

1953

Speeches/Documents

Title: Election Law of the Chinese People's Republic for the All-China People's Congress and Local People's Congresses at All Levels

Author: CPGC

Date: February 11, 1953.

Source: Albert P. Blaustein Fundamental Legal Documents of Communist China pp 193-214

Description: The Committee for Drafting the Election Law promptly reported the draft Election Law to the CPGC on February 11, 1953, under a covering explanation by Vice-premier Teng Hsiao-p'ing. The CPGC formally enacted the Election Law, under the long-title shown in the caption, on the same day and simultaneously appointed the Central Election Committee under the chairmanship of Liu Shao-ch'i; Mao Tse-tung promulgated the law on March 1, 1953. The following text, taken from the NCNA translation released March 2, is substantially complete, except for the omission of some relatively minor technical details. The law reveals several distinguishing characteristics of the new election system. (1) Direct elections are held only at the lowest levels; elections to people's congresses at higher levels are indirect (Article 3). (2) Important differentials in the allocation of delegates are established in favor of urban populations at the expense of rural populations (Chapters II and III of the law). (3) Despite the reference to "universal suffrage" (Article 1), important elements of the population are denied the right to vote, thus ensuring, in effect, that only the social classes favoring the "people's democratic dictatorship" will exercise the franchise (Article 5). (4) Special constituencies are established for overseas Chinese, national minorities, and members of the PLA (Articles 21-23, and Chapter IV). (5) "Show of hands" may be employed in place of secret ballot in the elections in which the popular masses take part (Article 55). (6) Elections are based on lists prepared in advance (Chapter VII); subsequent official explanations show that while different groups and individuals may "nominate" candidates for election, the intent is that elections will be on the basis of a single "official list" drawn up by the appointed "election committee" of the constituency. The basic rule is given by the Central Election Committee.

Chapter I. General Provisions

Article 1. The ACPC and local people's congresses at all levels shall be elected by the people of all nationalities on the basis of universal suffrage in accordance with Article 12 of the Common Program of the CPPCC.

Article 2. Delegates to the ACPC and delegates to people's congresses at the level of province, hsien, hsiang (or town), municipality and district under a municipality, and in the various national autonomous areas, shall be elected in accordance with the existing administrative area divisions.

Article 3. Delegates to the ACPC and people's congresses at the level of province, hsien and municipality (with sub-districts), shall be elected by the people's congresses of their respective next lower levels. The delegates to people's congresses at the level of hsiang, town, municipal sub-district and municipality (with no sub-districts), shall be elected directly by the electors.

Article 4. Every citizen of the CPR who has reached the age of 18 shall have the right to elect and to be elected, irrespective of nationality or race, sex, profession, social origin, religious belief, education, property holdings, or length of residence. Women shall have the right to elect and to be elected on equal terms with men.

Article 5. The following shall have no right to elect and to be elected: (1) Elements of the landlord class whose status has not yet been changed according to law; (2) Counterrevolutionaries who have been deprived of political rights according to law; (3) Others who have been deprived of political rights according to law; and, (4) Mentally deficient persons.

Article 6. Each elector shall have one vote only.

Article 7. The people's armed forces and Chinese overseas may conduct separate elections. Regulations governing such elections are to be enacted separately.

Article 8. Funds for the elections of the ACPC and local people's congresses at all levels shall be disbursed by the national treasury. Chapter II. Numbers of Delegates to Local People's at All Levels Section 1, Hsiang and Towns Article 9. Numbers of delegates to hsiang and town people's congresses: A hsiang or town with a population under 2,000 shall elect 15 to 20 delegates; with a population over 2,000, 20 to 35 delegates. A hsiang or town with an exceptionally small population may elect less than 15, but not less than 7, delegates; while a hsiang or town with an exceptionally large population may elect more than 35, but not more than 50, delegates.

