gaps: he is an old and trusted KMT leader, yet also a Taiwanese. He has been a balancer in many respects—offsetting democratic changes, which have accentuated Taiwan's separation, with overtures toward Beijing. Yet he has clearly not been able to satisfy everyone, and it is unlikely he can. This means that he will have to deal with party politics—both its good and bad sides. He no doubt will continue to try to play a balancing role but will not find that easy.

In conclusion, it is apparent from assessing the last three elections that Taiwan's political system has evolved quickly and decisively toward a fully democratic one. Elections have played a central and even indispensable role in that process. The case can be made that Taiwan is already a democracy in terms of election campaigns and politics. Yet the political system must consolidate the changes which have been made and demonstrate that the process as it has evolved can work well.

On the other hand, future elections are likely to be stormy and bring further changes in both electoral politics and the system as a whole. Change is still in store, although one might anticipate this change being more a matter of adjustment or refinement in the system than revolutionary or troublesome change. If Taiwan is a democracy, it is not a mature democracy.

But it being the case that Taiwan is a democracy, or close, and has done this so quickly and without violence, it should be seen more and more as a model of successful democratization. Its electoral politics and elections must be understood as largely behind or responsible for that change. If other developing nations, even communist nations, want to democratize with a map in hand, they should certainly look at Taiwan's experience in managing and holding elections and the course of political party development and party competition in their elections.

**APPENDIX I
ELECTION AND RECALL LAW — 1989**

**Chapter One
GENERAL PROVISIONS**

Article 1:

The election and recall of public officials during the period of mobilization for suppressing Communist rebellion shall be governed by the provision of this law. Matters regarding their election and recall not herein stipulated shall be governed by other relevant and applicable laws and orders.

Article 2:

The public officials herein referred to mean the following personnel:

- 1) Of the Central Government: Members of the National Assembly, of the Legislative Yuan, and of the Control Yuan.
- 2) Of the local governments: Provincial assemblymen, councilmen of cities of provincial status, county councilmen, councilmen of cities of county status, hsiang (chen and shih) representatives, magistrates, mayors of cities of county status, hsiang (chen and shih) chiefs, village leaders and li leaders.

Article 3:

The election of public officials shall be conducted on the basis of universal suffrage, equality among citizens and direct and secret ballots. Members of the Control Yuan, however, shall be elected with secret ballots cast by provincial assemblymen and councilmen of the cities of provincial status. The number of names entered on each ballot in the election of the members of the Control Yuan shall not exceed one-third of the number of the members to be elected in the same election.

The recalls of public officials shall be decided by the electors of their respective constituencies with secret ballots.

Article 4:

The deadline day for calculating the ages and the lengths of residence of the electors and the candidates shall be that immediately pre-

ceding the election day, and the facts concerning their ages and residence shall be those recorded on the household registration books.

The lengths of residence shall begin and shall be calculated from the day of registration of the fact of moving into a new residence. In reholding a balloting, the balloting day last fixed for the election shall be the criterion day for calculating the ages and the lengths of residence.

Article 5:

The stipulations for the calculation of the various periods herein shall be in accordance with the provisions of the civil code, and a fixed period shall not be lengthened when its last day is a holiday.

Chapter Two
ELECTION AND RECALL ORGANS

Article 6:

For the election of public officials, a central election commission, provincial election commissions, election commissions of cities of provincial status, county election commissions, and election commissions of cities of county status shall be established.

Article 7:

The Central Election Commission shall be in charge of the elections of the members of the National Assembly, the Legislative Yuan, the Control Yuan, the provincial assemblies and the councils of cities of provincial status. The Commission shall also direct and supervise the related inferior election commissions to conduct these elections.

The provincial election commissions shall be in charge of the election of county councilmen, city councilmen, magistrates and mayors, and shall also direct and supervise the county and city election commissions to conduct these elections.

The county election commissions shall conduct the elections of the representatives and the chiefs of hsiangs, chens and shihs (municipalities).

The county election commissions shall conduct the elections of the leaders of villages and Lis, and the city election commissions shall conduct the elections of li leaders.

The elections provided for in Paragraph 2, 3 and 4 shall also be under the supervision of the respective superior election commission(s).

During the election period, the election commissions of the cities of provincial status and the election commissions of the counties and the cities of county status shall establish offices in the districts, hsiangs, chens, and shihs to manage election affairs.

Article 8:

The Central Election Commission shall be under the jurisdiction of the Executive Yuan and shall consist of several members. The number of its members of the same political party shall not exceed one-half of the total number of the members of the Commission. The members shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan. One of them shall be designated as its chairman. The organic rules of the Commission shall be drafted by the Executive Yuan and shall be submitted to the President of the Republic for his approval.

The provincial election commissions and those of the cities of provincial status shall be under the jurisdiction of the Central Election Commission and shall each consist of several members; they shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One member of each commission shall be designated as its chairman.

The county election commissions and those of the cities of county status shall be under the jurisdiction of the provincial election commission and shall each consist of several members; they shall be appointed by the Central Election Commission upon the recommendation of the provincial election commission. One member of each commission shall be designated as its chairman.

The organic rules of all election commissions shall be drafted by the Central Election Commission and shall be subject to the approval of the Executive Yuan.

All members of election commissions at all levels shall discharge their functions and duties impartially and in accordance with the law.

Article 9:

The recalls of public officials shall be handled by appropriate election commissions. For the purpose of handling recalls, Article 7 shall be applied *mutatis mutandis*.

Article 10

During the time of conducting an election or recall, the related election commission of any level shall be competent to have the staff

members of any government agencies transferred and placed under its supervision to do election or recall business.

Article 11:

The election commissions of all levels shall be in charge of the following affairs:

- 1) The proclamation of elections and recalls.
- 2) The procedures and plans for elections and recalls.
- 3) The screening of the qualifications of candidates.
- 4) The planning for election publicity.
- 5) The inspection of election and recall activities.
- 6) The establishment and management of ballot casting and opening stations.
- 7) The examination of the results of elections and recalls.
- 8) The preparation and issuance of election certificates.
- 9) Other affairs related to elections and recalls.

Article 12:

The Central Election Commission shall opt several impartial persons who have the right to vote as inspectors at large. They shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One of them shall be designated as convener. The election commissions of the cities of provincial status, counties, and the cities of county status shall each have an inspection group of several members. The respective election commissions shall recommend impartial persons having voting rights to the Central Election Commission or the provincial election commissions for appointment. One member of each group shall be designated as its convener. Each inspection group shall execute the following affairs:

- 1) To see if there is violation of any law and regulation regarding election and recalls by any candidate, campaign assistant, recall sponsor or public official under recall process.
- 2) To see if there is violation of any law or regulation regarding elections and recalls by an elector or a recall sponsor.
- 3) To see if there is any law violation by the persons executing election or recall business.
- 4) To oversee other affairs related to elections and recalls.

All inspectors shall be honorary without salary. The terms of office and the number of members shall be stipulated in the organic rules and regulations of the Central Election Commission, of the election

commissions of the cities of provincial status, and of the election commissions of counties and the cities of county status.

The election commissions of the cities of provincial status and of the counties and the cities of county status shall each opt impartial persons having voting rights as inspectors to work in the meeting of political views presentation.

The work code for inspectors and inspection groups of all levels shall be fixed by the Central Election Commission.

Article 13:

The budgets of the election commission of all levels shall be made by the central, provincial (city) and county (municipal) governments in accordance with the law.

Chapter Three ELECTIONS

Section 1 Electors

Article 14:

All nationals of the Republic of China who have attained the age of 20 and who do not have any of the following disqualifications shall be eligible to vote:

- 1) His civil rights have been deprived and have not been restituted.
- 2) He has been declared incompetent and the declaration has not been abrogated.

Article 15:

In an election of public officials representing geographical areas, a person having the right to vote shall be an elector either in the place of his or her domicile of origin or in the constituency where he has resided continuously for six months or longer.

The provision regarding domicile of origin in the above paragraph shall not apply to the elections of representatives of hsiangs (chens and shihs) or to the election of the leaders of hsiangs (chens and shihs)) villages and lis.

In the election of public officials of the cities of provincial-status, the counties, the cities of county status, hsiangs, chens, and shihs, the length of residence of a person as provided for in Paragraph 1 shall be the length of his or her residence in the administrative district where he lives even when a new constituency is created therein. A person

who moves into a new constituency after an election proclamation is made, however, shall have no right to vote in the election.

Article 16:

The electors in an election of the public officials with special life habits shall be the electors also with special life habits who have the other qualifications set forth in Article 15.

The electors in an election of the public officials representing an occupational or a women organization shall be the electors who have been members of their organization for at least six months and also have the other qualifications set forth in Article 15.

The electors in an election of the members of the Control Yuan shall be the provincial assemblymen and the councilmen of the cities of provincial status.

Article 17:

A person having the right to vote who in one category of election has two or more capacities to cast ballots shall choose one of them to exercise his right to vote.

Article 18:

A person having the right to vote shall choose a place to exercise this right in accordance with the following provisions:

- 1) A person qualified to vote both in the place of his domicile of origin and in the place of his residence shall exercise his right to vote in the latter place unless he, twenty-five days before the balloting day, files a declaration with the household office of the hsiang (chen, shih, district) of his domicile of origin to the effect that he will exercise this right in the place of his domicile of origin.
- 2) A person qualified to vote both in an occupational or a women-organization and in a geographical constituency shall exercise the right to vote in the occupational or women organization unless he (she), sixty days before the balloting day, files a declaration with his (her) organization to the effect that he (she) will exercise this right in the geographical constituency.
- 3) A person qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the women organization unless she, sixty days before the balloting day, files a declaration with the occupational organization to the effect that she will exercise this right in the occupational organization.
- 4) A person qualified to vote in two or more occupational organiza-

tions shall, sixty days before the balloting day, file a declaration with the organization of his choice to the effect that he will vote in this organization, and he shall inform the other organizations he belongs of this fact. The one who does not declare shall vote in the organization to which he was admitted earlier. If he was admitted to two more organizations on the same day, he shall exercise the right to vote in his geographical constituency.

