The 2020 Taiwanese General Election: 
A Success for Democracy Despite Emerging Challenges

ANFREL International Election Study Mission Report
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## Glossary

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANFREL</td>
<td>Asian Network for Free Elections</td>
</tr>
<tr>
<td>ROC</td>
<td>Republic of China (Taiwan)</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>CEC</td>
<td>Central Election Commission</td>
</tr>
<tr>
<td>CIP</td>
<td>Council of Indigenous People</td>
</tr>
<tr>
<td>DPP</td>
<td>Democratic Progressive Party</td>
</tr>
<tr>
<td>FPP</td>
<td>First-past-the-post</td>
</tr>
<tr>
<td>KMT</td>
<td>Kuomintang (Chinese Nationalist Party)</td>
</tr>
<tr>
<td>LGBT</td>
<td>Lesbian, gay, bisexual and transgender</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Government Organization</td>
</tr>
<tr>
<td>PFP</td>
<td>People First Party</td>
</tr>
<tr>
<td>PR</td>
<td>Proportional representation</td>
</tr>
<tr>
<td>PWD</td>
<td>Person with Disability</td>
</tr>
<tr>
<td>SNTV</td>
<td>Single non-transferable vote</td>
</tr>
</tbody>
</table>
ANFREL would like to congratulate the people of Taiwan for their continued trust in electoral processes and democracy in a time of challenges for democracy, both regionally and globally. The voter turnout in the 2020 Taiwanese elections was nearly 75%, the highest for nationwide elections since 2008. Furthermore, we would like to acknowledge the hard work of all electoral stakeholders for the sustainability of a democratic Republic of China (Taiwan).

Our engagement in Taiwan has a long history and ANFREL’s first election observation effort in the country dates back to the 2004 legislative elections. Since then, we have deployed small teams of observers to study the 2008, 2012, and 2020 elections. For this latest electoral round, ANFREL fielded a team of eight observers from seven different countries for a total of eight days.

We witnessed an electoral community working together to defend and sustain democracy as a form of government, despite significant challenges both old and new. Indeed, I would like to extend special thanks to the Central Election Commission for their professional work, and especially its Chairperson Mr. Lee Chin-Yung, Commissioner Prof. Shiow-Duan Hawang, and their team, for welcoming ANFREL observers and sharing information even though the Taiwan legal framework does not provide for the participation of international election observers.

Our engagement would also not have been possible without the support of the Taiwan Foundation for Democracy, a great supporter of ANFREL’s activities promoting democracy in Taiwan and throughout Asia. My sincere thanks go to the foundation’s President Dr. Ford Fu-te Liao as well as Mr. Bo Tedards, Director of the International Cooperation Department for their support and friendship.

ANFREL’s Taiwanese member Citizen Congress Watch (CCW) is a strong organization working throughout the electoral cycle to monitor legislators in the exercise of their mandate. For their commitment to
democracy and kind assistance, we are very grateful to Chairperson Prof. Kun-lu Wu, Program Director Mr. James Kan, and the rest of their team, without whom our operations would not have been as smooth.

My gratitude also goes to the members of this study mission, who generously gave their time and expertise to make this endeavor a success, and in particular those who compiled and presented ANFREL’s findings here. The issues faced by Taiwan, such as disinformation, foreign influence, or regulation of campaign finance, are prevalent throughout Asian democracies, and the country serves in many ways as a regional laboratory. I hope this report could be used throughout Asia to learn more about Taiwan’s democratic success story, as well as use the country’s experience to strengthen the capacity of election management bodies and civil society organizations and thus face emerging challenges to elections.

Chandanie Watawala
Executive Director
Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the leading NGO in Asia working for the promotion of democratic elections. ANFREL’s primary work is focused on election observation, developing and training civil society groups that are actively working on democratization in their home countries, and undertaking campaign and advocacy activities to address electoral challenges and foster democratic development in the region.

Since its formation and prior to the 2020 Taiwanese General Election Study Mission, ANFREL has conducted 65 election observation missions across Asia, with over a thousand international election observers participating in these missions. ANFREL draws its observers from a network of member civil society organizations in Asia, all working on strengthening political processes through inclusion, accountability, transparency, and inter stakeholder collaboration. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is locally developed rather than
externally imposed. By engaging in elections in various countries, our observers develop a strong understanding of best electoral practices, knowledge that can then be utilized to strengthen electoral processes in their respective home countries.

In addition to direct election observation programs, ANFREL also carries out training and capacity building programs for civil society, the media, and other institutions working on elections and democracy-related issues. Providing capacity building training, either directly or indirectly, to local organizations has been an integral part of most of our election observation missions to date. ANFREL believes that capacity building for local stakeholders is one of the most important elements in democratization efforts, which is why it regularly holds regional or country-specific workshops to develop the abilities of democracy advocates.

Finally, ANFREL also carries out election-related advocacy and campaigning, including the dissemination of information and publication of materials related to elections and other democratic processes, as well as lobbying for electoral reforms both on the national and international stage. Since 2012, ANFREL has also organized the Asian Electoral Stakeholder Forum (AESF), which brings together election-related civil society groups and election management bodies from across Asia and beyond to foster greater understanding and cooperation for addressing the remaining challenges to free and fair elections in Asia. By engaging diverse electoral stakeholders through our advocacy and campaign work and bringing together observers from across the region to participate in our observation missions, ANFREL seeks to create an environment conducive to democratic development in the spirit of regional solidarity.

ANFREL’s three areas of work - election observation, capacity building, and advocacy - support and complement one another to further our mission of improving the quality of elections across Asia.
On 11 January 2020, over 19 million registered voters of the Republic of China, also known as Taiwan, were invited to the polls to elect the country’s 15th President and all 113 members of the Legislative Yuan, the unicameral parliament. Since the introduction of free elections in the country in the 1990s, Taiwan has managed to consolidate its political system and become one of the most vibrant democracies in Asia. It enjoys an active civil society, flourishing media, and an independent judiciary which protects the individual freedoms of the citizens. In the larger context of democratic backsliding in Asia and beyond, Taiwan stands out as a refreshing success story.

Nevertheless, no country can claim to hold perfect elections. The Economist Intelligence Unit’s 2019 Democracy Index\(^1\) labels Taiwan a “flawed democracy” with an aggregate score of 7.73 out of 10. While the categories “electoral process and pluralism” (9.58), “civil liberties”

(9.12), and “functioning of government” (8.21) all rank high, the index identifies “political participation” (6.11) and “political culture” (5.63) as areas for improvements.

The country’s election administrators also faced sustained criticism during the 2018 local elections and concurrent referendum, when criticism over long queues at polling stations forced the Chairperson of the Central Election Commission (CEC) to step down\(^2\). In addition, some provisional results were issued before all voters were able to cast their ballots, and the vote count was the longest in Taiwan’s history.