Section 2. Hsien

Article 10. Numbers of delegates to hsien people's congresses: 100 to 200 delegates shall be elected in hsien with a population under 200,000; 200 to 350 delegates, in hsien with a population over 200,000. For hsien with an exceptionally small population, and few hsiang, the number of delegates may be less than 100, but not less than 30. For hsien with an exceptionally large population and a particularly large number of hsiang, the number of delegates may exceed 350, but not 450.

Article 11. Numbers of delegates from hsiang to hsien people's congresses: A hsiang with a population under 2,000 shall elect one delegate; with a population between 2,000 and 6,000, 2 delegates; with a population over 6,000, 3 delegates. In hsien with an exceptionally small population and few hsiang, 2 delegates shall be elected from each hsiang even where the population is below 2,000. One delegate shall be elected for every 500 people in cities and towns under a hsien and in important industrial and mining districts within the boundaries of the hsien. One delegate shall nevertheless be elected in places where the population is less than 500 but over 250. One delegate shall be elected for every 1,000 of population in cities and towns under a hsien where there is a particularly large number of towns and the population is exceptionally large.

Article 12. The people's armed forces shall elect from 1 to 5 delegates to each hsien people's congress.

Section 3. Provinces

Article 13. Numbers of delegates to the provincial people's congresses: Provinces with a population under 20,000,000 shall elect from 100 to 400 delegates, with a population over 20,000,000 from 400 to 500 delegates. The number of delegates may be less than 100 but not less than 50 for provinces for an exceptionally small population and few hsien; and may exceed 500, but not 600, for provinces with an exceptionally large population and an exceptionally large number of hsien.

Article 14. Number of delegates to be elected from hsien to provincial people's congresses: Hsien with populations under 20,000 shall elect 1 to 3 delegates; hsien with populations between 200,000 and 600,000 shall elect 2 to 4 delegates; hsien with populations over 600,000 shall elect 3 to 5 delegates. One delegate shall be elected for every 20,000 of population of cities and towns under a province and in important industrial and mining districts within a province. One delegate shall nevertheless be elected in places where the population is less than 20,000 but more than 10,000.

Article 15. The people's armed forces shall elect from 3 to 15 delegates to each provincial people's congress.

Section 4. Municipalities

Article 16. Numbers of delegates to the municipal people's congresses: Municipalities with populations below 100,000 shall elect 1 delegate for every 500 to 1,000 people; municipalities with populations over 100,000 and less than 350,000 shall elect 1 delegate for every 1,000 to 2,000 people; municipalities with populations over 350,000 and less than 750,000 shall elect 1 delegate for every 2,000 to 3,000 people; municipalities with populations over 750,000 and less than 1,500,000 shall elect 1 delegate for every 3,000 to 5,000 people; municipalities with populations over 1,500,000 shall elect 1 delegate for every 5,000 to 7,000 people. The number of delegates to a municipal people's congress shall be not less than 50 and not more than 800. The number of people represented by each delegate from a suburban district should exceed the number of people represented by each delegate from a municipal district.

Article 17. The people's armed forces shall elect from 2 to 10 delegates to each municipal people's congress.

Article 18. Numbers of delegates to people's congresses of districts under a municipality: One delegate shall be elected for every 500 to 2,000 people of the district, but the total number of delegates shall be not less than 35 or more than 200.

Chapter III. Numbers of Delegates to the All-China People's Congress

Article 19. Delegates to the ACPC shall be elected by people's industrial municipalities with populations over 500,000 which are directly under the provincial government, minority nationality administrative districts under the direct jurisdiction of the CPG, people's armed forces and overseas Chinese. Article 20. Delegates to be elected to the ACPC from each province shall be determined on the basis of 1 delegate for every 800,000 people. Provinces with exceptionally small populations shall not have less than 3 delegates. Delegates to be elected to the ACPC from each municipality directly under the CPG and each municipality with a population over 500,000 which is directly under a provincial government, shall be calculated on the basis of 1 delegate for every 100,000 people. Article 21. Minority nationalities throughout the country shall elect a total of 150 delegates to the ACPC.

