

# WHY THE KMT ELIMINATED ELECTORAL FRAUD DURING MARTIAL LAW IN TAIWAN

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“許信良說：「買票賄選，沒有抓到算他幸運，但是『作票』是絕對令人無法接受的事。」”

“If you buy votes and don't get caught, then you're just lucky. But winning by ballot stuffing, that's absolutely unacceptable.”

-- Hsu Hsin-liang, DPP party chairman, during a post-election protest in Hualien, Taiwan, in December 1992. (*Xin Xinwen [The Journalist]*, 12.27.1992. pp. 61-62)

## **I. Introduction**

Free and fair elections are the *sine qua non* of democracy. Creating and maintaining an electoral process that is respected not only by the winners, but losers, and by the vast majority of regular citizens, is crucial to the legitimacy of democratic government. Thus, the struggle for the integrity of the electoral process is a key part of the struggle for democracy: many transitions to democracy have included battles over the independence and professionalism of elections management bodies and the creation of a fair electoral playing field.

For instance, consider one of the most prominent Third Wave cases of democratization in Mexico. Mexico's gradual transition away from hegemonic-party autocracy arguably began with the fraudulent Mexican presidential election of 1988. The long-dominant PRI had been holding and winning elections like clockwork for over 50 years at that point, but in 1988 it faced a serious challenge for the presidency for the first time, one that it “won” only by falsifying several

million votes (Reding 1988). The subsequent post-election protests and bargaining between the PRI and the opposition parties eventually centered on electoral reform that would prohibit such fraud from being perpetrated again, and Mexico's democratization was only assured with the establishment of a truly independent, professional Federal Election Tribunal in the 1990s (Eisenstadt 2004; Magaloni 2010). Similar issues involving the integrity of the electoral process bedeviled democratic transitions or contributed to backsliding in other Third Wave cases. In Peru, for example, the overt manipulation of the first-round results in the 1998 presidential election undermined the legitimacy of the incumbent, Alberto Fujimori, and led eventually to his impeachment and removal from office in 2000 (Taylor 2000; McMillan and Zoido 2004). In Kenya, widespread accusations of fraud in the 2007 presidential election sparked devastating electoral violence that led to the deaths of more than a thousand people (Barkan 2013); elections in 2013 and 2017 have also been challenged by the losing candidate and been accompanied by post-election violence, undercutting the support of the winner and further polarizing an already deeply divided country. And in Ukraine, the obvious fraud in the 2004 election in favor of the incumbent president's preferred successor Viktor Yanukovich triggered massive protests and eventually led to a re-vote that his opponent, Viktor Yushchenko, won convincingly (Hesli 2006).

In Asia, too, the integrity of the electoral process has been a central battleground in the struggle for democracy. In Malaysia, blatant malapportionment and gerrymandering has been regularly used to keep the ruling UMNO in power—most flagrantly in the 2013 national election (Ostwald 2013). In Cambodia, Hun Sen's CPP engaged in massive intimidation of voters and candidates and manipulation of the vote to ensure its last election victory (McCargo 2013). In the Philippines, what seemed to be a reasonably fair election in 2004 was thrown into question when

tapes surfaced of the incumbent president, Gloria Arroyo, ordering the head of the electoral commission there to ensure her lead was “at least a million votes” once the “counting” was completed; the ensuing scandal sent the Philippines into a prolonged political crisis (Hutchcroft 2008). In both Indonesia and Mongolia, recent elections have been marred by widespread allegations of vote-buying, intimidation of voters, and suspicious vote tallies from some precincts, along with post-election protests by the losing camp (Mieztner 2014; Maškarinec 2014). In Singapore, where the PAP is now approaching seven decades of unbroken rule, the incumbent party has not hesitated to change electoral boundaries and rules, make veiled threats against voting communities, and selectively prosecute opposition candidates for sedition to ensure their continued success in parliamentary elections (Tan 2013; Morganbesser 2017). And even in Japan and Korea, which like Taiwan have generally scored better on electoral integrity indices than other countries in the region, there remain strict limits on campaign practices that tend to work to the advantage of incumbents and against challengers (McElwain 2008; You 2015).

These examples should demonstrate to us the importance of electoral administration in transitions to and consolidation of democracy in Asia. But they also have the potential to mislead us about just how difficult it has been in the region to establish trustworthy, professional electoral management bodies, because they are all cases where some kind of electoral malpractice has been committed. That is, to use a now-common metaphor (with apologies to Arthur Conan Doyle), examples of electoral malpractice are “dogs that barked.” What we are less accustomed to studying, but need to know about to draw valid inferences about causes, are the cases where electoral malfeasance *didn't* happen during a transition to, or consolidation of, democracy.

It is here that the case of the Republic of China (ROC) on Taiwan is particularly interesting, because it presents an instance where “the dog didn’t bark”: electoral administration was professional, impartial, efficient, and more or less autonomous from the interests of the ruling Kuomintang (KMT) by the time the long transition to democracy there got underway in the late 1980s. In particular, outright vote fraud—stuffing the ballot box with extra votes, throwing out votes for some candidates, and manipulating or falsifying vote tallies during counting or reporting—was simply no longer a feasible way to steal an election by the time of the first full legislative elections in 1992. Indeed, the last documented case of ballot-stuffing in Taiwan is from Hualien County in that same 1992 election, and it is the exception that proves the rule: the manipulation of the final count was almost immediately discovered, “ghost votes” were traced to a dozen ballot boxes, the perpetrators (from the campaign of a KMT candidate whose brother was the county magistrate) were swiftly identified and prosecuted, and the candidate whose victory was stolen (the opposition DPP’s former chairman Huang Hsin-chieh) was awarded the seat. In the subsequent 25 years and through hundreds of races at all levels of the political system, not a single case of electoral fraud has been confirmed.

That is not to say that the integrity of elections in Taiwan has been beyond reproach—far from it. Most notably, it is well-documented that vote-buying became rampant during Taiwan’s transition to democracy and peaked during the mid-1990s; the practice continues in some races and locales today, although its prevalence and effectiveness have waned considerably over the last two decades thanks to the greater risks of exposure and prosecution and the decline of vote-broker networks (Wang and Kurzman 2007; Wang 2016).

