

Electoral System as a Key Pillar of democratic Consolidation in Taiwan

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Election is at the center stage of Taiwan's young democracy. For one to explain or predict Taiwanese politicians' behavior and strategy, electoral considerations could probably explain most of the variances in most cases, with many cross-strait or foreign policies aimed at domestic electoral consumption. Therefore, understanding the dynamics of the electoral process is key to understanding Taiwanese politics. This article would like to discuss problems revealed in the 2004 presidential elections and how future changes in legislative election would affect Taiwanese politics.

The 2004 Presidential Election

The bitterly fought 2004 presidential campaign in Taiwan has proven quite divisive both before and after the voting day. Even academic surveys of political knowledge question after the election about the name of the vice president elicited the answer, "no truth, no vice president." It naturally prompts one to wonder what went wrong with the electoral system and is there a sensible proposal for a quick fix. Dr. Jih-wen Lin and I took on a debate after the election in *Issues & Studies*¹, where Dr. Lin proposed approval voting to be the cure for its tendency to minimize negative campaigning and attract more moderate campaign strategies since candidates need to win as many approval votes as possible. The author, on the other hand, argued that approval voting would create its own set of problems, such as inducing voters to employ different strategic voting patterns and possibly attract multiple numbers of candidates to enter the race. The author contends that the extreme confrontation of Taiwanese presidential election does not result from electoral rule design, but from the social cleavage and mobilization strategies employed by candidates.

In a single-member district two-way race under plurality rule, candidates would converge to the middle, proposed by Anthony Downs² as the well known "medium voter theorem." Although this theorem has been modified to account for influences of primaries, interest groups, and abstention that lead to non-total convergent equilibrium³, the consensus stands that overall centripetal forces still outweigh

¹ Lin, Jih-wen, 2004, 09, "Can Social Solidarity Be Institutionally Engineered? The Case of Presidential Elections," *Issues & Studies*, vol. 40, no. 3; Emile C. J. Sheng, 2004, 09, "Where There is a System, There is a Loophole – Approval Voting is No Cure for Taiwanese Politics," *Issues & Studies*, vol. 40, no. 3.

² Downs, Anthony. (1957), *An Economy Theory of Democracy*, New York: Harper and Row.

³ Timothy Besley and Anne Case, "Political Institutions and Policy Choices: Evidence from the United States," *Journal of Economic Literature* 41, no. 1 (March 2003): 7; Donald A. Wittman, "Candidates

centrifugal ones in plurality electoral systems⁴. In other words, electoral rule is not the problem. The presidential elections in 1996 and 2000 all went through highly intensive campaign processes, but none left long-lasting emotional confrontation and controversies like the 2004 election did.

There are two main reasons why the 2004 presidential campaign is so controversial and emotionally-laden, aside from the fact that the final outcome was decided by a razor thin margin of 0.2 %. The first reason is the mobilization strategy of President Chen to hold defensive referendum on the same day of the presidential election despite legal disputes, while the second being the gun-shooting incident one day before the election. Part of Lien-Soong supporters question the fairness of the election and felt that the victory was stolen from them by fraudulent and illegal means.

According to a post-election poll, 41% of the respondents thought it was a fair election, while 38% thought otherwise⁵. With regard to the gun-shooting incident, although the police have announced the case closed in March of 2005, with the suspect being someone who's discontent with Chen's performance and committed suicide after the shooting, multiple polls results at the time indicated that the majority of the public do not believe the story released by the police to be the truth of the gun-shooting incident⁶. In March 12, 2006, families of the alleged shooter held a press conference denying all charges and claiming their previous statements were coerced by the police.

Therefore, if we were to propose institutional changes to prevent future controversies, the right of the president to call for defensive referendum at his/her discretion should first be reconsidered. It seems like there is also a possibility that the 2008 presidential election will be accompanied by a constitutional referendum. Giving total control of holding referendum on any question at any time to the president in a electoral-oriented political environment is too huge a temptation for the president to resist. Therefore, future defensive referenda should be approved by the Legislative

with Policy Preferences: A Dynamic Model," *Journal of Economic Theory* 14 (February 1977): 180-89; and Kristin Kanthak and Rebecca Morton, "The Effects of Primary Systems on Congressional Elections," in *Congressional Primaries and the Politics of Representation*, ed. Peter Galderisi and Mike Lyons (Lanham, Md.: Rowman & Littlefield, 2001), 116-31.

