Angels Are in the Institutional Details: Voting System, Poll Workers, and the Integrity of Election Administration in Taiwan

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August 2017

Abstract

What had prevented the KMT regime from stealing more elections during its heydays and thereby made possible Taiwan's transition to democracy under the old voting rules? Whereas the existing literature on electoral authoritarianism, democratization, and electoral malpractice has addressed issues concerning the integrity of election administration in authoritarian states mainly at the wholesale level, this chapter looks into the rise and fall of vote rigging at retail level in Taiwan and argues that two under-appreciated voting arrangements—on-site ballot counting and poll worker selection—make much difference to the development of election administration integrity in Taiwan. In addition to relying on the deterrence of election monitoring and criminal law enforcement against vote rigging, the Taiwan experience suggests that election administration integrity can be strengthened from within by choosing good men and women to manage a voting system that is as transparent and meaningful as it can be.

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I. Introduction

A new democracy that had just experienced her third presidential and first parliamentary party turnover in 2016, Taiwan is widely considered a success story of democratization through relatively free and fair elections.[1] In many senses, the contemporary electoral democracy in Taiwan is founded on the millions and millions of votes cast and counted in authoritarian elections, which still have a much longer history in Taiwan than the democratic ones. The first modern elections in Taiwan are dated back to 1935, when Taiwan was under the Japanese colonial rule. Before Taiwan held her first comprehensive parliamentary elections in 1991-92, voters in Taiwan already had over four decades' experiences with elections for local offices, and later, for a few parliamentary seats, under the authoritarian rule of the Kuomintang (KMT) regime. The more or less genuine elections run by the KMT-led government during the authoritarian period and before the KMT's first presidential loss in 2000 can be seen as exhibits of authoritarian legality in action. But even the most elementary aspect of electoral integrity that elections are not rigged by those who manage the voting process, has not been achieved overnight and should not be taken for granted in Taiwan. The KMT regime rigged and appeared to have attempted to rig a few elections in the 1950s to 1970s, and the last proven ballot stuffing in Taiwan occurred in 1992. The election administration in Taiwan has nonetheless managed to gain significant trust among voters and foreign election observers since as late as the 1980s. What had prevented the KMT regime from stealing more elections during its heydays and thereby made possible Taiwan's transition to democracy under the old voting rules? And what does that tell us about the actual workings of authoritarian legality in general and in the electoral arena in particular? This chapter seeks to answer these questions.

The existing literature on electoral authoritarianism, democratization, and electoral malpractice has addressed issues concerning the integrity of election administration in authoritarian states mainly at the wholesale level and from a comparative perspective. If narrowly defined as election fraud committed by agents of the state at the polling and tabulation stages of the voting process, rigging elections is but one among many strategies listed on the menu of electoral manipulation, and whether to do so is usually considered by and large the authoritarian rulers' call. The decision of a given electoral authoritarian regime, in turn, is considered as shaped or affected by a myriad of

[1] *See*, *e.g.*, Shelley Rigger, *Politics in Taiwan: Voting for Democracy* (New York, NY: Routledge Press, 1999); Andreas Schedler, "The Contingent Power of Authoritarian Elections," in *Democratization by Elections: A New Mode of Transition* ed. Staffan Lindberg (Baltimore, MD: Johns Hopkins University Press, 2009), 291-313; Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (New York, NY: Cambridge University Press, 2010).

factors—including, among others, the regime's ideological commitment to liberal democracy, geo-politics (or the American factor), the strength of civil society, the dynamics of political competition, and the costs and benefits of manipulation.[2] While offering important insights on the different trajectories toward democratization or authoritarian entrenchment, the regime-based theories could not adequately explain the rise and fall of retail-level vote rigging in Taiwan or elsewhere. After all, an authoritarian regime is not an "it," but a "they," and its agents do not always act in unison.

The institutional design of the voting process arguably plays an important role in shaping the incentives and disincentives for those who administer the votes, and the existing literature has considered a number of institutional mechanisms that may serve to deter vote rigging. The code of good practice in this regard usually includes thoughtful design of election management body (EMB), domestic and international election monitoring, free speech and free media, and functioning criminal justice against election fraud.[3] With the exception of domestic election monitoring, however, these oft-discussed institutional factors appear to have very limited contributions to the progress of election administration integrity in Taiwan during the authoritarian period. If angels of election administration integrity do live in the institutional details, the case of Taiwan invites us to rediscover where they live.

This chapter argues that two under-appreciated voting arrangements—(i) the on-site ballot counting at each polling place after the poll is closed, and (ii) the selection of government employees, schoolteachers, and affiliates of competing campaigns as poll workers (managers and supervisors)—may have played critical roles in improving and safeguarding the election administration integrity in Taiwan. In addition to making it easier to detect election anomalies, these measures also serve to prevent those in power

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[2] *See*, *e.g.*, Andreas Schedler, "The Menu of Manipulation," *Journal of Democracy* 13, no. 2 (2002): 36-50; Fabrice Lehoucq, "Electoral Fraud: Causes, Types, and Consequences," *Annual Review of Political Science* 6, no. 1 (2003): 233-256; Andreas Schedler, ed., *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder, CO: Lynne Rienner, 2006); Staffan I. Lindberg, ed., *Democratization by Elections: A New Mode of Transition.* (Baltimore, MD: Johns Hopkins University Press, 2009); Andreas Schedler, "Authoritarianism's Last Line of Defense," *Journal of Democracy* 21, no. 1 (2010): 69-80; Beatriz Magaloni, "The Game of Electoral Fraud and the Ousting of Authoritarian Rule," A*merican Journal of Political Science* 54, no. 3 (2010): 751-765; Levitsky and Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War*; Sarah Birch, *Electoral Malpractice* (New York, NY: Oxford University Press, 2011); Alberto Simpser, *Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications* (New York, NY: Cambridge University Press, 2013).

[3] *See*, *e.g.*, Daniel Calingaert, "Election Rigging and How to Fight It," *Journal of Democracy* 17, no. 3 (2006): 138-151; Jonathan Hartlyn, Jennifer McCoy, and Thomas M. Mustillo, "Electoral Governance Matters: Explaining the Quality of Elections in Contemporary Latin America," *Comparative Political Studies* 41, no. 1 (2008): 73-98; Judith Green Kelley, *Monitoring Democracy: When International Election Observation Works, and Why It Often Fails* (Princeton, NJ: Princeton University Press, 2012); Pippa Norris, Richard W. Frank, and Ferran Martínez i Coma, eds., *Advancing Electoral Integrity* (New York, NY: Oxford University Press, 2014); Patrick Merloe, "Election Monitoring vs. Disinformation," *Journal of Democracy* 26, no. 3 (2015): 79-93.

from stealing elections at last minute. The salutary effects of these two voting arrangements cannot be fully explained in such functional terms as transparency in ballot counting and checks and balances among poll workers representing competing camps, however. The on-site ballot counting, to begin with, has arguably become a ritualized electoral practice in Taiwan.[4] The whole process has long been carefully scripted to ensure that each ballot would be duly counted in front of vigilant voters, and its core procedure has been practiced over and over again in all sorts of elections in Taiwan, including student elections held by schoolchildren. As such, the ritual may have helped to cultivate a sense of solemnness when it comes to counting ballots not only among its audience, but also among those who manage the polls. The selection of civil servants and schoolteachers as poll managers had once been a source of suspicion for the opposition and some public intellectuals in Taiwan. But over time, these public sector employees have proven themselves that they are as dutiful and trustworthy poll workers as one can get. And even the commonly-held perception that they lean toward the Blue Camp (the KMT and its allies) as a group helped to quell the conspiracy theories that elections were rigged when the KMT candidates lost the presidential elections in 2000 and 2004.[5] In short, both the vigilant voters and the street-level poll workers have done their parts to protect elections from being rigged in Taiwan. They are the unsung heroes that make Taiwan's labor-intensive voting system work.

