



## **Asian Network for Free Elections (ANFREL)**

### **Statement on Taiwan Presidential Election Observation 2008**

#### **Introduction**

The Asian Network for Free Elections (ANFREL) was invited by the Taiwan Foundation for Democracy (TFD) to conduct a systematic and professional nationwide election observation mission in Taiwan, in collaboration with two local partner NGOs, Citizens Congress Watch and Taiwan Peace at Grassroots.

The mission consisted of 8 teams, each led by an international observer from one of 6 countries, paired with 1-2 Taiwanese assistant observers. The teams were deployed to Taipei City, Taipei County, Taoyuan County, Taichung City, Changhua County, Tainan City, Kaohsiung City, and Taitung County. Each team was deployed in their respective constituency continuously from 18-22 March, observing the campaign activities and meeting with local authorities, local campaign offices, local NGOs, and ordinary citizens. On polling day, the teams visited a total of 145 polling stations and 24 counting stations.

ANFREL would like to express their appreciation to the Central Election Commission (CEC) and City and County Election Commissions (ECs) for their assistance and cooperation. We hope that such observation will become more and more common in the future, in line with international trends. There is certainly much to be learned by other Asian countries from Taiwan's experience, and much as well that Taiwan could learn from comparing with international best practices.

#### **In General, a Very Positive Process**

ANFREL warmly congratulates the people of Taiwan and all the institutions involved in this recent political exercise. We commend the peaceful process, the high degree of professionalism in the conduct of the elections, and the good security atmosphere, before, during, and after the elections. The high turnout of voters in this election, even if slightly lower than previous presidential elections, is a remarkable expression of the public's commitment to exercise their respective rights to suffrage and participation in governance.

Politically, participants in the elections were able to campaign very freely, using all manner of means to reach out to the public. Furthermore, we did not detect any serious intimidation or threat against voters. Therefore, the result can certainly be considered to express the will of the voters.

In the immediate post-election environment, we commend the good statesmanship demonstrated by both political parties and their respective candidates in their respect and acceptance of the outcome of the elections. In particular, the peaceful attitude of the losing side, despite being stunned by the result, is a positive sign of maturity in Taiwan's democracy.



Most aspects of the administration of the elections were carried out with admirable efficiency and professionalism. Among other aspects that could be profitably shared with Taiwan's Asian neighbors, we may single out the integrity of the electoral rolls, the tabulation system, and the swift counting procedures.

### **Need for Some Systemic Improvements**

However, some aspects of the election left much to be desired, and evoked serious concern among the members of the ANFREL mission. These fall into two categories, systemic issues affecting the whole electoral process, and technical aspects of polling and counting.

**First**, attention needs to be paid to ensure that public confidence in the election system remains high, in the face of the strong political polarization in the society. Our observers heard complaints of political bias from some party officials against either the Central Election Commission or some local Election Commissions. In addition, the fact that the media were full of accusations from both sides of "dirty tricks" could lower the trust of voters. This brings the concern to focus on the independence of all the election authorities in carrying out their mandate. Having learned about recent proposals to review and improve on the Central Election Commission's organizational structure, we want to emphasize that any reform of the CEC should serve to promote public confidence in the institution.

**Second**, the campaigns, both by parties and individual candidates, are obviously very expensive, as was easily observed even in our short observation period, from the election rallies, paraphernalia, etc. There is a serious concern about election spending and the excesses of it. It is apparent that election expenditures of both the candidates in this election have gone well beyond the limit allowed by the election law; in addition, from the campaign activities observed by our mission, it appears that one party had considerably more resources than the other. ANFREL calls on the CEC, the Ministry of Justice, and other relevant bodies to exert a stronger political will to hold the political parties and their candidates more accountable on their election spending and to penalize or prosecute those who would be found with sufficient evidence of violation on this specific election law against campaign overspending. Additional measures may also be necessary to ensure a level playing field.

**Third**, voter education was deemed to be insufficient. Information materials for the voting public must both instruct on the basics of the electoral exercise and promote election-related advocacies. New ways must also be explored to communicate effectively to the voting public, especially to new voters.

**Fourth**, although we commend the media for providing the public with an array of information on the various aspects of the election and referendum, it was however not free from bias for specific political parties, thereby compromising their credibility.

**Lastly**, while we appreciate the assistance and time given to our mission by many civil society groups and workers, we feel Taiwan's civil society is not sufficiently engaged in the election process. NGOs, both local and international, can play a very big role in deepening Taiwan's democratic system, and their role should be further institutionalized. For example, in addition to observation of the polls themselves (see below), civil society could play a valuable role in monitoring campaign expenditure, media coverage, campaign rhetoric, etc.

## **Polling and Counting Process**

While we commend the technical efficiency of the polling and counting process, we also observed some aspects which raise concern on some democratic and political implications, especially in any future election whose result may be contested.

**First**, in some polling stations, the secrecy of the act of voting was not fully upheld, as observers and party agents could see how voters in the polling booth were marking the ballot. In future, we recommend that polling booths should be arranged in such a way that it would promote more privacy for the voter, such as turning it to face the wall, or to use a more concealing curtain.

**Second**, we found that the role of party agents was poorly defined. In most cases, instead of monitoring the process, they were acting as additional polling station staff, sometimes in ways that we found inappropriate. On the role of party agents in every polling station, it is recommended that their roles should be defined, if not clarified, to avoid confusing their roles with election staff and other observers.

**Third**, we were disappointed at the almost complete lack of election observers, both international and domestic, and the fact that in some cases we encountered difficulty in carrying out our mission. We recommend that the CEC should move swiftly to enact regulations to create a clearly defined role and mandate for both international and domestic observers, which would be able to provide a neutral reference in the case of any dispute.

**Fourth**, we feel that the CEC should reconsider carefully the suitability of holding referendums together with major national elections, such as a presidential election.

**Lastly**, we found a few specific concerns:

- There should be a standardized manner in the counting of votes, as it was observed that some polling stations differed on this aspect, especially with respect to the referendum.
- It was also observed that in some polling stations, the inspection and prohibition of mobile phone use inside the polling station were not strictly observed, or even that a box for the phones was not provided.
- We also found the act of closing doors of polling stations at the end of the polling period is unnecessary.

## **Conclusion**

We declare that the success of the recent electoral exercise in Taiwan is a strong affirmation of the quality and dynamism of democracy that prevails among its people and government, and that it is a model worth emulating by other countries, especially by those in the region. Moreover, the respectful acceptance of the election outcome affirms that democracy truly rests on the people and all its powers emanate from them. It is ANFREL's mission to promote and sustain this basic yet profound hallmark of democracy, in order to build a just and humane society.

Finally, ANFREL would like to express our appreciation for the invitation from the Taiwan Foundation for Democracy, and the support of Citizens Congress Watch and Taiwan Peace at Grassroots during our mission. We very much look forward to deepening our collaboration with Taiwanese partners in the future.

