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Björn Alpermann

**Provincial Legislation on Village Self-administration:
A Framework for the Evaluation of Grassroots Elections**

Zusammenfassung: Untersuchungen über Dorfwahlen und die Umsetzung des Organisationsgesetzes über Dorfkomitees haben in den letzten Jahren stark zugenommen. Allerdings ignorierte deren Großteil den substanziellen Korpus an Provinzgesetzen zur Thematik. Dies ist eine potenzielle Fehlerquelle in den meisten Studien. Der Artikel untersucht Provinzgesetzgebung zu Dorfwahlen und zeigt, dass in den letzten Jahren profunde Unterschiede in lokalen Wahlsystemen entstanden sind. Daher kann es von der einen Provinz zu einer andern große Unterschiede dabei geben, was als „standardgemäße“ Wahl angesehen wird. Der hier vorläufig entwickelte Untersuchungsrahmen kann benutzt werden, um in Zukunft sinnvollere Vergleiche zwischen Dorfwahlen in verschiedenen Provinzen durchzuführen.

Schlagworte: Basisselbstverwaltung, Dorfkomitees, Wahlsystem, Gesetzgebung der Provinzebene

Autor: Björn Alpermann (bjoern.alpermann@uni-koeln.de) ist Wissenschaftlicher Mitarbeiter der Modernen China-Studien, Lehrstuhl für Neuere Geschichte / Politik, Wirtschaft und Gesellschaft Chinas, an der Universität Köln

Abstract: Studying village elections and the implementation of the Organic Law on Village Committees has become popular in recent years. However, the substantial body of provincial legislation on these topics has so far been largely ignored. This constitutes a potential flaw in most research. The article examines provincial legislation on village elections and shows that profoundly different local electoral systems emerged in recent years. Thus, what constitutes an “up-to-standard” election can be very different from one province to another. The framework tentatively developed in this paper can be used to make more meaningful comparisons of village elections in different provinces in the future.

Key words: grassroots governance, village committees, electoral system, provincial legislation

Author: Björn Alpermann (bjoern.alpermann@uni-koeln.de) is Lecturer for Modern Chinese Studies, Chair for Politics, Economy and Society of Modern China, at the University of Cologne, Germany



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Moderne China-Studien, Universität zu Köln
Lehrstuhl für Neuere Geschichte /
Politik, Wirtschaft und Gesellschaft Chinas
Prof. Dr. Thomas Scharping
Albertus-Magnus-Platz
50923 Köln, Germany
Tel.: +49- 221- 470 5401/02
Fax: +49- 221- 470 5406
www.china.uni-koeln.de

Björn Alpermann

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Introduction*

So far the field of research on grassroots elections in rural China has been dominated by localized case-studies on the one hand and larger, cross-provincial surveys on the other. These works greatly enriched our understanding of contemporary rural politics. They not only explored electoral issues as such, but also shed some light on crucial relationships, e.g. between the quality of local elections and other variables such as economic development.¹

Both kinds of studies have often used either the stipulations made in the central government's "Organic Law of the Villagers Committees"² or self-constructed concepts and indices as a yardstick to measure an "up-to-standard", democratic or meaningful election. What has so far been commonly ignored is the large and growing body of provincial legislation on village self-administration and grassroots elections. In other words, the authors of the above mentioned studies seemed to assume that provincial legislation can be neglected as a level of analysis because it simply replicates central-level regulations.

Given the still highly centralized character of the PRC's political system large deviations from or contradictions to the central-level Organic Law seem implausible at first glance, making this proposition understandable. Nevertheless, the uniformity of provincial regulations on village elections has not yet been demonstrated. It is conceivable that some provinces chose to set their own (maybe stricter) standards regarding villagers' committee (*cunmin weiyuanhui*, VC) elections. In any event, regional legislation must be expected to be much more detailed than the national one which is vague on a number of issues. If this were the case, the definition of "up-to-standard" elections would vary from place to place which would have an intricate impact on meaningful cross-regional comparison of the implementation situation regarding villagers' self-administration.

Bearing this in mind, I set out to study provincial-level legislation in the field of villagers' self-administration. A total of 27 Implementation Regulations (*shishi banfa*, IR) and 25 VC Election Regulations (*xuanju banfa*, ER) have been issued so far, leaving none of the 31 provincial-level units without at least one of these documents.³ Thus, a

* This paper was presented at the International Symposium on Grassroots Governance in Contemporary China, August 30th – September 1st 2002, Shizuoka University, Japan. I thank the participants for their helpful comments.

¹ For examples see Tianjian Shi, "Economic Development and Village Elections in Rural China", *Journal of Contemporary China*, vol. 8, no. 22 (1999), pp. 425–42; Jean C. Oi and Scott Rozelle, "Elections and Power: The Locus of Decision-Making in Chinese Villages", *The China Quarterly*, no. 162 (June 2000), pp. 513–39.

² If not otherwise noted, Organic Law refers to the revised and final version of *Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa*, adopted November 4, 1998. For a comparison with the previous, trial version see Björn Alpermann: *Der Staat im Dorf: Dörfliche Selbstverwaltung in China* [The State in the Village: Village Self-administration in China] (Hamburg: Institute of Asian Affairs, 2001), pp.27-43.

³ IR could not be obtained for Chongqing, Jilin, Qinghai and Xizang (Tibet), whereas separate ER were not issued in Guangxi, Henan, Jiangxi, Inner Mongolia, Shanxi and Sichuan. However, IR in these provincial-level units include provisions on VC elections making a comparison with the other provinces possible. For more detailed information see Table 1 attached. An intriguing case is the Province of Guangdong which issued ER quickly after the promulgation of the Organic Law, but revised them already in September 2001 (see below).

fairly comprehensive set of legal documents is already available. The purpose of this analysis is to examine in how far these share common ground or deviate in important ways from central regulations or from one another. For reasons of brevity and clarity I shall limit this discussion to electoral issues, excluding the running of village self-administration after elections. In doing so, this paper relates to the overarching question of what constitutes successful elections in the view of the central government, but takes this line of reasoning one step further—to the provincial level. I will argue that skipping this level of analysis is a potential flaw in recent research on village self-administration and elections.

However, two caveats have to be pointed out. First, strictly speaking it is not possible to directly infer the motives of legislators or provincial power-holders from the texts of legal documents they promulgate—tempting as it may sometimes be. Too little is known about the inner workings of provincial policy-making circles to do so. Second, this study cannot claim to represent the reality of VC elections and village self-administration in different provinces. The legal documents under scrutiny can be formulated to simply legalize or standardize actual developments at the basic-level of the administrative hierarchy; they may as well be meant to shape, modify, check or even reverse these developments. So the primary focus of this paper will be to show that it is necessary to integrate provincial legislation in any framework for the study of VC elections. Before addressing this broader question, however, it will be indispensable to delve into the details of election regulations. In order to keep the reader oriented, I will proceed along the lines of a regular election process in dealing with the general election framework and regional deviations. Furthermore, a synopsis (appendix 2) can be used to compare all provincial election regulations simultaneously.

Organs involved in election organization

Before the new Organic Law was passed in November 1998 no national legislation existed with regard to organs involved in organizing and steering the election process. The usual practice involved an election committee (EC) at the village-level presided over by the village Party-secretary, a township-level official or a former cadre.⁴ The new stipulations requiring the establishment of an EC at the village level to oversee and conduct election work were aimed at providing for a "just and independent organ [...] to realize the principles of openness, fairness and equality".⁵ The synopsis shows that this organ has been universally adopted in provincial legislation with only little variation in the way its members are formally chosen. Selection by the villagers' assembly (*cunmin huiyi*, VA) or villagers group (*cunmin xiaozu*, VG), as stipulated in the Organic Law, is the norm, and selection by the villagers' representative assembly (*cunmin daibiao huiyi*, VRA) which could be conceived of as a kind of standing committee

⁴ See Jørgen Elklit: "The Chinese Village Committee Electoral System", *China Information* vol.11, no.4 (Spring 1997), p.1-13; Allen C. Choate: "Local Governance in China. An Assessment of Villagers Committees", *The Asia Foundation - Working Paper* no.1 (February 1997), San Francisco; Yang Kai-hwang: "Dalu cunmin zizhi xuanju zhi jingyanxing yanjiu yu fenxi" (A Research and Analysis on the experienced Nature of Villager's Autonomous Election in Mainland China), *Zhonggong Yanjiu* (Chinese Communist Studies) 1997, no.12, pp.105-119; International Republican Institute: "Election Observation Report. Fujian, People's Republic of China, May 1997. An Update to 1994 IRI Election Observation Report", http://www.iri.org/Asia_ME/Publications/Asia/China (18.03.1999).

⁵ Xu Anbiao: *Nongmin ruhe xingshi minzhu quanli. "Cunmin weiyuanhui zuzhifa" shiyong wenda* (How the Farmers Exercise their Democratic Rights. Practical Questions and Answers to the "Organic Law of the Villagers' Committees") (Beijing: Falü Chubanshe, 1999), p.65.

of the VA is a small variation. Size of the EC varies according to the population size of the given village and most commonly is stipulated to range between five and nine members.

However, as far as the independence of the EC is concerned, some reservations are in order. First of all, a number of provinces (Guangdong, Shaanxi and Xizang) give the township government in one way or another possibilities to make its influence felt in selecting EC members. Secondly, all but four provinces subordinate the EC to election leading groups to be set up by higher-level administrations. Here only Tianjin exceeds the guidance relationship (*zhidao guanxi*) commonly applied and adopts a leadership relationship (*lingdao guanxi*). The latter implies that the higher level can issue binding orders to the lower one instead of only generally overseeing the legality of its subordinate's actions. But most importantly, the Chinese Communist Party (CCP) seems to play an integral role in the organization of the election process as well as in the general conduct of village self-administration. Whereas this role has been acknowledged in the Organic Law of 1998 (and before that in the Party constitution), it has been repeated again in most provincial laws on the topic. Almost all provincial IR (Hainan being the rare exception) mention the leadership of the CCP in village organizational life, and about half of the ER do the same.

Has the national legislation therefore failed its stated goal of creating an independent EC? It would be a serious misreading of the available evidence to claim so: The central legislation did not intend independence from administrative or Party influences. Quite to the contrary, official textbooks explaining the Organic Law note that in order to function properly composition of the EC has to be "reasonable". Therefore, local CCP cadres, VG heads, VRA members, former cadres and Party veterans should all be included, with the EC head usually being either a serving or retired CCP cadre.⁶ Any independence the drafters of the law and these textbooks could have had in mind probably only pertained to certain parochial or strong economic interests within the village, although this is nowhere stated explicitly.⁷ In any event, EC members are requested to step down from this position as soon as they got nominated as VC candidates in 23 provincial ER. Against this backdrop, the stipulation of Gansu Province that a certain proportion of EC members should consist of *non*-cadres reads less sarcastic and more realistic. Remarkable in this regard are only those provinces which neither mention CCP leadership in election work, nor give township administrations a say in EC composition, nor stipulate strict criteria of personal qualifications for EC members which could be used to influence selection by the voters.⁸

Voter registration

According to the Organic Law every villager with or above the age of 18 years has active and passive suffrage without suffering discrimination for nationality, race, gender, occupation, family background, religious beliefs,

⁶ See Quanguo renda changweihui fazhi gongzuo weiyuanhui guojiafa xingfa shi (Office for State and Administrative Law, Legal Affairs Committee, Standing Committee of the National People's Congress) et al. (eds.), *Cunmin weiyuanhui zuzhifa xuexi duben* (Study Book on the Organic Law on Villagers' Committees) (Beijing: Zhongguo Minzhu Fazhi Chubanshe, 1998), pp.34-5, and Xu Anbiao (1997), op.cit., p.66. These texts are basically identical on this issue and both already contain many of the more detailed stipulations to be found in provincial IR and ER.