Rather than being pre-commitment measures founded solely on the good will or hypocrisy of the KMT regime, these two long-existing voting arrangements are heavily shaped by historical contingencies. Were it not for those enlightened local bureaucrats who designed the voting rules in the early 1950s on the basis of the electoral experiences in Taiwan as opposed to Republic China, voters in Taiwan might not have the opportunity to monitor ballot counting at nearby polling stations. Were it not for the growing opposition since the 1950s, the KMT regime might not begin to share the power of appointing poll supervisors with its competitors in as early as 1960. To the extent that authoritarian elections in Taiwan had been held with more and more acceptable administrative integrity as a matter in general, this chapter argues that this seemingly minor achievement of authoritarian legality was won by the human struggle within and

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[4] For the conception of elections as rituals, *see generally* Mark W. Brewin, *Celebrating Democracy: The Mass-Mediated Ritual of Election Day* (New York, NY: Peter Lang, 2008); Graeme Orr, *Ritual and Rhythm in Electoral Systems: A Comparative Legal Account* (New York, NY: Routledge, 2016).

[5] According to the survey data from the 2nd Wave of the Asian Barometer Survey (ABS) conducted in 2006 and from the Taiwan's Elections and Democratization Study (TEDS) conducted in 2008, the trustworthiness of the Central Election Commission in Taiwan was rather secured even among respondents who voted for the Blue Camp; *see* Alex Chuan-hsien Chang, "Min jhu de cuei ruo sing yu gong gu: Yi ge bai jhe tong yi de shih jiao" (民主的脆弱性與鞏固：一個敗者同意的視角) [Democratic Fragility and Consolidation: A Perspective of Losers' Consent], *Taiwanese Journal of Political Science* 42 (2009): 64-65.

over the nuts and bolts of election law. Moreover, it was by no means a sure thing that Taiwan would stick to the paper-ballot voting system when issues of voting reform were raised in the past four decades. Had the KMT regime heeded the advice of some progressive commentators and "modernized" the voting system (by replacing paper ballots with automated voting machines) during its heydays, there probably would not be much to say about the cultural influence of ballot counting as a meaningful ritual in and of itself, nor would the selection of poll workforce matter much to the election administration integrity in Taiwan. But with the benefit of hindsight, we now know that election administration integrity can be strengthened not only by creating and applying incentive-based safeguards against election fraud, but also by choosing "good" men and women to manage a voting system that is as transparent and meaningful as it can be.

The remaining of this chapter is organized as follows. Section II looks into the different perceptions and the changing state of election administration integrity during Taiwan's authoritarian period. It also reviews the existing theories about vote rigging in order to set the stage for further historical-institutional inquiry into the case of Taiwan. Section III traces the development of on-site ballot counting in Taiwan. It argues that this ritualized procedure not only empowers election monitoring by vigilant voters but also serves to promote a culture honoring the sacredness of votes. Section IV examines the evolution of poll worker selection rules in Taiwan. It explores the short-term and long-term effects of these selection rules on the actual workings and public perception of election administration in Taiwan. Section V concludes the case study of Taiwan with a few general lessons for the study of authoritarian legality. It suggests that more attention be paid to the complexity of the authoritarian regime, the differences made by institutional design writ small, and those men and women who are tasked to implement the rule of law on the ground.

II. The Curious Appearance and Disappearance of Election Rigging in Taiwan

Taiwan is a young democracy with a long history of elections. The first two modern elections in Taiwan were held at the local level in 1935 and 1939 under the Japanese colonial rule. Though the elected representatives filled only half of the seats in the city/county councils, and the Taiwanese people were grossly under-represented due to stringent suffrage limitation and the design of the electoral system, the people in Taiwan had learned, and remembered long after the Japanese left Taiwan after World War II, the taste of orderly elections through these limited encounters.[6] After taking over Taiwan in

[6] On the local elections held by the Japanese colonial government in Taiwan, *see* Ming-Tong Chen and Jih-wen Lin, "Tai wan di fang syuan jyu de ci yuan yu guo jia she huei guan si jhuan bian" (台灣地方選舉

1945 and before losing China to the Communists in 1949, the Republic of China (ROC) held a few popular elections in Taiwan for borough chiefs, members of the county/town councils, and the Taiwanese representatives to the 1st National Assembly and Legislative Yuan, two national representative bodies established by the ROC Constitution of 1947. This transition period, however, is most remembered for the tragic February 28 Incident of 1947. The subsequent massacre (including the murders of many Taiwanese elites) not only killed the hope many people in Taiwan had for liberation and democratic self-governance after WWII, but also cast a long shadow of fear over the authoritarian elections held in Taiwan thereafter.[7]

The KMT regime, which fled from China to Taiwan in 1949-50, was a pioneer of electoral authoritarianism. After all, having some sort of electoral mandate appeared to be quite crucial to the regime's standing and survival as a member of the Free World during the Cold War era. But since the KMT initially vowed to reclaim the Mainland China momentarily, and since Taiwan was considered by the regime merely as a province of and a temporary base for the whole ROC, for the first two decades of its exile in Taiwan the KMT regime had held elections only for local offices, including borough chiefs, village/town chiefs, county magistrates, city/municipality mayors, and members of all layers of local councils. From 1950 to 1991, about 81 cycles of local elections had been held and formed the bulk of the authoritarian elections in Taiwan. The KMT had dominated these local elections with the local factions (*difang paixi*), the clientelist networks it had developed since the 1950s. But some non-KMT political actors (later known and self-identified as *dangwai*, i.e., people outside the KMT) had also managed to gain footholds in certain local elections.[8]

的起源與國家社會關係轉變) [The Origins of the Local Elections and the Transformation of the State-Society Relations in Taiwan], in *Liang an ji ceng syuan jyu yu jheng jhih she huei bian cian* (兩岸基層選舉與政治社會變遷) [*The Local Elections and the Political and Social Change in Both Sides of the Taiwan Strait*], ed. Ming-Tong Chen, Yong-Nian Jheng (Taipei: Yue Dan Press, 1998), 23-69; Rou-lan Chen, " Tai wan chu cih di fang syuan jyu: Rih ben jhih min jheng fu de jhih du sing cao zuo" (臺灣初次地方選舉：日本殖民政府的制度性操作) [First Local Election of Taiwan: An Analysis of Institutional Manipulation of Japanese Colonial Government], *Taiwan Historical Research* 22, no. 3 (2015): 139-175. On the nostalgia for the reasonably well-ordered local elections held under the Japanese rule, *see* Yu-De Ren, *Siang sia za gen: Jhong guo guo min dang yu tai wan di fang jheng jhih de fa jhan 1949-1960* (向下紮根：中國國民黨與台灣地方政治的發展 1949-1960)[*Taking Root: The KMT and the Development of Local Politics in Taiwan from 1949 to 1960*] (Taipei: Dao Xiang Press, 2008), 386-87.

[7] On the lasting influence of the February 28 Incident, *see* Naiteh Wu, "Transition without Justice, or Justice without History: Transitional Justice in Taiwan," *Taiwan Journal of Democracy* 1, no. 1 (2005): 77-102; Tsui-Lien Chen, *Bai nian jhuei ciou: Tai wan min jhu yun dong de gu shih, volume1: Zih jhih de meng siang* (百年追求：臺灣民主運動的故事・卷一，自治的夢想) [*A Century's Quest: The Story of the Democratic Movement in Taiwan, Vol. 1: The Dream of Autonomy*](Taipei: Acropolis Press, 2013), 282-302.