But in most other ways, Taiwan’s election management has been exemplary. Voter rolls are accurate and updated regularly, and voter registration is automatic, unlike in most parts of the

United States. The requirements for candidates to qualify to run are low, and there are few practical limits on where, when, and how candidates can campaign, in stark contrast to Korea and even Japan. Electoral district boundaries are for the most part drawn impartially and proportionate to population; the exceptions, such as the overrepresentation of offshore islands and the aborigine electorate, have clear, non-partisan justifications, unlike in Malaysia. On election day—always a Saturday so that it is easier for voters to return to their registered households—polling places are plentiful and located close to where most voters in the precinct live, so wait times to vote are rarely more than 15 minutes.<sup>1</sup> Poll workers are typically schoolteachers or other local public servants with several elections worth of experience. Election materials and procedures are determined by the Central Election Commission and standardized across the whole country. Ballots, in particular, are well-designed: each race features a differently-shaped and/or colored ballot that is clear, simple, and easy to indicate one's choice on, listing each candidate or party's name, picture or symbol, and campaign ballot number. The counting of ballots takes place by hand at each polling station immediately after the polls close, and in full sight of the public; anyone who wishes to observe can do so. Once the counting is finished, final results are announced at the polling station and then reported via telephone to the Central Election Commission's election center, which aggregates them in real time. The overall process is both fast and accurate: virtually all precincts report their results within four hours of

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<sup>1</sup> One drawback of this system is the lack of an absentee ballot option. ROC nationals who live and work abroad, and those who are living temporarily elsewhere on the island, have to make long and sometimes expensive trips back to their hometowns in order to cast a ballot. Given the number of Taiwanese living and studying abroad in the PRC or elsewhere, and the distinct preferences they likely hold relative to the median voter in many jurisdictions, the introduction of absentee voting could significantly change election outcomes in some places.

the close of the polls, and in recent elections that have required recounts, the error rate in the initial tally has typically found to have been below one percent of all votes cast.

Overall, then, despite a few minor complaints, the Taiwanese case is a success story hiding in plain sight. In comparison to the election-related shenanigans commonly practiced in much of the rest of the region, election management in Taiwan is an important and underappreciated strength of its democracy. In fact, it is not hard to imagine specific elections that could have sparked a crisis of legitimacy in Taiwan were they handled with less care or professionalism. The hotly contested 2004 presidential election, for instance, was decided by less than 30,000 votes out of almost 13 million cast, and it produced an upset re-election victory for the incumbent President Chen Shui-bian rather than the KMT win that previous polls had shown was most likely. It was also controversial because of an assassination attempt against President Chen and his vice president the day before the election, which triggered an emergency activation of security forces around the island that kept many of them from voting and won Chen some sympathy votes, probably swinging the election his way. The KMT challenged the results of the election and eventually won the right to a full recount, but precisely because the votes were so carefully tabulated the first time, the overall result was confirmed, deflating the KMT's effort to undo the election and preventing a potentially disastrous standoff between the two opposing camps. It is not an exaggeration to say that the professional management of elections probably saved Taiwanese democracy in this instance.

### *The Puzzle*

The key question for this paper is why “the dog didn’t bark” in Taiwan—that is, why the ruling KMT in Taiwan never attempted blatant, systematic electoral manipulation or fraud to

stay in power on the scale of Mexico in 1988, Peru in 1998, or Malaysia in 2013. Two historical facts add to this puzzle. First, Taiwan is no stranger to the kind of electoral manipulation practiced in the rest of the region: various kinds of electoral fraud and coercion against regime opponents were in fact rather common prior to the 1980s during the martial law period (1949-1987). In particular, the KMT, or at least its local party branches, had historically been quite willing to bend or break electoral rules to ensure the “right” candidates won. Only with the creation in 1980 of the Central Election Commission (CEC) as an independent agency—the first of its kind in the ROC—did the ruling party fully commit to the elimination of electoral fraud and the implementation of a more impartial electoral process.

Second, the KMT leadership had both the ability and the apparent motive to commit fraud up through the 1990s. Prior to 1991, the central government of the ROC had remained effectively walled off from direct electoral competition—the National Assembly (which chose the president) and the Legislative Yuan (the national legislature) were both filled with representatives elected on mainland China in 1947 and 1948, respectively—the first, and only, time the ROC managed to hold a national election during its mainland years. These de facto permanent representatives ensured that the KMT controlled a large majority in both these bodies. But as first the National Assembly (1991), then the Legislative Yuan (1992), and finally the presidency itself (1996) were opened up to direct electoral competition for the first time, the stakes of national elections grew tremendously—the KMT could actually lose control of the central government via an election. Yet even when the party’s presidential candidate in the 2000 election fell badly behind in the polls, there was no systematic attempt by the KMT leadership to try to bend campaign rules or stuff ballot boxes to save his campaign, and the narrow, shock victory of the DPP’s Chen Shui-bian was recognized by all sides, even the losing candidates



themselves, as the legitimate outcome of the election. In light of the many examples of electoral malpractice listed above, the absence of any serious electoral manipulation<sup>2</sup> in this critical election deserves some additional consideration.

### *The Argument in Brief*

The answer that I will offer to this puzzle highlights three key variables on which Taiwan looks quite a bit different from most of the other Asian regimes: state capacity, a divergence between the interests of central and local party elites, and the enormous resource advantages enjoyed by the ruling party. While none of these features are unique to Taiwan—autocrats in Singapore and South Korea both led high-capacity states as well, for instance, and resource advantages have buttressed ruling parties in Malaysia and, increasingly, Cambodia—in combination they created an unusual set of incentives for the KMT leadership to implement clean, credible elections.