⁴ Paul Abramson, John H. Aldrich, and David W. Rohde, *Change and Continuity in the 2000 Elections* (Washington, D.C.: Congressional Quarterly Press, 2002).

⁵ http://www.tvbs.com.tw/FILE_DB/files/osaka/200404/osaka-20040426095439.pdf

⁶ Chinatimes, 2005/03/09, A1. "Majority of the public have doubts about 319 breakthrough."

United Daily: <http://www.udn.com/2005/3/9/NEWS/NATIONAL/NATS1/2550760.shtml>

Eranews: http://news.eracom.com/prog_pic/survey/319_1.pdf

TVBS: http://www.tvbs.com.tw/FILE_DB/DL_DB/chunruh/200503/chunruh-20050308193506.pdf

Yuan when proposed by the president, decreasing the chances for the referendum to be used as part of partisan turnout mobilization strategy.

The second set of considerations would be to define clearly the circumstances in which an election should be delayed under emergencies. There is no easy way to encounter the problem, for candidates trailing in the election could try to delay the election if such provision exists. A neutral committee ruling on candidate proposals under certain preconditions (i.e. candidate injuries or death, riots, cross-strait military confrontation, etc.) could be a possible solution.

Legislative elections

The legislative electoral rule was changed in the National Assembly election in May of 2005, changing the electoral system from single, non-transferable vote, multimember District (SNTV-MMD) to a single-member district, dual ballot system, coupled with the decrease of the number of legislators from 225 to 113, a cut in half. This electoral change could rectify many of the negative consequences of the SNTV system, namely ideologically extreme candidates targeting only minor portions of the electorate, electoral processes focus more on intra instead of inter-party competition since candidates under the same party label are competing against one another for votes, and the need for voters to utilize strategic voting. Under the new single-member district, dual ballot system, each party would only nominate one candidate per district, thus eliminating the need for strategic voting, and candidates have to gain majority of the vote to win, which would likely moderate the electorate process and upgrade the quality of the legislators elected.

However, this does not imply that the new electoral system is not without problems. The author will speculate on some of the potential consequences of the new rule on Taiwanese politics from the following aspects: party system, political landscape, partisan legislative seats, legislative operation, party organization, and vote/seat proportionality.

A. party system.

In the long run, the new electoral rule will result in a two-party system in Taiwan. The seat allocations under the new rule are as follows: district, 73; aborigine, 6; and at-large, 34. Minor parties will have difficulty winning seats in the district elections under plurality rule, and a minor party getting 10% of the party votes will have merely 3 legislators, hardly a number with substantive political influence. Although there is

the possibility of split-ticket voting in minor parties' favor, considering the relatively small proportion of at-large seats and the resource/image advantage of the two major parties, plus the pulling forces of presidential and county magistrate elections, there is little doubt that Taiwanese politics is heading toward a two-party system.

B. political landscape

The new rule would likely add to the current regional division of party strength, with the blue winning in the central and northern regions and the green dominating the southern areas, much like the current county magistrate landscape under plurality rule. This development is not beneficial to Taiwanese politics since it adds to the current regional division in the legislative institution, creating more regional tensions. In the future, people living in the northern districts supporting DPP might not be able to seek constituency service from legislators they support, with KMT supporters facing the same dilemma in the South. How does this affect voters' political efficacy and trust is a topic worth tracking over time.

C. Influence on partisan strength in legislative seats

As mentioned earlier, the new system will produce a two-party system, but it does not affect both major parties equally. In this author's opinion, assuming no dramatic changes in the partisan makeup of the public and no inner-party split, KMT will enjoy considerable advantages under the new rule because of population/seat ratio and the uneven geographic distribution of partisan support.

Taiwanese constitution protects smaller counties by regulating that each county, no matter how small in population, would get at least one seat in the LY. Six small counties with under average population, Hua-Lien, Tai-Dong, Peng-Hu, Kin-man, Lien-Chiang, and Chia-Yi city, are all advantageous to KMT with the possible exception of Chia-Yi city, where both parties have roughly equal chance of winning⁷. In addition, with less than 2% of the population, the aboriginal population is allocated 6 seats, which is far greater in proportion to its population and traditionally dominated by KMT. In the past where there were 225 seats, these advantages of KMT were not as significant, but the decrease of seats to 113 magnified the advantages KMT enjoyed in these areas.