In light of these challenges and other emerging threats to democracy across Asia, the Asian Network for Free Elections (ANFREL) deployed a team of international experts to assess the quality of elections in Taiwan, protect the fundamental political rights of its citizens, and foster public confidence in the electoral process. This research effort, involving 8 team members from 7 countries, focused primarily on identifying good practices from Taiwan that other Asian countries could implement, and vice-versa.

Members of the study mission were deployed throughout the island of Taiwan, and were present on Election Day in Taipei, New Taipei City, Kaohsiung, Taichung, Tainan, and Yilan. This ANFREL initiative was conducted in accordance with the Declaration of Principles for International Election Observation (DOP-IEO), and produced an independent assessment consistent with international and regional standards of free and fair elections, including the 2012 Bangkok Declaration on Free and Fair Elections. ANFREL previously deployed international observers to elections in Taiwan in 2004\(^3\), 2008\(^4\), and 2012\(^5\).

\(^2\) [https://international.thenewslens.com/article/108907](https://international.thenewslens.com/article/108907)
\(^3\) [https://drive.google.com/file/d/0B1WL2UROJiEUb0FIYUtaY05rcWs/view](https://drive.google.com/file/d/0B1WL2UROJiEUb0FIYUtaY05rcWs/view)
The 11 January 2020 elections of the Republic of China (also referred to as Taiwan) are unique in the Asian electoral landscape. National elections in Taiwan constitute a multi-layered electoral and political exercise eagerly awaited by the country’s population and analysts abroad. At the same time, they are conducted smoothly and transparently, demonstrating the robust democracy that the country has become.

While no electoral process is ever perfect, the 2020 Taiwanese elections can be labeled a successful exercise for the following reasons:

- They were conducted in accordance with a clearly established legal framework;
- There was a vibrant electoral campaign involving the participation of many political parties, candidates, and voters on a level playing field;
- Election management throughout the electoral process was of high quality, with an efficient and orderly Central Election Commission providing oversight;
- There is a culture of open election data among election management, with official information made available through electronic resources and traditional media. Voters were provided with adequate information, most notably through voter notices and election bulletins;
- The voter registry was accurate, updated, and easily accessible;
- Election Day proceedings throughout the country were found to be capable, transparent, and neutral;
- Vote counting was both quick and reliable, allowing for a swift announcement of results within hours of the polls closing;

Executive Summary

The 11 January 2020 elections of the Republic of China (also referred to as Taiwan) are unique in the Asian electoral landscape. National elections in Taiwan constitute a multi-layered electoral and political exercise eagerly awaited by the country’s population and analysts abroad. At the same time, they are conducted smoothly and transparently, demonstrating the robust democracy that the country has become.

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- The voter registry was accurate, updated, and easily accessible;
- Election Day proceedings throughout the country were found to be capable, transparent, and neutral;
- Vote counting was both quick and reliable, allowing for a swift announcement of results within hours of the polls closing;
• Election losers, including the main opposition presidential candidate, conceded their defeat on the night of the election, and there were no reported challenges to election results;

• The entire election period was peaceful, with no reported instances of violence.

In light of the achievements highlighted above, members of the ANFREL Study Mission felt that Taiwan is undoubtedly an advanced democracy with solid electoral processes, that other Asian countries may look up to in order to reflect on their own shortcomings. However, there remain areas of improvement that the government, election authorities, or other stakeholders may wish to consider. These gaps are usually not due to poor management of the process, but to insufficient oversight or a lack of political will to challenge the status quo in favor of sound electoral reform.

There are issues that we feel deserve review, all of which regard inclusiveness of the vote or further expansion of the voting population. The first is the disenfranchisement of certain groups of voters on Election Day due to constraints beyond their control, specifically individuals working or studying outside of their districts, overseas Taiwanese citizens, polling staff, military and police officers, the sick, elderly, and persons with disabilities (PWDs). Although duly registered, these may be effectively deprived of their opportunity to cast a ballot because the lack of alternative voting procedures requires them to be present at a specific place on Election Day.

The second is the voting age threshold, set at 20 years old for elections, which not only is in the second-highest in Asia, but also presents a discrepancy since Taiwanese youth aged 18 or more are able to vote in referendums. These factors somewhat undermine the principle of the largest possible franchise upon which electoral democracies are based, and could be addressed by the legislature.
There was also in these elections the big overhang of “fake news” and disinformation which appear in large part to be orchestrated and funded from abroad. The supposed rationale behind these actions is sinister: to manipulate voters towards voting for certain candidates, or even worse, to destabilize the foundations of democracy in Taiwan. Furthermore, fake news were distributed through both traditional and social media. Fortunately, concerned citizens, and particularly the so-called “digital native” generation, mobilize to counter the disinformation phenomenon in the online realm, with some degree of success. However, information-related challenges to elections remain great, and should prompt more creative and coordinated responses in the future if they are to be tackled adequately. Both fake news and media bias are unfortunately problems that will most likely only increase as time goes by.

Overall, the 2020 elections of the Republic of China displayed strong integrity and faith into the process, with little of the election-related violence, fraud, voter suppression, vote buying, logistical confusion, violation of voting secrecy, manipulation of ballots, or other such afflictions that riddle elections in more fragile democracies. The process was both sound and perceived as such by the vast majority of stakeholders contributing to a positive electoral climate and strong voter turnout.
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③蔡英文⑰民進黨

SpicyTaiOne 辣台派挺英團結聯盟
Chapter 1: 
Legal Framework and Electoral System

Following its transition from a military dictatorship to a multi-party democracy in the 1990s, the Republic of China (henceforth alternately called Taiwan in this report) has successfully conducted several rounds of national and local elections. The first free elections for Parliament (also known as Legislative Yuan) seats took place in 1992, and the first presidential poll in 1996.

Although presidential elections receive more international coverage, elections to the Legislative Yuan involve many more candidates and several electoral systems, making these a much more complicated process to organize and mobilize voters for. Since 2012, these national polls have been held concurrently every four years in a large-scale democratic exercise for the country.

<table>
<thead>
<tr>
<th>Type of election</th>
<th>Presidential and vice-presidential election</th>
<th>Legislative elections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>District-based MPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lowland aborigines’ MPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Highland aborigines’ MPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Party-list MPs</td>
</tr>
<tr>
<td># of voters</td>
<td>19,311,105</td>
<td>18,806,913</td>
</tr>
<tr>
<td># of seats</td>
<td>1 pair</td>
<td>73</td>
</tr>
<tr>
<td># of candidates</td>
<td>3 pairs</td>
<td>410</td>
</tr>
<tr>
<td>Electoral system</td>
<td>FPP*</td>
<td>SNTV**</td>
</tr>
<tr>
<td>Ballot paper color</td>
<td>Pink</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or Blue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or Green</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or White</td>
</tr>
</tbody>
</table>
* First-past-the-post / ** Single non-transferable vote / *** Proportional representation
The previous table displays the different elections that took place on 11 January 2020. On Election Day, eligible voters across the country were invited to cast up to three ballots:

- one for President and Vice-President (elected together);
- one for either District Legislator or Indigenous Legislator (depending on the voter’s status); and
- and one for Party-list Legislators.