⁷ But see e.g. an article by an official of the central-level Ministry of Civil Affairs: Fan Yu: "Cunmin xuanju zhidu de yanbian ji tedian" (Evolution and characteristics of the election system for villagers' committees), *Zhongguo Nongcun Guancha* (China Rural Survey), 2001, no.1, pp.54-63, here p.61.

⁸ These are Anhui, Fujian, Hainan, Heilongjiang, Jiangsu, Jilin, Nei Menggu; Ningxia, Qinghai, Shanghai and Yunnan.

educational level, affluence or time of residence, as long as he or she is not legally stripped of political rights. This should make identification of voters relatively easy, at least in principle. Reality is less straightforward, as will be shown below.

Textbooks find three criteria constituting the character of a voter according to the Organic Law: (i) age criteria, (ii) spatial criteria and (iii) political criteria.⁹ Among them the first and third are easily defined and verified. For the age criteria the election day of the given village is specified to be the deadline in the official textbook reading of the Organic Law as well as in almost all provincial ER. Age is to be documented with an identity card or alternatively the household registration (*hukou*). Since political rights are only withdrawn by court decision in cases of serious criminal offenses which hardly go unnoticed within a village, this criteria should also be easy to monitor. Most room for debate is actually offered by the seemingly simple question of who belongs to the village in a spatial dimension. This is certainly reinforced by the fact that official commentaries of the Organic Law provide no further explanation of this criteria.

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

Provincial legislation was meant to solve these problems in a suitable way according to regional circumstances.¹¹ The result has been a host of differing, sometime contradictory regulations across provinces as can be seen from the synopsis. Seven provinces clearly stipulate the *hukou* as the only valid criteria to be counted as voter in a given village;¹² in all others exceptions to this rule are permissible. Exceptions are most commonly granted to people living and working within a village as well as fulfilling a villager's duties (which are not further defined, but most likely include paying communal fees and contributing a couple of days labor each year for community projects), but a large subgroup of residents without proper registration is explicitly included in the voters list in 13 provinces. These are spouses (in reality almost only wives) who moved into their partners home village after marriage but failed to transfer their *hukou* as well. This special legal protection of their voting rights seems to be particularly relevant to realize the above mentioned principle of non-discrimination on the basis of gender. Nevertheless, 17

⁹ See Quanguo renda (1998), op. cit., pp.31-2. See also Liu Zhipeng: "Lun cunweihui xuanju zhong de cunmin xuanjuquan" (Election rights in villagers' committee elections) *Zhongguo Nongcun GuanCha* (China Rural Survey), 2002, no.3, pp.61-67, here p.64. Liu argues that in contrast to citizens (*gongmin*) who only have to fulfill criteria (i) and (iii) villagers (*cunmin*) would need confirmation by the EC to be eligible voters. However, he seems to be misleadingly comparing national legislation laying down election principles in the first case with more detailed regional election regulations in the latter. Of course, citizens also have to be registered as voters according to their residence with the local election organization committee.

¹⁰ See "Farmers and Villagers", *China News Analysis*, Nr.1549 (December 15, 1995).

¹¹ See Xu Anbiao (1997), op. cit., p.64.

¹² These are Guangdong, Hebei, Hubei, Nei Menggu, Qinghai, Shandong and Xinjiang.

provinces leave the final decision to the village EC, whereas only four define that these exceptions have to be granted as a rule.

The treatment of absent voters (migrating villagers) is far more varied. Here the trade-off between two goals equally to aspire is evident. On the one hand, the villagers' right to vote has to be upheld. On the other hand, the need to convene at least half of all eligible voters to cast a ballot in order to make the election valid needs to be honored. Every reason given in provincial legislation to exclude absent voters from the voters list facilitates the realization of this quorum requirement of 50% which is stipulated in the Organic Law. However, 16 provinces chose not to regulate this case, while Guizhou Province even mandates that absent voters retain their right to vote, adding them to the voters' total. In contrast, the remaining 14 provinces provided reasons to exclude absent voters from the list, half of them using their time of absence as the main criteria (the limit lying between half a year and two years).

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

While the number of the afore-mentioned group remains comparatively small to date, they tend to be above-average in education and management skills which means that not being able to recruit them to leadership positions within the village can constitute quite a loss to the community. Therefore, eleven of the twelve provinces mentioning this distinction provide the possibility to register those people who changed their residence to non-agricultural (*nong-zhuan-fei*) as voters, if they still fulfill a villager's duties, while three more (Heilongjiang, Henan, Zhejiang) open avenues for specially talented personnel to be registered.¹⁴

In contrast, Beijing, the twelfth province, stands out in clearly excluding anyone without an agricultural *hukou*. This rule is not contained in Beijing's ER and only hinted at in its more recent IR by the use of "farmer" (*nongmin*) instead of "villager" (*cunmin*), but accompanying explanations by the municipal bureau of civil affairs plainly state this.¹⁵ Obviously, the village is here still conceived of as a community of farmers owning the agricultural land collectively (even if not working it collectively anymore), instead of a community established through residence only. Of course, this applies to all other provinces drawing the distinction between different types of *hukou* too: None of these mentions residents with simple *fei-nongye hukou* as eligible voters, but only those who changed from agricultural to non-agricultural (*nong-zhuan-fei*). This means that residents who never had an agricultural *hukou* and therefore never fulfilled "villager's duties", whatever these might comprise, will be automatically excluded. It is

¹³ This is a fact often overlooked; see e.g. Liu Zhipeng (2002), op. cit., p.66.

¹⁴ Qinghai even makes provisions for *nong-zhuan-fei* as well as talented personnel. See also the discussions on these points referred in this conference report: Xu Zengyang, Wang Guangzhong, Zheng Bojing: "Zhongguo nongcun cunmin weiyuanhui xuanju xueshu yantaohui zongshu" (Summary report on the academic conference on rural China's elections to villagers' committees), *Shehuizhuyi Yanjiu* (Socialist Research), 2000, no.6, pp.78-81, here 79-80. However, the discussants seem not to have been aware of the density of provincial regulations on these matters.

¹⁵ These can be obtained from www.chinarural.org along with the IR; Liu Baocheng: "Guanyu 'Beijing shi shishi <Zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa> de ruogan guiding' de shuoming" (Explanations

possible to interpret this as a breach of the principles of non-discrimination on the basis of occupation and family background stated in the Organic Law and repeated in almost all provincial legal documents on the topic. But obviously, within China this has not yet been seen as a contradiction.

Surprisingly as this lack of clarity in such a crucial matter might appear, the issue remains a murky one given that 18 provinces not even tried to tackle it, and discussions within the Chinese legal profession as to who constitutes the subject of villagers' self-administration will go on.¹⁶ It is doubtful if this will affect decisions being taken by village ECs. Nevertheless, another new clause in the Organic Law provides for the publication of the voters' list 20 days before the election date. This has been translated in all provinces but Sichuan into a right to raise objections against (non-)registration. So, generally there is a possibility at least to urge an EC to reconsider its original decision, even if only Qinghai and Xizang (Tibet) open up further avenues for complaints. On the other hand, the deadlines for the different parts of the process seem not to be in line with each other in all cases. Shaanxi is an extreme example since the deadline for publishing the list and raising objections against it are identical. But in 13 cases the final settling of the voters list seems to collide with another part of the election process to be dealt with below, namely candidate nomination. This means that possibly the rights of a voter to participate in this crucial stage of the election process might be infringed upon since the EC is not obliged to consider his objection before the final candidate list will be published.

Candidate nomination and selection

Turning to the passive voter's right, the right to stand for election, one can be surprised to find more seeming contradictions between the principles of non-discrimination and provincial legislation. First of all, the Organic Law (§23) itself sets rules for the conduct of the VC and its members: These should respect the constitution, laws and state policies, be honest, fair and diligent. While these are reasonable demands for office-holders in any political setting, repeated in eight provincial election regulations, it is more problematic to turn these into general criteria qualifying to stand for election as 17 provinces do. Doing so, means to submit proposed candidates to screening by the EC, possibly leading to their exclusion from the final candidates' list, thus infringing upon their passive voter's right.

The official textbook interpretation of the Organic Law seems to support this view. Here §23 of the Organic Law is not taken to mean qualifications for candidates, but still interpreted as a clue to what they might look like. However, the actual stipulation of such criteria is left to the VA or VRA, that is the voters, to decide.¹⁷ Any regulations regarding this matter on the part of the province run counter to the ultimate rationale of elections: letting voters decide who is to take office. Therefore, active as well as passive voter's rights are affected by these stipulations.

Of course, this is less problematic with the above mentioned criteria than with more fuzzy ones which offer the EC considerable leeway in its decision on candidates, especially when an EC's lack of independence is borne in mind. Most often a certain level of education and leadership or organizational capabilities are requested (both 13 times),

to 'Some regulations of Beijing municipality concerning carrying out <The PRC organic law of villager's committees>') (July 7, 2000).

¹⁶ On this see Cui Zhiyou: "Zhongguo cunmin zizhi de faxue sixiang" (Judicial thinking on Chinese villagers' self-administration), *Zhongguo Shehui Kexue* (Social Science in China), 2001, no.3, pp.25-36, here pp.26-7.

¹⁷ See Quanguo renda (1998), op. cit., pp.36-7; Xu Anbiao (1999), op. cit., pp.70-1.

followed closely by health and the ability to lead the village to common prosperity (twelve and ten times respectively). This last qualification in particular is hard to prove *ante factum*. Nevertheless, the ability to produce people possessing this gift has been elevated to be the final touchstone for the evaluation of village elections by Li Peng, then-chairman of the National People's Congress (NPC) Standing Committee.¹⁸ Therefore, it may be argued that provincial provisions to that effect contradict the rationale for democratic elections, but they could hardly be claimed to contravene the central government's rationale for conducting village elections.

While formerly an array of village organs like the CCP committee, the EC, the former VC or even the township government in actual practice held the right to nominate candidates besides voters themselves, the new Organic Law speaks only of the latter possibility.¹⁹ This formulation has been universally adopted throughout provincial legal documents. Almost all (27) provinces explicitly adopt a method that became known under the name of *haixuan*, in which voters cast nomination ballots either in an assembly of all voters or in villagers' groups. This kind of "open primary" has been hailed as the most democratic way to nominate VC candidates.²⁰ Only Fujian, Gansu, Guizhou and Xizang retained a wording in their ER that could be read to mean direct nominations by other means than casting a ballot. Moreover, alternatives to *haixuan* nomination, including joint or self-nominations, are permissible in another seven provinces.

Not all of the candidates generated through these methods are allowed to stand for the formal election, however. Although the Organic Law requires competition (more candidates than VC posts to be filled),²¹ this leaves room to limit the number of additional candidates which 27 provinces do, thus creating only semi-competitive elections. Three more provinces chose not to specify the number of additional candidates, but still require them. The lone exception to this rule is the Autonomous Region of Xizang (Tibet) whose people's congress passed a "Decision on provisionally not carrying out competitive elections in the whole Autonomous Region", making it the only provincial-level unit in China without a guaranteed choice for voters, since also the way to reduce nominations to the final candidates' list is left unspecified (see below).