Article 22. The people's armed forces shall elect 60 delegates to the ACPC.

Article 23. Overseas Chinese shall elect 30 delegates to the ACPC.

Chapter IV. Elections Among Minority Nationalities

Article 24. In allocating the number of seats for the 150 delegates to be elected to the ACPC by minority nationalities throughout the country, the CPG shall make provisions with due regard to the population of each minority group, its distribution and other such factors. Electors of minority nationalities who are elected as delegates to the ACPC, apart from those for whom provision is made in the preceding sentence, are not to be reckoned among the 150 delegates.

Article 25. Election of delegates from minority nationalities to the ACPC: delegates from administrative units of minority nationalities under the direct jurisdiction of the CPG shall be elected by the administrative units concerned; delegates from minority nationalities in other areas shall be elected by the various people's congresses at provincial and municipal level....

Article 34. Methods of election for minority nationality areas where conditions for universal suffrage do not yet exist shall be separately determined by people's governments of higher levels.

Chapter V. Election Committees

Article 35. Central and local election committees at all levels shall be set up under the CPG and local people's governments of all levels. The central and local election committees at all levels shall deal with all matters pertaining to the elections of the ACPC and local people's congresses at all levels. The Central Election Committee shall be appointed by the CPG. Local election committees at all levels shall be appointed by the people's government at the next higher level.

Article 36. Composition of the Central Election Committee and the local election committees at all levels: (1) The Central Election Committee: 1 chairman and 28 members; (2) Provincial (or municipal) election committees: 1 chairman and 8 to 20 members; (3) Election committees at the level of municipalities under provinces, districts under municipalities, and hsien: 1 chairman and 6 to 12 members; (4) Election committees at hsiang (or town) level: 1 chairman and 4 to 8 members. Staff for the central and local election committees at all levels shall be appointed by the various election committees concerned.

Article 37. Tasks of the Central Election Committee: (1) To direct and supervise the strict application of this Law throughout the country and to issue directions and decisions in accordance with the stipulations of this Law; (2) To direct the work of the local election committees at all levels; (3) To lay down the forms of electors' registration and electors' shall be appointed by certificates of election for delegates to the people's congresses at all levels and the type of official seals of the election committees at all levels; (4) To deal with information concerning and charges against those who

commit illegal practices in the course of the elections, and to decide on final measures to be taken; (5) To register the delegates elected to the ACPC, to make public a list of the elected delegates and to issue them certificates of election....

Article 38 assigns analogous functions to election committees in provinces, hsien and municipalities (with districts)

Article 39. Tasks of election committees at the level of hsiang, town, municipal district and municipality without subdistricts: (1) To supervise the strict application of this Law in the areas under their respective jurisdictions; (2) To register the electors and to examine and make public the lists of electors; (3) To deal with objections that may be raised to the list of electors in the areas under their respective jurisdictions, and to decide on measures to be taken; (4) To register the candidates and to make public the list of candidates; (5) To define electoral districts in accordance with the residence of the electors; (6) To fix the date and method of election and to convene and conduct the election meetings; (7) To issue electors' certificates; (8) To count the ballots, ascertain who is elected, make public a list of the delegates elected and issue them certificates of election.

Article 40. After the elections, the election committees at all levels shall give into the keeping of the people's government at the corresponding level all files concerning the elections, and shall speedily submit summing up reports on the elections to the people's governments and to the election committees at higher levels.

Article 41. The election committees shall be dissolved after they have completed their work.

Chapter VI. Registration of Electors, on the registration of electors simultaneously with the taking of the national census

Chapter VII. Nomination of Candidates for Election

Article 47. Candidates for election as delegates to the ACPC and local people's congresses at all levels shall be nominated by their electoral districts or election units. The Chinese Communist Party, the various democratic parties, the various people's organizations and electors or representatives who are not affiliated to the above-mentioned parties or organizations may all put forward lists of candidates for election as delegates either jointly or singly on the basis of electoral districts or election units.