The legal framework for elections in Taiwan is guided by the following laws

- The 1947 Constitution of the Republic of China⁶;
- The Additional Articles of the Constitution, last amended in 2005⁷;
- The Organic Law of the Central Election Commission, last amended in 2009⁸;
- The Presidential and Vice-Presidential Election and Recall Act, last amended in 2018⁹;
- The Civil Servants Election and Recall Act, last amended in 2019¹⁰;
- The Political Donations Act, last amended in 2018¹¹;
- The Political Parties Act, last amended in 2017¹²; and
- The Referendum Act, last amended in 2019¹³.

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While the Constitution of the Republic of China includes provisions for elections, those were designed primarily for mainland China and were never enforced because of the military situation. In 1991, following decades of one-party military dictatorship, the country embarked on a constitutional reform process. New electoral processes for Taiwan alone were then created through “Additional Articles” to the Constitution, leaving the original text of the 1947 Constitution untouched. Today, the Additional Articles effectively constitute the cornerstone of the Taiwanese legal and political system.

**Presidential and Vice-Presidential Election**

Article 2 of the Additional Articles of the Constitution states “the President and the Vice-President shall be directly elected by the entire populace of the free area of the Republic of China”. Candidates for both offices need to register jointly and be listed as a pair on the ballot. It also established a first-past-the-post electoral system where: “the pair that received the highest number of votes shall be elected”. The term of office for both positions is four years, and the President can only be re-elected once.

The Presidential and Vice-Presidential Election and Recall Act provides that these two offices will be filled “by way of common, fair, direct and secret vote”, laying down the foundation for a modern democratic process. All citizens of a “free region of the Republic of China”, meaning Taiwan and the smaller island groups under its control, have the right to vote.

However, the voting age in Taiwanese elections is 20 years old, which is relatively high. While other Asian countries in Asia, such as Malaysia or Japan, have recently lowered their voting age threshold, Taiwan’s remains the second-highest in the region after Singapore (21 years old). There have been calls to allow citizens aged 18 or more to vote.

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14 http://www.tufs.ac.jp/ts/personal/ogasawara/paper/epaper2.html
participate in Taiwanese politics\textsuperscript{15}, and the issue is largely consensual among the main political parties. In fact, the voting age for participating in referendums was actually lowered from 20 to 18 years old in 2017.

Lowering the voting age for referendums was achieved by amending the Referendum Act\textsuperscript{16}. On the other hand, enacting the same change for elections would require constitutional reform as Article 13 of the 1947 Constitution dictates that “any citizen of the Republic of China who has attained the age of 20 years shall have the right of election”. In line with best electoral practices in Asia, ANFREL invites all stakeholders in Taiwan to muster the political will required to lower the voting age in elections from 20 to 18 and thus enfranchise a larger percentage of the population.

Apart from age, to be able to vote in the presidential and vice-presidential election, citizens are required:

- To have been living in Taiwan for at least 6 consecutive months; or
- For Taiwanese citizens living abroad, to have previously lived in Taiwan for at least 6 consecutive months and to be a duly registered voter. In this case, the polling station remains that of the domicile before the person emigrated to a foreign country.

Voters are invited to elect both a President and Vice-President on the same ballot. Candidates must file a joint application with the Central Election Commission (CEC). In order to be eligible for either office, candidates must be living in Taiwan for at least 6 consecutive months, have registered their domicile in the country for at least 15 years, and be over 40 years old. Those who obtained their Taiwanese citizenship by naturalization or restoration, residents of the People’s Republic of

\begin{itemize}
\item \textsuperscript{15} http://www.taipeitimes.com/News/editorials/archives/2018/04/11/2003691075
\item \textsuperscript{16} https://www.taiwannews.com.tw/en/news/3318725
\end{itemize}
China, Hong Kong, or Macao\textsuperscript{17}, as well as persons possessing dual citizenship\textsuperscript{18}, are explicitly ineligible.

Candidates must also be recommended by one or several political parties totaling at least 5% of the votes in the latest national elections, or by 1.5% of the voters registered for the previous legislative election. In the latter case, candidates must also present with their application a deposit of NT$1,000,000 (around USD33,000), refundable only if their petition gathers over 50% of the signatures required to endorse their candidacy. This provision allows for independent candidates to run, which happened in 1996 and 2000. In addition, each group of candidates must pay a deposit of NT$15,000,000 (around USD500,000) upon being registered on the ballot, to be returned after the election only if they collect votes at least equal to 5% of all registered electors.

\textsuperscript{17} Presidential and Vice-President Election and Recall Act, Article 20
\textsuperscript{18} Presidential and Vice-President Election and Recall Act, Article 27
The obvious effect of such regulations is to limit the number of potential candidates to the offices of President and Vice-President. While other countries in Asia with direct election of the head of state see large numbers of contestants (respectively 18 and 35 for the 2019 presidential elections in Afghanistan and Sri Lanka), Taiwan’s presidential elections have never reached the same extent. While there were 5 teams in the race in 2000, since 2004 there have been only two or three tickets on the ballot.

There were three pairs of candidates in the 2020 Presidential and Vice-Presidential Election, presented in the table below.

<table>
<thead>
<tr>
<th>Ticket Number</th>
<th>Presidential candidate</th>
<th>Vice-presidential candidate</th>
<th>Political party</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>James Soong</td>
<td>Sandra Yu</td>
<td>PFP</td>
<td>🌶️</td>
</tr>
<tr>
<td>2</td>
<td>Han Kuo-yu</td>
<td>Chang San-cheng</td>
<td>KMT</td>
<td>🟣</td>
</tr>
<tr>
<td>3</td>
<td>Tsai Ing-wen</td>
<td>William Lai</td>
<td>DPP</td>
<td>🟡🟢</td>
</tr>
</tbody>
</table>

In the 2016 legislative elections, four political parties reached the 5% vote threshold, and these were subsequently able to nominate candidates for the 2020 Presidential and Vice-Presidential Election. Three of them did so: the Democratic Progressive Party (DPP), the Kuomintang (KMT), and the People First Party (PFP). The incumbent President, Tsai Ing-wen, was the DPP’s lead candidate, while the KMT nominated Han Kuo-yu, mayor of Taiwan’s second-largest city, Kaohsiung, since 2018. The PFP’s leader, James Soong, who contested in every election since 2000, also registered for his fourth presidential bid.

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19 As a vice-presidential candidate in 2004
Legislative Elections

Compared with the Presidential and Vice-President Election, elections to the Legislative Yuan are much more complex. They are held according to a mixed-member majoritarian electoral system (also called parallel voting since voters are invited to cast multiple ballots) that is established in Article 4 of the Additional Articles of the Constitution. It provides that the 113 members of Parliament shall be elected as follows:

“(1) Seventy-three members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county and city.