The KMT first organized competitive elections for local offices in Taiwan even before it declared martial law in 1949 and lost control of the mainland, and the regime continued to do so even during the most repressive moments of the White Terror era in the 1950s. But it did not in practice permit elections for the central government until well after martial law was lifted in 1987. Thus, the KMT found a way to get many of the benefits of elections in autocracy—the recruitment of new members, rotation of elites, information about the regime’s popularity, signals to potential opponents and regime supporters of the leadership’s strength, signals of the regime’s legitimacy to foreign audiences, and so forth—without any danger of ever losing its

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<sup>2</sup> With the important exception of vote-buying, which by some accounts was widespread but ultimately ineffective in the 2000 election. I return to this point below.

grip on the central government. However, as the regime's founding leadership aged and its international isolation grew, and as Taiwanese society and the economy rapidly modernized, the benefits to KMT leaders of elections increasingly depended on the credibility of election outcomes—that is, that candidates, voters, and party elites would believe official election results to be a more or less faithful reflection of actual support. Thanks to the administrative state that the KMT inherited from the Japanese and built on, the regime had the capacity to set up and run high-quality elections. And thanks to the regime's successful stewardship of the economy, the KMT's continued control over state-owned enterprises and other sources of patronage, and its well-developed networks of vote-brokers at the local level, party leaders could be confident that they would win most elections without brazen cheating and fraud.

Thus, as winning elections became an increasingly important part of the KMT regime's survival strategy in the 1970s and 1980s, the party leadership's incentives to ensure those elections were well-run also, paradoxically, increased. The costs of electoral coercion and fraud in reputational terms, both domestic and foreign, rose dramatically: accusations of fraud in a 1977 county race led to explosive riots there, and the suspension of national-level elections in 1979 triggered an outpouring of protests that the regime had to repress with security forces. In response, however, the KMT leadership also centralized election management in the Central Election Commission, created in 1980 as an American-style independent commission, Taiwan's first. The CEC took over the regulation of election procedures that had previously been decided by the Ministry of the Interior and carried out by county-level electoral commissions, and by most accounts it exhibited a high level of professionalism and independence that increased confidence in election results. The key reforms at issue in the bargaining over democratization in Taiwan, then, were to be found elsewhere: the legalization of opposition parties, the removal of

restrictions on free speech, assembly, and media, the retirement of the permanent members of the NA and LY, and constitutional reform of the executive-legislative relationship, as well as judicial reform and crackdowns on vote-buying, rather than election management.

## **II. Comparative Perspectives on Elections in Autocracies**

The emergence since the early 1990s of “competitive” or “electoral” autocracy as the most common form of non-democracy has generated a wave of political science research into the operation of this intermediate regime type (e.g. Diamond 2002; Carothers 2002; Levitsky and Way 2002; see also the chapters in Schedler 2006). The most fundamental question is why it exists at all: as a dictator, why hold meaningful elections in the first place if you don’t have to? Elections, after all, can be costly for leaders: beyond the considerable headache and expense of administering them, they also create focal points at which latent opposition to the government can coalesce into organized movements for political change (CITE). Elections can also reveal new information about how unpopular autocrats are, and act as a signal to regime elites that they might be better off defecting away from the leader’s supporting coalition (Pop-Eleches and Robertson 2015). Thus, elections seem to present a clear and present danger for autocrats, one that is easily avoidable by simply not holding them.

Yet despite this danger, most autocracies today do in fact hold meaningful, contested elections, even if in most cases they are neither free nor fair. There are some remaining holdouts—Saudi Arabia, Libya under Qaddafi, the People’s Republic of China and North Korea,

to name a few—but these cases are increasingly rare. So, given that most autocrats choose to hold elections that could spell the end of their rule, what do autocrats gain?

The traditional answer to this question is that elections in autocracies are not really meaningful at all, but mere façades—a way to add thin democratic veneers to dictatorships. After the end of the Cold War and the spread of the democratic form to whole continents that previously had few, if any, examples of it, it became impossible for many autocrats to deny calls from the international community for multi-party elections. The way out of this dilemma was to introduce the form of multiparty elections without the substance, in much the way autocrats had previously adopted liberal constitutions and legal frameworks and then ignored them completely (Joseph 1999, cited in Magaloni 2006). In practice, the opposition had no more chance of taking power by winning an election than via any other method—the dictator and his security forces would see to that, one way or another.

But this explanation has not proven very satisfying. Some elections in autocracies were, indeed, complete fictions, such as the unanimous “victory” of Saddam Hussein in Iraq’s 2005 sham presidential election, in which he claimed to have won 100% of the vote with every single eligible voter in Iraq casting a ballot for him. But many others did feature real multiparty competition that both the incumbent and his opponents took deadly seriously, and that most citizens turned out to participate in. If elections under autocracy are façades, for instance, it is hard to explain why millions of eligible voters cast ballots in regularly-held elections in Mexico in the 1970s and 1980s when everyone already knew what the outcome of these elections would be—the victory of the ruling PRI (Magaloni 2006).

Instead, scholars have offered up several other reasons why contested elections might be of use in autocratic regimes like Mexico under the PRI. The first is *to implement power-sharing*

among ruling elites (Blaydes 2011; Lust-Okar 2006). Elections offer the ruling party, if one exists, a way to identify and recruit ambitious and talented politicians into the party. Those party members who prove most effective at mobilizing the vote, running campaigns, and demonstrating their own personal popularity in elections are also in general the most attractive to the party leadership, and the party's electoral incentives, in turn, force ambitious politicians to work on behalf of the party's interests. Elections can also offer a credible way to regulate time in office and share power among potential rivals. By requiring fixed terms in office dictated by the electoral calendar, the ruling party can ensure that there will be opportunities for new generations of party members to move up in the system, and for the spoils of office to be shared rather than monopolized over time, vesting potential defectors with powerful incentives to stay committed to the survival of the regime.

The second is *to acquire information*. Most autocrats face what Wintrobe has famously termed the “dictator’s dilemma”: given the incentives for preference falsification that autocratic regimes deliberately foster, the leaders of such regimes cannot ever know what the population truly thinks of them, and thus how secure they are in power (Wintrobe 1998). Contested elections can be used to obtain detailed information about the ruling party’s mass support, including its distribution across various geographic and sectional groups and changes in it over time (Miller 2015). This information, in turn, can be used to identify and reward supporters, punish or isolate committed opponents, and coopt moderates into supporting the incumbent rulers (Lust-Okar 2006; Blaydes 2011). As Magaloni puts it, ruling parties can via elections create “a market for political loyalty and make[] citizens vest their interests in the survival of the regime” (2006, 9).