The minimum requirement to conduct semi-competitive elections would be to lump all VC positions together and add one more candidate to the total. This is what Shandong and Sichuan do, where at most two respectively three additional candidates are the rule, although this method has been declared not permissible by the textbook interpretation of the Organic Law. There it is argued that each post, i.e. VC head, vice-head and ordinary VC members, has to be elected semi-competitively.²² Most ER actually provide for this, listing the number of additional candidates for different posts separately. A minimum solution (plus one candidate for each post) is permissible

¹⁸ See "Li Peng zai renda changweihui cunmin weiyuanhui zuzhifa zhifa jianchazu quanhui shang zhichu: Jin yi bu tuidong cunmin zizhi jiankang fazhan" (Li Peng points out before the plenum of the inspection group on the implementation of the organic law of villagers' committees: Make progress in promoting the healthy development of villagers' self-administration) *Renmin Ribao* (People's Daily), 01.06.2001, p.1.

¹⁹ See Liu Xitang (1998): "Cunmin zizhi yu woguo nongcun minzhu de dutexing" (Villager's Autonomy and Distinctiveness of Democracy in China), *Zhongguo Nongcun Jingji* (China's Rural Economy) 1998, no.12, pp.57-61, here p.59; Fan Yu (2001), op. cit., p.59.

²⁰ See Wang Zhenyao: "Village Committees. The Basis for China's Democracy", in: Vermeer, Eduard B. et al. (eds.): *Cooperative and Collective in China's Rural Development. Between State and Private Interests*, (Armonk: Sharpe, 1998), pp.239-255, here p.247.

²¹ The size of a VC is no major point of distinction between provinces; it generally varies according to population size and affluence of a village (see synopsis for details).

²² See Quanguo renda (1998), op. cit., p.36.

everywhere but in Jilin where at least two additional candidates for ordinary VC membership are required, and it is the only permissible solution in Chongqing and Jiangsu.²³

It would be premature to conclude from this a very low level of voters' choice in these two provinces. Indeed, the effect of electoral systems can only be gauged when their constituent parts are viewed in connection with each other. Here the methods of nominating candidates and reducing their number to the final list have to be taken into account. Of the 27 provinces providing for *haixuan* nominations nine (including Chongqing and Jiangsu) require a quorum of 50% of voters' participation in the process. These nine plus nine more of this group of 27 declare their final candidates according to the number of nominating votes in the *haixuan*. Thus, choice is not as limited as it might seem at first glance. The remaining nine provinces in the *haixuan* group opt for another round of voting, now that the possible candidates are known. The relative majority in this primary decides on the final candidates' list. This offers even more room for informed choice since voters can now gauge the preferences of others.

A primary is also adopted by Gansu where nominations by voters are to be directed to the EC without balloting. In Fujian which applies the same nomination procedure a primary with a quorum of 50% is possible as well as a decision by the VRA (quorum of two thirds). VRA decisions without quorum requirements are the norm for Guangdong, Guangxi and Hubei, whereas in Guizhou and Xizang the final decision seems to rest with the EC, though not specified in the latter case. Obviously, this last one is the method of candidate reduction which runs the highest risk of distorting voters' preferences.

What has to be further taken into account when speaking of voters' choice within the candidate selection process are rules pertaining to the final composition of the VC to be elected. Here, the Organic Law stipulates appropriate representation of women and ethnic minority groups which is repeated in 24 provincial ER, while Shanghai and Sichuan only mention women's representation. Five more provinces mention neither of the two representation requirements. This is especially surprising in the cases of Sichuan and Ningxia, since Sichuan has autonomous prefectures or counties for Tibetans and Qiang and Ningxia itself is an autonomous region for Hui. In contrast, Hubei even requires non-Han ethnic groups to take a majority of VC positions in villages where they are the majority population.

Further regulations are issued by some provinces: six asking for balanced representation of several natural villages if they constitute one administrative village, electing one VC together; and eight forbidding direct relatives or spouses to serve on the VC together. These provisions, as valuable as they might be to avoid complete domination of village politics by a single gender, ethnic or family group, raise the question of how such a representation is to be achieved in the actual election processes. This issue has not been addressed in any of these laws, the only exception being Hainan's ER which states clearly how to avoid two relatives or spouses on the same VC. This suggests that the EC is responsible to somehow ensure these composition requirements are fulfilled during the process of candidate selection. It is hard to see how this task is to be carried out without violating the relevant election regulations.

²³ In Chongqing, however, there is a completely alternative mode of candidate nomination and election possible: Voters nominate candidates directly to the EC; then these candidates can all participate in "campaigning" and a first round of election is held with all of them standing for election. Only if this does not deliver all VC members to be elected a second round of voting is necessary according to the semi-competitive standard explained above. The candidates of the second round are those who obtained the highest number of votes in the first one short of being elected. A similar choice of election modes is to be found in Hainan where a first round election can be held even without nominations at all.

A final element completes the discussion of candidate selection and voters' choice, the election of so-called write-in candidates. Formally, this is a part of election procedures, but it is more appropriately dealt with in this section since the election of write-in candidates is a final way to enhance choice. The possibility to use the ballot to write in other names besides the final candidates is provided by 27 provinces, including Xizang, thus adding at least the theoretical possibility that a final candidate might fail there. Of course, chances for write-in candidates to win will be slim if supporters do not rally before the vote. This is impeded by the fact that usually only final candidates are allowed to participate in what might be called "campaigning".²⁴

Except for eight provinces some kind of "campaigning" is provided for in each province ranging from simple introductions of candidates through the EC to speeches by the candidates themselves and questioning by the voters. The EC is mostly left to decide on details, only five provinces making these last two elements of "campaigning" compulsory, and six provincial regulations carry the reminder that "campaigning" has to stay within the limits prescribed by law. In a temporal dimension "campaigning" is either limited to before the election date (five times) or to just that one day (three times). It is evident from these provisions that provincial legislators tended to circumscribe "campaigning" in a number of ways to uphold the orderliness of the election process and equal chances for competitors.

Election process

The basic rules for the first round of formal elections are the same throughout China. This is due to the fact that the Organic Law clearly demands a quorum of 50% of voters' participation to render the election valid and an absolute majority of votes cast for candidates to be elected. While these two principles—and more technical, but very crucial aspects like the use of secret ballot booths, immediate and open count of votes etc.²⁵—have been adopted everywhere, election systems vary in other important ways. First of all, there is the question of how to cast the ballots: for each post to be filled separately or for all of them together?

This can sometime make a considerable difference since voters might still want a second-best candidate for the post of VC head or vice-head to serve on the VC as ordinary member. If balloting took place separately this wish has in the past been accommodated by adding the failed candidate for the higher post to the candidates' list for the lower one.²⁶ If this ran counter present ER which forbid any changes of this list after nomination is final should be debatable because these candidates already qualified to stand for higher office. However, this problem is not dealt with in the provincial ER and 20 of them offer the village level to chose between separate or one-round-for-all elections. In the latter case, five provinces explicitly solve the above mentioned problem in providing that a candidate standing for two different posts, but failing to achieve the higher office, will get the votes for the higher

²⁴ Lishu county, Liaoning, one of the forerunners in village elections, introduced in 1998 a new system (*baoming jingxuanzhi*) in which anybody willing to participate in a contest of election speeches may do so if he or she registers and hands in his or her manuscript to the election organs before. See Fan Yu (2001), *op. cit.*, p.62.

²⁵ Some authors even suggest that the confidentiality of the vote is better protected and more standardized in VC elections than those for local people's congresses; see Tian Xiaohong, Pan Xiaojuan: "Cunmin zizhi mianlin de tiaozhan yu zhengce xuanze" (Challenges to villagers' self-administration and policy choices), *Lilun Qianyan* (Theoretical Frontier), 2001, no.10, pp.5-7, here p.6.

office transferred and added to the total of votes received for the lower one. A drawback of this rule is that by allowing the same people to stand for different offices at once the total choice for voters is again limited.

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

Since there are multiple seats on the VC to be elected it is possible that more candidates than seats available pass the required 50% of votes threshold. In this case, according to provincial ER uniformly the ones with most votes relative to the others win, while a run-off election is held between candidates with the same number of votes. But we find more variation in the more likely case that not all positions are filled in the first round of voting. Firstly, the absolute majority rule uniformly applied in the first round election is only retained by 12 provinces for the second round, and in Henan only in the case that no candidate received more than 50% of votes. The majority of 16 provinces opts for a qualified relative majority, i.e. a candidate in the second round only has to gain more votes relative to the others, as long as he or she receives more than a third of the total. The remaining three provinces (plus Henan in the case that only single positions need to be filled) even prescribe a relative majority without this minimum requirement as sufficient in the second round.

In another variation, seven provinces declare that if three or more VC members got elected in the first round, so that the minimum number stipulated in the Organic Law is reached, elections could stop there: the remaining seats may be left provisionally vacant, there are detailed provisions on substitutes for VC heads and vice-heads, and there is no deadline for further elections set. Nevertheless, most provinces still require a second round of elections and 15 set deadlines to hold them varying between three days and six months. While a first group of 13 provinces makes no more stipulations regarding the result of the second round, the others passed sometimes detailed, but mostly just slightly varying regulations. A second group of seven provinces declared that if the minimum of three VC members got elected, but there are still vacant seats, these may remain so permanently (at least, in two cases, if the VC head got elected). Two more provinces add this same clause for the case even the third round of voting does not bring the wanted number of elected VC members. The third group issues deadlines for third round elections again ranging between three days and six months according to various circumstances.

One could expect to find provinces with higher majority requirements to be more easily satisfied with electing a minimum of three VC members. Yet, this link can be established only tentatively. The provinces stipulating absolute majority throughout all rounds of election are almost evenly distributed between the three groups mentioned above. Nevertheless, it is striking that four out of seven provinces providing for a possible stop of elections even after the

²⁶ See Jørgen Elklit (1997), op. cit., p.10; "Carter Center Delegation Report: Village Elections in China. And: Agreement on Cooperation with the Ministry of Civil Affairs People's Republic of China, March 2-15, 1998", *Working Paper Series*, (Atlanta: Carter Center, 1998), p.13.

first round election belong to the absolute majority group. And of course, the two provinces establishing a simple relative majority for the second round, Jilin and Sichuan, consequently do not bother to consider a case in which the second round might end with not all seats filled. Yet, nothing conclusive can be said with respect to the bulk of provinces in between, requiring a qualified relative majority. In general, there are so many different combinations of certain procedures to be found in provincial ER that they seem to be composed almost at will. Furthermore, provincial ER do offer a choice of several election modes at certain junctures so that inter-provincial variation is compounded by an intra-provincial one.²⁷

Turning to the more technical aspects of elections, we find two more noteworthy aspects, namely absentee voting and the use of a mobile ballot-box (*liudong piaoxiang*). The use of proxies who cast ballots in the place of voters absent or otherwise unable to vote themselves has been pointed out by some election observers as excessive: proxy votes at times reached a proportion of more than 20% of votes cast.²⁸ Obviously, there is no way to ensure that agents really respect the decision by the original voter and there persists the possibility that weaker fragments of society will in fact lose their active voting right (husbands voting for their wives etc.). Similarly, the use of a mobile ballot-box bears the latent danger of manipulation since it is not always within view of the public.²⁹

Therefore a number of precautionary measures has been adopted by many provinces. Absentee voting, clearly defined as applying only to those voters who are not in the village at the time of balloting, is possible in 27 provinces. A third of these require a written authorization by the absent voter to be presented at election day, while 14 even subject absentee voting to prior consent by the EC. All of the 27 limit the number of proxy votes a single voter might cast, mostly to three, but in some cases even less. And finally, seven provinces exclude candidates as eligible proxies. Another three provinces (Chongqing, Fujian, Gansu) make no use of absentee voting at all, simply excluding absent voters from the voters' list. A mobile ballot-box can be used in all but eight provinces, but with varying degrees of strictness as to who has access to it. Very strict provisions in this respect apply in eight provinces, Guangdong even requires consent of the township election organ. Moreover, 17 provinces demand that a mobile ballot-box has to be accompanied by at least three election workers (2 in the case of Xizang), an assignment which in 24 provinces excludes candidates themselves and in most cases their relatives as well.