(2) Three members each shall be elected from among the low-land and highland aborigines in the free area.

(3) A total of thirty-four members shall be elected from the nationwide constituency and among citizens residing abroad.”

Members of the Legislative Yuan are therefore elected through three different methods, each with distinct voting features and constituencies. We will review each of them hereafter.

Firstly, the majority of parliamentarians are elected through first-past-the-post voting in single-member constituencies, a method commonly observed throughout the world. Administrative divisions of Taiwan (special municipalities, cities, and counties) are divided into 73 constituencies, with at least one district per city or county. Areas with the most registered voters are allocated extra seats accordingly. Before every election, districts are redistributed according to population changes: in 2020, Kaohsiung and Pingtung both lost a seat in comparison with 2016, while Tainan and Hsinchu County gained one each.

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20 As amended in 2005
21 https://www.mirrormedia.mg/story/20190107inv010
While the allocation of seats is revised regularly, the rule that there should be a minimum of one legislative seat per county results in some disapportionment. For instance, the least populated county in the country, Lienchiang County, comprising several islets off the coast of mainland China, has only 10,583 registered voters, while the national average is 257,629 voters per constituency. To a lesser extent, counties on the Eastern side of the island, less populated, tend to have a smaller number of voters per seat and are therefore overrepresented under the current electoral system.

In 2020, there were 410 candidates for these district-based MP seats, yielding an average of 5.6 candidates per constituency. Over 97% of all registered voters are invited to cast ballots through this method.

The second ballot concerns the indigenous peoples of Taiwan, or aborigines, which account for over 2% of the country’s population. There are 16 officially recognized ethnic groups of indigenous peoples, classified into “lowland indigenous” (living on the plains) and “highland indigenous” (living in mountainous areas). Aborigines make up a population of over 500,000, with most of them inhabiting the Eastern half of the island.

Indigenous people are unable to vote for district-based legislators, but in exchange the electoral system allocates six Legislative Yuan seats specifically for them. Lowland and highland aboriginal populations are each entitled to three representatives, who are elected in nationwide constituencies by single non-transferable voting. In effect, when indigenous voters go to their polling stations, they are handed a different ballot than the rest of the population: light blue for lowland aborigines’ voters, and light green for highland aborigines’ voters. Each voter can only choose one candidate, and in each ballot, the 3 candidates receiving the most votes are then elected.

22 https://db.cec.gov.tw/histQuery.jsp?voteCode=20200101T1A2&qryType=prof&prvCode=0
For the 2020 general election, there were 199,833 registered lowland indigenous voters, who could choose from among 10 candidates. For the election of highland indigenous MPs, there were 11 candidates and 215,115 registered voters.

While Taiwan’s efforts to ensure the representation of indigenous peoples in the national Parliament are laudable, and aborigines are actually overrepresented in percentage of seats, the major caveat with this electoral system is that the quota for representation only applies to ethnic groups that are officially recognized. To this day, there remain groups that are not acknowledged by the government in Taipei, most notably the Pingpu tribes - peoples settled in the western plains of Taiwan. In October 2019, representatives of Pingpu communities rallied in front of the Legislative Yuan to call legislators to pass an amendment to the Status Act for Indigenous Peoples and implement President Tsai’s 2016 promise to recognize the Pingpu as indigenous²³.
Indigenous peoples in Taiwan still face an array of cultural and political issues not limited to Pingpu recognition\textsuperscript{24}\textsuperscript{25}. In any case, national authorities, including the central government and the Legislative Yuan’s Council of Indigenous Peoples (CIP) should endeavor to grant official status to all indigenous peoples in order for the current electoral system to ensure proper representation of all ethnic minorities and their aspirations.

It is also bears watching that the allocation of seats for indigenous people as a whole instead of for each ethnic group separately leads to the domination by the larger ethnic groups, whose candidates can more easily secure seats. Up until 2020, all lowland indigenous legislators have come from the Amis tribe, while highland seats have been historically divided among the three largest mountain ethnic groups\textsuperscript{26}. Therefore, 12 out of 16 recognized indigenous tribes have never directly been represented in Parliament despite the existence of quotas.

The third and final component of the Legislative Yuan is made up of “legislators at large”, who are elected nationwide by closed list proportional representation. Specifically, Additional Article 4 of the Constitution states that:

\begin{quote}
“Members for the seats set forth in Subparagraph 3 [i.e. legislators at large] shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 percent of the total vote, and the number of elected female members on each party’s list shall not be less than one-half of the total number.”
\end{quote}

The provisions above establish two distinctive features of the party-list electoral process: first, there is a 5% threshold that political parties need to reach in order to be entitled to seats. While not unusually high, this threshold is one of the reasons why a relatively small number of

\textsuperscript{24} https://newbloommag.net/2019/10/21/pingpu-recognition-march/
\textsuperscript{25} https://supchina.com/2019/02/13/taiwans-indigenous-are-still-seeking-justice/
\textsuperscript{26} https://international.thenewslens.com/article/127031
parties are represented in the Taiwanese legislature. The second feature is a quota of 50% of women among MPs elected from party-lists. This means that political parties must alternate female and male candidates on their lists, which in turn enhances the inclusion and representation of women in the country’s political affairs.

In order to be able to field a list of candidates, political parties must meet at least one of the following conditions:

- in the most recent presidential election, the candidate of the party received over 2% of the total number of valid votes;
- in the three most recent party-list elections, the candidates of the party received over 2% of the total number of valid votes;
- the party currently has at least 5 serving MPs; or
- the party has nominated at least 10 candidates approved by the CEC for the district or indigenous legislative elections.
In the 2020 general election, 43 political parties nominated candidates for districts or indigenous constituencies, while 19 parties submitted a list of candidates for proportional representation. Due to this large number, the ballot paper for legislators at large was 76.5 cm long, according to election commission staff.

Requirements for eligible voters in legislative elections are similar to the presidential election, with one minor difference: voters must be residing in their constituency for a minimum of 4 months instead of 6.

**Campaign Finance Laws**

Taiwan provides public funding for political parties and candidates, conditional on reaching a certain threshold of votes. Below are the criteria to meet in order to receive public funding:

- Presidential election: political parties whose candidates collect at least one third of the winning candidate’s votes are eligible to receive NT$30 (USD1) per vote.

- Legislative elections (district): candidates who collect at least one third of the winning candidate’s votes are eligible to receive NT$30 (USD1) per vote.

- Legislative elections (indigenous): candidates who collect at least one half of the minimum number of votes necessary to be elected are eligible to receive NT$30 (USD1) per vote.

- Legislative elections (party-list): political parties that collect at least 3% of the total votes are eligible to receive NT$50 (USD1.65) per vote, every year until the next round of elections (4 years).