[8] On the local elections held under the KMT authoritarian rule, *see*, *e.g.*, Rigger, *Politics in Taiwan*; J. Bruce Jacobs, *Local Politics in Rural Taiwan under Dictatorship and Democracy* (Norwalk, CT: East Bridge, 2008); Erik Mobrand, "South Korean Democracy in Light of Taiwan," in *Democratization in China, Korea and Southeast Asia?: Local and National Perspectives,* ed. Kate Xiao Zhou, Shelley Rigger, and Lynn T. White III (New York,

With time it became increasingly clear that the KMT regime could legitimately represent neither China nor Taiwan, and by the early 1970s, even some KMT-affiliated intellectuals had come to call for immediate democratization of the ROC government.[9] Propelled in part by the growing crisis in legitimacy, the regime began to hold parliamentary elections for a handful of "supplemental representatives" to the 1st National Assembly and Legislative Yuan in 1969. In the following two decades, 10 more cycles of the limited parliamentary elections had been held. These elections were limited in the sense that there was no way they could ever change the KMT's control of these two parliaments, because the so-called "old thieves" (*laozei*)—i.e., the tenured/senior representatives who could hold on to their seats indefinitely without having to face re-elections—firmly controlled the parliamentary majorities on behalf of the authoritarian regime.[10] By 1988, the year when Chiang Ching-kuo died and one year after the 38-year-old martial law was lifted, 91% of the National Assembly seats and 76% of the Legislative Yuan seats were still occupied by the tenured representatives.[11]

In the wake of the Wild Lily Student Movement, a massive student sit-in that demanded immediate and comprehensive democratic reform in March of 1990, the infamous "Ten-Thousand-Year Parliaments" (*wannian guohui*) finally came to an end in 1991 by order of the Judicial Yuan Interpretation No. 261, a landmark ruling of the Grand Justices (later known as the Taiwan Constitutional Court). The people of Taiwan elected the ROC's 2nd National Assembly and Legislative Yuan in 1991 and 1992 respectively, and all parliamentary seats in Taiwan are subject to periodic elections thereafter. In 1996, Taiwan further saw her very first direct presidential election in history. Lee Teng-hui, the first Taiwanese leader of the KMT, won the election with the 54% of the vote. The KMT had been able to hold onto power throughout the 1990s. But after the democratic revealing presidential alternation in 2000, Taiwan could be considered retrospectively as a fledgling electoral democracy since as early as 1991.[12]

Elections held under the KMT's authoritarian rule (1945-1991) were certainly not as free and fair as elections are supposed to be in a liberal democracy. Vote buying was a chronic disease in Taiwan, and the KMT regime used to ban new political parties and

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NY: Routledge, 2014), 19-35.

9 *See* Naiteh Wu, *Bai nian jhuei ciou: Tai wan min jhu yun dong de gu shih, volume* 2*: Zih you de cuo bai* (百年追求：臺灣民主運動的故事・卷二，自由的挫敗) [*A Century's Quest: The Story of the Democratic Movement in Taiwan, Vol. 2: The Setback of Freedom*](Taipei: Acropolis Press, 2013), 244-264.

10 *See* Jiunn-rong Yeh, "The Cult of Fatung: Representational Manipulation and Reconstruction in Taiwan," in *The People's representatives: Electoral Systems in the Asia-Pacific Region*, ed. Graham Hassall and Cheryl Saunders (Sydney, Australia: Allen & Unwin, 1997), 23-37.

11 Rigger, *Politics in Taiwan*, 63.

12 Schedler, "The Contingent Power of Authoritarian Elections," 303.

persecute political opponents.[13] Still, in view of the rationales for the KMT to hold elections in the first place, it is not unreasonable to assume that the authoritarian elections the KMT held in Taiwan were more or less genuine ones in so far as the administration of the voting process was concerned. Elections provided invaluable services to the KMT regime. In addition to exerting such usual functions of authoritarian elections as enhancing regime legitimacy, moderating political opposition, and providing feedback information, holding elections helped the émigré regime to settle down and take root in Taiwan by enabling the KMT to co-opt local elites, build party organizations and clientelistic networks, and, above all, obtain the much needed American protection and support in the early 1950s.[14] Rigging elections would sharply undercut the utility of holding them in the first place, and even put the survival of the precarious regime in jeopardy. Besides, all of the elections held before 1991 were limited in scope, and the Single-Non-Transferable Vote (SNTV) used for legislative elections was tilted in the KMT's favor.[15] With its vast resources, including its monopoly of violence and firm control of mass media, the KMT had been able to win (or buy) a large majority of elections during its heydays. Therefore, there was arguably no urgent need for the KMT to resort to the most blatant and risky means of electoral manipulation for the sake of retaining in power.

In the eyes of many people (especially those who opposed the KMT authoritarian regime) in Taiwan, however, the KMT was not only a frequent buyer of votes, but also a habitual thief of votes. Innuendos of vote rigging by the KMT were already heard of in 1950-51.[16] And in the wake of the 1957 local elections, the integrity of election administration had become a major issue of the day. Before it was banned by the KMT regime in 1960, the iconic liberal magazine *Free China* (*Ziyou Zhongguo*) ran a series of articles vividly describing how the KMT used a number of "security measures (*ancyuan cuoshih*)," such as violating voting secrecy and making sudden power outage during ballot counting, to manipulate the votes.[17] In the 1950s-1970s, several *dangwai* candidates

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[13] On the vote buying in Taiwan, *see*, *e.g.*, Frederic Charles Schaffer, ed., *Elections for Sale: The Causes and Consequences of Vote Buying* (Boulder, CO: Lynne Rienner, 2007). On the persecution of political dissents under the KMT authoritarian rule, *see*, *e.g.*, Sheena Chestnut Greitens, *Dictators and Their Secret Police: Coercive Institutions and State Violence* (New York, NY: Cambridge University Press, 2016), 179-210.

[14] On the functions of authoritarian elections in general, *see*, *e.g.*, Chia-Lung Lin, *Paths to Democracy: Taiwan in Comparative Perspective* (Ph. D. diss., Yale University, 1998); Jennifer Gandhi and Ellen Lust-Okar, "Elections under Authoritarianism," *Annual Review of Political Science* 12 (2009): 403-422; Mark Tushnet, "Authoritarian Constitutionalism," *Cornell Law Review*. 100 (2014): 391-462.

[15] On the Effects of the SNTV system in Taiwan, *see* Jih-Wen Lin, "Democratization under One-Party Dominance: Explaining Taiwan," *Issues & Studies* 35, no. 6 (1999): 1-28.

[16] *See* Ren, *Siang sia za gen* (向下紮根) [*Taking Root*], 275.

[17] *See*, *e.g.*, Hua-Yuan Syue, *Zih you jhong guo yu min jhu sian jheng: 1950 nian dai tai wan sih siang shih de yi ge kao cha* (《自由中國》與民主憲政—1950 年代台灣思想史的一個考察)[*The Free China Fortnightly and Constitutional Democracy: A Study of Taiwan Intellectual History in the 1950s*] (Taipei: Dao Xiang Press, 1996), 327-339; Linda Chao and Ramon H. Myers, "How Elections Promoted Democracy in Taiwan under

brought suits to challenge the validity of elections. With the exception of a few minor cases involving razor thin elections, though, the courts did not recount and re-examine the votes being contested.[18]

Rampant vote rigging was alleged to take place in 1975, when the *dangwai* guru Kuo Yu-hsin (郭雨新) ran and lost his bid for a seat in the Legislative Yuan.[19] Kuo contested the election in court to no avail, for the high court dismissed the vote rigging allegations as hearsay and saw no need to recount the votes or review the voter rolls. Kuo was represented by Yao Jia-wen (姚嘉文) and Lin Yi-shiung (林義雄), then two rising lawyers in the circle of political opposition. Yao and Lin later wrote and published a book documenting the electoral injustice Kuo suffered in his last campaign.[20] A year later, they coauthored again to publicize another similar experience of their client Huang Ma (黃蘇), who ran and lost the election for the county magistrate of Yunlin in 1977.[21] Both of these two books were widely circulated at that time, even though they were banned by the KMT regime.