Bearing in mind that it can sometimes be hard for villages, especially those with high numbers of out-migrants, to reach the 50%-quorum required, we might ask which strategies provincial legislators chose to help VC elections to succeed. There are theoretically two strategies available: either lowering the total against which the quorum is measured, or raising the number of votes cast. We already saw that 13 provinces stipulated various reasons for the exclusion of absent voters, in line with the first strategy. On the other hand, 14 provinces seem to apply the second strategy by making absentee voting particularly easy in that they do not require consent of the EC. There even exists an overlap between these two groups as four provinces chose to make stipulations in both directions: Guangdong, Guangxi, Qinghai and Shaanxi. Interpreting this as a conscious strategy, however, is problematic as has been pointed out in the introduction. The most we can say is that it should in principle be easier to fulfill the quorum

²⁷ See for example the cases of Chongqing and Hainan where two completely different modes of candidate nomination and election coexist.

²⁸ See Carter Center (1998), op. cit., p.4-6.

²⁹ See Cheng Tongshun: "Nongcun jiceng xuanju: zai changshi zhong jianquan" (Rural basic-level elections: perfect in the trial phase), *Zhongguo Nongmin* (Chinese Peasantry), 1996, no.11, pp.30-32, here p.30.

requirement in these four provinces than in the others. But the widely established use of proxy voting suggests that most provinces consider it a necessity that VC elections do not fail because of out-migration.

Vote of recall, dismissal and by-elections

According to Liu Zhipeng the right to recall elected VC members is one of a bundle of rights categorized as a Chinese villagers' voter's rights.³⁰ According to the Organic Law the exercise of this right is subject to a number of general rules. In the concrete stipulations of provincial legislation we find again that basic principles promulgated in the Organic Law are generally adhered to, but that sometimes considerable variations persist.

Firstly, when bringing forward a motion of recall a reason has to be given according to the Organic Law.³¹ While 21 provinces leave it at this open formulation without stipulating detailed cases in which a motion of recall might be raised, the others do so. And in four provinces the enumeration is even exhaustive, i.e. that *only* in those circumstances listed a recall is permissible. Therefore, in Guizhou, Ningxia, and Xinjiang recall of a VC member is basically only allowed if he is convicted as criminal offender, seriously neglects his office or violates against discipline. In Qinghai in addition to the first two of these reasons a sentence to serve in a labor camp or violations against birth-planning regulations also suffice.³² This has to be seen as a deliberate circumscription of the voters' right of recall. The same is true for Nei Menggu (Inner Mongolia) where the township government is requested to examine the validity of the reason given before a vote of recall can be held. Similarly, Qinghai and Ningxia give VC members who are successfully recalled the right to petition to the township government which then has to examine if the reason for recall was correct. If not so, then the township government has to call a new VA to repeat the vote. Only if the motion is passed again the decision to recall the VC member will be upheld.

Secondly, the Organic Law stipulates that only a motion raised by at least one fifth of eligible voters can lead to a vote of recall and that there is only this way to recall or replace a VC member.³³ Following official interpretation that means that even in special cases where some other organs, like the township government, the village Party branch or the VC itself wanted to hold a vote of recall, it needed to gather those supporters beforehand.³⁴ However, eight provinces give the township government the right to motion a vote of recall in some specified cases, mostly criminal offenses or neglect of duty. Moreover, in some provinces these cases are only vaguely defined, Guizhou even includes violations of birth-planning rules, and in Guangdong the period for neglect of duty is rather short: two

³⁰ The other being the right to be registered as a voter, to nominate candidates, to cast votes and stand for election [what is called active and passive voter's rights above], a defense right against malpractice in elections and a right of information. See Liu Zhipeng (2002), op. cit., p.65.

³¹ Although the Organic Law does not explicitly require written form for the motion of recall, official commentaries read this provision into the law; see Quanguo renda (1998), op. cit., p.42, and even more pronounced Xu Anbiao (1999), op. cit., p.77. In 22 provincial ER written form is explicitly required, but in the rest such clarification is lacking. In Hunan and Shaanxi providing a reason for recall is only mentioned in connection with the VA to be assembled to vote on the motion. Therefore, an oral motion is probably sufficient here.

³² Interestingly, Qinghai makes "education through labor" (*laodong jiaoyang*) sentences a reason for holding a vote of recall on VC members, but explicitly not for excluding a voter from VC elections.

³³ Some Chinese scholars raised the question if this proportion has to be measured against the voters' list used in the last election or if changes of voters' status would have to be checked. This is indeed unclear even in provincial legislation. See this conference report: Xu Zengyang, Wang Guangzhong, Zheng Bojing, op. cit., p.80. A number of other issues pertaining to the recall of VC members are raised here. But some of the critical remarks are overblown if one takes provincial ER into account.

³⁴ See Quanguo renda (1998), op. cit., p.43.

months in its ER of September 2001, compared to six in the old version of November 1998.³⁵ Furthermore, five provinces demand that a vote of recall *must* be held in any of the cases they list as reasons for recall. These stipulations clearly contravene the letter if not the spirit of the Organic Law. If they really run counter the intends of central-level legislators might seem debatable. The textbook explanation to the Organic Law surely suggests so. On the other hand, it could be argued that NPC delegates have more recently shown that they are willing to get tough on VC members who engage in fraud or corruption when this involves state-set tasks. Under such circumstances they have to be held responsible according to the harsher rules the Criminal Code provides for state officials.³⁶ Yet in my own view, I would not consider this to legitimize these provincial deviations from the Organic Law. The NPC interpretation of the Criminal Code only pertains to VC work in official state-assignments, not in self-administration affairs. These two spheres are distinguished by law, and the sphere of self-administration is clearly protected against interference by other organs including state administration.³⁷

Thirdly, the Organic Law requires a VC to convene a VA to discuss and vote on the motion of recall "in good time" (*jishi*). Most (25) provinces more specifically set a deadline of one month, two or three months in five more cases, with Qinghai being the only province without a clear deadline. Moreover, in case the VC does not adhere to this deadline 21 provinces transfer direct—and three more at least indirect—responsibility to convene the VA to the township government. The right of the VC member against whom the motion is directed to state his or her case is enshrined in the Organic Law and repeated in all but three provincial ER. Fourthly, and most importantly, the majority rule for a recall has been deliberately set very high by the national legislators, requesting an absolute majority of *all* voters, not only the ones present. This measure was deemed necessary to protect the normal functioning of a VC without interference from family clans or other pressure groups.³⁸ Again, this principle has been generally adopted with the notable exception of three provinces. Hunan and Jiangsu do not mention this particularly high hurdle thus creating a latent contradiction between provincial and central legislation. And Guangxi openly defies this principle, instead only requiring a 50%-quorum of voters and an absolute majority of votes cast to pass the vote of recall.

However, deviations from the Organic Law do not stop there. Despite the intentions of national legislation referred above, 20 provinces stipulate an automatic termination of VC membership in certain specified cases, thus in fact alienating the voters' right of recall. Given the demands posed on the conduct of VC members by the Organic Law

³⁵ This is only one of several interesting differences between the two versions: A clause establishing CCP leadership over all levels of election organs has been newly introduced; township administration became a role to play in the dismissal of EC members; instead of a primary for selecting among nominated candidates a quorum is now required for the *haixuan* nomination which directly establishes the final candidates' list; the majority required for the second round election was raised from qualified relative to absolute majority; and finally clauses on the automatic termination of VC office and by-elections were added. In sum, these changes point to more administrative meddling in the election process and less free choice for the voters.

³⁶ See "Quanguo renmin daibiao dahui changwu weiyuanhui guanyu 'Zhonghua renmin gongheguo xingfa' di 93 tiao 2 kuan de jieshi" (Interpretation by the Standing Committee of the NPC regarding the second paragraph of article 93 of the 'Criminal law of the People's Republic of China'), *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Gongbao* (Gazette of the Standing Committee of the NPC of the People's Republic of China, hereafter: *CWWGB*), 2000, no.3, p.223, and the explanations attached, pp.224-6.

³⁷ See also Björn Alpermann: "The Post-Election Administration of Chinese Villages", *The China Journal* no.46 (July 2001), pp.45-67.

³⁸ See Zhou Keyun: "Quanguo renda falü weiyuanhui guanyu 'Zhonghua renmin gongheguo cunmin zuzhifa (xiuding caoan)' shenyi jiegou baogao" (Report on the results of deliberations of the NPC Law Committee on the 'PRC organic law on villagers' committees (revised draft)'), *CWWGB*, 1998, no.5, pp.518-520, here 519.

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

Even though this is nowhere mentioned in the Organic Law it is logic that any vacancy on the VC should be filled through a by-election. Accordingly, 18 provinces set deadlines for a by-election to be held ranging from one to six months. Seven provinces, however, use the same clause as in the election process, rendering a by-election optional if three or more VC members are still in office. Whereas most provinces uphold the absolute majority requirement for by-elections, the general trend seemingly is to provide simpler rules than for a regular election. Therefore, Fujian, Hunan, Jiangsu and Xinjiang do allow non-competitive by-elections, and eight provinces generally let the VC preside over the by-election process.

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

Conclusions

To sum up, we have seen a considerable number of central-provincial as well as inter-provincial deviations and even contradictions in legislation pertaining to VC elections. The central question now is how far these point to differing conceptions of successful elections at different levels of the PRC political system. We have seen that provincial ER creating an EC embedded in administrative interests and CCP connections is not against the intentions of central legislators. An unclear situation persists regarding the registration of voters since the central level eschewed detailed regulations in this matter and provinces themselves issued widely varying ones, mostly leaving final decisions to the village level. Provincial ER tend to circumscribe villagers' voting rights when stipulating detailed qualification criteria for VC candidates. But again, the intentions behind these seem to be quite in line with central-level legislation.