On the other hand, the uneven geographical partisanship support would also benefit KMT under its current structure. KMT has a moderate advantage in the northern and

⁷ KMT's candidate won in Chia-Yi City's legislative election held in March 11, 2006, by 4% in an one-on-one race with the DPP candidate.

central districts while DPP enjoyed a dominant lead in the southern areas, as reflected in past presidential electoral outcome. For instance, in the 2004 presidential election, Chen lost in Taipei county by gaining 47% of the vote (north), but won decisively in southern counties such as Yun-lin (60%), Chia-yi (63%), Tai-nan (65%), Kaohsiung (58%), and Pin-tung (58%). Vote distributions like these under SNTV would give each party roughly proportional vote/seat ratio in each district. Past election results indicate that DPP were often able to nominate the optimal number of candidates in each district and employ strategies to distribute votes evenly to maximize the total number of seats. For example, in the 2004 legislative election, DPP got 39.78% of the seats with 35.72% of the votes; in the 2001 legislative election, DPP got 39.2% of the seat with only 33.38% of the votes, a nearly 6% seat bonus. This advantage of DPP might no longer exist under the new rule.

If the vote distribution structure remains unchanged, the large lead of DPP in the southern districts can no longer translate to extra seats, but will become wasted votes instead. In the more populous areas in central and northern Taiwan, if KMT can sustain their relative advantage over DPP, they could enjoy a large percentage of seat bonuses under single-member districts, an electoral rule that magnifies the advantage of plurality winners. These are the reasons why the author asserts that the new electoral rule would affect the outcome in KMT's favor.

D. Legislative operation

In the past, only about half of the incumbents were reelected on average. Under the new rule, legislators running as incumbents would enjoy electoral advantages much greater than those under the current SNTV rule as the only incumbent in each district. Therefore, seniority will become a more common feature in the LY, and legislators will be more assured of their reelection chances. Therefore, Taiwan should consider employing term limits, and design regulatory rules such as ethic codes to prevent conflict of interest and senior legislators dominating certain legislative areas as committee chairs.

E. party organization

Taiwan has about 16 million eligible voters. When the district elected legislators decreased in number from 168 to 73, it implies that the number of votes needed to be elected also more than doubled. Contrary to claims that the new rule would induce more vote-buying due to geographical reduction in districts, the author asserts that it is going to be more difficult to conduct such bribery campaign tactics when more votes are needed in a more concentrated area with fewer candidates in each district.

Therefore, the overall influence of local faction will decrease. On the other hand, since both major parties employ primaries where public opinion polls consists of 70% of the outcome (30% party member vote), candidate-centered politics is going to gradually take place and the influence of parties over nomination, election outcome, and subsequent legislative behavior could decrease. In the past where a party nominates several candidates in one district, party mobilization strategies, resources and assistance were deciding factors of the outcome. In the future, party influence would decrease and candidate's own election machine would play a more prominent role.

F. vote/seat proportionality.

The representation of public opinion will be affected in a negative way under the new rule. SNTV rule is proportional in nature, but the new single member district would dramatically increase the proportion of wasted votes. The winner-takes-all system would distort and magnify the party with slightly over fifty percent of the vote in the region, leaving other parties and their supporters with no representatives. Minority candidates are less likely to be elected under the new rule.

In summary, the new legislative electoral rule could have negative impact on Taiwanese politics such as decreasing representation of minority opinion, creating senior incumbents within specific legislative domain, and deepening the existing regional division of partisan confrontation. These potential negative consequences might be partially alleviated by parties' utilization of the at-large legislators to compensate for minority representation and provide presence in electoral disadvantageous areas. Also, ethics regulations such as legislative code of conduct, lobbying laws, and campaign finance regulations should be closely reexamined and seriously enforced, to prevent corruption induced by seniority. Overall, the new system will resolve the long disturbing problems of extreme candidates and inner-party competition under the SNTV rule, but will at the same time generate some negative impacts mentioned earlier.

The discussion above is based on the current constitutional regulations. There are attempts to propose other constitutional designs by various political forces, trying to build a coalition by proposing a change to a parliamentary system (Chen, Wang, Lien, and Soong probably would all agree⁸) and increasing the number of legislators to 200 (trying to garner support from current legislators, who are now very worried about

⁸ The author is not referring to an actual coalition, but only implying that these leaders would all approve certain proposals.

their future career). These developments could greatly affect future Taiwanese politics and should be closely followed.