The brewing public suspicion of election rigging by the KMT later led to the Zhongli Incident of 1977, which was often considered a watershed event that marked the beginning of the decline of the KMT's authoritarian rule.[22] The Incident was an election protest following the dramatic magistrate election in Taoyuan. Hsu Hsin-liang (許信良), a charismatic rising star in the KMT before he was expelled for running as an independent, ultimately won a resounding victory against the KMT's nominee. Hsu's campaign took seriously the risk of election rigging and urged voters to help keep the election process honest by staying alert to voting irregularities on Election Day. Many did, and when word spread that a head poll manager was suspected of tampering ballots, tens of thousands took their anger to the streets. The protest ended in the burning of a police station and two deaths. The very suspect of election malpractice that led to the protest was not prosecuted for lack of evidence, and the eyewitness was convicted of insulting poll workers. But ballot stuffing at another polling station of the same election

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Martial Law," *The China Quarterly* 162 (2000): 387-409.

18 *See* Chang-Cyuan Siang, *Tai wan di fang syuan jyu jhih fen si yu jian tao* (台灣地方選舉之分析與檢討) [*On the Local Elections in Taiwan*] (Taipei: Commercial Press, 1971), 217-229.

19 *See* Huei-Ling Hu, *Bai nian jhuei ciou: Tai wan min jhu yun dong de gu shih, volume 3: Min jhu de lang chao* (百年追求：臺灣民主運動的故事・卷三，民主的浪潮) [*A Century's Quest: The Story of the Democratic Movement in Taiwan, Vol. 3: The Wave of Democracy*] (Taipei: Acropolis Press, 2013), 64-71.

20 *See* Yi-shiung Lin and Jia-wen Yao, *Hu la ping yang* (虎落平陽) [*When the Tiger Fell*] (Taipei: Published by Authors, 1977).

21 *See* Jia-wen Yao and Yi-shiung Lin, *Gu keng ye tan* (古坑夜談) [*A Night Tale About Gukeng*](Taipei: Published by Authors, 1978).

22 *See* Thomas B Gold, *State and Society in the Taiwan Miracle* (New York, NY: ME Sharpe, 1986).

was proven in another court case.[23]

The popular perception of the KMT as an election cheater was confirmed once again in 1992, when the first full election of the Legislative Yuan was held by the end of the year. Huang Hsin-chieh (黃信介), then a former Chairperson of the Democratic Progressive Party (DPP), ran a legendary race in the Hualian district. On Election Night, Huang was about to lose the election—by a razor-thin margin of 62 votes—to Wei Mu-cun (魏木村), then the Mayor of the Hualien City and one of the candidates affiliated to the KMT. Being tipped that the election had been rigged, Huang's campaign managed to negotiate a partial recount under the supervision of district prosecutors. During the recount, the prosecutors found clear evidence of ballot stuffing, as there were about 730 "ghost ballots" found in 12 out of 54 polling stations of the Hualien City. Several poll managers later confessed that they stuffed the ballots for Wei, who later became the only KMT politician sentenced for rigging election.[24]

It is difficult to tell whether these anecdotes should be read as exceptions that prove the rule, or as tip of an iceberg. But the looming presence of real, attempted, or alleged voting rigging under the KMT's watch surely invites us to rethink the calculus of election rigging. In the literature on electoral malpractice in general, one prevailing school of thought holds that, because manipulating election administration is highly risky and is at the expense of the rulers' legitimacy, vote-rigging tends to be used by weak electoral authoritarian regimes as the last resort for winning elections.[25] Most of the election fraud actually or allegedly perpetrated by the KMT regime, though, does not look like strategies of last resort used by a weak regime upon facing imminent electoral defeat. Another school of thought seeks to explain excessive and blatant electoral manipulation as a means to convey messages of power for the sake of influencing the subsequent behavior of political and social actors in ways that benefit the manipulators.[26] This theory, however, explains the vote-buying better than the vote-rigging of the KMT

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[23] For a detailed narrative of the Zhongli Incident, *see* Jheng-Jie Lin and Fu-Jhong Chang, *Syuan jyu wan suei* (選舉萬歲) [*Viva Elections*] (Taipei: Published by Authors, 1978).

[24] For an analysis of the Hualien case, *see* Chin-Shou Wang, "Tai wan de sih fa du li gai ge yu guo min dang shih cong jhu yi de beng kuei" (台灣的司法獨立改革與國民黨侍從主義的崩潰) [Judicial Independence Reform and the Breakdown of the Kuomintang Clientelism in Taiwan], *Taiwan Political Science Review* 10, no. 1 (2006): 129-131.

[25] *See*, *e.g.*, Mark R. Thompson and Philipp Kuntz, "After Defeat: When Do Rulers Steal Elections?" in *Electoral Authoritarianism: The Dynamics of Unfree Competition,* ed. Andreas Schedler (Boulder, CO: Lynne Rienner, 2006), 113-128; Birch, *Electoral Malpractice*, 61; Sarah Birch, "The Electoral Tango: The Evolution of Electoral Integrity in Competitive Authoritarian Regimes," Max Weber Lecture Series, European University Institute, http://cadmus.eui.eu/bitstream/handle/1814/40331/MWP_LS_2016_02.pdf?sequence=1 (accessed June 7, 2017), 8-9.

[26] *See* Simpser, *Why Governments and Parties Manipulate Elections*.

regime, as one cannot help but wonder what post-election considerations could ever justify the grave risks and costs associated with the latter.

Rather than looking for motivations other than winning elections, the KMT's seemingly unnecessary rigging of votes is arguably better explained (at least in part) in terms of the collective action problem built in the electoral authoritarian regime. Even with its Leninist party structure and the party-state it built, the authoritarian KMT regime was not a unitary actor, but a complex system composed by multiple members.[27] Each member has her own self-interests, and her self-interests do not necessarily or always align with the regime's interests. Under the pressure to "deliver votes" or "win elections" from the top, local captains or certain segments of the KMT (such as its secret police) might have little to lose and much to gain by rigging votes when they could get away with it, even if doing so is bad for the regime as a whole. Therefore, even if the presumption of election administration integrity makes sense at the whole-sale level for the authoritarian elections held by the KMT regime, it might not work well at the retail level.

In any event, election administration fraud has rarely surfaced in Taiwan after the Zhongli Incident of 1977, with what happened in Hualien in 1992 being an outlier to the norm. During the late period of the KMT's authoritarian rule in the 1980s and during Taiwan's democratic transition in the 1990s, many people still held deep suspicion of the KMT as a rehabilitated vote rigger. But among the general public and election observers, there appears to have been growing confidence in the integrity of election administration in Taiwan since the 1980s.[28] What made the change? The increasing demand for more (and real) democracy as driven by the socioeconomic development of Taiwan society along with the isolation of the KMT regime in the international arena certainly counts as an important background factor.[29] A more immediate and obvious game changer is the Zhongli Incident in and of itself. By raising the public's awareness of how elections might get rigged, the Incident may have led to heightened public scrutiny of election administration in the subsequent years and thereby increased the deterrence of detection. The KMT may also have learned from the Incident that the huge cost of repressing

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[27] For the basic ideas about systemic analysis, *see* Adrian Vermeule, *The System of the Constitution* (New York, NY: Oxford University Press, 2011).