Regarding candidate nomination and selection as well as the election process itself general principles enshrined in the Organic Law are adhered to in provincial ER. Apart from that, however, considerable variation can be observed among and even within provinces since some leave ample room to chose between different modes to conduct various stages of an election. Voters' choice should be the most telling criteria to evaluate the resulting election

systems.³⁹ This is enhanced in most provincial ER by the adoption of open primaries (*haixuan*) for nomination and/or primaries for candidate selection. Therefore, the formal first round of voting tends to become less important for overall choice. This might, however, be infringed upon by regulations on VC composition; yet, this contradiction is already contained in the Organic Law. The stipulations circumscribing "campaigning" activities, if mentioned at all, point to provincial legislators' desire to conduct orderly elections without disruptions of a rural community's social life, but also to create a level playing field for candidates. Regulations on the election process itself show—apart from the variation already mentioned—a trend in provincial ER to help VC elections to "succeed". Most provinces drop the very strict absolute majority requirement of the Organic Law after the first round of voting and allow quasi-permanent vacancies as long as a minimum number of three VC members is elected at different stages of the process. Also, the impact of out-migration as a factor possibly impeding a valid election is limited in most provinces.

As shown above, further variations and contradictions exist in the field of recall, resignation and by-elections. Here again, the principles of the Organic Law are generally adopted, but concrete measures to put them into practice give rise to important differences. In a number of cases voters' rights of recall are circumscribed or infringed upon. But the general direction of these stipulations still seems to be in line with central-level intentions. The contradictions apparently stem from differing conceptions of "due process" rather than from contradictory goals of central and provincial legislation. Furthermore, the effects of provincial ER are by no means uni-dimensional. They also provide voters with a more solid basis to lodge their complaints against malpractice of office-holders. And regarding by-elections we could again observe a tendency in some provincial ER to facilitate success through a less complicated procedure when compared to general VC elections.

It is useful to distinguish this kind of technical success from the more far reaching concept of successful VC elections alluded to above: the ability of elections to produce cadres who can lead a village to prosperity and represent the interests of voters.⁴⁰ The first part of this definition has already been analyzed above leading to the conclusion that quite a number of provinces actively try to ensure this kind of success even in the process of candidate nomination and selection. The second part pertains to the question of voters' choice: only if voters are given real and overall choice throughout all stages of the election process can a true representation of their interests be guaranteed. Here, despite all the limitations and differences in particular modes of elections, I would argue that most provincial ER lay the basis for a relatively fair and undistorted representation of voters' interests. Therefore, it can be said that central and provincial definitions of successful elections in principle do not vary significantly. The few cases in which they do have been pointed out in the analysis above. Nevertheless, it needs to be emphasized that constituent parts of the election process are combined in provincial ER seemingly almost at will. Therefore, I would argue that to measure the total effect of a particular election system on voters' choice it is not enough to check if single elements enhancing it are present, but that it would be necessary to see how these actually combine to shape voters' choice during the whole election process although this adds a considerable burden on researchers studying VC elections.

³⁹ See also Jing Yuejin: *Cunmin zizhi de kongjian kuozhan ji qi wenti* (Expansion of villager self-government and related issues), *Jiaoxue yu Yanjiu* (Teaching and Research), 2001, no.5, pp.21-4, here 21. The author speaks of "level of competition" (*jingzhengdu*) which is nothing but another way to put it from the perspective of candidates instead of voters.

⁴⁰ See "Li Peng zai renda..." (2001), op. cit., p.1.

Here we touch upon the broader question raised in the introduction: is provincial legislation a necessary framework for the study of VC elections in China? Firstly, for case studies—a very common approach in this still young field of research—it is evident that legislation emanating from each layer of administration descending to the studied village or area should be used to provide the context of the particular case. This means not only national or provincial legislation, but also prefecture, county or even township regulations should be consulted.⁴¹ Only in doing so, can local deviations from legal norms be realized and explained. Furthermore, it should be useful to refer to provincial legislation as a framework to bring different case-studies together on a secondary level of analysis. This framework could then be used to introduce a comparative approach into this analysis by establishing a basis on which deviations in implementation can be measured. I would argue that such an approach is impossible without reference to the provincial framework since one could never be sure if differences in actual practices stem from localities straying from legal documents or from variations within these. Therefore, the framework tentatively developed in this paper should serve as a useful instrument for research based on case-studies.

Secondly, provincial legislation should also be taken into account when constructing cross-provincial surveys and evaluating their results. At least when "up-to-standard" elections are to be measured as one variable this is essential, since standards do vary in a number of important aspects. Admittedly, it would be exceedingly complex to figure in all possible variations into a questionnaire, especially since intra-provincial variations can at times be as significant as inter-provincial ones. But for the same reason given for comparing single case-studies, I think that a check on provincial legislation is necessary before ranking collected data for a village election as not, partially or completely "up-to-standard". And finally, if the researcher is interested if villages chose more or less "democratic" election modes he or she should be informed about the range of options faced by the relevant decision-makers. Here again, I hope that this framework of provincial legislation on village elections in China will prove useful in the future.

⁴¹ The county-level in particular seems relevant in this respect; see Fan Yu (2001), op. cit., p.62; and more generally Bai Gang: "Zhongguo cunmin zizhi fazhi jianshe pingyi" (Appraisal of the construction of a legal system for villagers' self-administration in China), *Zhongguo Shehui Kexue* (Social Sciences in China) 1998, no.3, pp.88-104.

Appendix 1 Provincial legislation on village self-administration

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

Source: <http://www.chinarural.org> (16.06.2002).

Appendix 2 Synopsis of Provincial Legislation on Village Elections*

Organs involved in election work

CCP: a) not mentioned	b) provisions of Organic Law replicated	c) other (specification)
<ul style="list-style-type: none"> AH; CQ; FJ; GS; HAI; HLJ; JS; JL; NM-IR; NX; QH; SHA; SH XZ; YN 	<ul style="list-style-type: none"> BJ; GX-IR; HEB; HEN-IR; HUN; JX-IR; LN; SX-IR; SC-IR; TJ; XJ; ZJ 	<ul style="list-style-type: none"> GD (election work under leadership (<i>lingdao</i>) of CCP committees of all administrative levels) GZ, HUB (CCP grassroots organs helps and guarantees self-administration; leadership role not mentioned); SD (leadership role of CCP grassroots organs; no other stipulations)
EC:	a) selected (<i>tujian</i>) by VA/VG	b) other (specification)
	<ul style="list-style-type: none"> AH, BJ, CQ, GS, GD, GZ; HEB, HLJ, HEN-IR, HUB, HUN, JS, NM-IR; NX; QH, SD, SH, SX-IR, SC-IR, YN 	<ul style="list-style-type: none"> FJ, GX-IR, HAI, JX-IR, ZJ (in VA, VRA or VG); JL, LN; XJ (in VA/VRA); SHA (in VA/VRA presided over by township gov.); TJ (in VA/VRA presided over by CCP village committee with cooperation from former VC); XZ (in VA presided over by former VC or township gov.)
Composition of EC	specified	not specified
	<ul style="list-style-type: none"> GS ("certain number of non-cadres" required); GD (township gov. can propose recall of EC members who do not work according to laws and regulations); HAI, JL (women and ethnic minorities must be represented); LN (<50% people with active village leadership positions); SHA (has to be "reasonable" (<i>heli</i>), therefore township gov. can propose members) 	<ul style="list-style-type: none"> AH; BJ; CQ; FJ; GD; GX-IR; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; NM-IR; NX; QH; SD; SX-IR; SC-IR; XJ; XZ; YN; ZJ
Size of EC	a) specified (number)	b) not specified
	<ul style="list-style-type: none"> AH, GX-IR (7-9, max. 11); BJ, HAI, HEB, HLJ, HUB, JS, NM-IR, QH, SHA, SD, TJ, XJ, YN (5-9) CQ, FJ, GS, GZ; JX-IR, JL; NX (5-7) GD (7-11); HEN-IR, SH (7-9); LN (7 or 9); SX-IR (3-7) 	<ul style="list-style-type: none"> HUN; SC-IR; XZ
Relationship of higher level election organs to village EC	guidance relationship	other (specification)
	<ul style="list-style-type: none"> AH; BJ; CQ; FJ; GS; GX-IR; GZ; HAI; HEB; HLJ; HUB; HUN; JS; JX-IR; JL; NM-IR; NX; QH; SHA; SD; XJ; XZ; ZJ; GD (but CCP organs exercise leadership over election work); 	<ul style="list-style-type: none"> HEN-IR, LN; SX-IR, SC-IR (not mentioned); TJ (leadership relationship)

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

	<ul style="list-style-type: none"> • SH (but leadership relations between higher level election organs themselves); • YN (higher levels also guide election work for VG heads and VRA) 		
Qualifications of EC members:	lawful, honest, diligent	capable in organization/ leadership	trust/authority in the village
	<ul style="list-style-type: none"> • FJ; JS; TJ; XJ; XZ; • JX-IR, NM-IR (only honest mentioned); • LN, SHA (only diligent mentioned) 	<ul style="list-style-type: none"> • JS; JX; LN; NM-IR; SHA; XJ; 	<ul style="list-style-type: none"> • SHA
	other (birth-planning, patriotism etc.)	not mentioned	
<ul style="list-style-type: none"> • CQ (representative); • FJ, XZ (listening to villagers); • JX-IR (good political-ideological quality, responsible); • LN (people of principles); • SHA (familiar with village); • XJ (protecting unity of the state and solidarity of ethnic groups) 		<ul style="list-style-type: none"> • AH; BJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JL; NX; QH; SD; SH; SX-IR; SC-IR; YN; ZJ 	

Voter registration

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

e) other		
<ul style="list-style-type: none"> • AH, BJ (other reasons why someone cannot vote in <i>hukou</i>-village) • CQ (retired state employees and talented persons can get registered; villagers who moved for family reasons >1 year ago without transfer of <i>hukou</i> will not); • GS (migrants who left >1/2 year ago do not get registered); • GZ (migrants who left without transfer of <i>hukou</i> will get registered) • HAI (migrants who left >1 year ago and do not return for vote can be excluded) • HLJ, ZJ (in special cases exception may be granted by EC) • HEN-IR, JL (persons voluntarily working in the village with educational level of <i>dazhuan</i> or above or mid-level or above technicians or other outstanding personnel can get registered without time or duty requirements); • HUN (if resident without <i>hukou</i> for some other reason is not registered in <i>hukou</i>-locality); • JX-IR, SC-IR (neither definition of villager given nor regional criteria specified); • NX (migrants who left without transfer of <i>hukou</i>, but neither return for vote nor send proxy are not registered as a rule); • QH (migrants who left without transfer of <i>hukou</i>, but do not return for vote and residents without <i>hukou</i>, but working in village are not registered as a rule. Registration required for: villagers accused of criminal offenses, if not yet sentenced or out on bail, sentenced to short prison term only or because of light criminal offenses without withdrawal of their political rights; people under "education through labor" (<i>laojiao</i>)); • SHA (migrants who left >2 years ago and do neither return to vote nor send a proxy are not registered as a rule); • SX-IR (residents without <i>hukou</i> but (a) married to villager and living/working in village as well as fulfilling villager's duties or (b) <i>nong-zhuan-fei</i> and living/working in village as well as fulfilling villager's duties, get registered as a rule; other residents without <i>hukou</i> but living, working in village and fulfilling villager's duties get registered with consent of EC); 		
Type of hukou:	registration not automatically in cases of <i>nong-zhuan-fei</i>	not mentioned
	<ul style="list-style-type: none"> • AH, CQ, GX-IR, GZ, JL, NX, SHA, SH, SX-IR, TJ, YN (only if villager's duties fulfilled) 	<ul style="list-style-type: none"> • BJ (but more recent BJ-IR clearly exclude all <i>fei-nongye hukou</i>!); • FJ; GS; GD; HAI; HEB, HEN-IR; HUB; HUN; JS; JX-IR; LN; NM-IR; QH; SD; SC-IR; XJ; XZ; ZJ
In these cases:	a) consent by EC required	b) consent by voters/VA/VRA required
	<ul style="list-style-type: none"> • AH; BJ; CQ; FJ; HAI; HLJ; HEN-IR; HUN; JS; LN; NX, SHA; SH; TJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> • JL (VRA)
	c) no consent required, right to be registered	d) other
	<ul style="list-style-type: none"> • GS; GX-IR; GZ; • SX-IR (for married and <i>nong-zhuan-fei</i>; consent required for others)) 	<ul style="list-style-type: none"> • GD, HEB, HUB, JX-IR, NM-IR, QH, SD, XJ (no exceptions mentioned); • JX-IR, SC-IR (no criteria or definition given)
Absent voters (migrants)	have to be notified by EC	not mentioned
	<ul style="list-style-type: none"> • CQ; FJ; HUN; NX; QH; SHA; XJ • GX-IR (20 days before election day) 	<ul style="list-style-type: none"> • AH; BJ; GS; GD; GZ; HAI; HEB; HLJ; HEN-IR, JS; JX-IR; JL; LN; NM-IR; SD; SH; SX-IR; SC-IR; TJ; XZ; YN; ZJ
Absent voters excluded from voters' list	a) if they do not show up for voting	b) if they neither show up for voting nor authorize a representative to vote
	<ul style="list-style-type: none"> • CQ; FJ; JL; • XJ (and if they cannot return to vote) 	<ul style="list-style-type: none"> • GX-IR; NX; QH;