The third is *to signal regime strength* to outside audiences. As much recent work on electoral autocracy has argued, in addition to the autocratic leader or ruling party itself, elections can also reveal credible information about the strength of the regime to other many other politically relevant audiences (e.g. Simpser 2013; Gelbach and Simpser 2015; Little et al. 2015). A smashing electoral success against credible opposition helps create an image of invincibility. It signals to other ruling party elites that they are better off sticking with the incumbent than defecting, to potential opponents that they are better off keeping their heads down than pursuing a hopeless path of resistance, and to foreign allies and adversaries that the leader is firmly ensconced in power.

Importantly for present purposes, this signal can even be credible when the regime commits blatant fraud in an election. Simpser (2013), for instance, has persuasively argued that in a number of cases where incumbents were already guaranteed to win by comfortable margins, such as Putin's re-election in Russia in 2005, committing massive fraud has actually worked to *strengthen* the signal of invincibility that such victories send above and beyond the raw vote totals—indeed, the fraud itself, and the leader's ability to order it on a wide scale and get bureaucrats or other electoral overseers to follow through, is precisely the point. When the state apparatus is working so brazenly and effectively in the leader's favor against all notions of fair play, it undercuts any hope that potential rivals within the ruling elite, let alone those in opposition parties, have that they might be able to pull an election upset or mobilize opposition to the leader down the line.

Finally, elections in autocracies can serve *to trap the opposition* in a game that is biased against it (Gandhi and Przeworski 2001). Put differently, elections present a dilemma not only for autocrats but also for the opposition: should they agree to participate in elections that will

probably be neither fair nor free, but might still offer the promise of winning some offices, influence, and spoils? Or should they instead decide not to participate, foregoing these modest benefits but also undercutting some of the benefits the incumbent might gain? Moreover, oppositions are not unitary actors, and they tend to be divided on this question between more moderate members who seek accommodation and more radical members who prefer confrontation. By offering parts of the opposition the poisoned chalice of post-election spoils and influence, the incumbent party or leader can usually produce a damaging split between these two groups of actors, or at least identify those who can be dealt with via cooptation rather than suppression.

Considered together, these four factors provide a reasonably comprehensive set of reasons why autocrats might take the risk of holding contested elections. But in practice, despite their best-laid plans, autocrats do not always achieve these desired ends, even when have the ability to manipulate the electoral arena in their own favor. Elections under autocracy have in many notable cases backfired in spectacular fashion on the incumbents, destabilizing the regime and leading either to political liberalization, a security crackdown, or prolonged and violent instability. For instance, one of the most memorable of many passages in a memorable book is Samuel Huntington's recitation of the circumstances of a series of "stunning" election upsets of incumbent autocrats in *The Third Wave*, including in Brazil in 1974, India in 1977, Peru and Uruguay in 1980, Argentina and Turkey in 1983, Korea and Pakistan in 1985, Chile in 1988, the USSR and Poland in 1989, and Nicaragua, Burma, and Algeria in 1990 (Huntington 1993, 175-78). While each of these elections can be rightly described as a surprise (unpleasant for the incumbents, pleasant for the opposition), they also should alert us to the fact that opposition wins in autocratic elections do not always lead to liberal political outcomes: at one end on this list are

India and Chile, where election upsets set those countries back on a democratic path from which they have not subsequently strayed; but on the other end are Burma and Algeria, where the elections were immediately followed by military-led crackdowns on the opposition to prevent it from taking power, and in the Algerian case, a prolonged and terribly bloody civil war.

Thus, elections in autocracies have spurred a second research agenda about their *consequences*: can we expect the simple act of holding regular elections to lead eventually to political liberalization in most cases, as Lindberg (2009; see also Howard and Roessler 2006) has argued? Or do authoritarian elections more often than not work to stabilize and strengthen, rather than undermine, autocracies, as Lust-Okar (2005) asserted was true for many of the regimes in the Arab world, and as Slater (2008) has suggested has been the case in Southeast Asia? The large-N empirical research on this question are mixed: Donno (2013), for instance, finds that elections are likely to lead to transitions to democracy when leaders are weak and domestic and international actors are able to pressure the regime in this direction (cf. Hyde and Marinov 2014; Chernyk and Svoboda 2015), while Pop-Eleches and Robertson (2015) argue that election quality appears to be related non-linearly to political liberalization—“flawed” or “seriously flawed” elections are both most likely to lead to electoral upsets and also most difficult to predict the subsequent regime trajectory.

This work in turn points to a third question about elections in autocracies: given that autocrats almost always seek to manipulate elections in some way to achieve desired results, what explains the variation in the *kinds of electoral manipulation* that we observe across these regimes? Given the recent, explosive growth of political research on politics in autocracies, it is surprising how little work there is on this topic: the tradeoffs between different kinds of electoral



manipulation are still not well-understood.<sup>3</sup> Existing research has tended to focus on explaining the consequences of one kind of manipulation in isolation: vote-buying (Schaffer 2007), clientelism (Kitschelt and Wilkinson 2007; Stokes et al. 2013; cf. Hicken 2011) malapportionment and gerrymandering (Samuels and Snyder 2001; Wong 2017), violence and intimidation (Wilkinson 2004; Hafner-Burton et al. 2014), or outright fraud such as ballot-stuffing or falsifying vote counts (Simpser 2013). In particular, much of the recent work on elections in autocracies has punted on the question of tradeoffs in favor of developing increasingly elaborate deductive theories of how one kind of electoral manipulation or another is executed (e.g. Gelbach and Simpser 2015; Rundlett and Svulik 2016), how signals remain credible despite manipulation (e.g. Simpser 2013; Miller 2015; Little et al. 2015), or how incentives to manipulate elections can be affected by election observers (Chernyk and Svulik 2015; Hyde and Marinov 2014).