[28] In the first Taiwan Social Change Survey (TSCS) conducted in 1984-85, respondents were asked to identify how they participated in the electoral process. 13.3% of the respondents reported that at least some of the time they would question and criticize the competence and attitude of workers in election administration, while 62.6% of the respondents never did so. *See* Ming-Tong Chen and Fo Hu, "Tai wan di cyu min jhong de syuan jyu can yu sing wei" (台灣地區民眾的選舉參與行為) [Electoral Participation in Taiwan], in *Bian cian jhong de tai wan she huei II* (變遷中的台灣社會 下冊) [*Taiwanese Society in Transition II*], ed. Guo-Shu Yang, Hai-Yuan Jyu (Taipei: Institute of Ethnology, Academia Sinica, 1988), 407-09.

[29] *See* Levitsky and Way, *Competitive Authoritarianism*, 309-18.

post-election protest could far outweigh the dubious benefits of vote rigging.[30] But exactly what had the KMT done to rein in or prevent its fellow comrades from stepping across the line? The collective action problem that led to a few vote rigging incidences at retail level in the previous era, after all, would have to be solved for the KMT to clear its name. Election monitoring from outside the party-state certainly helps, but it is also a measure that would put the regime in bad publicity when misdeeds were detected. What else could the KMT do?

Voting reform offers a way out of the problem, and Wakabayashi Masahiro (若林正丈), a leading historian of post-War politics in Taiwan, credited the 1980 enactment of the Elections and Recalls Act During the Period of National Mobilization for the Suppression of the Communist Rebellion (動員戡亂時期公職人員選舉罷免法; [hereinafter] the Elections Act) for making the much needed improvements in election administration.[31] As the first-ever statute governing the electoral process for all kinds of elected offices in Taiwan, the long-overdue Elections Act was part of the political reform propelled by the U.S. de-recognition of the R.O.C. government in 1979. That the Act was enacted following the Zhongli Incident of 1977, the manipulative postponement of parliamentary elections in 1978, and the Formosa Incident of 1979, also invites us to interpret its passage as a progressive move in the "electoral tango" scenario, a typical pattern for the evolution of electoral integrity in competitive authoritarian regimes.[32] The symbolic significance aside, it remains debatable whether, how, and to what extent the substance of the legislation made the ballot boxes any safer than before. The legislation was severely criticized by the political opposition and public intellectuals at that time, in part because much of what it did was to codify the preexisting regulations without making significant changes in the electoral and voting systems.[33] One major reform done by the Elections Act was the creation of a new Central Election Commission (中央選舉委員會; CEC). But before 2000 the CEC was headed, for most of the time, by the Minister of the Interior, and its status as an independent agency had not been fully secured until the Organic Law of the Central Election Commission (中央選舉委員會組織法) was enacted in 2009.[34] The Elections Act of 1980 also added a few rules

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[30] Jhan Bi-shia (詹碧霞), a veteran KMT staffer, reported in her memoir that the KMT ceased to engage in systemic vote-rigging after the Zhongli Incident; *see* Bi-Sia Jhan, *Mai piao chan huei lu* (買票懺悔錄) [*The Confession of a Vote Buyer*] (Taipei: Business Weekly, 1999), 126.

[31] *See* Wakabayashi Masahiro, *Jhan hou tai wan jheng jhih shih: Jhong hua min guo tai wan hua de li cheng* (戰後臺灣政治史：中華民國臺灣化的歷程) [The "Republic of China" and the Politics of Taiwanization: The Changing Identity of Taiwan in Postwar East Asia], trans. Yu-Ru Hong and Pei-Fong Chen (Taipei: National Taiwan University Press, 2014), 176.

[32] *See* Birch, "The Electoral Tango."

[33] *See*, *e.g.*, The 80s Press, *Syuan jyu li fa shih mo ji* (選舉立法始末記) [*On the Birth of the Elections Act*] (Taipei: The 80s Press, 1980).

[34] During the 1980s, some foreign election observers also raised concerns over the independence and

concerning campaign regulation, poll worker selection, election litigations, and the criminal investigations of election-related crimes. The causal link between these marginal reform measures and the disappearance of vote rigging in Taiwan has yet to be examined, to say the least.

To the extent that the Elections Act of 1980 could be characterized as old wine in new bottle, Taiwan can be said to have achieved some progress in the integrity of election administration since the 1980s on the basis of her old voting system. This would be less of a surprise once we realize that the old voting system in Taiwan has certain features good for the cultivation of integrity in street-level election administration in the long run. Had the voting system in Taiwan not have evolved into the way it was by the 1980s, or had Taiwan adopted a different voting system in the 1980s, Taiwan might have a very different history of elections and democracy to tell. The following two sections explore and assess two under-studied features of the old voting system in Taiwan: on-site ballot counting and poll worker selection.

III. On-Site Ballot Counting as an Electoral Ritual

Thanks in no small part to the well-functioning of the household registration system first established by the Japanese colonial government, elections in Taiwan have been able to avoid certain forms of election fraud with relative ease. For instance, voter registration is far less of a problem in Taiwan because the voter rolls are generated directly from the household registration database.[35] Voter identification is also a non-issue in Taiwan, because voters simply cannot vote without first presenting their national ID cards issued by the household registration offices. Elections could still be rigged by many other means, however, and much is dependent on the institutional design of how votes are cast and counted. Voting in Taiwan is done by Austrian paper ballot, and votes are manually counted at each polling station immediately after the poll is closed. This combination is arguably the simplest and most widely used voting and results management system around the world of elections, and it has been practiced in Taiwan for more than seven decades.[36] The fact that Taiwan chooses and sticks to the practice of counting votes

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impartiality of the CEC; *see*, *e.g.*, Committee on Foreign Affairs of the U.S. House of Representatives, *Elections in Taiwan: Report of a Staff Study Mission to Taiwan, December 1-9, 1988,* Washington: U.S. Government Printing Office, 1988, 18-19.

[35] The author would like to thank Nathan Batto for raising this point. It should be noted, however, that a citizen's household registration does not necessarily match his or her real residence, and there are "ghost voters" who knowingly falsify their household registration for the sole purpose of influencing elections in specific localities. This type of voter fraud is one of the most common election-related criminal offenses prosecuted and punished in Taiwan.

[36] Government-issued paper ballots were also used in the first few local elections held in Taiwan before 1950, but voter back then voted by writing the name of the candidate of his/her choice on the blank

manually at each polling station upon closing of the poll deserves a closer look, however, for such a mundane practice may have profound yet underappreciated influences on the state of election administration integrity in Taiwan.

There are many ways to count votes, and we may refer to the one used in Taiwan as "on-site balloting counting" for the sake of simplicity. To be specific, this decentralized way of managing electoral results at ground-level entails three institutional choices: (i) timing: ballots would be counted momentarily after the poll is closed as opposed to sometime later; (ii) place: ballots would first be counted at each polling station as opposed to some other centralized counting centers; (iii) manner: ballots would be counted by poll workers manually, as opposed to being counted by or with the help of machines. Compared to the alternatives, the low-tech and labor-intensive system Taiwan uses for counting ballots scores very high in terms of timeliness and transparency. However, these valuable benefits may come at the expense of higher administrative costs, the convenience of election monitoring, and inevitable human errors.[37] Still, the trade-offs make much sense in the context of Taiwan, especially when Taiwan was under the KMT's authoritarian rule. To be sure, votes could still be rigged at some remote polling stations controlled by the KMT, and the practice could not prevent votes from being rigged (or perceived as being rigged) with such dramatic measures as sudden power outage during the vote counting. But there is arguably no better way for the electoral authoritarian regime to demonstrate its willingness to live up to the norm of democracy than counting votes immediately after the poll is closed and in front of the suspicious crowds, one ballot at a time. Under this arrangement, the *dangwai* candidates had also learned, sooner or later, to mobilize and organize their supporters to operate precinct-level election monitoring, which in turn had made it more and more difficult for the KMT to steal elections at last minute without making a scene.