c) if they have been away for a long time (period given)	d) other (specification)	e) not mentioned
<ul style="list-style-type: none"> • CQ; HAI (more than 1 year) • GS (more than 1/2 year) • GD, HEB, SHA (more than 2 years, if they do not use proxy); • XZ (more than 1/2 year, if they don't use proxy) 	<ul style="list-style-type: none"> • GZ (retain right to vote; i.e. will be counted for total) 	<ul style="list-style-type: none"> • AH; BJ; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; LN; NM-IR; SD; SH; SX-IR; TJ; YN; ZJ
Exclusion from voters' list for mentally disabled persons:	a) decided by EC alone	b) other organs involved (specification)
	<ul style="list-style-type: none"> • CQ; GS; GD; HEB; HUN; LN; NM-IR; NX; SHA; XJ; XZ 	<ul style="list-style-type: none"> • GX-IR (documentation by state-owned hospital on township-level or above required); • TJ (consent of guardian or documentation by hospital on county-level or above required); • YN (documentation by hospital)
c) method of decision not mentioned	d) not mentioned at all	
<ul style="list-style-type: none"> • AH; HLJ; HEN-IR 	<ul style="list-style-type: none"> • BJ; FJ; GZ; HAI; HUB; JS; JX-IR; JL; QH; SD; SH; SX-IR; SC-IR; ZJ 	
Other reasons for exclusion:	political rights legally withdrawn	other
	<ul style="list-style-type: none"> • AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ; 	<ul style="list-style-type: none"> • HUN, SC-IR, YN (anti-discrimination clause of Organic Law not repeated)
Publication of voters' list	20 days prior to election day	other (specification)
	<ul style="list-style-type: none"> • AH; BJ; CQ; GS; GD; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> • FJ (25 days)
Objections	possible within (min. days prior to election day)	not mentioned
	<ul style="list-style-type: none"> • AH, JX-IR, NM-IR (3); • BJ, CQ, GS, JS, QH, SH, SX-IR, XJ (10); • FJ, HLJ, HUB, HUN, LN, TJ (no limit); • GD, HAI (5 days); • GX-IR, GZ, YN (7) • HEB, SD, XZ (no date, but see below); • HEN-IR, NX (15 days); • JL (within 7 days of publication); • SHA (20); • ZJ (within 5 days of publication) 	<ul style="list-style-type: none"> • SC-IR
Deadline for settling objections by EC	specified (days prior to election day)	not specified
	<ul style="list-style-type: none"> • AH, GS; GD, HUB, HUN, JX-IR, NM-IR, NX, SHA, XJ, YN (1); • BJ, JL, LN, TJ (within 3); • CQ, SH, SX-IR (5); • GX-IR, GZ, HAI, QH, SD (3); • HEB, HEN-IR, XZ, ZJ (10); • HLJ (within 3; if less than 3 days left, then before election day); • JS (7) 	<ul style="list-style-type: none"> • FJ

Objection against decision by EC	possible (days prior to election day/responsible organ)	not mentioned
	<ul style="list-style-type: none"> QH (5 days prior to election date possible to file suit against EC decision with People's Court; court decision required before election day); XZ (file complaint at county-level election guidance group; no date set) 	<ul style="list-style-type: none"> AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; SHA; SD; SH; SX-IR; TJ; XJ; YN; ZJ
Deadline for publication of final candidates list:	5 days prior to election day	other (days prior to election day)
	<ul style="list-style-type: none"> AH; BJ; CQ; GD; GZ; HAI; HEB; HLJ; HUB; JS; JX-IR; LN; NM-IR; SHA; SH; SX-IR; SC-IR; XJ; XZ; ZJ 	<ul style="list-style-type: none"> FJ (15); GS, GX-IR, JL, QH (3); HEN-IR, TJ (publication not mentioned); HUN, YN (7); NX (10); SD (no deadline for publication specified);

Qualifications of VC-candidates

law-abiding, honest, fair, diligent	capable in organization/ leadership	leading the village to prosperity
<ul style="list-style-type: none"> AH; BJ; CQ GD; GZ; HEB; HLJ; HUB; JL; LN; NM-IR; NX; QH; SHA; TJ; XJ; XZ GS, GX-IR, HEN-IR, HUN, JS, JX-IR, SH, SX-IR, (refers to conduct of VC, not as qualification of candidates) 	<ul style="list-style-type: none"> AH; BJ; CQ, GS; GD; HLJ; HUB; HUN; JL; QH; SHA; TJ; XJ; XZ 	<ul style="list-style-type: none"> GS; GZ; HEB; JS; NM-IR; NX; SHA; SX-IR; XJ; XZ
healthy	educated	other (specification)
<ul style="list-style-type: none"> BJ; CQ; GZ; HEB; HUB; JL; NM-IR; NX; QH; SHA; TJ; XJ 	<ul style="list-style-type: none"> AH; BJ; CQ; GX-IR; GZ; HEB; HLJ; JS; JL; NM-IR; NX; QH; TJ; XJ 	<ul style="list-style-type: none"> FJ; HAI, SD, SC-IR, YN, ZJ (not mentioned at all); GZ, NX (capable to carry out duties); HLJ (no violation against birth-planning within last 3 years); NM-IR (with authority among masses, protecting inter-ethnic solidarity); SHA (understanding economy; other specifications by VA possible); TJ (no feudal superstition; no clan-activities); XJ (protecting unity of the state and solidarity of ethnic groups; fulfilling state-set tasks; constructing new socialist village); XZ (protecting unity of the state and solidarity of ethnic groups; rejecting separatism)

VC-candidate selection

Size of VC:	a) like Organic Law (3-7)	b) not mentioned
	<ul style="list-style-type: none"> HAI (and HAI-IR, i.e. according to population size) HEB; JX-IR; NX; SD; SC-IR ZJ (according to population size) 	<ul style="list-style-type: none"> SHA; YN
c) other		
<ul style="list-style-type: none"> AH (decided by EC); BJ, CQ; FJ, GS, HLJ, HUB, JL, LN; QH, SH, TJ (decided by VA/VRA); GD (decided by township) GX-IR (decided by VA) GZ, NM-IR, XZ (3-7, exact size proposed by township, decision by VA/VRA); HEN-IR (3-5, max.7; decided by VA); HUN (3-5; only wealthy or very big villages 7; decided by VA/VRA); JS (decided by VRA); SX-IR, XJ (stipulated according to population size, but final decision through VA) 		
Nomination of candidates:	direct by voters	other (specification)
	<ul style="list-style-type: none"> AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; LN; NM-IR; NX; QH; SD; SH; SX-IR SC-IR, TJ; XJ; XZ; YN; ZJ 	
Methods of nomination:	"haixuan" (voters cast ballots in VA or VG)	other (specification)
	<ul style="list-style-type: none"> AH, CQ, GD, HUN, JS, NM-IR, ZJ (quorum 50%); BJ, GX-IR, HAI, HLJ, HUB, JX-IR, JL, LN, NX; QH, SHA, SD, SH; SX-IR, SC-IR, TJ, XJ, YN (no quorum required) HEB, HEN-IR (quorum 50%; if nominations for higher post do not suffice to become final candidate, they are added to lower post-nominations); 	<ul style="list-style-type: none"> CQ (alternatively: direct nominations by voters to EC, introduction of candidates, then first round election without primary); GZ (direct nominations by voters to EC); FJ, XZ (individual or collective nominations by voters to EC); GS (nomination by voters in VA or VG); HAI (alternatively: no nomination, but directly proceeding to first round election); HUN (alternatively: self-nomination in written form to EC 5 days prior to election); <i>cont'd.</i> <i>cont'd.</i> QH (alternatively: joint nomination through ten voters or self-nomination with nine supporters); TJ (alternatives possible: method decided by EC according to wishes of majority of voters, e.g. joint nomination by five supporters); YN (alternatively: self nominations or joint nominations by voters, then primary); ZJ (alternatively: nomination of provisional candidates, then primary)
Number of final candidates:	specified (additional candidates for posts of VC head/vice-head; ordinary VC members)	not specified
	<ul style="list-style-type: none"> AH, BJ, NM-IR (+1-2; +1-2); CQ, JS (+1; +1); FJ; GD; GX-IR; LN, NX QH, SX-IR, XJ, ZJ (+1; +1-3); GS, GZ, HAI, HLJ; JX-IR, SHA, TJ (+1; +1-2); HEN-IR (twice the number of positions; +1-2); HUB, HUN (at least +1;+1; decided by EC); 	<ul style="list-style-type: none"> HEB (but reduction to "final" candidates still mentioned); SH (more than positions available; EC specifies); XZ (according to "Decision on provisionally not carrying out competitive elections in the whole Autonomous Region"