Following the 2016 elections, political parties received NT$321,243,270 (around USD10,600,000) in subsidies for presidential candidates, and NT$335,595,900 (around USD11,100,000) for legislative candidates. In addition, subsidies related to the party-list legislative elections amounted to an annual total of NT$535,056,450 (around
The grand total of public funding for political parties during the 2016-2020 term of office was NT$4,082,038,050\textsuperscript{27}, or around USD135,000,000.

Apart from the laws on public financing of political parties, there also exist spending limits for election campaigns. The ceiling is fixed by law according to the following formulas:

- Presidential elections: 70\% of the total population of Taiwan x NT$20 + NT$100,000,000\textsuperscript{28}
- Legislative elections: 70\% of the total population of the electoral district x NT$30 + NT$10,000,000\textsuperscript{29}

The spending ceiling also serves as the maximum amount of subsidies that a party or candidate is entitled to receive in reimbursement of campaign expenses. However, the penalty for candidates or parties who exceed spending limits was removed in order to encourage honest reporting of campaign funds\textsuperscript{30}.

Parties and candidates are required to record incomes and expenditures, along with the identity of donors and the purpose of disbursements. However, political donations made in kind and are valued under NT$2,000 (around USD66) do not have to be recorded. After every election, reports must be signed, audited, and transmitted to the Control Yuan, the body in charge of verifying them, within 3 months for candidates and 5 months for political parties\textsuperscript{31}.

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\begin{itemize}
\item \textsuperscript{27} https://web.cec.gov.tw/english/cms/ceccf
\item \textsuperscript{28} Presidential and Vice-Presidential Election and Recall Act, Article 38
\item \textsuperscript{29} Civil Servants Election and Recall Act, Article 41
\item \textsuperscript{30} https://www.lexology.com/library/detail.aspx?g=2d258d8c-df7d-4493-8c13-2eaca0420389
\item \textsuperscript{31} Political Donations Act, Article 21
\end{itemize}
Political donations made by any individual or company for any candidate, political party or campaign expenditures are tax exempt. Political contributions are limited to the following ceilings, established by Article 17 of the Political Donations Act:

<table>
<thead>
<tr>
<th>Maximum annual amount</th>
<th>To a single political party</th>
<th>In total</th>
</tr>
</thead>
<tbody>
<tr>
<td>For individuals</td>
<td>NT$300,000</td>
<td>NT$600,000</td>
</tr>
<tr>
<td>For civil association</td>
<td>NT$2,000,000</td>
<td>NT$4,000,000</td>
</tr>
<tr>
<td>For businesses</td>
<td>NT$3,000,000</td>
<td>NT$6,000,000</td>
</tr>
</tbody>
</table>

Anonymous donations are allowed only up to NT$10,000 each, and for a maximum of 10% of the total income reported. Donations to campaign funds from foreign individuals or organizations are prohibited, together with donations from public enterprises or businesses that have signed government procurement contracts. Vote buying is punishable by a prison sentence of up to 3 years and a fine of up to NT$300,000.\(^{32}\)

Campaign finance laws are notoriously difficult to implement, and especially the monitoring of election campaign spending. In Taiwan, the critical aspects of election finance, such as public funding for candidates and parties, limit on campaign spending, tax exemptions on political donations, limits on anonymous donations, prohibition of foreign donations and vote buying, are adequately covered by law.

Aside from enacting appropriate laws in ensuring a level playing field in election finance, Taiwan’s legal framework is remarkable in two aspects: first, the state provides funding to political parties (upon certain conditions) and second, it has lifted the punishment on exceeding limits on campaign spending to encourage truthful reporting of expenses. To some extent, this is an acknowledgment of the inability of election management bodies and judicial institutions to provide sufficient over-

\(^{32}\) Political Parties Act, Article 33
sight of campaign spending. As in other countries, the enforcement of campaign finance regulations remains perfunctory because it relies on voluntary disclosure from candidates and political parties.

**Electoral Administration**

Elections in Taiwan are conducted by the Central Election Commission (CEC), created in 1980, with 22 municipality, county, and city election sub-commissions under its jurisdiction. The CEC is a permanent statutory body composed of 11 commissioners appointed by the President and approved by the Legislative Yuan. The duration of their term is 4 years, renewable only once. Commissioners are supposed to be neutral and exercise their powers independently. In addition, the number of commissioners belonging to a given political party must not exceed one-third of the total. This means that Commissioners shall shed off their political affiliations upon appointment to the CEC. Since February 2019, the Chairman of the CEC has been Lee Chin-Yung.

The CEC’s duties include administrative supervision over the 22 sub-commissions, issuing the public notices for elections, proceeding and planning electoral affairs, scheduling the date of Election Day, organizing and provisioning the logistical requirements during elections, examining the candidates’ qualifications, and confirming the results of an election.

Above is the structure of the CEC and its different organs. The following text from the CEC also explains the role of local election commissions in conducting electoral affairs. As we can see, most of the duties are exercised at the local level:

> “During the election period, municipality, county, and city election commissions set up a total of 368 electoral operation centers in townships (cities/districts) to assist in electoral affairs. [...] Under the supervision of the CEC, the municipality, county, and city election commissions will handle the following affairs: establishment and management of the polling
stations, printing of the election ballots and election bulletin as well as directing and supervising the electoral operation centers to handle the distribution of election bulletin and the polling notice, and selection of staffs at polling stations.”

With regard to the voter list, Taiwan uses a household registration system common to all government services. The voter list is compiled not by the CEC but by the Ministry of Interior’s Department of Household Registration, and finalized 20 days prior to Election Day. Voter lists are accessible online and are publicly displayed for 3 days before every election.

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33 https://web.cec.gov.tw/english/cms/FAQS/26145
34 https://web.cec.gov.tw/english/cms/ctw
election. The voter list data in Taiwan is relatively more complicated to maintain than in other countries because there are different numbers of voters for the presidential and vice-presidential election and each of the several legislative elections. There are five voter rolls in total, all with a different number of electors.

Citizens do not actively need to register since they are normally included in the household registration. The only exceptions to this are “overseas Taiwanese”, i.e. individuals holding a passport of the Republic of China whose household registrations have lapsed because they are officially residing abroad. Overseas Taiwanese are required to register in order to vote in the presidential election, and 5,328 of them did so in 2020, a number twice as large as in 201635. They are unable to cast a ballot in the legislative elections, although ANFREL sees no reason that

35 https://www.npr.org/2020/01/07/793957444/thousands-more-overseas-taiwanese-register-for-key-elections-than-for-last-vote
could warrant their exclusion from the election of legislators at large. However, the vast majority of Taiwanese nationals living in a foreign country do not need to go through that process because they remain in the household registration rolls.

