

## **Unfinished Democratization – Taiwan’s Unfair Elections**

Democratic politics are a combination of the will of the people, party politics, and political accountability. In such a political system the legitimacy of the country’s ruler originates from majority approval by the people, since sovereignty lies with the people. How do the people express their approval? In a representative democracy this is mainly done through elections. Therefore elections could be called the basis for the functioning of a democratic state. In order to ensure that election results truly express the intention of the people and their approval to be ruled by the ruler, the freedom and fairness of elections needs to be protected, or else the democratic process will become distorted, the people’s right to political participation will be violated, and the ruler will lose legitimacy.

Elections are an important tool for the democratization of a state. Around the globe numerous countries have solved longstanding internal conflicts by holding elections, thus launching or consolidating peaceful democratic transformation. Taiwan is a case in point. Since the late 1980s Taiwan has switched to the democratic election of its parliament, the direct election of the president, and has seen two power transitions from the ruling to the opposition party. Widely lauded for its “quiet revolution,” Taiwan deserves to be called a model of peaceful democratic transition.

Taiwan’s democratic experience is not only a preferred research topic for scholars who attempt to establish a theory of democratic transition, but also our valuable national asset.

Yet under the admired surface it has so far proven impossible to consolidate democracy, which in return made it difficult to establish a democratic order. In simple words so-called democratic consolidation means that the people already firmly believe that a democratic system is the best way of dealing with public affairs, and that they are willing to follow democratically determined processes when participating in decisions on public affairs. For the above reasons, fair elections are an important component of democratic consolidation. Taiwan was ruled by the authoritarian regime of the Nationalist Party or Kuomintang (KMT) for a long time. But even if martial law was lifted already more than 20 years ago, it has not been possible to thoroughly clear Taiwan of the remnants of autocratic rule, which becomes particularly evident in undermined electoral fairness.

Political parties are first of all political organizations and as such non-profit organizations and non-profit enterprises. Therefore they derive their major income from membership fees, political donations, or political party subsidies and should not amass money in excess of what is needed to monitor the will of the people and to

engage in political competition, or else they would violate the principle of “political equality.” Elections cost money. Therefore the level of income of a political party is directly related to its election advantage. During the martial law period the KMT acquired huge party assets through improper means, which gives the party an absolute advantage over other political parties in terms of financial power. The KMT was the unchallenged income leader with earnings of NT\$3.5 billion last year, including 82 percent from stock dividends, according a report by the Ministry of the Interior on party income in 2010. In other words the KMT earned NT\$2.89 billion in stock dividends alone. In contrast the major opposition Democratic Progressive Party (DPP) registered a total income of NT\$620 million last year, just one sixth of what the KMT made. The huge financial gap between the two major parties not only directly creates unfair elections, but also indirectly aids and abets election rigging.

Second, Taiwan has seen a total of seven rounds of constitutional amendments, which devoted much effort to electoral reform. But the currently used single district, two vote system and unfairly drawn electoral districts cause excessive disparities between the vote share of different political parties and the number of seats won by their candidates, creating an “unequal value of votes.” Presently the design of the electoral system entirely serves the interests of individual political parties, and even the electoral affairs bodies have degenerated into a manipulative tool for them. Disregarding constitutional controversies, the Electoral Affairs Commission rammed through combined presidential and legislative elections in what can be called a representative example. Finally, the regulations in the *(Public Officials) Election and Recall Act* are also problematic in many ways, including an unnecessarily high minimum age for voting, inconsistent relaxation of candidate qualifications and requirements, lack of a reasonable regulatory system for election activities, and lack of clarity with regard to election lawsuits and the liability of political parties. All these problems negatively affect electoral fairness.

Third, Taiwan’s past elections have been rife with corrupt election practices. Like the KMT party assets, electoral corruption is a legacy of the authoritarian era. Electoral corruption leads to the almost complete loss of electoral fairness, makes it impossible to achieve the goal of picking the good and capable for public office, damages the constitutional system and ignores the interest of the people. Therefore greater efforts are needed to eradicate such practices. Since electoral corruption often builds on close interpersonal networks, outsiders find it difficult to get the whole picture. In recent years the electoral corruption situation seems to have somewhat improved thanks to education, information campaigns, and active investigation of corrupt practices by law enforcement agencies. However, after the

last legislative elections ended, the election of at least five candidates was declared null and void after they were sentenced for election fraud, while two others were stripped of their election wins over election violations. All seven belong to the pan-blue camp, including six members of the KMT, which shows that electoral corruption in Taiwan is still more severe than we can imagine.

Fourth, press freedom could be called an extension of the freedom of speech, while again the freedom of speech is the basis of all freedoms. Clamping down on press freedom leads to a regression of all freedoms and restricts the free and democratic development of a nation. An aspect of fair elections is that all candidates and political parties are able to use the media in a fair and reasonable manner. But in Taiwan the media often deviate from the mechanisms of democratic politics. Since the government of Ma Ying-jeou took power, Taiwan has slipped three years in a row in the *Freedom House* freedom of the press index. A major reason for this decline is the government's reckless intervention in the media.

Fifth, the negative influence on electoral fairness from party assets, the electoral system, corrupt practices, and the media as described above are all a legacy from the authoritarian KMT era. In the past this all pervasive system penetrated every sphere of Taiwan, creating guarantees of an "institutional advantage" that allows the KMT to engage in unfair elections, and to use the system to gain a "personnel advantage" that enables it to build a "resource advantage." The all encompassing influence created by these advantages must be thoroughly rectified through transitional justice.

Finally, the People's Republic of China on the other side of the Taiwan Strait is also an important factor affecting the fairness of elections in Taiwan. Beijing has regarded Taiwan as a part of China for a long time and does not recognize Taiwan as a sovereign, independent country. Therefore it cannot tolerate that the Democratic Progressive Party (DPP), which advocates Taiwanese sovereignty, gains government power. As a one-party dictatorship China regards democracy as a great danger that could trigger upheaval and crisis. Therefore it employs all possible means to interfere in Taiwan's elections. The Taiwan Strait crisis of 1996 is a case in point. China keeps making progress in its efforts to interfere in Taiwan's elections, moving from open to clandestine, from direct to indirect intervention, switching from its past "verbal and military intimidation" to its current approach of "achieving unification through economic means." Beijing attempts to influence the election situation in Taiwan under the table and sometimes even through the United States. In the 2012 presidential election the KMT, which has an "anti-independence" consensus with the Communist Party of China, has naturally become the party that China supports in the

race.

To sum it up, Taiwan's democratic consolidation is not yet complete and still quite a distance away from that of a normal country. We assiduously promote democratic consolidation to prevent a regression of democracy. Among other issues ensuring the fairness of elections is an important part of democratic consolidation. The rampant examples of unfair election conditions mentioned above in current presidential and legislative elections are not in the interest of society. In this book we expose various election irregularities in Taiwan and propose ways to solve them. We hope to draw the public's attention and stir the nation into action to achieve radical reform.