Article 48. Candidates for election as delegates on the same level to the ACPC and the local people's congresses at all levels shall be eligible for election only in one election unit or in one electoral district.

Article 49. In electing candidates to people's congresses at a higher level their local people's congresses at various levels should not limit the candidates for election to the delegates of their respective people's congresses.

Article 50. The list of candidates for election as delegates shall be made public in advance.

Article 51. Electors may vote in accordance with the list or for any other electors they choose.

Chapter VIII. Election Procedure

Article 52. The election of delegates to the people's congresses in hsiang, towns, municipal districts or municipalities without districts shall be held at a fixed date in accordance with the decision of the people's government at the next higher level.

Article 53. The election of delegates to the people's congresses in hsiang, towns, municipal districts or municipalities without districts shall be held at election meetings called separately in each of the various districts defined in accordance with the residential distribution of the electors.

Article 54. Election meetings in hsiang, towns, municipal districts or municipalities without districts shall be held only in the presence of representatives of the election committee concerned. The presidium of an election meeting shall comprise three persons: the representative of the election committee shall be ex officio chairman of the presidium; the two other members shall be elected at the

meeting. Local people's congresses at all levels, in electing delegates to the people's congresses at the next higher level, shall be presided over by their own presidiums.

Article 55. The election of delegates to people's congresses in hsiang, towns, municipal districts or municipalities without districts and the election of hsiang or town delegates to hsien people's congresses may be done by a show of hands, or by secret ballot. Election of the people's congresses above the hsien level shall be done by secret ballot. Electors who are unable to write because of illiteracy or infirmity may ask other electors to record the votes for them.

Article 56. At the election meetings or people's congresses at all levels, elections may be held only when more than half the electors or delegates are present. If the number of electors or delegates present is short of the required quorum, the election committee or the presidium must fix the date for the convening of another meeting to proceed with the election. At the second meeting, the election shall be held even if the number of delegates or electors present is not more than half of the total....

Article 59. A candidate for election as delegate to a people's congress at any level shall be returned if he receives more than one half of the votes cast by the electors or delegates present. Another election shall be held if the number of votes received by the candidate falls short of half the number cast by the electors or delegates present....

Article 61. A delegate during his tenure of office may be recalled and replaced in accordance with legal procedure, if the majority of his voters or his election unit so desires. Chapter IX. Punishment for Undermining the Elections....

Articles 62-64 provide penalties of up to 2 or 3 years for persons who interfere with the election process and officials who falsify documents of the electoral process^

Chapter X. Appendix

Article 65. The provincial (or municipal) people's government may formulate detailed regulations in accordance with this Law for the carrying out of the elections and shall submit such regulations to the CPG for approval.

Article 66. This Law shall be promulgated and put into effect upon approval by the CPGC. The right of interpretation of this Law rests with the Central Elections Committee.

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| 1953 | Speeches/Documents |
| Title: A Full Explanation of the Draft Election Law," Report to the CPGC (extracts). | |
| Author: Deng Xiaoping | |
| Date: February 11, 1953 | Source:. Text: NCNA, Peking, March 3, 1953 |
| Description:. Vice-premier Teng's official report on behalf of the Committee on the Drafting of the Election Law was before the CPGC when that body adopted the Election Law on February 11, 1953. The report, as a whole, is a lengthy statement—well-larded with comparisons of a propagandist character of the differences between Western democratic and Communist-type elections. The following several extracts deal with those comments that would have the greatest interest for Western students seeking to compare Chinese election experience with that of the West. | |