5) A person with special life habits and qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the constituency of persons with special life habits unless he (she), sixty days before the balloting day, files a declaration with the organization of his (her) choice to the effect that he (she) will exercise this right in the occupational (women) organization.

Article 19:

If a member of an occupational organization or a women organization loses its membership 20 days before the balloting day, he or she shall not be qualified to vote in the occupational or women organization. But he or she may exercise the right to vote in his (her) geographical constituency or the constituency of persons with special life habits in accordance with the law.

Article 20:

Unless stipulated otherwise, an elector shall cast his ballot at the poll in the place of his or her household registration.

Electors of occupational and women organizations and the workers of the polls may cast their ballots either in the place of their household registration or place of work. Members of occupational and women organizations, who choose to cast their ballots in the their working place however, shall be required to file, sixty days before the balloting day, declarations with their affiliated organizations, to the effect that they will vote in their working place.

When elections for two or more categories of public officials are held simultaneously, those who choose to exercise their right to vote as members of the organization(s) according to the relevant regulations shall have to cast their ballots at the same polls for ordinary electors. Those who choose to vote in their working places shall also be so required.

Electors who shall elect the member of the Control Yuan shall cast their ballots at the polls set up by the election meetings held by

the provincial assemblies and by the councils of the cities of provincial status.

Article 21:

An elector shall obtain his ballot in the poll on the presentation of his identification card.

In the election of the members of the Control Yuan, an elector shall obtain his ballot in the poll on the presentation of his credential identifying his provincial assemblymanship or city councilmanship.

Article 22:

All electors shall go to the poll to obtain and cast their ballots in the prescribed time. After the deadline no one shall be permitted to enter the poll. Those who have entered timely but do not yet cast their ballots may proceed to cast the ballot.

Section Two Electoral Registers

Article 23:

The electoral register of a geographical constituency shall be compiled by the household office of a hsiang (chen, shih, district) based on the household registration books. All those who have duly registered and in accordance with the law have the right to vote shall be included in the register. Those who have moved away from their registered residences or changed their domicile registration on any of the twenty days before the balloting day shall exercise the right to vote in the constituency where they are originally qualified to vote.

Article 24:

The electoral register of an occupational or a women organization shall be compiled by the household office in conformity with the provisions of Article 23 above and based on the membership roster made and reported by the occupational or women organization. Those who have lost their membership on any of the twenty days before the balloting day shall exercise the right to vote in the organization in which they are originally qualified to vote.

There shall be compiled separate electoral registers of the electors of occupational and women organizations who have declared to the effect that they will cast their ballots in the place where they work.

Article 25:

The electoral register of the citizens with special life habits shall be compiled by the household office in accordance with the provisions of Article 23 above, and the identification of a citizen as one having special life habits shall be based on the record in the household registration books.

Article 26:

When elections of two or more categories of public officials are held at one and the same time, the electoral registers may, according to the actual need, be compiled either separately for different elections or jointly for all the elections.

Article 27:

The electoral registers for the election of the members of the Control Yuan shall be compiled by the civil affairs departments of the provincial governments and the governments of the cities of provincial status based on the names listed of provincial assemblymen and city councilmen.

Article 28:

The electoral registers of occupational and women organizations shall be compiled by the respective organizations and shall be displayed publicly at the office of each organization 50 days before the balloting day for five days for their members to read. Any member who finds a mistake or an omission on the register may apply for correction during the period of display.

Article 29:

Upon completion of the compilation of the electoral registers the household offices shall submit them to the hsiang (chen, shih district) office for transmittal to the election commission of the city of provincial status or county or city of county status for reference. At the same time it shall send a copy to the respective village or li office. The village or li office shall put the copy on display in the office for five days. Any citizen who finds a mistake or an omission on the copy may apply for correction during the period of display.

Article 30:

At the expiration of public display days the village or li leader

shall immediately submit the electoral registers together with a report on the applications for corrections, if any, to the hsiang (chen, shih, district) office for transmittal to the household office for re-checking and re-correcting purposes.

The electoral registers shall be finally established and fixed after public display and corrections, and the election commissions of the cities of provincial status and of the counties shall proclaim the numbers of electors.

Section Three Candidates

Article 31:

The elector who has attained the age of 23 may register as a candidate for a public office, but to be a candidate for county magistrate or for mayor of a city of county-status one must attain the age of 30, and to be a candidate for chief of a hsiang (chen or shih) one must be at least twenty-six years of age.

An elector who has attained the age of 35 may register as a candidate for member of the Control Yuan either in the place of his (her domicile of origin or the administrative district where he (she) has resided continuously for six months or longer.

A person whose nationality of the Republic of China has been restored for three years or who has been naturalized in the Republic of China for ten years shall be eligible to register as a candidate in accordance with the provisions of the preceding two paragraphs.

Article 32:

A person who applies for registration as a candidate in an election of public officials shall be required to have the following scholastic background and experience:

- 1) A candidate for member of the National Assembly or the Legislative Yuan: a senior high school or higher school graduate; or having passed an ordinary or a higher civil service examination; or having served as a provincial assemblyman or a councilman of a city of provincial status or as a higher-level public official for at least one term.
- 2) A candidate for member of the Control Yuan: a junior college or higher learning school graduate, or having passed a higher civil service examination together with four or more years of experience in administrative or judicial work: or having taught at a junior college or school of higher learning or having practiced as a lawyer or accountant for four years or having served as a provincial assemblyman or

councilman of a city of provincial status or a higher-level public official for at least one term.

3) A candidate for provincial assemblyman or councilman of a city or provincial status: a senior high school or higher learning school graduate; or having passed an ordinary or higher civil service examination; or having served as a councilman of a county or a city of county status or a higher-level public official for at least one term.

4) A candidate for councilman of a county or a city of county status: a junior high or higher school graduate; or having passed a grade D special examination; or having served as a representative of a hsiang (chen or shih) or a higher-level public official for at least one term.

5) A candidate for representative of a hsiang (chen or shih): a junior high or higher school graduate; or having passed a grade D special examination; or having served as a representative of hsiang (chen or shih) or a higher-level public official or leader of a village or a li for at least one term.

6) A candidate for magistrate or mayor of a city of county status: a junior college or higher learning school graduate; or having passed a high civil service examination together with four or more years' experience in public administration; or having taught as a lecturer at a junior college or a higher learning school for four or more years; or having practiced for four or more years a profession with a qualification certified by the passing of a high civil service examination; or having graduated from a senior high school or passed an ordinary civil service examination together with experience as a councilman of a county or a city of county status or as a chief of a hsiang (chen or shih) or higher-level public official for at least one term.

7) A candidate for chief of a hsiang (chen or shih): a junior high school graduate or having passed an ordinary civil service examination together with four years' experience in public administration or together with experience as a representative of hsiang (chen or shih) or a higher-level public official for at least one term.

8) A candidate for leader of a village or li : an elementary school graduate or having passed grade D special examination; or having served as representative of a hsiang (chen or shih) or a village or li, for at least one term.

Qualifications set forth in the above paragraphs regarding candidates' scholastic background and experience shall be determined through a screening process. The rules concerning the screening process shall be determined by the Examination Yuan.

A person who has been qualified through a screening process as a candidate for a certain public office before this law is put into effect

shall be eligible for election to that office without having to go once again through another screening process.

A person who has been qualified through a screening process as a candidate for one of the two categories of central government officials as stipulated in Item 1 of Paragraph 1 above, shall be an eligible candidate for the other category of official specified in the same Item 1 above and also an eligible candidate for an official specified in Items 3, 4 and 5; a person who has been qualified through a screening process as a candidate for public office specified in Item 2 shall be eligible for the public offices specified in Items 1, 3, 4 and 5; a person who has been qualified through a screening process as a candidate for public office specified in Item 3 shall be eligible for the offices specified in Items 4 and 5; a person who has been qualified through a screening process as a candidate for public office specified in Item 4 shall be eligible for the office specified in Item 5; a person who has been qualified through a screening process as a candidate for public office specified in Item 6 shall be eligible for the offices specified in Items 7 and 8; and a person who has been qualified through a screening process as a candidate for public office specified in Item 7 shall be eligible for the offices specified in Item 8.

Article 33:

When elections of two or more categories of public officials are held simultaneously, a person shall be permitted to register as candidate only for one of them. A person who has two or more qualifications of candidacy in the election of one category of public officials shall be permitted to register only one candidacy.

The registration of a person who has registered simultaneously as a candidate for two or more different public offices or as two candidates for one public office shall be null and void.

Article 34:

The following persons shall not be permitted to register as candidates:

- 1) Those who have committed treason or sedition and have been convicted.
- 2) Those who have committed the offense of graft and have been convicted.
- 3) Those who have violated any of Articles 87, 88, 89, 90 and 91 of this law, or Article 142 or Article 144 of the Criminal Law and have been convicted.

- 4) Those who have committed a crime other than the offenses set forth in the preceding three paragraphs and have been convicted and sentenced to a fixed prison term which has not been or entirely been served. This clause shall not apply to those who have been reprieved.
- 5) Those who are confined under peace and safety preservation measures or have been ordered to receive reformatory education and have not yet finished the confinement or education.
- 6) Those who have been declared bankrupt and whose rights have not been restored.
- 7) Those who have been suspended from official appointment or from official duty in accordance with the law and the period of suspension has not expired.
- 8) Those who have been deprived of their civil rights and whose rights have not been restored.
- 9) Those who have been declared unfit to dispose of their property and whose rights have not been restored.

Article 35:

The following persons shall not be permitted to register as candidates:

- 1) Military men or policemen in active service.
- 2) Students currently attending schools.
- 3) Persons handling election affairs.

The above Item 1 shall not apply to the military men in active service who are in the reserves or militia men on call before they are ordered to enlist for active service, or when they are on educational, service or muster duties.

The above Item 2 shall not apply to the students who are incumbent public officials taking advanced courses.

An incumbent functionary shall not be permitted to register in the constituency where his main office is located as a candidate for member of the National Assembly.

Article 35-1:

All legally established political parties may recommend candidates to participate in the elections for public officials. To complete the registration a candidate thus recommended shall submit his (her) party's letter of recommendation.