One happy exception to this trend is recent work by Van Ham and Lindberg (2017), who propose a specific set of tradeoffs that autocrats make between three different kinds of manipulation: manipulating the legal framework (banning opposition candidates, blatant vote fraud), coercion (against candidates, voters, or both), and cooptation. They hypothesize that the level of political liberalization of the regime will affect the relative costs to autocrats of pursuing each of these three strategies. When the regime is highly illiberal, autocrats face few costs to manipulating the rules of the electoral contest at will, and so they will go this route—banning or otherwise preventing opposition candidates and parties from running, preventing them from campaigning if they do run, and flat-out falsifying the vote counts if they do end up attracting support. But in more liberal regimes, these tactics become prohibitively costly: prohibitions on

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<sup>3</sup> There are a handful of other exceptions, including Collier and Vicente 2012 and Schedler 2013.

opposition candidates threaten the democratic bona fides of the regime, and blatant fraud is easier to detect, harder to perpetrate, and much more likely to trigger domestic or international condemnation. So autocrats then turn to coercion: allowing opposition candidates to run, but attempting to intimidate candidates and voters into not supporting them. This, in turn, can also become too costly or ineffective to be relied on, and so autocrats sometimes turn to the third strategy, cooptation—usually via outreach to voters and candidates through a ruling party organization that keeps a winning coalition on the incumbent’s side despite a reasonably free election contest. Their empirical analysis finds at least limited support for this relationship between regime openness and the prevalence of these different kinds of electoral manipulation, although the direction of causality in this relationship is unclear.

#### *The Advantages of Case Study Work on Electoral Manipulation*

Recent large-N research like Van Hamm and Lindberg’s study on the possible tradeoffs between different types of electoral manipulation is very welcome, and moves the literature on this key question forward. But there are good reasons to think additional case study work on variation in the electoral malpractice might be especially valuable as well.

First, there is the problem of assigning causality to statistical associations, like those identified in Van Ham and Lindberg (2017), between measures of democracy and measures of electoral malpractice. The ability to manipulate elections to benefit a ruling party or incumbent candidate is clearly endogenous to democracy itself—free and fair elections are part and parcel of the definition of democracy. Thus, showing an association between certain kinds of manipulation and lower levels of “democracy”, however measured, does not allow us to support causal claims about the relationship between the two. Individual case studies offer us a potential

way out of this morass, if we can trace how a single ruler or ruling party switched from one method of manipulation to another as other aspects of the regime or its external or domestic environment changed.

Second, much of the recent research on electoral manipulation begins with deductive theory-building: the authors start with some simplifying assumptions about key actors, preferences, and institutional constraints and capabilities, and then work to derive non-obvious predictions from those assumptions. That is all well and good. But it is striking how many of these models appear to be inspired by just one or two prominent cases of electoral fraud, and sometimes the same one—Russia under Putin is especially prominent, for instance. The wide range of places and times in which electoral manipulation has occurred (or not!), and the diverse ways in which elections are managed around the world, should raise some skepticism about the generality of at least some of these models and the insights that they can provide. For instance, most of these models implicitly assume that the elections at stake determine who controls national executive authority—but there are lots of elections that take place in regimes where the supreme authority is in fact beyond the reach of the electoral process, as in Iran, Jordan, Morocco, and Kuwait. Case study work can help us better understand the motivations and stakes involved in elections that do not ultimately affect who rules in those countries.

Third, there is a potential selection bias problem in much of the large-N work on electoral malpractice. The tendency in this research has been to focus on cases where some kind of violation of electoral integrity has occurred, and then to ask what consequences it had—did it work or not? But that approach cannot answer why autocrats commit one kind of fraud and not another, or why autocrats manipulate elections in some times and places and not others—in other words, what about the “dogs that didn’t bark”? These are arguably the most interesting and

important of all of the questions about electoral manipulation, and we risk overlooking the hidden success stories where clean elections actually happened. Case study work can heighten our awareness of these cases and can help us mitigate the selection bias problem as well.

From this perspective, the Taiwanese case presents an important and intriguing example of a regime that moved away from electoral fraud well before the transition to democracy. At first glance, at least, the Taiwanese experience is consistent with the hypothesized Van Ham-Lindberg pattern: as the regime became more liberal, the type of electoral manipulation practiced by the KMT changed. What sets Taiwan apart, however, is the relatively early introduction of a professional, relatively independent and impartial electoral management body, the Central Election Commission, in 1980. The creation of this body to oversee all elections on the island, and its subsequent reputation for fair and accurate counting of the vote, meant that election management in Taiwan was not a major point of contention: all the major political actors assumed that the votes would be counted fairly and accurately, and that what was officially reported faithfully reflected the actual precinct-level vote totals.

In addition, along with regime liberalization (of media, assembly, and speech) came an early and quite comprehensive relaxation on campaign restrictions that was pushed forward by the CEC. It is not self-evident why these two aspects of elections liberalized together in Taiwan: as Jong-sung You (2014) has noted, the pattern in Korea was quite different, with continued tight restrictions on when and how candidates could campaign. Japan, too, has maintained relatively strict limits on campaign activities; as Kenneth McElwain (2008) has shown, this occurred because individual incumbent members of the Diet sought protection against challengers, and changed the rules to their benefit. In Taiwan, by contrast, a relatively autonomous CEC was set up during the martial law era, and it remained relatively impervious to pressures from politicians

of all political camps to impose restrictions on campaigning in order to protect incumbents. Instead, motivated by much more liberal, universalist considerations, the CEC permitted the rapid emergence of Taiwan’s free-wheeling electoral campaign culture. Explaining where this professional, impartial, and generally enlightened CEC came from is the question to which I will turn next.

### **III. Taiwan under the KMT: State Capacity, Regime Bifurcation, and the Fraud-Cooptation Tradeoff**

There are at least three factors that appear to be important to the development of a professionalized, impartial CEC in Taiwan, and that distinguish the Taiwanese experience in a good way from the prolonged struggles over election management in many other democracies: state capacity, a divide between the interests of regime elites at the central and local levels, and a massive ruling party resource advantage. Below, I describe how each of these factors made clean elections more appealing to party elites, and eventually contributed to the decision to create a professional, non-partisan, and relatively independent Central Election Commission well before the transition to democracy began.

#### ***Election Administration in a High-Capacity State***

The first factor contributing to high-quality election management in Taiwan is state capacity. The state during the martial law era under the KMT was both exceptionally capable for its level of economic development, and quite autonomous from Taiwanese society (Gold 1986).

This administrative capacity and social autonomy, in turn, provided several important advantages for election administration, including a highly penetrating police and security presence to deter election-related violence, a stock of capable civil servants from which to draw poll workers, and a comprehensive household registration system from which to generate accurate, precinct-level voter rolls. All of these features of local administrative capacity are pretty much taken for granted in discussions of Taiwanese elections, but as other cases in Asia suggest, they are far from universal.