This practice of on-site ballot counting is usually taken for granted in Taiwan because it came into existence in as early as 1946, when the KMT regime held its first ground-level local elections in Taiwan.[38] However, this was not the way votes were

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ballot. On-site balloting counting was first introduced to Taiwan in 1946. In the two elections held by the Japanese colonial government, ballots were counted at local counting centers as opposed to polling stations.

37 *See* ACE Electoral Knowledge Network, *The ACE Encyclopaedia: Results Management Systems, 3th*, 2013 ed, http://aceproject.org/ace-en/pdf/vc/view (accessed June 7, 2017); ACE Electoral Knowledge Network, Timing of Counting Votes, Web site, http://aceproject.org/electoral-advice/archive/questions/replies/640837804 (accessed June 7, 2017); Helen Catt et al., "Electoral Management Design," The International Institute for Democracy and Electoral Assistance 2014, http://www.idea.int/sites/default/files/publications/electoral-management-design-2014.pdf (accessed June 7, 2017).

38 *See* Taiwan Provincial Governor's Office (臺灣省行政長官公署), Tai wan sheng ge sian shih cun li

counted in the first two parliamentary elections held in the whole Republic China in 1947 and 1948. According to the election law at that time, all the ballot boxes of a given district had to be transported to the local elections authority upon closing of the poll, and the votes were counted by the authority at a time announced after it had received all the ballot boxes. This centralized vote-counting procedure, as was known by then and unlike what people in Taiwan had experienced under the Japanese rule, was replete with fraud.[39] The bureaucrats of the Taiwan Provincial Government under the leadership of K. C. Wu (吳國楨), a Princeton-educated KMT elite with the backing of U.S. government, had to make a decision on which way to go—with post-War Taiwan or with Republic China—when making rules for local elections in the early 1950s. The task of election ruling-making was left primarily in the hands of Yang Jhao-jia (楊肇嘉) and Siang Chang-cyuan (項昌權), who served as the Chief and Deputy-Chief of the Civil Affairs Department of Taiwan Provincial Government at that time. Yang was a Taiwanese elite who played a critical role in the campaign for autonomous elections in the 1930s when Taiwan was under the Japanese colonial rule.[40] Siang was a French-educated Mainlander who came to Taiwan with the KMT regime and later became a political science professor at National Chengchi University.[41] Both of them clearly knew what was at stake, and they opted for on-site ballot counting to better safeguard the integrity of election administration.[42] Their decision has since become a cornerstone for all of the elections held in Taiwan thereafter.

To the credit of the subsequent election administrators, including those who served under the KMT's authoritarian rule, Taiwan has soon developed a rather scrupulous standard operating procedure for the on-site ballot counting on Election Day.[43] With

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jhang syuan jyu ban fa (臺灣省各縣市村里長選舉辦法) [Rules on Borough Chiefs Elections in Taiwan Province], 1946, Article 15.

[39] *See* Siang, *Tai wan di fang syuan jyu jhih fen si yu jian tao* (台灣地方選舉之分析與檢討) [*On the Local Elections in Taiwan*], 36.

[40] *See* Chen, *Bai nian jhuei ciou* (百年追求) [*A Century's Quest*], 182-188.

[41] *See* Vivianne Yan-Jing Weng "Heng jhu si dian yi li dong yong: Chu tan jhih nan shan sia de sian jheng sih wei" (衡諸西典以利東用：初探指南山下的憲政思維) [Exploring the Use of Western Canons in the East: On the Constitutional Thoughts of the Jhih nan Shan School], in *Chuan cheng yu chuang sin: Jheng da jheng jhih syue si yu tai wan jheng jhih syue de fa jhan* (傳承與創新：政大政治學系與台灣政治學的發展) [*Tradition and Innovation: The Department of Political Science at the NCCU and the development of political science in Taiwan*], ed. Wan-Ying Yang (Taipei: National Chengchi University Press, 2016), 67-102.

[42] *See*, *e.g.*, Taiwan Provincial Government, Tai wan sheng ge sian shih yi huei yi yuan syuan jyu ba mian guei cheng (臺灣省各縣市議會議員選舉罷免規程) [Elections and Recalls Regulations for the Members of the County/Town Councils in the Taiwan Province], 1950, Article 18. *See also* Jhao-jia Yang, *Yang jhao jia huei yi lu* (楊肇嘉回憶錄) [*The Memoir of Yang Jhao-jia*] (Taipei: San Min Press, 2004), 374-76; Siang, *Tai wan di fang syuan jyu jhih fen si yu jian tao* (台灣地方選舉之分析與檢討) [*On the Local Elections in Taiwan*], 40.

[43] *See*, *e.g.*, The Central Election Commission, *Di shih sih ren zong tong fu zong tong ji di jiou jie li fa wei yuan syuan jyu tou kai piao suo gong zuo ren yuan shou ce* (第 14 任總統副總統及第 9 屆立法委員選舉投開票所工作人員手冊)[*Poll Worker Handbook for the 14th Presidential and the 9th Legislative Elections*] (Taipei: Central Election Commission, 2015), 23.

years of testing and refinement, the core procedure of on-site ballot counting in Taiwan nowadays takes the following steps:[44] Poll Manager A picks up a ballot from the ballot box and unfolds the ballot for the inspection of Poll Manager B, who does so at the presence of at least two poll supervisors representing the competing candidates. After taking the ballot from Poll Manager A and consulting with the poll supervisors who have closely examined the ballot, Poll Manager B declares the result of the counting with loud voice and demonstrates the ballot with two hands for the audience to see. Upon hearing the counting judgment of Poll Manager B, Poll Manager C, who stands in front of a large tabulation chart displayed on a wall (or a blackboard), recites the judgment and marks the vote on the chart. Poll Manager B then hands over the counted ballot to Poll Manager D, who is responsible for sorting the ballots thusly counted. The whole procedure is meticulously designed to minimize counting errors and suspicions of wrongdoing. And when poll workers follow this most deliberate procedure and count votes one by one and step by step, they would have to do so diligently and respectfully to earn trust from vigilant voters. In this regard, one may well argue that on-site ballot counting in Taiwan is no longer a mundane task of electoral mechanics pure and simple, but has been transformed into a ritual that honors and celebrates each and every sacred vote cast by voters. With countless replays performed and watched at all of the polling stations around the country election after election, the ritualized on-site ballot counting has surely become one of the most remarkable features of the electoral process in Taiwan. Moreover, the ritual is carefully scripted to be performed solemnly with rhythm. It is quite easy to learn, and has even been extensively practiced at all levels of student elections in Taiwan. As such, the ritual has profoundly shaped the understanding and expectations of how votes are supposed to be counted in Taiwan.

That on-site ballot counting in Taiwan can be seen as a well-established electoral ritual in and of itself offers a powerful account as to why the practice may have played a prominent role in the long-term progress of election administration integrity in Taiwan. By raising the visibility and the significance of ballot counting in the realm of popular culture, the ritual may have helped to create and sustain a strong cultural norm against vote-rigging. Even though vote-rigging had rarely been prosecuted and punished during the authoritarian period in Taiwan, the norm may have been observed by and large thanks in no small part to the cultural influences the solemn ritual has on those who participate in the ballot counting process. There have been calls for upgrading the precinct-level voting system in Taiwan from time to time for the sake of saving costs and

[44] After the poll is closed and before the counting process begins, the polling stations would be closed temporarily for the poll workers to seal ballot boxes, count unused ballots, and make preparations for the ballot counting procedure. For a vivid description of how votes were counted in Taiwan in the late 1980s, *see also* Committee on Foreign Affairs of the U.S. House of Representatives, *Elections in Taiwan,* 32-33.

improving accuracy. The general public and the Central Election Commission in Taiwan, however, are in no hurry to automatize the ballot counting at polling stations in the foreseeable future. Viewing the existing practice as a meaningful ritual also helps to explain the entrenchment of such practice in a country proud of her advanced IT industry.