Article 36:

When any of the following disqualifying facts is discovered, either

before the name lists of registered candidates are made public or before the balloting is conducted, the registered candidacy shall be canceled by the election commission. The election commission shall also bring a lawsuit against an elected person to invalidate his election if a disqualifying fact is found after the balloting under Article 103-1 of this law:

- 1) The qualifications of the candidate are not accordant to the requirements specified in Article 31, or the qualification acquired through the screening process has been nullified.
- 2) The candidacy is in violation of Article 34 or Paragraphs 1 and 3 of Article 35.
- 3) Candidacy registration is forbidden by Paragraph 1 of Article 85.

Article 37:

Persons who have registered as candidates may not withdraw their candidacy registration after the end of the registration period. Persons who withdraw their candidacy registration before the end of the registration period may not reapply for registration as candidates for the same category of candidacy.

Political parties may withdraw their recommendation before the end of the registration period.

After the end of the registration period, the registered candidates who move out of, or disenroll household registration in their current constituencies or forfeit their membership in a professional organization or women organization, shall retain their registered candidacies and shall have to exercise their right to vote in their respective constituencies or organization.

Article 38:

At the time of registration, a candidate shall make a security deposit, the amount of which shall be duly announced by the election commission before the balloting day. Candidates for village and li leaders, however, are exempt from doing so.

The amount of the security deposit of a candidate recommended by a political party shall be reduced one half. If the party withdraws its recommendation, however, the candidate shall pay the total amount.

The security deposit referred to in the preceding two paragraphs shall be refunded within ten days after the announcement of the list of the elected. However, no refund shall be made to a candidate for member of the Control Yuan who receives no vote, or to any candi-

date for other post who fails to win 10% of the quotient resulting from dividing the total number of eligible electors in the candidate's constituency by the total number of officials therein to be elected.

Section Four Constituencies

Article 39:

For the election of public officials, the constituencies shall be demarcated in accordance with the following provisions:

- 1) For members of the National Assembly to be elected by cities of provincial status and counties (cities of county status): the administrative areas to which they belong, shall be their respective constituencies. An administrative area may be divided into several constituencies.
- 2) For members of the Legislative Yuan to be elected by provinces and cities of provincial status: the administrative area, to which they belong, shall be their respective constituencies. An administrative area may be divided into several constituencies.
- 3) For provincial assemblymen to be elected by counties and cities of county status, the administrative areas, to which they belong, shall be their respective constituencies. For councilmen of the cities of provincial status: the administrative areas, to which they belong, shall be their respective constituencies. An administrative area may be divided into several constituencies.
- 4) For councilmen of a county or a city of county status, and for representatives of a hsiang (chen or shih): the administrative areas, to which they belong, shall be their respective constituencies. An administrative area may be divided into several constituencies.
- 5) For magistrates of counties, mayors of cities of county status, chiefs of hsiangs (chens and shih) and leaders of villages and lis: the administrative areas, to which they belong, shall be their respective constituencies.

Article 40:

For members of the National Assembly and the Legislative Yuan to be elected by occupational organizations, all occupational organizations of the same category shall constitute a constituency.

For members of the National Assembly to be elected by women organizations, the women organization of a province and that of a city of provincial status shall each constitute a constituency.

Article 41:

For members of the National Assembly, the Legislative Yuan, the provincial assemblies, and councils of cities of provincial status or for representatives of a hsiang, chen or shih to be elected by citizens with special life habits, the constituencies shall be fixed in accordance with the following provisions:

- 1) For members of the National Assembly and the Legislative Yuan this group of citizens shall be divided into a constituency of those living on the plains and a constituency of those living in the mountainous areas.
- 2) For provincial assemblymen, councilmen of the cities of provincial status, county councilmen and councilmen of the cities of county status and for hsiang, chen and shih representatives to be elected by the citizens with special life habits, the citizens of this group in the administrative area of a province, a city of provincial status, a county, a city of county status, a hsiang, a chen or a shih shall each constitute a constituency. These citizens in any administrative area may also be divided into a constituency of those living in the plains and a constituency of those living in the mountainous areas.

Article 42:

The constituencies provided for in Paragraphs 1, 2 and 3 of Article 39 and Paragraphs 1 and 2 of Article 41 for the election of provincial assemblymen and councilmen of cities of provincial status shall be demarcated by the Central Election Commission. The constituencies set forth in Paragraph 4 of Article 39 and Paragraph 2 of Article 41 for the election of councilmen of a county or a city of county status shall be demarcated by the provincial election commission. The constituencies set forth in Paragraph 2 of Article 41 for hsiang (chen and shih) representatives shall be demarcated by the county election commission. The proclamation of constituency demarcation shall be made simultaneously together with the election proclamation. When there is a change in the demarcation of a constituency, the proclamation shall be made six months before the expiration of the terms of office of the public officials concerned, or before the prescribed dates. In making the above demarcation of constituencies administrative districts, population distribution, geographical environment, communications circumstances and the number of public officials to be elected shall be all taken into account.

Section Five Election Proclamations**Article 43:**

The election commissions shall issue various proclamations in accordance with following provisions:

- 1) An election proclamation shall set forth the category of election, the number of public officials to be elected, the demarcation of constituencies, the election date and the time of balloting. The proclamation shall be issued forty days before the expiration of terms of office of public officials concerned or before the prescribed dates, but in reholding an election or a balloting and in supplementary elections the forty days stipulation shall not apply.
- 2) Days for candidates registration shall be proclaimed twenty days before the election day. The duration of registration shall not be less than five days. But in the elections of representatives of hsiangs, chens or shihs, chiefs of hsiangs, chens or shihs, and leaders of villages and lis, the duration shall not be less than three days.
- 3) The name lists of the electors shall be proclaimed fifteen days before the election day and shall be for public reading for at least five days.
- 4) The name lists of registered candidates shall be proclaimed one day before the beginning of campaign activities.
- 5) The number of electors shall be proclaimed three days before the election day.
- 6) The name lists of persons elected shall be proclaimed within seven days after the election.

When no candidate is registered in a constituency during the duration provided for in Paragraph 1, Article 2, a second proclamation for candidates registration shall be issued for a duration of not less than two days.

Article 44:

The elections of public officials shall be completed ten days before the expiration of the respective terms of office or before the prescribed dates. But this provision shall not apply in reholding an election, or a balloting or in supplementary elections.

Section Six Election Activities**Article 45:**

The duration of campaign activities of the candidates for public offices shall be in accordance with the following provisions:

- 1) Fifteen days for the candidates for members of the National Assembly, the Legislative Yuan and the Control Yuan.
- 2) Ten days for the candidates for members of provincial assemblies, councilmen of the cities of provincial status, county councilmen, councilmen of the cities of county status, magistrates and mayors.
- 3) Five days for the candidates for representatives of hsiangs, chens and shihs, and for the candidates for chiefs of hsiangs, chens and shihs.
- 4) Three days for the candidates for village and li leaders.

Campaign activities shall end on the day immediately before the election day. The duration of campaign activities referred to in this article shall be counted backward from the concluding date. The beginning and closing times of each day of campaign activities shall be decided by the election commissions.

Article 45-1:

The maximum campaign expenditures of the candidates for public office shall be set by the election commission and announced simultaneously together with the election proclamation.

The maximum amounts of campaign expenditures referred to in the paragraph above shall be the following amounts: (1) a basic amount prescribed with consideration given to the categories of the public offices concerned, the duration of campaign, the programs of activities, the sizes of the constituencies, the communications circumstances, campaign activities and their overhead costs, and the price index of daily life necessities, and (2) an amount resulting from first dividing the total population of the constituency concerned by the number of public officials to be elected and then multiplying the basic amount.

Article 45-2:

No candidate may accept contributions of campaign expenditures from the following sources:

- 1) Foreign groups or juridical persons or individuals, or groups or juridical persons whose main membership is composed of foreigners.
- 2) Other candidates of the same category of public officials in the same election.

Article 45-3:

A candidate or his designated person shall keep records of campaign funds.

Within 30 days after the election, the candidate shall report the receipts and expenditures to the related election commission. The report shall be signed by one of the said persons.

If the election commission, in view of the facts on hand, suspects the truth of the report it may require the candidate to file proof or documentation.

These shall be kept on file for six months after the submission of the report. In the event of a lawsuit involving him, the proof and or documentation shall be kept for three more months from the time of judgment.

The rules for checking campaign receipts and expenditure shall be decided by the Central Election Commission.

Article 45-4:

When a candidate's total campaign expenditure is within the maximum amount prescribed by Article 45-1, the portion of it not contributed by any one may be entered in the income tax report of the election year for claiming tax deduction.

An individual's contribution of campaign expenditures to any single candidate may not exceed 20,000 yuans. A profit-seeking enterprise's contribution to any single candidate may not exceed 300,000 yuans. The total amount of contributions accepted by a candidate may not exceed the maximum amount prescribed by Article 45-1.

An individual's contributions to a legally established political party (ies) may not exceed both 20 percent of his (her) annual total income and the total amount of 200,000 yuans. A profit-seeking enterprise's contributions may not exceed both 10 percent of its annual total income and the total amount of 3,000,000 yuans.

An individual's contributions mentioned in the above two paragraphs may be entered in his (her) income tax report of the election year for tax reduction purpose. A profit-seeking enterprise's contribution may be entered in its annual income report as expenses or losses during the election year.

A profit-seeking enterprise which has lost money for three or more successive years may not make any campaign contribution.

Article 45-5:

A candidate for public office who receives ballots three quarters more than the minimum total ballots needed for his/her election shall receive a campaign expenditure subsidy to be calculated at 10 yuans

per ballot. However, the maximum amount of campaign expenditures prescribed for his (her) constituency.

If the elected individual winning the minimum ballots needed for his/her election, referred to in the above paragraph, is a woman and wins a seat reserved only for women, the number of ballots won by the elected immediately larger than hers shall be taken as the minimum number of ballots needed for election.

The expenditures for the subsidy set in Paragraph 1 above shall be listed in the budgets of the election commissions in accordance with the law.