### *Japanese Legacies*

Where did this high-capacity state come from? Its origins can be found in the pre-KMT colonial era, when Taiwan was a Japanese colony (1895-1945). The intensive transformation of Taiwanese society, economy, and administrative systems undertaken by the Japanese during this period dramatically strengthened the “stateness” of Taiwan, which was previously on the periphery of the Qing empire and a frontier land where traditional Chinese social order and bureaucratic authority were relatively weak. The Japanese colonial administration established a civil police service, pacified the indigenous mountain tribes, and created modern systems of administrative control. The colonial authorities also fundamentally reshaped Taiwan’s infrastructure, founding new cities, building rail lines and paved roads around the island, and setting up telegraph and telephone service. They instituted a full primary education system, so that by the end of the colonial era a large majority of Taiwanese below the age of 20 could read, write, and speak Japanese. They transformed Taiwan’s economy, creating modern joint-stock corporations and state-run enterprises, improving irrigation systems and introducing cash crops,

and eventually constructing heavy industrial plants as the Japanese empire ramped up for military expansion in World War II.

Most relevant for the present discussion, the Japanese in 1935 also introduced elections to the colonial assembly. Though half of the seats were reserved for appointees, the other half were open to Taiwanese candidates. Suffrage was restricted to a small subset of property-owning males, a disproportionately Japanese group, and so most of the elected representatives were Japanese as well. Nevertheless, several important legacies were created by this election. Most prominently, the colonial administration introduced the multi-member, single ballot single non-transferable vote (SNTV) electoral system to select assembly members—a system that was already in use in the Japanese home islands to elect the Diet. In addition, the Japanese introduced the practice of counting ballots at the polling stations directly after the polls closed.

### *State Capacity and Elections under the KMT*

The strong Taiwanese state rests on Japanese foundations, but its autonomy from Taiwanese society during the martial law era is the legacy of an uprising against KMT rule and the subsequent military crackdown on Taiwan.<sup>4</sup> After Taiwan came under control of the Republic of China in 1945, public opinion on the island quickly turned against the deeply corrupt and venal KMT officials who arrived to administer the island. Local grievances erupted in 1947 into a violent riot against KMT authorities, known colloquially as the 2-28 Incident, which grew into an island-wide revolt that was ruthlessly suppressed by troops sent from mainland China. Between 10-30,000 people were killed in the uprising—many of them among the pre-1945

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<sup>4</sup> Phillips 1999 provides a succinct overview of this period. On the postwar economic boom and its relation to the benshengren-mainlander divide during this time, see Gold 1986.

Taiwanese elite. The remaining Taiwanese, known as “local provincials” or *benshengren* in Mandarin Chinese, were intimidated into silence. This division between mainlanders and *benshengren* persisted for decades afterwards, and fundamentally shaped the nature of state-society relations well into the transition to democracy in the 1990s: the mainlander-dominated state remained highly insulated from domestic social forces, and thus able to devise and execute policy changes opposed by local interests.

The post 2-28 crackdown was eventually followed by a wholesale reorganization of the ruling KMT and institutions of the Republic of China on Taiwan.<sup>5</sup> The KMT retreated to Taiwan in 1949 after losing the Chinese civil war to the Chinese Communist Party, bringing more than a million refugees from the mainland to the island. Once its survival appeared ensured by the US—the outbreak of the Korean War in 1950 drastically changed US policy toward Chiang Kai-shek’s regime, and US aid again started to flow after being cut off the previous year—the KMT gained breathing room to set about rebuilding itself. Chiang reasserted firm control over the party and institutions of the Republic of China, and with most of his adversaries either in exile or sidelined, he had a free hand to reshape the party and state. The KMT was fundamentally reorganized and its membership reconstituted, and key ROC institutions reformed with new appointees. The result was a party-led regime that was an enormous improvement over its weak, corrupt, kleptocratic predecessor on the mainland.

Most important for the present discussion was the rapid and comprehensive penetration in the early 1950s of the KMT regime’s security and administrative apparatuses across the territory and social groups over which it ruled. This repressive crackdown, known colloquially in Taiwan

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<sup>5</sup> On the reorganization of the KMT in the early 1950s, see Myers and Lin 2007. For the broader set of reforms and their consequences, see Wang 1999.



as the “White Terror,” effectively snuffed out overt resistance to the regime. It also smoothed the process of election management in at least three non-trivial ways.

First, the veritable police state that ruled over the island for four decades had the ancillary effect of almost eliminating violent crime. It was particularly effective at stamping out the influence in politics of organized criminal groups, some of which were closely connected to local factions (among the *benshengren*) or based in tightly knit military villages (among the mainlanders). Political rivalries among different factions remained fierce within individual jurisdictions, but these almost never erupted into actual violence—instead, competition for power and the spoils of office was channeled into elections. Nor were these rivalries based on clan or family affiliations; although in the pre-1895 period local gentry held considerable power in Taiwan, the long Japanese colonial occupation drastically weakened their influence, and far-reaching land-reforms implemented by the KMT further curtailed their political and economic power in rural areas. Thus, the kind of “local strongman” politics that has been pervasive in much of Southeast Asia, including in the contemporary Philippines and Indonesia, and at times in Thailand, was much rarer and less disruptive to elections during the martial law era in Taiwan.<sup>6</sup>

Second, the revamped KMT-led state followed the previous Japanese practice of maintaining a household registration system (戶籍制度 *huji zhidu*), which tied all ROC nationals to a fixed address in official documents. (This system, with some modifications, is still in place

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<sup>6</sup> This pattern changed somewhat in the 1990s: in an ironic twist, many local KMT-linked factions began to cooperate with organized criminal groups to launder money, buy votes, and improve their chances to win increasingly competitive elections, an unholy alliance that became known in Taiwan political parlance as “black gold” politics. Thus, political liberalization also led to rising levels of politically-related violence and corruption, especially at lower levels of the political system (Chin 2003).

today.) Although this system was initially developed to augment the state's ability to monitor and control civilians, it also created an administrative basis for managing elections. Voter rolls, for instance, could be generated from the *huji* database before each election, ensuring a simple and effective way to prevent manipulation of voter eligibility. In addition, everyone with a household registration was also issued a compulsory National ID card (國家身分證 *guojia shenfenzheng*), which voters had to present at the polling station before receiving their ballots. The combination of a nationally-comprehensive household registration system and a universal national identification card meant that the registration and eligibility issues that bedevil election management in many young democracies, and even today in the United States, have never been at issue in Taiwan.