IV. The Selection Effects of the Poll Worker Recruitment

It is the poll workers who perform the ritual of ballot counting, and who are also responsible for running the polling stations on Election Day. Two types of poll workers are differentiated in Taiwan: Poll Managers are in charge of administering the entire precinct-level voting system from end to end. Their jobs include, for instance, checking and sealing ballot boxes, checking-in voters, issuing ballots, maintaining order, counting votes, and writing final reports of the poll. Poll Supervisors take co-responsibility with the poll managers by overseeing the whole voting (and vote counting) process and reporting irregularities and/or violations of law happened in the polling station. Each polling station is required to have four poll managers (including one Head Manager) and two poll supervisors (including one Head Supervisor) at the minimum, and elections held nationwide in Taiwan therefore would need a huge army of poll workers. In the first limited (supplemental) parliamentary elections (for members of the Legislative Yuan) in 1969, for instance, some 51,000 poll workers operated a total of 6,149 polling stations for an electorate of about 6.69 million people.[45] The number of polling stations and poll workers had grown to 13,930 and 162,782 respectively when the 6th parliamentary elections were held for an electorate of 16.56 million people in 2004.[46]

The election laws and regulations in Taiwan only stipulate some basic guidelines for the selection and training of poll workers, and the local elections commissions are delegated with certain discretion to recruit, train, and assign poll workers for national and local elections alike. First as a result of administrative convention developed under the colonial/authoritarian rule and later as authorized and encouraged by the election law, a large number of poll workers in Taiwan (especially in the case of poll managers) have been recruited from civil servants, government employees, and schoolteachers. This salient feature of the poll workforce alone may have profound influence on the state and

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45 Syuan jyu zong shih wu suo (選舉總事務所) [Chief Executive Office of Elections], *Dong yuan kan luan shih ci zih you di cyu jhong yang gong jhih ren yuan zeng syuan bu syuan syuan jyu shih lu* (動員戡亂時期自由地區中央公職人員增選補選選舉實錄) [*Records of the Supplemental Parliamentary Elections During the Period of National Mobilization for the Suppression of the Communist Rebellion*] (Taipei: Chief Executive Office of Elections, 1970), 5(1): 10.

46 The Central Election Commission, *Di liou jie li fa wei yuan syuan jyu shih lu* (第 6 屆立法委員選舉實錄) [*Records of the Elections for the Sixth Legislative Yuan*] (Taipei: Central Election Commission, 2005), 77 and 181.

public perception of election administration integrity in Taiwan, because who the poll workers are in the everyday life may well affect how they administer the voting process on Election Day.

Elections in authoritarian regimes are often run by non-voluntary poll workers coming from the public sector. This common practice can be understood as shaped mainly by the historical contingency that, when elections were first held under the authoritarian rule, the voting process was provided and tightly controlled by the authoritarian regime with little help from the civil society, which by then might still be too weak to deliver enough volunteers of good standing to handle the large-scale operation of elections. No less common, though, is the public suspicion that authoritarian regimes might use the poll workers they hand-picked to rig elections.[47] When suspicions of election rigging by "puppet" poll workers run high and threaten the legitimacy of a given electoral authoritarian regime, the regime may try to restore public confidence in its election administration by opening up the poll worker selection process as often demanded by the political opposition. This scenario captures the first change in Taiwan's poll worker selection in 1960, when the KMT regime conceded to the opposition's major voting reform cause at that time and revised the local elections regulations to allow candidates take part in the recruitment of poll supervisors (but not poll managers).[48] By introducing checks and balances within the poll workers of the same polling station, the selection of candidate-recommended poll supervisors may have improved, to some extent, the integrity of Taiwan's election administration from the 1960s on. One prominent witness of this change was Henry Kao (Kao Yu-shu; 高玉樹), a legendary *dangwai* politician who ran four times for Mayor of Taipei City during the 1950-60s.[49] Following some dubious power outages during ballot counting, Kao lost his reelection in 1957, and he dropped out of the mayoral race in 1960 because he was not allowed to recommend poll supervisors to ensure electoral integrity at polling stations. Kao ran and won the mayoral race again in 1964. Thanks to the voting reform regarding the poll worker recruitment, this time his campaign managed to place some 500 poll supervisors in two-third of the polling stations. These poll supervisors were equipped with flashlights, and they were even told to use toilets less by drinking less water.[50] No

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47 *See*, *e.g.*, International IDEA, "Electoral Management During Transition: Challenges And Opportunities,"
http://www.idea.int/sites/default/files/publications/electoral-management-during-transition.pdf (accessed June 7, 2017), 14.

48 *See* Taiwan Provincial Government, Tai wan sheng sian shih gong jhih ren yuan syuan jyu ba mian jian cha wei yuan huei zu jhih guei cheng (臺灣省縣市公職人員選舉罷免監察委員會組織規程) [Organization Rules for the County/City Elections and Recalls Supervision Committees], 1960, Article 8.

49 *See* Edwin A. Winckler, "Roles linking state and society," in *The Anthropology of Taiwanese Society*, ed. Emily M. Ahern and Hill Gates (Stanford, CA: Stanford University Press, 1981), 71.

50 Jhong-Sheng Lin, *Gao yu shu huei yi lu: Yu shu lin fong bu bu gao* (高玉樹回憶錄：玉樹臨風步步高) [*The*

dubious election irregularities were reported in this election, and Kao defeated the KMT's incumbent with a comfortable margin.

Poll supervisors recruited by the non-KMT candidates may have done a great service in keeping elections honest, but their availability was often an issue during the authoritarian period. In the 1960s and 1970s, candidates could recommend only (i) local elders/civic leaders, (ii) government and education workers, (iii) elected local representatives (allowed in 1960-63 only), and (iv) college students (allowed only after 1977) to serve as poll supervisors on Election Day.[51] There has been no such qualifications requirement for candidate-recommended poll supervisors since the enactment of the Elections Act in 1980, though their appointments still have to be certified by local election commissions. In addition, the opportunity to recommend poll supervisors would have to be equally shared among all candidates for elections held at the same time. As such, poll supervisors recommended by non-KMT candidates often could serve only in some but not all of the polling stations. In the 1964 mayoral election in Taipei, for instance, Kao was able to organize a larger army of poll supervisors only because he was teamed up with another mayoral candidate Lee Chien-sheng (李建生), who entered the race solely for the purpose of helping Kao to prevent vote-rigging on the part of the KMT.[52] The Committee on Foreign Affairs of the U.S. House of Representatives sent a staff delegation to study the 1986 parliamentary elections in Taiwan, and the delegation reported that there were fewer candidate-recommended poll supervisors than they thought. Many poll supervisors at that time were recruited instead by the local election commissions as so required by the Elections Act. The staff delegation thereby surmised that "opposition candidates did not in fact have major concerns about election fraud during the voting per se, or were simply unable to mobilize sufficient poll watchers."[53]

In any event, the polling stations in Taiwan are operated mainly by the poll managers, whose selection is solely in the hands of the local election commissions. When the Elections Act of 1980 was under consideration, some *dangwai* legislators had sought but failed to exclude most government and public school employees from serving as poll managers.[54] Though the Elections Act said nothing about the poll manager qualifications in its early years, it appears that since the early 1980s the practice of recruiting poll

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Memoir of Kao Yu-shu] (Taipei: Avan Guard, 2007), 131.

[51] *See* Taiwan Provincial Government, Organization Rules for the County/City Elections and Recalls Supervision Committees, 1960/1963/1967/1971/1977, Article 8-9.