Article 46:

Except in the election of the member of the Control Yuan, each candidate during the period of campaign activities may set up in his (her) constituency campaign headquarters and may employ campaign assistants.

Regulations pertaining to campaign headquarters and the employment of campaign assistants shall be fixed by the Central Election Commission.

Article 47:

The following persons shall not be qualified for campaign assistants:

- 1) Registered candidates.
- 2) Public functionaries.
- 3) Those who have any of the disqualifications set forth in Article 34 and those listed in Item of Article 35 above.

One person shall not serve as a campaign assistant for two candidates.

Article 48:

(deleted)

Article 49:

With the exception of the political views presentation meetings of the candidates for members of the Control Yuan, all of which shall be sponsored by the election commission, political views presentation meetings shall be divided into candidate-sponsored meetings and election commission-sponsored meetings. Candidate-sponsored meetings shall be held before election commission-sponsored meetings, and the number of days for the latter shall not exceed those for the former.

The election commission-sponsored meetings shall be held by the election commission during the days set for them. The candidates concerned shall personally attend any or all meetings to present their views. Whether election commission-sponsored meetings in the election of village and li leaders are held or not shall be decided by the election commission in accord with the situation.

The candidate-sponsored meetings shall be held by the candidates on the days specified. No more than six meetings shall be held in any single day, and each meeting shall last no more than two hours. Candidates concerned shall be present. No one other than the candidate and his campaign assistant(s) shall make speeches at the meeting. The time and place of a meeting shall be reported to the election commission in charge for its approval two days in advance.

The election commission may send authorized inspectors to oversee the proceedings at the political views presentation meetings.

Article 50:

The election commission shall compile the candidates' political views and pledges, serial numbers photographs, names, ages, sexes, domiciles of origin, birthplaces, party affiliations, scholastic backgrounds, experiences, occupations, addresses, and balloting day and places, etc., shall print all these in a gazette and shall distribute them to all households in the constituencies or to the provincial assemblymen and councilmen of cities of provincial status, and meanwhile post them in appropriate places two days before the balloting day.

When registering their candidacies, the candidates shall submit the above-mentioned political views and pledges, and personal data to the relevant election commission.

If the content of political views and pledges of a candidate violates any of the provisions of Article 54 above, the election commission shall notify him and ask him to correct them within a fixed period. When the period expires, if he (she) does not correct them or after revision the content still violates any of those provisions the points which violate the provisions will not be printed in the gazette.

Candidates shall be held responsible for their own personal data. If the election commission in the course of carrying on its official duties knows any personal datum (data) to be untrue, or upon inquisition finds it (them) untrue, it (they) will not be printed in the gazette.

Candidates recommended by their political parties shall have party recommendation published those not recommended by any political party or whose parties shall have party recommendation pub-

lished ; those not recommended by any political party or whose party recommendation has been withdrawn shall have only party affiliation published.

The election commissions may, to meet the actual needs, make use of television and other means of mass communications to conduct election activities for the election of public officials of certain categories.

Article 51:

Campaign propaganda materials with words or pictures to be printed and distributed shall be personally signed by the candidates.

Campaign propaganda materials mentioned in the above paragraph shall be posted only in places supplied or specified by the election commission. The size of posted materials shall be decided by the election commission.

Candidates' hanged and standing placards, billboards, pennants, banners, or other advertising items, except those placed on campaign vehicles, shall not be placed 30 meters off the campaign headquarters of the respective candidates.

Article 51-1:

During the period of campaign activities, political parties may hold political rallies and print and distribute campaign propaganda materials for the candidates they have recommended.

At the political rallies referred to in the above paragraph, in addition to the candidates and their assistants, other individuals, having been duly reported to the election commission by their own party (ies) may also speak.

The propaganda materials printed and distributed by political parties shall clearly bear the responsible political party's name.

Political rallies referred to in Paragraph 1 above shall be held only during the period specified for candidate-sponsored political rallies, and shall be regulated by the provisions of Paragraphs 3 and 4 of Article 49.

Article 52:

Except those in the election for members of the Control Yuan, any candidate may use campaign vehicles and loudspeakers during the period for campaign activities.

The vehicles used by the candidates for campaign activities shall fly pennants prepared and issued by the election commission. Each

candidate shall use no more than five vehicles. A candidate whose constituency is a city of provincial status or a county, or a city of county status shall use no more than three campaign vehicles. A candidate whose constituency is a hsiang (chen, shih) shall use no more than ten campaign vehicles. A candidate whose constituency is a village or li shall use no more than one campaign vehicle.

Loudspeakers used by candidates for campaign activities shall be installed on the campaign vehicles and used only at candidate-sponsored political rallies and campaign headquarters, and shall be used in such a proper way as not to interfere with the presentation of political views and pledges by other candidates.

Article 53:

(deleted)

Article 54:

The utterances of a candidate and of his campaign assistants shall not commit any of the following offenses:

- 1) Instigating persons to commit offenses against the internal security or external security of the state.
- 2) Inciting persons to undermine social order with violence.
- 3) Committing other offenses set forth in the criminal code.

Article 55:

The campaign activities of a candidate and his assistants shall not include any of the following acts:

- 1) Making public speeches in any place other than the place of political rallies.
- 2) Conducting campaign activities beyond the prescribed hours of the prescribed days.
- 3) Assembling a crowd for a demonstration.
- 4) Organizing electors for a signing drive, or using radio or television to broadcast campaign advertising.
- 5) Setting off firecrackers.

Article 55-1:

During the period prescribed for campaign activities, no political party shall be allowed to engage in any of the following activities:

- 1) Except at political rallies, campaigning on behalf of any candidate by making public speeches.
- 2) Establishing campaign headquarters or hiring campaign assistants.

- 3) Except at political rallies, campaigning on behalf of any candidate by using campaign vehicles or amplifiers.
- 4) Assembling a crowd for the purpose of campaigning for a candidate.
- 5) Campaigning for a candidate by posting campaign materials, hanging or erecting such advertising media as placards, billboards, flags, or banners 30 meters off the political party's office.
- 6) Mobilizing electors for a signing drive or using radio or television to broadcast campaign advertising for a candidate.
- 7) Setting off firecrackers.

Article 56:

During the period prescribed for campaign activities, no person other than the candidates, their assistants, and their political parties may carry on campaign activities in accordance with the law and engage in any of the following acts:

- 1) Campaigning for a candidate by making public speeches or by publicly broadcasting or playing audio or video tapes of speeches.
- 2) Campaigning for a candidate by printing and distributing or posting campaign materials, or hanging or erecting such advertising media as placards, billboards, pennants or banners.
- 3) Campaigning for a candidate by using campaign vehicles or amplifiers which have not been approved for campaign activities.
- 4) Campaigning for a candidate by assembling a crowd for a demonstration.
- 5) Campaigning for a candidate by mobilizing electors for a signing drive or broadcasting or placing advertisements in the mass media.
- 6) Setting off firecrackers on behalf of a candidate.

Section Seven Casting and Opening of Ballots

Article 57:

In the election of public officials, polls shall be established in the office buildings, schools, public places, and other appropriate places in keeping with the size of the constituency and the geographical distribution of electors.

In the election of the members of the Control Yuan, the poll shall be established at the provincial assemblies or the councils of cities of provincial status.

Upon completion of balloting, a poll shall be turned into a ballot-opening station and the ballots shall be counted aloud in the presence of spectators. After all the ballots are opened and counted the chief

administrator and the chief inspector of the ballot-opening station shall proclaim together in writing the result of the opening of the ballots.

Article 58:

Each poll and each ballot-opening station shall have one chief administrator and several administrators appointed by the election commission to take charge of ballot casting and opening business.

Article 59:

Each poll and each ballot-opening station shall have one chief and several inspectors to inspect the casting and opening of ballots.

Each candidate shall be entitled to recommend a number of inspectors according to the actual need. The election commission in charge shall appoint the recommended and qualified inspectors after screening. However, this recommending right of the party-recommended candidate shall be exercised only by that political party. The candidate or the political party may assign the inspectors so recommended to his or its designated poll and ballot-opening stations to inspect the casting and opening of ballots. If the assigned inspectors are more than the prescribed number for a poll or ballot-opening station, the choices shall be determined by drawing lots. However, it must not be that all the inspectors at a poll or ballot-opening station are members of the same political party.

When the recommended chief inspectors and inspectors are less than needed, the election commission in charge shall opt and appoint inspectors from among the following personnel:

- 1) Local impartial individuals.
- 2) Personnel of government offices, private organizations and schools
- 3) Adult students of the colleges and universities.

The rules governing the recommendation of inspectors and their service shall be decided by the Central Election Commission.

Article 60

The ballots shall be printed and distributed by the election commission, taking into account the different constituencies. The ballots shall bear the serial numbers, names and photographs of all candidates.

The above-mentioned ballots shall be delivered to the chief administrators of the polls the day before the balloting day. Each chief

administrator shall count the ballots together with the chief inspector in the presence of spectators.

Article 61

Before casting his ballot an elector shall vote for a single candidate with a marking tool prepared by the election commission. In the election for members of the Control Yuan, an elector shall vote for a number of candidates not exceeding the number provided for in Paragraph 1 of Article 3.

After marking his ballot the elector shall not show it to anyone.

Article 62

A ballot shall be invalid in any of the following instances:

- 1) It is not prepared and distributed by the election commission in charge.
- 2) It is marked for two or more candidates or in the case of the election for members of the Control Yuan for a number of candidates exceeding the number stipulated.
- 3) The mark is put in such a place that the elector's choice cannot be ascertained.
- 4) The mark is altered.
- 5) The ballot bears a signature, name chop, fingerprint, words or any other writing sign.
- 6) The ballot is torn.
- 7) The ballot is so stained that the elector's choice cannot be ascertained.
- 8) The ballot is not marked with the tool prepared by the election commission in charge.

Any question regarding the validity of a ballot shall be determined by the chief administrator together with the chief inspector of the ballot-opening station. If there is a disagreement between them, it shall be voted upon and decided by all inspectors. In the event of a tie, the ballot shall be declared valid.