One distinctive feature of Taiwanese elections is the complete absence of absentee voting. The electoral system does not allow for either out-of-country voting, advance voting, proxy voting, or any other provision that would allow voters to engage in the electoral process outside of their polling station on Election Day. As Article 13 of the Presidential and Vice-Presidential Election and Recall Act puts it:

“An elector shall vote at the polling station at the location of domicile unless otherwise prescribed. An elector who returns from a foreign country to execute the right of suffrage shall vote at the polling station at the location of the original domicile when he/she migrated to the foreign country.”
This lack of flexibility has led to a situation where a large portion of the electorate has to travel back to their home constituency for the polls, including many voters coming back from foreign countries\(^{36}\) (although there are no official statistics, some estimates place expatriates at over 5% of all votes cast\(^{37}\)). This mass migration, both international and domestic, causes transportation networks and hotels around the country to saturate under the flow of returning voters, despite additional planes and trains deployed in the days surrounding the election. By law, employers are required to comply with requests for time off on Election Day, which has been made into a public holiday\(^{38}\).

But this influx of voters has adverse consequences. Citizens who are unable to take time off or cannot afford to return back home are effectively disenfranchised. Young voters and money strapped voters are hit especially hard by this transportation “poll tax”\(^{39}\), which has inspired the Taiwan Association for Youth Democracy to launch a crowdfunding campaign in order to subsidize tickets for young voters\(^{40}\).

Beyond the financial aspect, there is a wide array of situations where alternative methods for ballot casting would serve to enfranchise members of the electorate. The sick, the elderly, persons with disabilities (PWDs), detainees, migrant workers, diplomats, civil servants, members of the armed forces, and others would benefit from absentee voting procedures. A mature democracy like Taiwan should strive to go beyond the basis of an election tethered both geographically and temporally to the voter’s domicile in order to allow the most voters to reasonably exercise their franchise. Therefore, ANFREL strongly recommends for the CEC and all relevant stakeholders to introduce alternative voting mechanisms and allow for more flexibility from the


\(^{39}\) https://supchina.com/2020/01/10/a-thousand-dollar-plane-ticket-for-some-just-the-cost-of-democracy-in-taiwan/

\(^{40}\) https://www.ketagalanmedia.com/2020/01/06/taiwans-household-registration-system-is-disenfranchising-young-voters/
voters’ perspective, which in turn would contribute to higher voter turnout.

Therefore, ANFREL strongly recommends for the CEC and all relevant stakeholders to introduce alternative voting mechanisms and allow for more flexibility from the voters’ perspective, which in turn would contribute to higher voter turnout. There are already a number of Asian countries that implement advance voting, for instance, which serves to enfranchise more citizens while maintaining essential aspects of the vote such as its integrity and ballot secrecy.

The 2020 elections were the largest in the history of Taiwan, with the greatest ever number of voters and candidates. As a response, the CEC prepared accordingly and set up 17,226 polling stations throughout the country, manned by a total of 228,058 polling staff. Provisions exist to allow poll workers to cast their ballot on Election Day: if the polling station they are tending is located in the same constituency as their domicile, their names are transferred so that they may vote where they are posted. If their place of work is in a different constituency, they must in theory be allowed time to go back to their polling station. However, throughout their interviews, members of the ANFREL Study Mission found that in practice many poll workers were unable to cast votes on Election Day.

There is therefore an incongruous situation where those tasked with conducting the ballot for the sake of democracy find themselves often disenfranchised because of unavoidable circumstances. To address this, ANFREL suggests that authorities in Taiwan consider other procedures to guarantee that polling staff are always fully able to exercise their rights, maybe through advance voting as is the case in many countries.
Campaign posters in New Taipei City: KMT candidates in the upper-right, and DPP candidates in the lower-left.
By law, the campaign period for the election of President and Vice-President is 28 days long, and 10 days long for the legislative elections, although in practice campaigning goes on for a much longer period of time. The presidential candidate for the Kuomintang party (KMT) for instance took a three-month leave from office in order to conduct campaign activities. Taiwan does not observe a cooling period prior to Election Day.

The campaigning in the 2020 elections seemed peaceful, open, and orderly. Posters and banners were hanging neatly and prominently, there was no litter after motorcades and rallies, and campaign speeches were anchored on issues and electoral platforms. Covertly, however, fake news were abounding in social media networks such as Facebook, Instagram, Twitter, Line, and WhatsApp. Interestingly, there were no major complaints or protests regarding violations of campaign rules from candidates and political parties.

Campaigning was robust and intensive between the pan-blue (KMT coalition) and the pan-green (around the Democratic Progressive Party, or DPP) forces. Both coalitions have organizational networks at the local level, hence campaigning was methodical. The national candidates reached out to the voters in as many platforms as possible, and although all parties engaged in online campaigning, which makes use of the country’s high rates of literacy (98.5%) and internet reach (82%). Although all parties engaged in online campaigning, the DPP was acknowledged by many to be savvier than the other parties in its digital messaging.

Voters were provided with a wide range of choices beyond the two major parties, including 19 political parties on the party-list ballot. This provided them with a diversity of candidates and opinions throughout the campaign. All candidates and campaign volunteers interviewed by ANFREL said that they were able to campaign freely and exert free speech, which testifies to the quality of the political debate in Taiwan. It is noteworthy to highlight that one political party, the KMT, made extensive use of the national flag during the election campaign, reportedly to a much larger extent than in previous elections.

A wide swath of campaign materials was used by all political parties to attract voters. These included banners, posters, television commercials, drinking water, balloons, paper lanterns, T-shirts, vests, shirt pins, soap, car stickers, refrigerator magnets, tissue paper, dolls, and tattoo stickers. The diversity and wide availability of campaign materials contributed to a colorful and vibrant campaign environment.
Traditional methods of campaigning included political rallies, motorcades, mobile loudspeakers spewing campaign songs and slogans, and small-town meetings. All bases were covered, and even the good old landline telephones were used to reach out to electors. ANFREL observers for instance saw landline units in the DPP campaign headquarters in Taichung, where staff said these were used to remind people, particularly older people, to go out and vote, and to consider the DPP candidates.

Voters received their information about the candidates from 3 sources:

- from the election bulletin prepared and sent by the election commission to every voter at least ten days before the election. This is a newspaper-sized 12-16 pager containing essential information about candidates in the district, polling stations and polling procedures;
Phone bank at the DPP’s campaign headquarters in Taichung (top) and a KMT supporter in Taipei displays a stuffed crocodile among his election paraphernalia (bottom)
• from traditional media such as broadsheet newspapers, radio, and TV networks. Most are generally known to be partisan or held by vested economic interests, favoring parties along their ideological line; and

• from social media, which was a source of information especially used by younger voters.

The election bulletin is an essential part of ensuring equal access to voters for candidates, and it contains their names as well as manifestos, which ANFREL observers thought was good practice from the Election Commission. While the bulletin provides the same amount of space and exposure to all candidates, in one instance a third-party candidate claimed that her manifesto in the bulletin was abridged, which she felt had impeded her ability to carry out her message to voters. However, this isolated occurrence was most likely due to a misunderstanding of the instructions, and most candidates expressed satisfaction with regard to the election bulletin.