Third, the KMT regime placed considerable value on staffing the bureaucracies of the state with young, well-educated, and professional civil servants. One of the branches of government specified in the ROC constitution is the Examination Yuan, a special institution entrusted with recruiting and screening members of the bureaucracy via examinations. This meritocratic approach to staffing a wide array of government positions, from schoolteachers to managers of state-owned enterprises, eventually produced a cohort of highly capable civil servants who had come up through this merit-based system and typically were posted to positions outside their hometowns. In a pattern encouraged by the KMT regime even in the early martial law period, most poll workers were recruited from this pool of civil servants—in practice, most of these have been schoolteachers. (This pattern is true for Taiwan even today.) As Su (2017: 14-15) notes, this strategy has helped to immunize poll stations to some degree from election-day fraud or other irregularities: the poll workers tend to be authority figures within their communities, well-educated, detail- and rule-oriented, and experienced at managing

elections, and therefore less inclined to engage in blatant rigging of the vote to favor one candidate or another.

### *Elections under Martial Law: Cooptation, Information, Legitimation*

The historical legacy of Japanese colonialism overlaid by the KMT party-state left Taiwan with an unusual bifurcated political regime during the martial law era. After 1949, the Republic of China on Taiwan was effectively a regime in exile: the vast majority of its leadership and of the KMT's party elites were mainlanders, while 85 percent of the population were Taiwanese *benshengren*. And thanks to the legacy of 2-28, at that time still a very fresh memory, many had reason to be deeply resentful of the KMT presence on the island and hostile to the regime's political goals.

Thus, an urgent task for the reformed party leadership under Chiang Kai-shek was to win the political support, or at least acquiescence, of as much of the populace as possible. The sticks of the security forces were not enough; the regime also needed to provide carrots. Local elections were a central part of this strategy of cooptation. The regime introduced direct local elections shortly after the ROC government was set up in exile on the island, in 1950-51: for chiefs at the village/ward level, heads and councilors at the township/town level, mayors and councilors at the county/city level. It also set up a Taiwan Provincial Assembly in 1951; its membership was initially indirectly chosen by the city and county councils, but in 1960 it, too began to be directly elected from local constituencies. Under the terms of martial law then in effect, the formation of new opposition parties was prohibited, leaving the KMT as the sole political organization able to

nominate candidates and mobilize voters on a national scale. Nevertheless, non-KMT candidates could and did contest these elections, and here and there they even won seats over the KMT's preferred nominees. In Taipei, for instance, the independent candidate Kao Yu-shu won the mayor's race in 1954 and, after losing in 1957 thanks to an all-out KMT effort to drive him out of office, won again in 1964.

These local elections served several purposes, similar to elections in many other autocracies. First and foremost, they served as a mechanism for *recruitment and cooptation* of ambitious local politicians into the KMT. The party especially needed to strengthen its ties to “native” *benshengren* Taiwanese, who together formed a potent source of political challengers to the regime. And in this it largely succeeded; by 1969 roughly 70 percent of party members were Taiwanese, as were the majority of KMT office-holders at local levels. Second, elections operated as a tool for *coalition management*. Local executive offices had term limits, ensuring that control over them rotated between different people, and factions, every election or two. In many cases, these formal rules were supplemented by informal understandings between factions and KMT personnel managers that key elected offices would alternate among them. Third, elections provided an important source of *information* to the regime about its areas of relative strength and weakness among the Taiwanese electorate, as well as about shifts in its popularity over time. For instance, the KMT's unprecedented defeat in four county executive races in 1977 sent shock waves through the party leadership and forced a major rethink of its strategy for managing local factions and the growing popularity of the *Dangwai* opposition. Finally, elections were used to *signal* the regime's strength and legitimacy to audiences foreign and domestic. For foreign audiences, particularly in the United States, the presence of regular, contested elections for local offices was a crucial part of the KMT regime's claim to be “Free China,” in contrast to

the Communist regime across the Strait. For domestic audiences, electoral successes were useful to demonstrate that the KMT had secured the support of most Taiwanese, to deter potential defectors or opponents from challenging the party. Thus, the KMT's better-than-expected performance in the 1983 supplementary elections helped further damage the image of the *Dangwai* and exacerbate divisions over strategy and goals among the already fractious opposition.

Elections under autocracy in Taiwan, then, were used for the same reasons that they have been employed elsewhere—there is nothing particularly surprising about how the KMT's party organization operated or how elections served to buttress the regime, at least for a time. What is unusual, however, is that the benefits of elections for the ruling party were obtained without electing the central government! That is, at the same time it was permitting contestation for local offices, the central government of the ROC remained walled off from the Taiwanese electorate. Chiang and other KMT elites maintained that, as the rightful government of all of China, the leadership of the regime could only be legitimately chosen via elections held all throughout the official territories of the country; since they had lost control of the mainland to the Communists, elections for the Legislative Yuan and the National Assembly, and via it the president, were suspended indefinitely. Thus, while contested elections in Taiwanese constituencies were held up to the provincial level, Chiang's position as president, and the KMT's enormous majorities in the national representative bodies, could not be challenged at the ballot box.

This bifurcation between an unelected central government and elected local governments gave the regime an unusual character. Of particular note is the divergence of interests *within* the KMT's party organization at these different levels. Central party officials, untroubled by the prospect that they could lose power via an election, could focus on and promote the beneficial

aspects of electoral competition for the regime as a whole. The mostly mainlander party leadership wanted a good electoral performance, but it cared much less about who won among the KMT candidates who in many cases were competing with one another than how they did it. At a minimum, though, party leaders needed elections to be reasonably clean to reap most of the benefits of holding them—that is, they needed them to more or less reflect the actual preferences of voters and differential abilities of candidates. By contrast, local party elites increasingly were *benshengren* with ties to a local faction, and they were much more concerned about advancing their own interests or those of their faction than in working for the overall betterment of the KMT.