Article 63:

The chief administrator together with the chief inspector shall order a person to leave the poll or that ballot-opening station if any of the following facts exists:

- 1) He has made a din or has interfered with or persuaded others to vote or not to vote, in defiance of interdiction.
- 2) He carries a weapon or dangerous articles into the poll.

3) He has other improper acts and has defied interdiction.

If any of the above-mentioned circumstances happens to an elector and he is ordered to leave, the ballot at his hand shall be taken back and the incident shall be recorded under his name in the electoral register. If the case is serious, a specific report shall be made to the election commission.

Article 64:

If the casting or opening of ballots is prevented by a natural calamity or other acts of Heaven, the chief administrator of the poll or ballot-opening station shall report the situation to the election commission of a city of provincial status or that of a county (or city of county status), and shall ask for approval to change the date or place for casting or opening the ballots. If it is an election of public officials of the Central government, provincial assemblymen (or councilmen of a city of provincial status), county councilmen (or councilmen of cities of county status), magistrates or mayors, the case shall also be reported and transmitted to the Central or provincial election commission for reference. Section Eight Election Results

Article 65:

In an election of public officials there shall be a prescribed number of vacancies. The candidates in a constituency who have won a plurality of ballots shall be elected. When two or more candidates have received an equal number of ballots the winner shall be determined by drawing lots.

In an election of public officials when there is a women quota and when the women elected are less than the quota, the ballots obtained by the female candidates shall be separated from those obtained by male candidates and shall also be counted separately. The female candidate(s) who has (have) won a plurality of ballots shall be declared elected.

Article 66:

Where the number of candidates does not exceed or is less than the number of vacancies up for election in a constituency, only the candidates who have received the following stipulated number of ballots shall be declared elected. In elections for members of the Control Yuan or for villages and li leader, however, this provision does not apply.

1) In elections for members of the National Assembly and the Legisla-

tive Yuan, provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status and hsiang (chen or shih) representatives: 10 percent of the quotient resulting from dividing the total number of electors in the constituency by the number of public officials to be elected in the same constituency.

2) In elections for county magistrates, mayors of cities of county status and hsiang (chen and shih) chiefs: 20 percent of the total number of electors in the constituency.

If, in pursuance with the above provisions, no one is elected or the number of the elected does not reach the number of public officials to be elected, and if this is related to a magistrate (mayor of a city of county status) or hsiang (chen or shih) chief, a new election shall be proclaimed and held within a fixed period after the balloting day. If this is related to members of the National Assembly and the Legislative Yuan, provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status, hsiang (chen or shih) representatives, their vacancies shall be left unfilled. When the vacancies reaches one half of the total number of public officials to be elected in any one constituency, a date shall be fixed for a bi-election.

Article 67:

When an elected person dies or when his election is declared null and void before his taking office, the case shall be handled in accordance with the following provisions:

1) In the case of a magistrate, a mayor of a city of county status, a chief of a hsiang (chen or shih), a leader of a village or a li, a bi-election shall be held within a fixed period.

2) In the case of a member of the National Assembly, the Legislative Yuan, the Control Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or the board of hsiang (chen or shih) representatives, it shall be deemed as vacancies still left unfilled. If the unfilled vacancies reach one half of the total number of the public officials to be elected in any one constituency, a vacancy-filling election shall be held within a fixed period.

Article 68:

The persons duly elected in an election shall take office at a stipulated date. Any person elected in a bi-election or after a reballoting in

an election and thus cannot take office at the stipulated date, his term of office shall also begin from the stipulated date.

Chapter Four RECALL

Section One Initiation of a Recall Case

Article 69:

The recall of a public official may be initiated by an elector of the official's constituency. It shall be brought to the election commission. An elected official who has not yet served one full year after taking office shall not be subjected to recall process.

Article 70:

A recall paper shall be accompanied with a statement of reason(s), and the initiation shall be made by electors of the official's constituency. The number of the initiators shall have to conform with the following provisions:

- 1) In the case of a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of hsiang (chen or shih) representatives, the number of initiators shall be 5 per cent or more of the quotient obtained by dividing the total number of the electors in the official's constituency with the number of the public officials to be elected in the constituency.
- 2) In the case of a member of the Control Yuan the number of initiators shall be 10 per cent or more of the total number of the members of the provincial assembly or the council of a city of provincial status, which has elected that member.
- 3) In the case of a magistrate, a mayor of a city of county status, or a hsiang (chen or shih) chief, or a village or li leader, the number of initiators shall be 2 percent or more of the total number of electors in the official's constituency.

In any of the above-mentioned recall cases, no more than one person shall be listed in one proposal, but if in the same constituency there are two cases of recall, they may be voted on at the same time.

Article 71:

No military man in active service, policemen or functionary can serve as an initiator of a recall proposal.

Article 72:

A recall proposal may be withdrawn from the election commission with a written application with the concurrence of two-thirds of the initiators before cosigners are solicited.

Section Two Establishment of a Recall Case**Article 73:**

After having received a recall proposal, the election commission shall examine the initiators of the proposal within fifteen days. If they are found in conformity with the provisions of the law, the commission shall notify the leading initiator to take a book or books of cosigners from the commission in ten days and to solicit cosigners within a fixed period.

If any of the initiators is found not in conformity with the provisions of the law, his name shall be cancelled and the election commission shall notify the leading initiator to make up the number of initiators in five days. Any making-up beyond this time limit shall be inadmissible.

Article 74:

In cosigning a recall proposal, the cosigners must be the electors of the constituency of the official to be recalled, and the number of the cosigner must be in conformity with the following provisions:

- 1) In proposing to recall a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of a hsiang (chen or shih) representative, the number of cosigners shall be 15 percent more of the quotient obtained by dividing the total number of electors of the official's constituency with the prescribed total number of the public officials to be elected in the constituency.
- 2) In proposing to recall a member of the Control Yuan, the number of cosigners shall be 20 per cent or more of the total number of members of the provincial assembly or the council of a city of provincial status, which has elected that member.
- 3) In proposing to recall a magistrate, a mayor of a city of county status, a chief of a hsiang (chen or shih), or a leader of a village or li, the number of cosigners shall be 18 per cent or more of the total number of electors in the official's constituency.

Article 75:

The total number of electors referred to in Articles 70 and 74 above means the total number of electors of the constituency of the official to be recalled at the time of his election. The criterion day for determining both the ages and the periods of residence of the electors referred to above shall be the day when the case of recall is initiated.

Article 76:

After having found that the cosigning for the case of recall conforms with the law, the election commission shall proclaim the case of recall established. If the case of recall is found inconsistent with the law and is proclaimed that it is not established, the original initiator shall not initiate another recall proposal against the same person within a year beginning from the day when the case of recall is proclaimed not established.

Article 77

After a case of recall has been proclaimed and established, a copy of the statement of reason or reasons shall be sent to the official to be recalled and he shall submit a statement of reply in ten days.

Article 78:

The election commission shall proclaim the following items within five days after the official to be recalled has submitted a statement of reply:

- 1) The date and the beginning and ending time of balloting on the case of recall.
- 2) The statement of reason or reasons for recall.
- 3) The statement of reply.

The statement of reply shall not be proclaimed if it is not submitted by the official to be recalled within the stipulated time.

Article 79:

Except in a proposal to recall a member of the Control Yuan, the initiators of the recall proposal may, while soliciting co-signers, set up a recall headquarters and employ a staff.

Except for the soliciting of co-signers, there shall be no activities favoring or opposing the recall during the proceedings.

Regulations regarding the establishment of the recall headquarters, the employment of staff and the soliciting of co-signers shall be

decided by the Central Election Commission. Section Three Balloting on a Recall Case

Article 80:

The balloting on a recall case shall be held within 30 days after the establishment of the case has been proclaimed.

Article 81:

A recall ballot shall have two printed columns: One bearing the wording "agree to recall" and the other "disagree to recall" to be marked by the electors with tools prepared by the election commission in charge.

The elector shall not show his marked ballot to any one.

Article 82:

The provisions of this law regarding the ballot casters, ballot casting, and ballot opening shall apply *mutadis mutantis* on the ballot casters, ballot casting, and ballot opening in the case of balloting on a recall case.

Article 83:

A case of recall shall be carried when the ballots agreeing to recall outnumber the ballots disagreeing to recall, but the number of ballot casters shall have to be in conformity with the following provisions:

- 1) In the case of recalling a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, a city of county status, or of a hsiang (chen or shih) representatives, one-third or more of the electors in the official's constituency shall have cast their ballots.
- 2) In the case of recalling a member of the Control Yuan, one half or more of the total number of the members of the provincial assembly or the council of a city of provincial status which has elected him shall have cast their ballots.
- 3) In the case of recalling a magistrate, a mayor of a city of county status, a hsiang (chen or shih) chief or a village or li leader, one half or more of the electors of the official's constituency shall have cast their ballots.

If the electors who have cast their ballots on the recall case do not reach the respective numbers set forth in the above provisions or if the ballots agreeing to recall do not outnumber the ballots disagreeing to recall, the case shall be rejected.

Article 84:

Within seven days beginning from the balloting day, the election commission shall proclaim the result of balloting on the recall case. If the case is carried, the recalled person shall be relieved of his official duty on the day of proclamation.

Article 85:

After the case of recall is carried, the recalled person shall not be permitted to be a candidate for the same public office in four years beginning from the day of the deprivation of official duty. This provision also applies to a person who has resigned in consequence of the establishment of a case of recalling him.

If the case of recall is rejected, no more recall proposal against the same official shall be permitted during his term of office.

Chapter Five
PUNISHMENT OF OFFENSES AGAINST ELECTION AND
RECALL

Article 86:

Violators of the provisions of Item 1 of Article 54 shall be sentenced to a prison term of not less than seven years. Violators of Item 2 of Article 54 shall be sentenced to a prison term of not less than five years. The penalty for a violation of Item 3 of Article 54 shall be decided in accordance with each of the relevant laws governing punishment.

Individuals who, in the text of their speeches delivered at the political rallies convened by political parties, violate the provisions of Article 54, shall be dealt with in accordance with the provision in the preceding paragraph.