	<ul style="list-style-type: none"> • JL (+1; +2-3); • SD (+1-2 for all positions together); • SC-IR (+1-3 for all positions together); 	<p>adopted by the AR People's Congress: non-competitive elections with equal numbers of candidates and posts);</p> <ul style="list-style-type: none"> • YN (more than positions available)
Reduction of nominated candidates to final slate:	b) by primary (<i>yuxuan</i>) with relative majority	c) other (consultation, VRA etc.)
a) by number of nominating votes		
<ul style="list-style-type: none"> • AH; BJ; GD; HAI; HEB; HEN-IR; HUN; JS; JX-IR; JL; LN; NM-IR; SH; • CQ; YN, ZJ (in case of <i>haixuan</i> nomination); • SD (nomination already called primary (<i>yuxuan</i>)); • TJ (if same number, then primary to decide) 	<ul style="list-style-type: none"> • GS; GX-IR; HLJ; HUB; NX; QH; SHA; SX-IR; SC-IR; XJ; • YN (in case of self- or joint nominations; relative majority); • ZJ (in case of nomination of provisional candidates) 	<ul style="list-style-type: none"> • CQ (in case of direct nominations to the EC no reduction at all; if this method fails to elect all VC members in the first round a second round of semi-competitive elections is held among candidates with most votes); • FJ (primary by all voters (quorum: 50%), household representatives or VRA (quorum: 2/3); decision on method by EC); • GD, GX-IR, HUB (VRA; no quorum stipulated); • GZ (EC organizes discussions in VG, decides on final candidates according to wishes of majority of voters); • XZ (not mentioned)
Representation required for:	b) other (specification)	c) not mentioned
a) women and ethnic minority groups		
<ul style="list-style-type: none"> • AH; CQ; GS; GX-IR; HAI; HEB; HLJ; HEN-IR; HUN; JS; JX-IR; JL; LN; NM-IR; SX-IR; XJ; XZ; YN; • HUB (in minority areas: non-Han ethnic group should be main part of VC); • SH, SC-IR (only women mentioned) 	<ul style="list-style-type: none"> • FJ (representation of different natural villages within VC if applicable); • GD, GZ, QH, TJ, ZJ (in addition to (a), also representation of different natural villages if applicable); 	<ul style="list-style-type: none"> • BJ; NX; SHA; SD
Other provisions on composition of VC:		
<ul style="list-style-type: none"> • CQ, GD, HEN-IR, NM-IR, SX-IR, XZ (no relatives or spouses on VC); • HAI (no relatives or spouses on VC; after election the one with lower office or less votes in case of the same level of office has to resign); • SC-IR (no relatives can serve as VC head/vice-head and village accountant); 		
"Write-in"-candidates:	explicitly allowed	not mentioned
	<ul style="list-style-type: none"> • AH; BJ; CQ; GS; GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SD; SH; TJ; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> • FJ; SHA; SX-IR; SC-IR

"Campaigning"

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

Election process

First round	Quorum 50% of voters; absolute majority	other (specification)
	<ul style="list-style-type: none"> AH; BJ; CQ; FJ; GS; GD; GX-IR; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ 	~
Ways of casting the vote:	a) in one round for all posts	b) separately first for VC-head/vice-head, then members
	<ul style="list-style-type: none"> HLJ; HEN-IR; SD 	<ul style="list-style-type: none"> GX-IR; HEB
c) both (a) and (b) possible	d) other	e) not mentioned
<ul style="list-style-type: none"> BJ, CQ; FJ; GS; GD; GZ; HAI; HUB; HUN; LN; NM-IR; QH; SHA; SH; SX-IR; SC-IR; TJ; XJ; XZ; ZJ 	<ul style="list-style-type: none"> HEB, SD (first electing VC as total, then choosing head and vice-head among elected) 	<ul style="list-style-type: none"> AH; JS; JX-IR; JL; NX; YN
In case of a candidate standing for two different posts in one-round election (a), but does not win enough votes for higher office:	aa) votes for higher office get transferred and added to the vote count for lower office	bb) other
	<ul style="list-style-type: none"> CQ; GS; HAI; NX; HEB (applies also in nomination process); 	<ul style="list-style-type: none"> AH, BJ, FJ, GX-IR, GZ, HLJ, HEN-IR, HUB, HUN, JS, JX-IR, JL, LN, NM-IR, QH, SHA, SD, SH; SX-IR, SC-IR, TJ, XJ; XZ, YN; ZJ (not mentioned); GD (in case of multiple

		nominations one-round election not allowed;
Who decides on way of casting the vote:	a) EC	b) voters/VA
	<ul style="list-style-type: none"> • BJ, FJ, GS, TJ (EC decides according to wishes of majority of voters); • NM-IR; SD; SX-IR; XJ; XZ 	<ul style="list-style-type: none"> • HAI
	c) EC proposes, VA/VRA decides	d) other (specification)
	<ul style="list-style-type: none"> • CQ, HEB, SHA, ZJ (VA); • LN (VA or VRA) 	<ul style="list-style-type: none"> • AH, GD, GZ, HEN-IR, HUB, HUN, JS, JX-IR, JL, NX, QH, SH, SC-IR, YN (not mentioned); • GX-IR, HLJ, HEN-IR (no choice)
More candidates get >50% of votes than should be elected:	those with most votes win; in case of equal numbers run-off election with relative majority	other (specification)
	<ul style="list-style-type: none"> • AH; BJ; CQ, FJ, GX-IR; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JL; LN; NX; QH; SHA; SD, SH; SX-IR; SC-IR; TJ; XJ; YN; ZJ; • GS (but run-off not mentioned); • GD, JX-IR, NM-IR (within 3 days) 	<ul style="list-style-type: none"> • GZ (not mentioned); • XZ (those with most votes win; in case of equal numbers run-off election, majority rule not specified)
Less candidates than should be elected get >50% of votes:	a) second round of elections with absolute majority (specification)	b) second round with relative majority (specification)
	<ul style="list-style-type: none"> • GD, GX-IR, SHA, XJ (candidates listed according to votes in first round); • GZ; HUB; LN; SD; SH; SX; XZ; • HEN-IR (in case whole election is repeated) 	<ul style="list-style-type: none"> • AH, BJ, CQ, GS, HAI; HEB; HLJ, HUN, JS, JX-IR, TJ, YN; ZJ (candidates must obtain at least 1/3 of the votes); • FJ (candidate listed according to number of votes in first round); • HEN-IR (in case only single posts need to be filled on the same election day); • JL, SC-IR (no minimum requirement); • NM-IR, NX; QH (candidate listed according to number of votes in first round; candidates must obtain at least 1/3 of the votes)

<p>c) second round can be postponed (period given)</p>	<p>d) if 3 or more VC members got elected remaining seats on VC can remain vacant provisionally (no date for further elections set)</p>	
<ul style="list-style-type: none"> • BJ, HAI; HLJ, (15 days); • GD, TJ (3 days); • GZ, JS (2 months); • HEB (3 months); • HEN-IR (1 month; in case whole election is repeated); • HUB (if less than 3 got elected: 15 days); • HUN (less than 3 elected: 3 days; 3 or more elected: 3 months; in both cases: either candidates of first round or newly nominated ones); • JX-IR (10 days); • NM-IR (in case of special problems); • SD (less than 3 elected: provisional VC with elected and next best 3 candidates; 2nd round within six months to fill vacant posts); 	<ul style="list-style-type: none"> • AH (if VC head not elected, vice-head with most votes serves as provisional head; if neither of the two positions elected, EC picks provisional head among elected VC members); • HUB, NM-IR (if VC head not elected, vice-head with most votes serves as provisional head; if neither of the two positions elected, VC member with most votes serves as provisional head); • HAI (proposal by EC, decision by voters, but only if VC head is already elected); • SD (if VC head not elected, a vice-head serves as provisional head; if neither of the two positions elected, a VC member chosen as provisional head); • SH (if VC head not elected, vice-head can take his post; if neither of the two positions elected, VRA picks provisional head among elected VC members); • SX-IR (only in case VC head is elected, otherwise election to this post within 6 months; in meantime vice-head with most votes serves as provisional VC head; if neither VC head nor vice-head elected, VC member with most votes serves as provisional VC head) 	
<p>Second round does not deliver the needed number of elected VC-members either:</p>		
<p>if 3 or more VC members got elected remaining seats on VC can remain vacant (period given)</p>	<p>other</p>	
<ul style="list-style-type: none"> • AH, BJ, CQ, LN (permanently); • JX-IR, GD; QH (3 months); • NX (permanently if 3 or more VC members elected; for maximum of six months if less); • SHA (2 months) • SX-IR (permanently in case VC head is elected (see above for provisional VC head)); otherwise 6 months); • XJ (permanently in case VC head is elected; otherwise 3 months) 	<ul style="list-style-type: none"> • FJ, GS, GZ; HEB, HEN-IR, HUB; HUN, JS, JL; NM-IR, SD, SH, SC-IR, ZJ (not mentioned); • GX-IR (after 3 rounds a 4th can be delayed up to 90 days); • HLJ (after 3 rounds of voting: a) at least 3 elected: remaining positions can remain permanently vacant; b) less than 3 elected: old VC remains in office until number of newly elected reaches at least 3); • JX-IR, SHA (if less than 3 VC members elected, third round within 30 days/1 month); • GD (after 3 rounds of voting: if 3 or more VC members elected, VA/VRA can decide to leave remaining posts permanently vacant; if less than 3 VC members elected, next round within 10 days); • QH (if less than 3 VC members elected, third round within 3 days); • TJ, YN (provisional VC for maximum of 3 months with already elected members: meantime vice-head with most votes serves as provisional VC head; if neither VC head nor vice-head elected, VC member with most votes serves as provisional VC head); • XZ (provisional VC with elected members; unfilled posts remain vacant until third round within 2 months is held); 	
<p>Absentee voting (1):</p>	<p>a) possible without prior formalities</p>	<p>b) possible with prior formalities</p>
	<ul style="list-style-type: none"> • GD, HUN, LN, ZJ (written authorization required); • GZ; JX-IR; QH; 	<ul style="list-style-type: none"> • GX-IR; HEN-IR, SHA, SC-IR, YN (written authorization required); • HLJ (ballots send by mail have to arrive before end of vote on

		election day); • HUB;
	c) possible only by consent of EC	d) other (specification)
	<ul style="list-style-type: none"> • AH, BJ, HEB, NM-IR; NX, SH, XJ (written application required); • HAI; HLJ; JL; SD; TJ; XZ • JS (sick voters shall use proxy); 	<ul style="list-style-type: none"> • CQ, FJ, GS (not possible, absent voters who do not return to vote are not counted in voter total); • SX-IR (not mentioned at all)
Absentee voting (2):	one authorized representative has maximum of three absentee votes	other (specification)
	<ul style="list-style-type: none"> • BJ; GD; GX-IR; GZ; HAI; HLJ; JS; JX-IR; LN; NM-IR; NX; QH; SHA; SD; SC-IR; TJ; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> • AH, HUN, JL (max. 1); HEB, HEN-IR, HUB, SH (max. 2)
Absentee voting (3):	VC-candidates excluded as representatives	not specified
	<ul style="list-style-type: none"> • GZ; HAI; HLJ; HUN; JS; TJ • JX-IR (their relatives excluded as well); 	<ul style="list-style-type: none"> • AH; BJ; CQ; FJ; GS; GD; GX-IR; HEB; HEN-IR, HUB; JL; LN; NM-IR; NX; QH; SHA; SD; SH; SC-IR; XZ; YN; ZJ
Mobile ballot-box (1):	a) not mentioned	b) allowed for elderly, sick and disabled only
	<ul style="list-style-type: none"> • AH; CQ; HEB; JS; JL; SH; SX-IR; SC-IR 	<ul style="list-style-type: none"> • FJ; GS; NM-IR; TJ; XJ; • HUN (consent of EC required, names of voters using mobile box publicized);
c) allowed for elderly, sick and those with inconvenient access to voting	d) other (specification)	
<ul style="list-style-type: none"> • BJ; HEN-IR; HUB; JX-IR; LN; QH; YN 	<ul style="list-style-type: none"> • GD (only for those who really cannot walk to polling station; consent by township election guidance group required); • GX-IR, GZ, HAI, LN; NX, SHA, (for all those with inconvenient access); • HLJ, SD (only for those who really cannot walk to polling station); • XZ (not specified); • ZJ (if necessary) 	
Mobile ballot-box (2):	has to be accompanied by at least xx election personnel	not specified
	<ul style="list-style-type: none"> • BJ, FJ, GD, GX-IR; HAI; HLJ; HEN-IR, HUB, HUN, JX-IR, LN, NX; QH, SHA, TJ, XJ; YN (3); • XZ (2) 	<ul style="list-style-type: none"> • GS; GZ; NM-IR; SD; ZJ
Provisions against manipulation:	Candidates excluded from EC	Candidates and their relatives excluded as election workers
	<ul style="list-style-type: none"> • AH; CQ; FJ; GD; GX-IR; HAI; HLJ; HEN-IR; HUB; JS; JX-IR; JL; LN; NM-IR; NX; QH; SHA; SD; SX-IR; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> • BJ; CQ; FJ; GS; GD; GX-IR; GZ; HEB; HLJ; HEN-IR; JS; JX-IR; LN; NM-IR; SHA; SD; SH; XJ; ZJ • JL, NX; QH, TJ (only candidates); • YN (additionally: supervising election workers have to belong to other VG)