What is more, the multi-member SNTV electoral system exacerbated these tensions between rival intra-party groups in legislative races. Unlike single-member district races (as in, for instance, Mexico during the period of PRI dominance), races under multi-member SNTV tend to pit candidates from the same party against one another for the same blocs of voters. This, in turn, makes it more difficult for large parties to distribute votes relatively evenly across the multiple candidates, and it increases the incentives for individual candidates to try to manipulate the election to their advantage—through buying votes, ballot-stuffing, or falsifying tallies. Thus, while the KMT party center had little reason to commit blatant fraud to alter election outcomes, individual candidates and party officials at the local level had, in many cases, strong incentives to cheat—otherwise they might actually lose their own race even as the party overall was benefiting! Moreover, the incentives for individual KMT members to cheat actually went *up* as non-KMT candidates became more competitive, increasingly coming into conflict with the preferences of the party center.

This unusual dynamic appears to be part of the reason for the push by the KMT party center to create a centralized, professional, independent election management body. Prior to 1980, election management was carried out by county-level election commissions which were effectively under the control of local KMT office-holders. By switching to an independent agency model for the new Central Election Commission, the party center took decisions about electoral management out of the hands of local politicians and greatly limited their influence on its decisions. That, in turn, benefitted the party's interests as a whole, even as individual candidates were denied a useful tool to protect their interests.

### ***Buying the Vote: Political Liberalization and Electoral Tradeoffs***

In addition to state capacity and the central-local split within the KMT, there is a third factor in this story: resources. The KMT was as well-positioned as any ruling party could be to execute a strategy of vote mobilization through its clientelist networks, distributing benefits and patronage to voting blocs and ensuring they voted “the right way” without ever having to resort to overt manipulation of the voting process. Thus, Taiwan's late-martial-law era political history is consistent with Van Ham-Lindberg expectations about when ruling parties will resort to different kinds of manipulation. During the highly repressive years of the 1950s and 1960s, the regime simply banned or arrested political opponents; by the 1970s local party officials were resorting to a mix of strategies, including fraud and intimidation but also, increasingly, vote-buying. And by the 1980s the party center had effectively eliminated opportunities for overt fraud, while at the same time committing more fully to a resource-based strategy of cooptation

and division of opponents. By the time direct elections were introduced for the central government bodies in the 1990s, vote-buying was rampant and fraud was non-existent.

Why was this resource-based strategy so appealing to the KMT? It is, in part, as Van Ham and Lindberg suggest, because of the rising reputational costs of overt electoral fraud and coercion of opposition candidates. But it was also because the KMT enjoyed a tremendous set of electoral advantages that gave its leaders the confidence it could win elections fair and square. For instance, unlike dominant parties in Mexico and Japan, the party had an impressive, sustained track record of economic stewardship right up through the 2000 election: starting from a poor, predominantly agricultural base in the 1950s, Taiwan's economy had rapidly been transformed into one of the richest and most advanced in Asia, and its economy continued to grow at a robust 6-8 percent clip for most of the 1990s.

For another, as Taiwan's economy grew rapidly, so did the value of the KMT's party assets: by the 1990s it had become one of the richest political parties in the world, with a net worth in 1998 estimated at about US \$5 billion. The party could draw liberally on those resources to support its candidates at all levels of elections, and its enormous private wealth dwarfed the opposition, which remained close to broke and often unable to pay party worker salaries even through the 1990s (Chin Ko-lin 2003: 134-139). The KMT also could use its control over state resources to manipulate public budgets and employ government resources for partisan ends. The party maintained an enormous advantage in the media, as well: while the number of opposition-oriented radio stations and newspapers grew rapidly after martial law was lifted in 1987, KMT- or central government-owned print and broadcast media still possessed a qualitative advantage in funding, readership, and range all the way through the mid-1990s.



In addition, the KMT had considerable residual support in the electorate for its managerial know-how: its export-oriented industrialization policies had delivered near-double-digit economic growth for a generation, and by the early 1980s the island's level of inequality was the lowest of any developing country in the world. The party had accumulated vast experience in its campaigns for local elected office and built up a formidable and entrenched electoral machine, which benefited from several large captive blocks of supporters including most military veterans and their families, government employees, and workers in the large number of state-owned and operated enterprises. As a consequence, even as it committed to the establishment of an independent CEC in 1980, it expected to compete on an electoral playing field tilted heavily in its favor.

#### **IV. The Creation of the CEC in Taiwan**

##### *Local Elections and the Changing Types of Manipulation over Time*

The KMT regime on Taiwan introduced direct local elections shortly after it established control over the island, in 1950-1: for chiefs at the village/ward level, heads and councilors at the township/town level, mayors and councilors at the county/city level. It also introduced a Taiwan Provincial Assembly in 1951; its membership was initially indirectly chosen by the city and county councils, but in 1960 it, too began to be directly elected from local constituencies.

Complaints about election management soon followed. Local elections were organized and regulated by county-level election committees, and these were firmly under the control of KMT officials, who had few qualms about bending the rules to help out the party's preferred nominees. As Su Yen-tu notes, the accusations of vote-rigging and other malpractice to the KMT's benefit were levied even in 1950-51, and after the 1957 local elections, "the integrity of electoral administration had become a major issue of the day" among the more liberal and independent-minded intellectuals of the regime. Among the accusations levied against the KMT's local organizations were brazen violations of voting secrecy, including having poll workers directly monitor voting in the ballot box, and the use of sudden power outages during ballot counting in order to manipulate the tallies (2017: 8). Local party officials also had many ways to discourage non-KMT candidates from even attempting to run in the first place—in one instance reported in the *Free China* newspaper and repeated by Chao and Myers, a would-be candidate in Nantou was warned by the police not to register, and when he attempted to anyway, the local election committee put up so many hurdles that he eventually gave up (2000: 395). The election committees also selectively enforced restrictions on where, when, and how campaigning could take place: non-KMT candidates were harassed by election officials and even the local police, while KMT candidates were free to appear in public and make election appeals at will. In the beginning of a pattern that continued for the next four decades, the KMT organization mobilized a huge number of votes in favor of the party's candidates from military personnel, government employees, and their families, with threats that they would be punished if they did not turn out to support the official nominees.

These practices had their intended effects. In the 1957 elections for 21 county magistrates and councils and the Taiwan Provincial Assembly, for instance, the KMT won all but won

executive race, and of the 66 Assembly seats up for (indirect) election, the KMT won 44 (ibid. 394).

[TO BE WRITTEN]

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