Article 87:

Any person who during campaigning or assisting in a campaign openly assembles a crowd and incites a riot to disturb public order shall be sentenced to a prison term of not less than seven years. The chief conspirator shall be sentenced to life imprisonment or a prison term of not less than ten years.

Any person who attempts to commit the above offense shall also be punished.

Article 87-1:

During the period of election or recall any person who commits acts of violence or duress against a public servant executing his official duties shall be sentenced to a prison term of not more than five years.

In the event of the death of a public servant is resulted from that violence or duress, the punishment shall be life imprisonment or a prison term of not less than seven years. If the public servant is severely injured, the offender shall be sentenced to a prison term of not less than three years but not more than ten years.

Article 87-2:

For those who openly assemble a crowd to commit offenses described above, they shall be sentenced to a prison term of not more than three years, a detention at hard labor or a fine of not more than 30,000 yuans. The principal leader and the perpetrators shall be sentenced to prison terms of not more than ten years and not less than three years.

Of those who commit offenses described in Paragraph 1, the leader and perpetrators who put a public servant(s) to death shall be sentenced to life imprisonment or to a prison term of not less than seven years; and those who severely injure a public servant(s) shall be sentenced to a prison term of not less than five years and not more than twelve years.

Article 88:

Violators of the provisions governing contributions acceptance set forth in Item 1 of Article 45-2 shall be sentenced to a prison term of not more than five years. Violators of the provisions governing contributions acceptance set forth in Item 2 of article 45-2 shall be sentenced to not more than one year's imprisonment, or detention with forced labor or a fine of not more than 10,000 yuans.

The property accepted as contributions by those who commit the offenses listed in the preceding paragraph shall be confiscated. If the whole or a part of the property in question cannot be confiscated, a fine shall be ordered to make up the difference.

Article 89:

A person who offers, agrees to pay or pays a bribe or offers other improper benefits to a candidate to make him withdraw from the election or engage in certain campaign activities shall be sentenced to a

prison term of not more than five years and a fine of not more than 50,000 yuans.

The above provisions shall apply to a candidate who demands, agrees to accept or accepts a bribe or other improper benefits in exchange for his promise to withdraw from the election or to engage in certain campaign activities.

The bribe or other improper benefits the candidate has accepted and thus has committed one of the foregoing two crimes shall be confiscated. If the whole or a part thereof cannot be confiscated, the value thereof shall be collected from the offender.

Article 90:

A person who has committed one of the following offenses through violence, duress or other illegal means shall be sentenced to a prison term of not more than five years:

- 1) Interfering with other's campaign or forcing others to withdraw from the campaign.
- 2) Obstructing others to initiate or cosign a case of recall or to force others to initiate or cosign a case of recall.

An unaccomplished offence specified in the preceding paragraph shall be punished.

Article 91:

A person who has committed any of the following offenses shall be sentenced to a prison term of not more than five years and a fine of not more than 50,000 yuans thereto be imposed:

- 1) To offer, to pay or to agree to pay money and material thing or other improper benefits to an organization or office in the constituency under the pretext of donation in order to induce the members of the organization or office not to exercise their right to vote or to exercise it in a certain manner.
- 2) To offer, to pay or to agree to pay money and material thing or other improper benefits to an initiator or cosigner of a case of recall in order to induce him to refrain from initiating or cosigning the case or to proceed to initiate or cosign it in a certain manner.

Article 92:

With an intent to influence the outcome of an election, anyone employing written words, pictures, audio-tapes, audio-video tapes, speeches or other methods to circulate trumped-up stories sufficient to

damage a public servant or other person(s) shall be sentenced to a prison term of not more than five years.

Article 93:

A person who has committed any of the offenses set forth in Paragraph 2 of Article 61, Paragraph 2 or Article 81, or Paragraph 1 of Article 63 and has refused to leave the polling place or the ballot opening station after being ordered to do so shall be sentenced to a prison term of not more than two years or a fine of not more than 20,000 yuans.

Article 94:

During the recall process, a person who agitates the crowd on the spot where others are committing any of the following offenses shall be sentenced to a prison term of not more than a year or a fine of not more than 10,000 yuans, and the principal leader and the perpetrators of any of these offenses shall be sentenced to a prison term of not more than five years:

- 1) To assemble a crowd to besiege the person involved in the recall, the initiators of cosigners of a recall, the staff officers, their recall headquarters, their domiciles or their residences.
- 2) To obstruct by violence, duress or other illegal means the performance of duty by the person under recall process and the initiators and co-signers of recall process and their staff members.

Article 95:

A person who, with an intent to hinder or disrupt ballot casting and opening by withholding, destroying, concealing, exchanging' or seizing a ballot box, an election ballot, a recall ballot, and electoral register, a ballot-casting report, a ballot-opening statistics sheet or a ballot-marking tool shall be sentenced to a prison term of not more than five years.

Article 95-1:

A person whose campaign expenditure exceeds the maximum set forth by the election commission in charge in accordance with the provisions of Paragraph 1 of Article 45-1 shall be fined not less than 10,000 yuans and not more than 50,000 yuans.

Article 96:

A person who has violated the provisions set forth in Paragraph 3

of Article 49, Item 1 of Article 55 or Item 1 of Article 56 and has refused to conform after being restrained by an inspector shall be sentenced to a prison term of not more than one year.

Article 96-1:

When a political party violates the provisions set forth in Paragraphs 2 and 4 of Article 51-1, Item 1 of Article 55-1, or Item 1 of Article 56, and does not obey inspector's attempt to curb the offending behavior, the perpetrators shall be punished in accordance with the provisions set forth in Article 96, and the political party in question shall also be fined not less than 10,000 yuans and not more than 50,000 yuans.

Article 97:

Violators of the provisions set forth in Paragraphs 1, 2, and 4 of Article 45-3, Paragraphs 1 and 3 of Article 51, or Paragraph 3 of Article 51-1, shall, in accordance with the criteria provided in Paragraph 5 of Article 45-3, or the provisions governing the location and size for posting bills set forth in Paragraph 2 of Article 51, be fined not less than 1,000 yuans and not more than 10,000 yuans.

Violators of the provisions set forth in Paragraphs 2 and 3 of Article 52, Items 2, 3, 4 and 5 of Article 55, Items 2 through 7 of Article 55-1, Items 2 through 6 of Article 56, or Paragraph 2 of Article 79, shall, in accordance with the provisions covering ways and means set forth in either paragraph 2 of Article 46 or Paragraph 3 of Article 79, in case they do not obey inspector's attempt to curb the offending behavior, be rendered the same punishment stated in the preceding paragraph.

A person who puts anything other than an election ballot or a recall ballot into a ballot box, or who takes an election ballot or a recall ballot away from the polling place, or deliberately tears up an election or recall ballot, shall be fined not less than 500 yuans and not more than 5,000 yuans.

Article 97-1

A person who has committed the crime described in Paragraph 2 of Article 89 or Paragraph 1 of Article 143 of the Criminal Law, but who surrenders within three months after committing the criminal act shall be exempted from punishment. If the person surrenders three months after the commission of the criminal act, the punishment may

be commuted or exempted. If the person admits of the crime during the investigation or trial, the punishment may be commuted.

A person who surrenders as described in the previous paragraph but fabricates stories with an intent to have someone else punished shall be punished in accordance with the criminal law provisions regarding false accusation.

Article 98:

Where other laws provide for more severe penalties for offenses listed in this chapter, their provisions shall govern.

Any election or recall official who makes use of his official power, opportunity or means of duty to commit the crimes listed in this Chapter shall receive a penalty(ies) one and a half times more severe than that (those) herein prescribed.

A person sentenced to a prison term for an offense listed in this Chapter or offenses of interference with voting contrary to the special provisions of the Criminal Law shall be deprived of civil rights.

Article 99:

An incumbent functionary who has registered as a candidate and has committed any of the following offenses and the commission has been proved true by an election commission, the commission shall first notify the competent office of the offending functionary to suspend his duties and at the same time to handle the case in accordance with the law:

- 1) Rejecting without justifiable reason the election commission's request for assisting in certain matters or for assigning staff members.
- 2) Interfering in the personnel or operations of the election commission.
- 3) Using public fund to pay campaign expenses under a pretext.
- 4) Demanding an organization and its head subordinate to him or under his command or his supervision to support his campaign.
- 5) Abusing his power to make campaign personnel arrangements by transferring persons without due reason.

Article 100:

In the election of public officials of the Central Government the chief prosecutor of the Supreme Court shall head the prosecutors of all levels, and in the election of local public officials the chief prosecutors of the competent courts of law shall head his subordinate prosecutors. Their duties shall be to monitor and to prosecute on their own initia-

tives the criminal cases regarding interference in an election or a recall, and meanwhile to dispose of the accusation, complaint or surrender to justice brought by an office, organization or individual. Each prosecutor shall make prompt investigations and take necessary measures.

In conducting the above-mentioned investigation, a prosecutor may command the judicial police in accordance with the provisions of the Code of Criminal Procedure and the Statute for Transferring and Directing the Judicial Police.

Chapter Six ELECTION AND RECALL SUITS

Article 101:

When an election commission has violated the law so as to affect the results of an election or a recall, a prosecutor, a candidate, the person under recall process and the initiator of a recall case may, within 15 days after the proclamation of the name list of the elected persons or the proclamation of the result of a recall is made, bring a suit against that election commission before a competent court of law to request nullifying the election or recall.

Article 102:

In a suit of nullifying the result of an election or a recall balloting, when the law court has adjudicated and declared the invalidity of the election or recall, the election or recall shall be null and void. A period of time then shall be set in which a bi-election or recall be held. If the law violation involves only a part of the election or the recall process, the part of the election or the recall process involved shall be null and void, and a reballoting on the nullified part shall be held within a fixed period. But this shall not apply to a situation in which the nullified part obviously has not affected the result of the election or recall.

Article 103:

When an elected official has one of the following deeds, the election commission, the prosecutor or the candidate(s) of the same constituency may, within 15 days after the proclamation of the list of the elected officials, sue for the nullification of the election in a court with competent jurisdiction:

- 1) The number of ballots won by the elected official is so inaccurate as to have affected the election result.
- 2) A violation of the provisions set forth in Paragraph 3 of Article 49

or Items 1 and 3 of Article 55 has occurred, and the violator(s) does (do) not obey inspector's attempt to curb the offending behavior.