In his book, *On New Democracy*, written in 1940, Chairman Mao Tse-tung pointed out: "China can now adopt a system of congresses of people's delegates—the national congress of people's delegates, provincial congresses of people's delegates, hsien congresses of people's delegates, district congresses of people's delegates, down to township congresses of people's delegates—and let these congresses of delegates at the various levels elect the government. But a system of really universal and equal suffrage, irrespective of sex, religion, property and education, must be put into practice so that the government elected will be fit to represent the status of each revolutionary class in the State, will be fit to express the people's will and direct /their7 revolutionary struggles, and will fit in

with the spirit of New Democracy." This is the basic principle to which we have adhered in formulating our country's election system.... The Draft Election Law provides for direct elections in the case of the basic level of people's power in hsiang, towns, municipal districts and in municipalities without districts; and for indirect elections from the hsien level upward. We introduce the secret ballot system in the elections at hsien level and above while at the basic level of people's power, the method of voting by a show of hands will generally be adopted. In other words, our election system is not yet completely direct and the method of balloting is not yet completely secret. This has been decided in the light of China's present social situation and the practical factors that there are still many people who lack experience in elections and many illiterates. If we ignore these practical considerations and arbitrarily lay down at the present time a method of election which may appear perfect in form yet is actually impracticable, the results will not be satisfactory—quite apart from adding to the difficulties of the election and in effect restricting the election rights of many citizens.... It is true that our election system is not as perfect as the present election system of the Soviet Union. Everybody knows the Soviet election system, in all stages, has always been the most democratic election system in the world. This is particularly so since the promulgation of the Stalin Constitution in 1936, under which the system of universal, equal, direct and secret ballot applied perfectly in the Soviet Union. It is the best election system in the world. As we develop politically, economically and culturally, we shall certainly adopt in the future a more perfect election system like that of the Soviet Union.... Undoubtedly, our Election Law at present is not so perfect as the election system of the Soviet Union from 1936 onwards, but still it will in general produce the same effects.... (The last preceding sentence is transposed from one of the concluding paragraphs of the report/)

The number of delegates to the people's congresses at all levels has been regulated according to two principles, namely: first, the people's congresses at all levels must be competent organs of state power which are in a position to call meetings and discuss and solve problems. second, the people's congresses at all levels must have close links with the people. The various democratic classes in society and the different nationalities and races must have delegates in the people's congresses commensurate in number with their respective status, at the same time taking into account regional representation. This will ensure that the delegates at all times are able to reflect the situation among the various nationalities, classes and areas and speedily transmit the resolutions of the people's congresses to the people of the nationalities, classes and areas, so that each resolution may be turned by the entire people to practical account.... Calculated on the basis of Chapter III of the Draft Election Law, the total number of delegates to the ACPC will be approximately 1,200. This figure, though a little less than the total number of delegates of the two chambers of the Supreme Soviet of the USSR, is far larger than that of the parliament of any other country. This is appropriate for a country like ours under the present conditions.... The number of delegates to be elected to the ACPC is also based /as in the case of other levels of congresses on population, while taking into consideration regions or areas and units. Naturally, therefore, the number of delegates from provinces and municipalities with large populations is far greater than the number from provinces and municipalities with smaller populations. At the same time, the Draft also gives special consideration to the smallest provinces, prescribing that the number of delegates of any one province shall not be less than three. In fact, most of the small provinces are located in the Northeast, Northwest and Southwest. Most of the small provinces of the Northeast will be compensated by their industrial city delegates. Most of the small provinces of the Northwest and Southwest will be compensated by their minority national delegates. So, on the average, the number of delegates from these small provinces will not be small....

The Draft provides that the delegates elected from municipalities may represent a different proportion of the population from those elected from the rural areas. It stipulates that in a province a delegate is to be elected to the ACPC for every 800,000 people; while in industrial cities a delegate is to be elected for every 100,000 people. Similar stipulations have been made regarding the election of delegates to the provincial, municipal and hsien people's congresses. Municipalities are political, economic and cultural centers and places where workers and industries are concentrated. The stipulation that the number of people represented by each delegate may vary between city and rural areas in fact reflects the leading role played by the working class in the State, at the same time indicating our country's development toward industrialization. Thus the stipulation fully corresponds to the political system and the actual conditions in our country and is entirely necessary and correct,...