[52] *See* Lin, *Gao yu shu huei yi lu* (高玉樹回憶錄) [*The Memoir of Kao Yu-shu*], 131.

[53] Committee on Foreign Affairs of the U.S. House of Representatives, *Elections in Taiwan,* 31.

[54] *See* The 80s Press, *Syuan jyu li fa shih mo ji* (選舉立法始末記) [*On the Birth of the Elections Act*], 225 and 311.

managers from public sector employees has been expanded, rather than shrunk. Between 1983 and 1991, the Enforcement Rules of the Elections Act (動員戡亂時期公職人員選舉罷免法施行細則) had even required that (i) all poll managers be recruited from government and education workers (the exclusionary rule), and (ii) those who work in the government and education sectors must accept the poll worker assignments (the mandatory rule).[55] The exclusionary rule was somewhat relaxed in 1991, but the mandatory rule remains effective and has become a statutory rule since 2003.[56] As revised in 2007, the current Elections Act requires that, in each and every polling station, the head manager, the head supervisor, and the majority of poll managers all be selected from present government and education workers.[57]

The poll workforce in Taiwan has thus been bureaucratized to an even greater extent since the late period of the KMT's authoritarian rule. This selection policy was originally made by the KMT regime over the objections of the *dangwai* opposition. But after the DPP was founded in 1986, the opposition essentially went along with its implementation and made little effort to change its course—even in the aftermath of the 1992 vote rigging incident in Hualien. The opposition's muted resistance in the 1980s and 1990s to the selection of poll managers from the public sector arguably reflected the increasing public confidence in the integrity of the ground-level election administration during the same period. And rather than being a cause for suspicion of election meddling on the part of the government, the fact that a great majority of the poll workers in Taiwan come from the government and the education sector appears to have been viewed increasingly as an asset for building trust in the electoral process. When the KMT lost the presidential elections in 2000 and 2004, many Green camp supporters who used to question the integrity of the poll workers were among those who came first to defend their names against the vote-rigging allegations made by the conspiracy theorists. Not surprisingly, when the Elections Act was revised in 2007 to entrench the practice of recruiting poll workers from the ranks of schoolteachers and government employees, the legislation sailed through with bipartisan support.

The heavy reliance on government employees and schoolteachers to administer the voting (and vote counting) process at the precinct level in Taiwan makes much sense because they do have the caliber to be good poll workers. To begin with, they can be

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[55] Ministry of the Interior, Dong yuan kan luan shih ci gong jhih ren yuan syuan jyu ba mian fa shih sing si ze (動員戡亂時期公職人員選舉罷免法施行細則) [The Enforcement Rules of the Elections and Recalls Act During the Period of National Mobilization for the Suppression of the Communist Rebellion], 1983, Article 65.

[56] Ministry of the Interior, The Enforcement Rules of the Elections Act, 1991, Article 65; The Elections Act of 2003, Article 58.

[57] The Elections Act of 2007, Article 58-59.

counted on that they would show up for work on time on Election Day. They have also been trained to do things by the book throughout their professional lives, and therefore can pick up and follow through the poll worker instructions in no time. Furthermore, their reputation as law-abiding citizens, their inclinations to be more risk-averse in character, and their commitment to their professions all work to make it far less likely that they would commit election crimes and jeopardize their careers just to help someone rig the election. During the authoritarian period, many civil servants and schoolteachers joined the KMT or tended to vote for the KMT, but that connection alone did not render them amoral puppets of the authoritarian regime. The convicted vote rigging in the 1977 election for the Taoyuan county magistrate, in fact, was first exposed thanks to the report made by a government employee, who served as one of the poll managers at the vote rigging station.[58] Besides, not many people are motivated to take the demanding, modestly paid, and thankless jobs of poll workers on Election Day, and the government employees and schoolteachers do not think otherwise. Thanks to the mandatory rule, these designated poll workers nevertheless have to answer the call, and over time, they have proven to be as dutiful and professional as one can ask for poll workers.

During the legislative deliberation of the Elections Act of 1980, a tenured KMT representative suggested that, with the passage of the Act, local elections authorities would have to stop selecting those who work for the KMT and/or its affiliated organizations to serve as poll workers.[59] To the extent that some party officials of the KMT did have certain chances to serve as poll workers and rig elections for their comrades in the previous era, the exclusionary rule that had governed the poll manager selection from 1983 to 1991 certainly can count as a reform measure aimed at reducing the risk of vote-rigging. It appears that the KMT regime knew what it had traded for the use of government and education workers as a readily accessible and reliable human resource for poll workforce. The trade-off made much sense for the KMT, since the retail-level vote-rigging in the previous era had done more harm than good to the electoral authoritarian regime as a whole. It didn't take too long, either, for the opposition and the general public in Taiwan to realize that poll worker selection in and of itself could make a difference in the integrity of election administration. The henhouse is much safer, after all, if it is guarded not by foxes but by dogs.[60]

V. Conclusion

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[58] *See* Lin and Chang, *Syuan jyu wan suei* (選舉萬歲) [*Viva Elections*], 305-306.

[59] *See* The 80s Press, *Syuan jyu li fa shih mo ji* (選舉立法始末記) [*On the Birth of the Elections Act*], 245.

[60] For the idea of selection effects, *see generally* Vermeule, *The System of the Constitution*, 101-33.

Students of the electoral authoritarianism often consider Taiwan a success story of democratization by elections with certain authenticity. Many people in Taiwan, however, believe that the KMT regime was adept at rigging as well as buying votes especially in the 1950s-1970s. This chapter reconciles these two contrasting views by noting how the collective action problem built within the KMT regime may explain the difference between the wholesale and the retail accounts of administrative integrity in the early authoritarian elections held by the KMT regime. Since as early as the 1980s, the election administration in Taiwan has gained increasing trust and credibility from the general public and election observers. The real and perceived progress in the retail-level election administration integrity that began in the late authoritarian period, however, could be attributed to the enactment of the Elections Act in 1980 only to a limited extent. This chapter highlights and explores the contributions made by the ritualized on-site ballot counting and by the development of poll worker selection rules. This Taiwan experience demonstrates that, with the help of good institutional design and the selection of good poll workers, election administration integrity can be significantly strengthened from within and over time, even when other good practices for electoral integrity are in short supply.

The secrets behind Taiwan's gradual achievement in election administration integrity further invite us to rethink the larger project of taming and transforming an authoritarian regime with the rule of law. This chapter suggests that even such a seemingly easy achievement as protecting votes from being rigged may need the help of many angels and cannot be sustained solely on the authoritarian rulers' good will. The micro institutional design of voting system matters a great deal as to whether and how elections are immune or vulnerable to last-minute vote rigging by agents of the authoritarian ruler. It certainly helps that the polling stations are staffed with conscientious public servants as opposed to those who answer only to the authoritarian party-state. And it also helps to elevate the mundane business of ballot counting into a solemn ritual, which, in turn, makes it possible to constrain the electoral authoritarian regime not only with legal rules, but also with cultural norms. Authoritarianism is no dictatorship. Within the apparatus or sphere of the party-state there is bound to be some knaves who feel no shame in breaking laws, but there would be law-abiding servants of the public as well. The prospect of the rule of law in an authoritarian regime, therefore, is contingent not only on whether the knaves would be deterred and punished, but also on whether enough bureaucrats and professionals could be counted on to do the right thing. To find the angels as well as the devils, we need to sharpen our understanding of the authoritarian regime as a complex system as opposed to a unitary actor. We also need to attend to the institutional details and the roles played by the street-level bureaucrats. Taming an

authoritarian regime with the rule of law is a daunting challenge. But with the help of smart institutional design that brings out the angels in us, the peaceful transition to democracy could be just a matter of time.

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