Article 103-1:

An election commission, a prosecutor and a candidate of the constituency of the elected official may each, within the prescribed various dates, bring a suit against the elected official before a competent court of law to request nullifying his qualification as an official elect under any of the disqualifying facts set forth in Article 36.

Article 104:

The election of a person shall be null and void after a law court has adjudicated the suit for nullifying his being elected and has declared his election invalid.

Article 105:

A judgment on the invalidity of an election or of the election of a candidate shall not affect his performance of official duties undertaken after his taking office.

Article 106:

After the approval or rejection of a recall case, if the number of ballots is found inaccurate enough to affect the balloting result, the election commission, the prosecutor, the recalled person and the initiator of the recall case each may, within fifteen days after the proclamation of the balloting result, bring a suit against the initiator of the recall case or the recalled person before a competent law court to apply for nullifying the approval or rejection of the recall case.

After the law court has adjudicated and declared that the approval or rejection of the recall case is null and void, the approval or rejection of the recall case shall be null and void, and a period of time shall be set in which a re-balloting shall be held.

After the nullification of the approval of recall case, the official duties of the recalled person shall be restored.

Article 107:

When an elector discerns a fact that may invalidate an election, the election of a candidate, the recall of an official, or the approval or rejection of a recall case, he may, within seven days after the proclamation of the name list of the elected persons or the balloting result on

a recall case, file an accusation with a prosecutor or an election commission together with the support of evidence.

Article 108:

The following courts possess jurisdiction over election and recall suits:

- 1) The district court and its branch courts located in the constituency where the election or recall suit arises have jurisdiction over its first trial. When the act(s) or situation(s) straddle(s) two or more constituencies all the district courts and their branch courts shall each have jurisdiction over the suit.
- 2) In election and recall suits where one party refuses to accept the verdict of a district court or a branch district court and lodges an appeal, then the respective high courts and branch high courts superior to the above said courts shall each have jurisdiction over the appeal of election and recall suits.

Article 109:

To try election and recall suits, the trying court shall establish a provisional chamber consisting of a number of judges and to try the case en banc. The court shall try such cases before handling any suits of other kinds. Election and recall suits shall be finally adjudicated in the court of second instance. The court trying cases of appeals shall have to deliver its verdict(s) within three months at most from the beginning of the proceedings.

Article 110:

In addition to the provisions regarding procedures for election and recall suits set forth in this law, those in the Code of Civil Procedure shall apply *mutatis mutandis*. But those provisions relating to the effect of abandonment, acceptance of liabilities and admission of undisputed facts that do not apply to the actions shall not apply.

**Chapter Seven
SUPPLEMENTARY PROVISIONS**

Article 111:

The fines stipulated in this law shall be ruled by the election commission. When a fine is not paid in time after notification, the case shall be referred to a law court for compulsory execution.

Article 112:

The enforcement rules for this law shall be drawn up by the Ministry of the Interior and it shall submit them to the Executive Yuan for approval.

Article 113:

This law shall be put into execution on the day of its promulgation.

APPENDIX II
CIVIC ORGANIZATIONS LAW DURING THE PERIOD OF
NATIONAL MOBILIZATION FOR THE SUPPRESSION OF
COMMUNIST REBELLION

Revisions in the Title and the 67 Articles as Promulgated
by the President
January 27, 1989
[Excerpts]

Article 2:

Civic organizations and their activities may neither violate the Constitution nor advocate communism or the division of the national territory.

Article 3:

The offices responsible for civic organizations are: the Ministry of the Interior (central government), the provincial or city governments' Departments or Bureaus of Social Affairs (provinces, municipalities, and provincial-level cities), and the county or city governments (counties or county-level cities).

However, the various areas that civic organizations are active in shall be under the guidance and oversight of the offices normally responsible for those areas.

Article 4:

There are three categories of civic organizations:

- 1) professional organizations;
- 2) social organizations;
- 3) political organizations.

CHAPTER 9
Political Organizations

Article 44: (Goals of political organizations)

Political organizations are groups formed in the Republic of China whose goals are to use commonly-held, democratic political concepts to aid in the crystallization of the people's political will and the enhancement of political participation.

Article 45: (Definition of a political party)

That which conforms to either of the following provisions is a political party:

1) National political organizations whose goal is to nominate candidates to participate in elections for public office, who establish a political party in accordance with the law, and who apply for registration to the responsible offices in the central government;

2) National political parties which are already registered and whose goal it is to nominate candidates to participate in elections for public office.

Article 46: (Registration of political parties)

Those which establish political parties in accordance with Paragraph 1 of Article 45 shall, within thirty days after their founding convention, prepare a copy of their charter and a list of the responsible persons for presentation to the responsible offices of the central government for registration and the issuance of a certificate and seal.

Political parties according to Paragraph 2 of Article 45 shall, the day before elections are announced, prepare a copy of their charter and a list of responsible persons for presentation to the responsible offices of the central government for registration.

Article 47: (Territorial organization of political parties)

Political parties shall take the administrative divisions of the entire country as their organization's territory. No regional parties shall be established; however, regional branch offices may be set up.

Article 48: (Political parties may nominate candidates)

Political parties established in accordance with Article 46 may nominate candidates to participate in elections for public offices in accordance with the provisions of the Public Officials Election and Recall Law During the Period of National Mobilization for the Suppression of Communist Rebellion.

Article 49: (Democratic principles of organization and operation)

Political organizations shall follow democratic principles to organize and operate. Specific provisions concerning items such as the titles, numbers, length of office, dates for taking and leaving office, meetings, and expenses of their elected members shall be separately established in their charter.

Article 53: (Equality of political parties)

Political parties shall have the right of equal access to public grounds and public mass media according to law.

Article 51: (Prohibition on donations from foreigners)

Political organizations are forbidden to accept donations from foreign organizations or from organizations whose main membership consists of foreign organizations or corporations.

Article 52: (Political party review board)

The Executive Yuan shall establish a political party review board to deliberate matters of disciplinary action against political parties. The Political Party Review Board is to be composed of impartial people; people from the same party may not comprise more than one-half of the total number of people on the Political Party Review Board. The organization of the Political Party Review Board is to be set by the Executive Yuan.

CHAPTER 10 Supervision and Penalties

Article 53: (Denial of approval and revocation of approval)

Applications for approval to establish a civic organization shall be denied where the said organization has violated Article 2 or other legal provisions. If the violation of the law takes place after approval has been granted, the approval shall be revoked.

Article 54: (Reporting changes in the organization's charter for examination and recording)

After a civic organization has been checked, ratified, and registered, if there are changes in its charter, or in the biographical information on its chosen functionaries, or the register of names of the responsible person or persons, in such cases a report shall be made within thirty days to the responsible office for the purposes of examination and recording.

Article 55: (Revocation of approval)

Failure to establish a civic organization more than six months after having received approval to do so shall result in the revocation of the approval. Those who reported to the responsible office for check-

ing and approval, however, may have this period extended to a maximum of an additional three months.

Article 56: (Merger and division of civic organization)

In cases where it is necessary for civic organizations to merge or divide because of a change in the organization's territory or other reasons, then they may apply to the responsible office for appraisal and approval.

Article 57: (Encouraging civic organizations)

The responsible office may reward civic organizations for excellence, the types of reward to be decided by the central responsible office.

Article 58: (Penalizing civic organizations)

In situations where a civic organization violates laws or regulations or impairs the public welfare, the responsible office may take the following actions against it:

- 1) issue a warning;
- 2) annul the organization's decisions;
- 3) suspend a part or the whole of the organization's operation;
- 4) relieve the organization's staff members from their posts;
- 5) impose a time limit in which to rectify the problem;
- 6) revoke the approval;
- 7) order the organization disbanded.

Penalties stated in Paragraphs 1 through 3 above may also be imposed by the office in charge of the target industry. The penalties stated in Paragraphs 2 and 3, however, shall only be imposed after consultation with the responsible office.

Penalties imposed on political parties shall be limited to warnings and orders to disband. The Political Party Review Board shall deliberate on the imposition of these penalties.

Article 59: (The disbanding of civic organizations)

In any of the following situations civic organizations shall be disbanded:

- 1) the responsible office revokes approval;
- 2) the organization goes bankrupt;
- 3) the organization merges or divides;

- 4) the organization fails to rectify a problem within the specified time limit;
- 5) a decision is made by the organization's decision-making body (or its representatives) to disband.

Article 60: (Penalties I)

A person or persons who establish a civic organization without applying for permission or registering in accordance with the law, and then fail to disband within the specified time limit after notification by the responsible office shall be fined not more than NT\$20,000.

A civic organization which has had its approval revoked or has been disbanded by the responsible office, but which after notification has failed to disband within the specified time limit, or which has violated the regulations stated in Article 65 and after notification by the responsible office failed to register within the time allotted, shall receive the same fine.

Article 61: (Penalties II)

In a case where a civic organization is established without applying for permission or registering in accordance with the law, and there is a failure, after notification by the responsible office, to disband within the specified time limit, and business continues to be conducted under the name of that organization, and there is a failure to obey the responsible public servant's attempt to curb the offending behavior, then the ringleaders shall be sentenced to not more than two years of imprisonment or forced labor.

In a case where a civic organization which has had its approval revoked or has been disbanded by the responsible office, but which after notification has failed to disband within the specified time limit, or which has violated the regulations stated in Article 65 and after notification by the responsible office failed to register within the time allotted and continues to conduct business under the name of that organization, and fails to obey the responsible public servant's attempt to curb the offending behavior, the ringleaders shall be subject to the same penalties stated in the preceding paragraph.

Article 62: (Penalties III)

Those who accept donations in violation of the provisions stated in Article 51 shall be sentenced to not more than two years of imprisonment, forced labor, or fined not more than NT\$20,000.

Those who commit the crime stated in the preceding paragraph

shall have the donations they accepted confiscated, then repayment of their monetary value will be demanded.