The Draft Election Law stipulates that the CCP, the various democratic parties, the various people's organizations and electors or representatives who are not affiliated with the above-mentioned parties or bodies may put forward, jointly or singly, lists of candidates for election as delegates in accordance with the electoral districts or election units. Of course, joint nomination by the CCP, the various democratic parties and the various people's organizations in fact should be and can be the main form for submitting lists of candidates for election as delegates to the people's congresses at all levels. However, it is stipulated at the same time that electors or representatives have the right to nominate candidates separately, so that the electors or representatives can have more opportunities to voice their opinions. There is no disadvantage in this; it is beneficial in the present conditions. On the basis of experience acquired in the past elections, the lists of candidates for election as delegates must be made public in advance after they are nominated so that exhaustive discussion can be held among groupings of electors in the electoral districts and units at the basic level and among groups of delegates in the people's congresses of all levels. Through such democratic discussion, the electors will be able to know the facts about the candidates and form their opinions on the suitability of individual candidates which will serve as the basis for revising the lists of candidates before the elections. The Draft also stipulates that at the election, the electors may cast their votes according to the lists of candidates or may also vote for other electors of their own choice....

The most arduous task for the basic level units is the registration of electors. To do this successfully, enormous manpower is needed, because the number of electors is very great and a census has to be taken. In registering electors, the biggest problem is to determine their qualification as electors. In this connection, there are many unsettled questions arising from the series of democratic reforms in both the urban and rural areas, and these will now have to be ironed out. As regards elements of the landlord class, for example, we must ascertain which have been reformed through five years of labor, have become completely law-abiding and have committed no reactionary acts and, therefore, should have their class status changed and be given political rights according to law; and we should also ascertain which have not fulfilled these conditions and should therefore not have their class status changed. As regards children of the landlord class, we should ascertain which have not taken part in direct exploitation, have faithfully obeyed the government's laws and decrees and therefore should be given political rights; and we should also ascertain which have not fulfilled these conditions and therefore should not be given political rights.... In the old liberated areas, the question of whether rich peasant elements of a semi-landlord type are to have political rights should be ascertained and determined according to the resolution passed by the GAC and CPG on August 4 1950. As regards counterrevolutionaries under public surveillance, strict examination and sorting out should be conducted so as to determine which should continue under public surveillance; which, in the light of their appreciable reformation, may have their term of surveillance reduced or have their public surveillance removed though not yet given political rights; which, in the light of their still greater reformation, may have their public surveillance removed and be given political rights; and which have been unjustifiably placed under public surveillance and therefore should have their political rights restored to them. At the same time, during the registration of electors, counterrevolutionaries who have escaped being brought to justice must, when unearthed, be put under public surveillance and deprived of their political rights. In a word, the registration of electors is a highly solemn affair. We cannot permit counterrevolutionaries or elements of the landlord class whose class status has not been changed unlawfully to arrogate the dignity of political rights, nor can we permit a citizen to be erroneously deprived of his sacred political rights....

The Draft Election Law has made clear-cut, detailed provisions for the organization and tasks of the election committees at the central and local levels. To facilitate their work, the number of members on the committees shall not be too large. Even so, the total membership of the committees throughout the country will come to approximately 2,000,000. As this is our first election and the work is complex and pressing and there is a lack of experience, election committees will not be able to perform their tasks if they are not highly capable. Thus, the key to the smooth running of the elections is the selection for election committees of people who are honest, fair-minded and are closely linked up with the masses....

The 1953 Electoral Law stipulates that deputies to people's congresses of cities without districts, districts directly under cities, townships and towns shall be elected directly by their constituencies.

Registered voters accounted for 97 percent of Chinese people above the age of 18, of whom 86 percent, or 278 million, participated in the election.