There appeared to be a generational divide among the population, with ideological differences among age groups which translated into voting patterns during the elections. This was at least the theory of the campaign strategists from both leading parties during the electoral campaign. As usual in Taiwan, cross-strait relations with mainland China was the biggest deciding factor according to which people would align with one party or another. Hence, parties on the pan-green side, leaning towards a tough stance on China, were alarmed by news reports that Chinese authorities would subsidize flights for Taiwanese citizens living on the mainland to return and vote⁴⁴.

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⁴⁴ http://www.taipeitimes.com/News/taiwan/archives/2019/12/30/2003728428
This in turn generated news that train and bus tickets across Taiwan were already fully booked because younger people working or studying in urban centers were going home to cast their votes, as well as counter accusations by the KMT about the school calendar being supposedly cut (nationwide) one week ahead of schedule to enable young people to go home and vote. This shows that both main parties were quick to accuse each other of attempting to skew the elections in their favor.

Another example is the Anti-Infiltration Act, a bill designed to curb the influence of China on the island’s politics and passed by Taiwan’s legislature a few days before the elections. The debate was heavily politicized, with the DPP and KMT accusing each other of endangering personal freedoms and democracy. The new law punishes foreign donations, lobbying, aid or disruption in elections with up to five years in

prison. It was introduced after claims from an alleged Chinese whistleblower of interference from Beijing in the Taiwan elections, a case that contributed in shaping the narrative of the campaign.

What was seen and verified by members of the ANFREL mission was a number of Taiwanese residing abroad, sometimes dual citizens, who would come back from the USA, Canada, Europe, Australia, mainland China, or other Asian countries to contribute to campaign activities. Most of these volunteers interviewed by ANFREL said their participation was spontaneous, and that they were using their personal funds and leisure time in order to contribute to a cause they believed in.

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The main issues in the election campaign were: sovereignty/autonomy vs. integration with China, corruption in the government, reaction to the laws during the previous DPP mandate, specifically the wage labor policy, same-sex marriage, and pension reform (which reduced the pensions of military personnel, teachers, and other government workers).

There were also many mentions of the possibility of being infected with “the struggle for democracy virus” which is gripping Hong Kong, for which the Taiwanese feel a kinship. Interestingly, the issues on environment, clean air, clean fuel, education, traffic, infrastructure, and national budget were not prominently played out at the national level, but rather cited as concerns in selecting the district representatives in the Parliament.

The campaign environment was heated up by the covert operation of mainland China to influence the outcome of the elections through fake news. It was in the interest of the Chinese government to undermine the democratic institutions of Taiwan. Throughout the campaign, “fake news” were released, among others, on the academic credentials of President Tsai and on the retirement scheme reform. The campaign became a battleground between those spreading misinformation and fact checkers, mainland China propagandists and the internet army of the DPP, young people wanting truth in the campaign statements of candidates and older voters more likely to be vulnerable to disinformation.

Opinion polls were banned during the last ten days of election campaign, meaning that the last day for polls to be published was 31 December 2019. This is to allow for a more open and neutral environment in the lead up to the election. The campaign itself ended at 10 PM on 10 January, the day before the election. ANFREL observers did not notice any campaign outside of the permitted hours or on Election Day, and felt overall that the campaign was vibrant, engaging, and well-managed.

Starting in December 2019, Facebook disclosed the data on political ads
spending on its platform\textsuperscript{47}. From November 2019 to 10 February 2020, a total of NT$35,390,546 (around USD1,180,000) was spent on “ads about social issues, elections or politics\textsuperscript{48}”, with the Democratic Progressive Party (DPP) being the second-largest spender. While it is impossible to verify independently the data presented above, the amounts reported seem relatively low in comparison with those spent in the traditional campaign, which should motivate electoral stakeholders to push for full disclosure of campaign expenses on Facebook and other platforms, in order to promote transparency.

\textsuperscript{48} https://www.facebook.com/ads/library/report
Chapter 3: Media Environment

Media plays a vital role in any election in all parts of the world. Candidates participating in elections use the media as a tool for their campaign, to present their electoral manifesto to the people, and to ask the people to vote for them. On the other hand, election management bodies and civil society also mobilize media to raise awareness on the importance of voting and to underscore the need to vote for the right person.

However, some candidates or special groups sometimes use the media to conduct unethical election campaigns. Similarly, some media also behave in a biased manner during elections, neglecting their duty to report accurate and neutral information. In addition to mainstream media, social media has become much more important in the past decade. As a result, the use of social media has increased considerably as an election campaign tool.

While mainstream media have established institutional responsibilities, the obligations of social media platforms are less clear. Precisely because of this limitation, the misuse of social media especially in electoral campaigns has been noted in recent years. Like other countries, Taiwan faced first-hand the problem of “fake news” and disinformation during the 2020 elections, in a massive scale.49

Throughout the Study Mission, ANFREL delegates were able to question candidates, voters, and election officials on the role of the media and the influence of fake news. It soon became clear that a large majority of interviewees were concerned about the dissemination of fake news, and expressed the hope that the elections would not be affected.

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During the 2020 Taiwanese presidential election, the candidates’ media campaigns broke all previous records with regard to media spending. Advertisements reflected the contrasting campaign approaches taken by incumbent President Tsai Ing-wen of the Democratic Progressive Party (DPP) and Han Kuo-yu, the Kuomintang (KMT) candidate seen as her main challenger. The other presidential and legislative candidates did not fall behind in campaigning either: they used various media platforms such as television, newspapers, Facebook, YouTube, Line, etc.

By running ads, TV, or YouTube, and promoting sponsored posts on Facebook, major candidates and their political parties seized every opportunity to mobilize the media in favor of their campaigns.

**Bias of Traditional Media**

In April 2019, the Youth Front for Boycotting Fake News reviewed coverage of five Taiwanese 24-hour news channels, and found that these channels engaged heavily in partisan politics, supporting one candidate while criticizing all others.

Among them, Chung T’ien Television (CTi TV) broadcasted the most politically biased news. 82.65% of its total news coverage focused on KMT candidate Han Kuo-yu, 94.54% of which were positive information. In contrast, Tsai Ing-wen of the DPP only got 4.14% of air time, of which 86.68% was negative coverage. While the numbers are less dramatic, the other four TV channels surveyed also failed to maintain a balanced distribution of time between candidates. Such flagrant media bias reflects the political agenda of news outlets in Taiwan and undermines democracy by denying voters access to fair and balanced information.

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50 https://musou.watchout.tw/read/P4AACZi6ms7Ef7enkmWa
Overall, few media outlets are considered neutral, and it is a common perception among the Taiwanese population that the media are biased and untrustworthy as a whole. In August 2019, an opinion survey revealed that 95.7% of the population believes media firms do not properly verify their reports, and 51.1% think that they lack journalistic ethics.