Article 63: (Enforcing the payment of fines)

Those who fail to pay fines imposed in accordance with this law within the specified time limit shall have their cases referred to the court for enforcement.

APPENDIX III
STATUTE ON THE VOLUNTARY RETIREMENT
OF SENIOR PARLIAMENTARIANS
Promulgated by the President
February 3, 1989

Article 1: (Applicability of the law)

The voluntary retirement of senior parliamentarians elected to the parliamentary organs in the first national elections shall be governed by this law.

Article 2: (Meaning of senior parliamentarians)

The senior parliamentarians elected to the parliamentary organs in the first national elections are:

- 1) Members of the National Assembly, Legislative Yuan, and Control Yuan who were elected in the 1947 elections.
- 2) Members of the National Assembly, Legislative Yuan, and Control Yuan who were elected in the 1969 elections for additional representatives and supplementary elections to fill vacancies.
- 3) Members of the National Assembly and Legislative Yuan who filled vacancies in their respective parliamentary organs in accordance with the law.

Article 3: (Application for voluntary retirement)

Delegates mentioned in the preceding article shall apply for voluntary retirement with their respective parliamentary organs in accordance with the provisions of this law.

Article 4: (Considered as seeking voluntary retirement)

Delegates mentioned in Article 2 who meet one of the following conditions shall be considered as seeking voluntary retirement:

- 1) Those who are seriously ill and have been unable to fulfill their responsibilities for a continuous period of one or more years.
- 2) Those who have resided abroad continuously for six months or more for reasons unrelated to work.

Delegates who are considered as seeking voluntary retirement in accordance with the preceding paragraph shall be notified by their respective parliamentary organs. In the event that they do not apply for voluntary retirement six months from the month following the notifi-

cation, their respective parliamentary organs shall file the applications on their behalf.

Article 5: (Payment of retirement compensation)

Delegates retiring under this law shall be given retirement compensation in accordance with the following provisions:

- 1) Delegates who have served less than 15 years in parliament shall receive a lump sum retirement compensation.
- 2) Those who have served 15 years or more shall select one of the following methods for payment of the retirement compensation:
 - a) In a lump sum
 - b) In monthly installments
 - c) Half the compensation in a lump sum, and the other half in monthly installments.

For members of the Legislative and Control Yuan, the lump sum retirement compensation in the preceding paragraph shall be calculated according to the base units of the annuities and supplemental subsidies they received during their last month in office. For members of the National Assembly, the calculation shall be based on the research stipends and supplemental subsidies they received during their last month in office. Every six months of service shall be calculated as one base unit. Periods shorter than six months shall also be considered one base unit. The maximum number of base units is 61.

For retirement compensation that is paid in monthly installments, the supplemental subsidies shall be paid in full, in addition to which delegates who have been in public service for 15 years or more shall receive an amount based on the monthly-paid annuities of incumbent members of the Legislative and Control Yuan. Members of the National Assembly shall receive 75 percent of the monthly research stipends paid to incumbent members of the National Assembly, with an annual increment of one percent. The maximum limit is set at 90 percent.

Retirement compensation to be paid in a lump sum and monthly installments in accordance with Item (c) of Clause 2 of Paragraph 1 shall be calculated proportionately.

Article 6: (Calculation of the length of service)

Delegates retiring under this law shall have the length of service include their military, public, and teaching service.

The length of service shall be calculated on the condition that the

institutions where the delegates served provide documents proving that the delegates concerned did not receive retirement pensions, retirement compensation, retirement benefits, severance pay, military pensions, or retirement entitlements.

Delegates who have concurrently been in military, public, or teaching service during their tenure as members of the National Assembly shall select one of these services for calculating the length of service when they resign, retire, or are discharged from military service.

Article 7: (Handling of retirement compensation and calculation of length of service for delegates who return to parliament or hold other public offices after retirement)

Delegates who return to parliament or to military, public, or teaching service after receiving their retirement compensation in accordance with this law shall not have to return the said compensation. The length of service before their first retirement shall not be included when they resign, retire, or are discharged from military service the second time.

When delegates who have received retirement pensions, retirement compensation, retirement benefits, severance pay, military pensions, or retirement entitlements apply for retirement under this law, the length of service for calculating the retirement compensation shall include the length of service previously calculated, with the maximum limit not exceeding the provision in Clause 2 of Article 5. In the event that the length of service exceeds the maximum limit, retirement compensation shall not be paid for the length of service exceeding the limit. In the event that the length of service does not reach the maximum limit, retirement compensation shall be paid for the length of service only.

Members of the National Assembly who had been in military, public or teaching service shall not be required to return retirement pensions previously received when they apply for retirement under this law, and the retirement compensation shall be calculated on the basis of the actual length of service in the National Assembly.

Article 8: (Handling of payment of retirement compensation)

The relevant parliamentary organ shall handle the payment of the retirement compensation.

Article 9: (Payment of retirement compensation)

Monthly installments of the retirement compensation shall be paid starting from the month following the retirement.

Article 10: (Fund for retirement compensation)

Funds for the retirement compensation shall be listed in the budget of each parliamentary organ.

Article 11: (Methods of application for the retirement compensation)

To apply for retirement compensation, two copies of an application form shall be filled out and submitted with relevant documents of proof.

The said application forms for retirement compensation shall explicitly carry the following information:

- 1) The applicant's name, sex, provincial origin, date of birth, identification card number, and place of residence and domicile;
- 2) Name of the institution where the applicant is serving at the time of retirement, the position held, his/her monthly-paid annuities or research stipends and supplemental subsidies during the month of retirement, date of retirement, positions held and length of service before retirement, the length of service selected for calculation, and titles of relevant documents of proof;
- 3) Reasons for retirement;
- 4) Type of retirement compensation selected;
- 5) Date for the receipt of the retirement compensation.

Article 12: (Loss of the right to receive retirement compensation)

Delegates shall forfeit their right to receive retirement compensation in the event of one of the following occurrences:

- 1) Death;
- 2) Revocation of civil rights for life;
- 3) Conviction of offenses against the internal and external security of the state;
- 4) Loss of the nationality of the Republic of China.

Article 13: (Terminating the right to receive monthly installments of the retirement compensation)

Delegates shall have their right to receive the retirement compensation terminated in the event of one of the following occurrences and

the right shall be restored when the reasons for the revocation no longer exist:

- 1) Revocation of civil rights which have not yet been restored;
- 2) Regaining of paid public official status.

Article 14: (Cancellation of validity)

In the event that the retirement compensation is not received within three years starting from the month following retirement, the compensation shall be cancelled. But if the right to receive the compensation is not exercised due to reasons beyond control, the period of validity shall be interrupted and shall be resumed when the reasons no longer exist.

Article 15: (Consolation compensation)

For delegates who receive the retirement compensation in monthly installments according to stipulations in Items (2) and (3) of Clause 2 of Paragraph 1 of Article 5, consolation compensation shall be paid to their family members in the event of death.

The retirement compensation shall be recalculated on the basis of the length of service, monthly-paid annuities or research stipends at the time of death, and provisions of Paragraph 4 of Article 5 for a lump sum payment. The monthly installments of the compensation already paid shall be deducted from the amount and the remainder shall be paid, with an additional one-year annuities or research stipends as consolation compensation. The same shall apply to those who have already received the full amount of their retirement compensation.

In the event that delegates who receive their retirement compensation in monthly installments leave no will upon their death, their consolation compensation shall be received by their respective parliamentary organs and used for their funeral or memorial activities.

Article 16: (Exclusiveness of the right to receive)

The right to receive retirement compensation shall not be withheld, transferred, or used as guaranty.

Article 17: (Date of enforcement)

The law shall go into effect on the day it is promulgated.

**APPENDIX IV
ELECTION STATISTICS**

**ELECTIONS FOR SUPPLEMENTARY LEGISLATORS,
1969-1986**

Year	Total Seats	Seats Won				Percentage Distribution of Votes Cast		
		By KMT		By Non-KMT		KMT	Non-KMT	Total
		Number	%	Number	%			
1969	11	8	72.7	3	27.3	76.0	24.0	100.0
1972	28	22	78.6	6	21.4	70.2	29.8	100.0
1975	29	23	79.3	6	20.7	78.7	21.3	100.0
1980	52	41	78.8	11	21.2	72.1	27.9	100.0
1983	53	44	83.0	9	27.0	70.7	29.3	100.0
1986	73	59	80.0	14	19.2	69.9	30.1	100.0

Source: "Democratization in the ROC, " held in Taipei, Jan. 9-11, 1989.

**VOTES FOR KMT AND NON-KMT CANDIDATE
IN RECENT ELECTIONS IN TAIWAN**

Office	Election Year	For KMT Number	%	Non-KMT Number	%	Total Number	%
Taiwan Provincial Assemblymen	1985	4,464,812	69.8	1,928,728	30.2	6393540	100.0
County Magistrate and City Mayor in Taiwan Province	1985	3,945,367	62.6	2,353,959	37.4	6229326	100.0
County and City Councilor	1986	4,666,297	74.1	1,628,623	25.9	6294920	100.0
Shih (City), Chen (Town), and Hsiang (Township) Chiefs	1986	4,449,954	83.2	896,334	16.8	5346297	100.0

Source: Taiwan Provincial Election Commission, *Report on the Election of the Eighth Provincial Assemblymen, the Tenth County Magistrates and City Mayors, the Eleventh County and City Councillors, and the Tenth Hsiang (Township), Chen (Town), and Shih (City) Chiefs.*

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ABOUT THE AUTHOR

John F. Copper is The Stanley J. Buckman Professor of International Studies at Rhodes College in Memphis, Tennessee. He is the author of ten books on Asian affairs, including three other books on Taiwan: *Taiwan's Elections: Political Development and Democratization in the Republic of China* (with George P. Chen), 1984; *A Quiet Revolution: Political Development in the Republic of China*, 1988; and *Taiwan: Nation-State or Province?* 1990. Dr. Copper has also contributed more than one hundred articles and op-ed pieces to academic journals, magazines and newspapers. He has lived in Asia for more than thirteen years, including six years in Taiwan.