Reasons for recall of VC-members

criminal offenses	<ul style="list-style-type: none"> GX-IR; GZ; HAI; JS; JX-IR; NX; QH; SD; XJ
administrative sentence to labor camp (<i>laojiao</i>)	<ul style="list-style-type: none"> JS; QH
neglect of office (time period given)	<ul style="list-style-type: none"> GX-IR, NX (3 months); GZ, SD, XJ (in "serious" cases); JX-IR (3 months, or causing problems for village life and production); QH (in "serious" cases or more than 6 months); SC-IR (more than 6 months)
birth control offenses	<ul style="list-style-type: none"> JX-IR, NX (unauthorized birth only); QH
corruption/fraud	<ul style="list-style-type: none"> JX-IR
in yearly appraisal more than 50% of voters not satisfied	<ul style="list-style-type: none"> GX-IR
other (specification)	<ul style="list-style-type: none"> GZ, (violation of discipline); NX (not up to office) SD, XJ (violations of laws and discipline)
enumeration exhaustive	<ul style="list-style-type: none"> GZ; NX; QH; XJ
not specified at all	<ul style="list-style-type: none"> AH, BJ; CQ; FJ; GS; GD; HEB; HLJ; HEN-IR; HUB; HUN; JL; LN; NM-IR; SHA; SH; SX-IR, TJ; XZ; YN; ZJ

Process of vote of recall

a) initiated by >1/5 of voters	b) other initiator (township gov. etc.)	c) other
<ul style="list-style-type: none"> AH, BJ; CQ; FJ; GS-IR GD; GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> BJ (township gov. in cases of criminal offenses); GD (township gov. in case of serious breach of law or neglect of duties for more than 2 months); GZ (in case of violation against birth-planning rules or six consecutive months of neglect of office); HAI (township gov. in cases of criminal offenses); HEB (township gov. in cases of illegal behavior or neglect of duties); SH, TJ (township gov. in cases of criminal offenses or neglect of duties for more than 6 months); XJ (in any of the above mentioned cases or in case of neglect of office for 3 months township gov. has right to propose vote of recall) 	<ul style="list-style-type: none"> GS (no stipulations at all regarding recall, resignation or replacement in ER, but in more recent IR) GX-IR (>50% of Village Representatives; in any of above mentioned cases of misconduct: vote of recall must be held); HAI, JS, JX-IR; SC-IR (in any of above mentioned cases of misconduct: vote of recall must be held) NM-IR (township examines correctness of reason given and registration of proposing voters within 3 months);
aa) form not specified	bb) written	cc) reason for recall must be given
<ul style="list-style-type: none"> FJ; GD; HEN-IR; HUN; LN; QH; SH; SX-IR; SC-IR 	<ul style="list-style-type: none"> AH; BJ; CQ; GS-IR; GX-IR; GZ; HAI; HEB; HLJ; HUB; JS; JX-IR; JL; NM-IR; NX; SHA; SD; TJ; XJ; XZ; YN; ZJ 	<ul style="list-style-type: none"> AH; BJ; CQ; GS-IR; GD; GZ; HAI; HEB; HLJ; HUB; JS; JX-IR; JL; LN; NM-IR; NX; QH; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ HUN, SHA (orally before VA)

Deadline for VC to convene voters (VA):	not specified	specified
	<ul style="list-style-type: none"> QH 	<ul style="list-style-type: none"> AH, BJ, CQ, FJ, GD; GX-IR, GZ, HAI, HEB, HLJ, HEN-IR, HUB; JX-IR, JL, LN, NX, SHA, SD, SH, SX-IR, TJ, XJ, YN, ZJ (30 days); <p style="text-align: right;"><i>cont'd.</i> <i>cont'd.</i></p> <ul style="list-style-type: none"> GS-IR, NM-IR, SC-IR (3 months); HUN, JS (2 months); XZ (30 days; alternatively possible to convene VRA for discussion within this time)
If VC fails to convene VA, township gov. does:	yes	not mentioned
	<ul style="list-style-type: none"> AH; BJ; CQ; FJ, GS-IR; GX-IR; HAI, HEB; HLJ; HEN-IR; HUB; HUN; JL; LN; NM-IR, SHA, TJ, XJ; XZ; YN; ZJ; NX (township gov. "can" convene VA); SX-IR (township gov. "supervises and urges" VC to convene VA); 	<ul style="list-style-type: none"> GD; GZ; JS; JX-IR; QH; SD; SH; SC-IR (but township gov. sends representative to guide VA convened for recall)
Right of accused VC-member to state his case:	provided for	not mentioned
	<ul style="list-style-type: none"> AH; BJ; GS-IR; GD, GX-IR; GZ; HAI; HEB; HLJ; HEN-IR; HUB; HUN; JS; JX-IR; JL; LN; NM-IR; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; ZJ; 	<ul style="list-style-type: none"> CQ; FJ; YN
Rules for vote of recall:	absolute majority of all voters needed	other
	<ul style="list-style-type: none"> AH; ; BJ; CQ; FJ; GS-IR; HAI; HEB; HLJ; HEN-IR; HUB; JX-IR; JL; LN; NM-IR; QH; SD; SH; SX-IR; SC-IR; TJ; XJ; XZ; YN; ZJ; SHA; NX, QH (additional stipulations: if vote on recall successful, recalled VC member can apply for investigation through township gov.; if investigation does prove above mentioned reasons for recall lacking, township gov. orders new vote: again absolute majority of voters needed to uphold recall decision) 	<ul style="list-style-type: none"> GX-IR (VA, quorum 50%, absolute majority of voters present sufficient) HUN, JS (not mentioned);

Reasons for automatic termination of VC-membership

criminal offenses	<ul style="list-style-type: none"> AH; CQ; GD; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JL; NM-IR; SHA; SD; TJ; XZ; YN; ZJ
administrative punishments (<i>laojiao</i>)	<ul style="list-style-type: none"> CQ; GZ; HEN-IR; HUB; HUN; NM-IR; TJ; YN
neglect of office (time period given)	<ul style="list-style-type: none"> CQ, HLJ, JL (3 months)
birth control offenses	<ul style="list-style-type: none"> CQ; HLJ; GD
death	<ul style="list-style-type: none"> GD; HAI; HUB
move (incl. hukou) out of village	<ul style="list-style-type: none"> CQ; GD; GZ; HUB; QH
enumeration exhaustive	<ul style="list-style-type: none"> AH; CQ; GD; GZ; HEB; HLJ; HEN-IR; HUB; HUN; JL; NM-IR; NX; QH; SHA; SD; TJ; XZ; YN; ZJ
not mentioned at all:	<ul style="list-style-type: none"> BJ; FJ; GS/GS-IR; GX-IR; JS; JX-IR; LN; SH; SX-IR; SC-IR; XJ

Process to resign

a) written request; decision rests with VA/VRA	b) other
<ul style="list-style-type: none"> AH; BJ; CQ; GS-IR; GX-IR; HAI; HEB; HEN-IR; HUN; JS; JX-IR; LN; NM-IR; NX; QH; SHA; SD; SH; SX-IR; SC-IR; TJ; GD (decision within 30 days; publication of decision within 5 days); XZ, ZJ (written form not required); YN (decision within 2 months) 	<ul style="list-style-type: none"> FJ, GS, HUB (not mentioned at all); GZ (written request, addressee unspecified); HLJ (not specified); JL, XJ (written declaration to VC; VC informs villagers)

Rules for by-elections

<p>By-election in given time:</p> <p>yes (months)</p>		<p>not specified (other)</p>
<ul style="list-style-type: none"> • AH; NX (6); • FJ, YN (2); • GX-IR, HEB, HLJ, HUB, HUN, JX-IR, NM-IR, SD, XJ (3); • HAI (3, if VC head is lacking or VC in total <3 members; otherwise, replacement optional); • JS (2, if VC head is lacking or VC in total <3 members; otherwise optional); • JL (1) • SH (if VC less than 3 members: 6 months; if still at least 3 members, VRA can decide not to replace); • SX-IR (if VC head is lacking or VC in total <3 members: 6 months; otherwise replacement optional) 		<ul style="list-style-type: none"> • BJ; CQ; GS-IR; GD; LN; GZ; QH; SHA; TJ; XZ • HEN-IR (replacement optional); • SC-IR (replacement not mentioned at all); • ZJ (in case VC members in total <3 required, no date set; otherwise replacement optional)
<p>Rules for by-elections:</p> <p>a) absolute majority of VA needed</p>	<p>b) other</p>	<p>c) not specified</p>
<ul style="list-style-type: none"> • CQ; GS-IR; GZ • HAI; HEB; HLJ; • HEN-IR; HUB; LN; • NM-IR; NX; QH; • SHA; SD; TJ; XJ; • XZ; ZJ 	<ul style="list-style-type: none"> • BJ (if just one ordinary VC member has to be replaced, rules set by VC according to wished of voters); • FJ (candidates nominated by VRA; election not necessarily competitive; absolute majority in first, simple relative majority in second round); • GD (relative majority sufficient if more than one third of votes obtained); • HUN (election not necessarily competitive; quorum and majority rule not stipulated); • JS, XJ (election not necessarily competitive; but quorum 50% and absolute majority needed) 	<ul style="list-style-type: none"> • AH; GX-IR; • JX-IR; JL; SH; • SX-IR; YN
<p>aa) presided over by VC</p>	<p>bb) other</p>	
<ul style="list-style-type: none"> • AH; GZ; HAI; NM-IR; XZ; ZJ; • GD (only if whole VC has to be replaced township gov. presides over election); • TJ (only if single VC members have to be replaced; other stipulations according to original procedure) 	<ul style="list-style-type: none"> • BJ, TJ (if VC head or 2 or more VC members have to be replaced, then according to original procedure); • CQ, HEB, HLJ, HEN-IR, HUB; NX, QH; SD (according to original procedure); • FJ, GS-IR, GX-IR, HUN, JS, JX-IR; JL, SH (not mentioned); • SHA (rules set by VC according to wishes of majority of voters, but quorum of 50% and absolute majority required); • SX-IR, YN (not specified); • XJ (presided over by township gov.) 	