Assessment of news coverage of major 24-hour news channels in Taiwan. The inner circle depicts coverage by political party, and the outer circle whether that coverage was positive, negative, or neutral (Courtesy: Youth Front for Boycotting Fake News)

Many young voters from universities interviewed by the ANFREL team believe that the influence of mainland China is responsible for this discriminatory behavior in mainstream media. To support their belief, they referred to reports that a large number of representatives of Taiwan’s media industry attended the 4th Cross-Strait Media Summit in Beijing in May 2019. It should be noted that at this conference, Wang Yang, a member of the Standing Committee of the Chinese Communist Party Politburo, and chairman of the Chinese People’s Political Consultative Conference, asked the Taiwanese media to promote “peaceful reunification” and “one country, two systems”52.

This conference was part of a larger strategy from mainland China to exert influence over Taiwan’s media, which also included paid article placement53 and other economic incentives, resulting in self-censorship within the profession and biased news in favor of Beijing’s regime54.

**Fighting Disinformation**

The most worrisome trend in recent years, and especially in the 2020 elections, has been the emergence of misinformation, otherwise known as “fake news”, which especially affects online and social media.

Internet-based social media is very popular among the Taiwanese, and any exciting news can go viral very quickly through social media. It is not unusual, for instance, for news articles or images to be shared with groups of hundreds of people on the LINE messaging application. That’s why false or misleading information can be disseminated before someone has the opportunity to refute it.

Taking advantage of this vulnerability, fraudsters have spread false news through social media in an attempt to influence or deceive voters.

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52 https://sentinel.tw/more-than-70-participants-from-taiwanese-media-industry-attend-4th-cross-strait-media-summit-in-beijing/


54 https://journals.openedition.org/chinaperspectives/pdf/7388
The “fake news” phenomenon was so prominent in the Internet that it became the most discussed election-related topic in the national and international media. Fake news is especially hard to address because it relies on a decentralized information structure, with average citizens often unaware of the nature of the posts they are seeing or sharing.

However, when reviewing the IP addresses of social media users and pages that spread those “fake news”, along with other evidence, experts are able to uncover that a large number of fake news sources are initiated from mainland China. Allegedly, the rationale behind these rogue actions is not so much about favoring one candidate over another, but rather to erode Taiwan’s institutions and contribute to a polarization of society, which in the long term would benefit to Beijing’s goal of unifying Taiwan with the mainland.

In addition, misinformation also came from other sources, including Taiwanese politicians and their supporters, “cyber armies”, whose purpose was to influence voters, and content farms that sensationalize or fabricate information for social media. These contents were disseminated through platforms such as Facebook, YouTube, Twitter, Line and the PTT online bulletin board. By March 2019, the extent of the dissemination of “fake news” became so prevalent that it was difficult for the general public to determine whether news was real or not.

In recent years, some independent fact-checking organizations such as the Taiwan FactCheck Center and DoubleThink Labs have been working to identify and combat disinformation. But on the eve of the elections, the volume of news produced by the media sector was so great that it was difficult for these organizations to identify fake news every day with their limited workforce. In this situation, students from high schools and universities volunteered to do their share.

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56 https://codastory.com/disinformation/taiwan-disinformation-elections/
57 https://newbloommag.net/2020/01/06/puma-shen-interview/
59 https://tfc-taiwan.org.tw/
On 8 April 2019, a coalition of 100 student groups launched an online petition seeking the boycott of fake news and the harsh punishment of fake news broadcasters. Within 24 hours of its launch, the petition collected more than 8,000 signatures. On 13 April, the Youth Front for Boycotting Fake News was established. Within a matter of weeks, high school and university students established branches of this organization in campuses throughout Taiwan. This mobilization eased somewhat the battle against fake news.

But after facing resistance, disseminators of misinformation also increased their level of false or misleading propaganda. Many fake news began to circulate, attacking specific individuals or groups in an extremely abusive manner. Examples include articles such as “Taiwanese President Tsai Ing-wen’s PhD is fake”, “The CIA pays Hong Kong protesters $385 a day to go on the streets”, “Pro-democracy activists in Hong Kong and Taiwan are ethnically Vietnamese and Japanese”.

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60 http://www.taipeitimes.com/News/taiwan/archives/2019/04/09/2003713065
61 http://www.taipeitimes.com/News/front/archives/2019/04/14/2003713363
As the intensity of fake news increased, so did the resistance of the fact-checking community and people’s awareness of the issue. On 23 June 2019, tens of thousands of people protested against the pro-Chinese media in Taipei for spreading fake news.

In this situation, due to the combined reports of the fact-checking community and conscientious citizens, Facebook was able to remove 118 fan pages, 99 groups, and 51 accounts on 13 December 2019, including an unofficial fan page for Han Kuo-yu called “Kaohsiung Fan Group” that had more than 150,000 members. Facebook also set up a war room in Taiwan to monitor the election period, while Twitter held trainings for the DPP and KMT, as well as the CEC, on how to report rule-violating activities in their platform. Other companies like Google and the messaging service Line also agreed to monitor their platforms more strictly.

Cognizant of the threat of false information flooding the election environment, the CEC formulated a strategy for containing or neutralizing fake news through the following courses of action:

- If fake or inaccurate news negatively affect the electoral process, the Commission may issue a statement and attempt to clarify the issue;
- If incorrect information is spread through social media platforms, the CEC may contact these platforms to either remove or hide such posts; and
- In cases where disinformation violated election laws, the CEC will inform the police and relevant courts that are tasked with prosecuting these acts.

nese-fake-news-as-elections-approach

63 http://www.taipeitimes.com/News/front/archives/2019/06/24/2003717475
65 https://focustaiwan.tw/sci-tech/201912300015
On 8 January 2020, the CEC disclosed it had forwarded 128 cases related to online misinformation to prosecutors. Officials from the agency also said that there were more fake news in 2020 than in any previous election.

One of the most abusive fake news campaigns was designed to exploit anti-LGBT sentiment against incumbent President Tsai Ing-wen. It is essential here to mention that Taiwan was the first Asian country to legalize same-sex marriage in 2018, despite aggressive efforts by conservative groups to stop it. In order to take advantage of anti-LGBT sentiment among conservatives, creators of fake news spread homophobic disinformation, including claims that the DPP spent NT$30,000,000 (about $980,000) to organize the Taipei Pride Parade, although the event was funded by its organizers and did not receive sponsorship from political parties.

At the end of December 2019, real world examples of this disinformation campaign emerged in some suburbs and rural areas when posters and banners called not to vote for the DPP in order to have grandchildren. This was clearly an attempt at fearmongering and influencing the elections, on the fallacious argument that same-sex marriage would threaten Taiwan’s ability to bear new generations of citizens.

A social media post wrongly claiming that only one side of the stamp can be used to mark ballot papers (Courtesy: Newtalk.tw).
Some fake news directly targeted the electoral process as well. One such example, displayed below, is an attempt at controversy regarding the voting stamp itself. While the stamp has the symbol on both sides, some social media users claimed that only one could be used to properly mark a ballot, which would result in invalid ballots. Taiwan FactCheck Center addressed this rumor with the help of the CEC, and corrected the wrong information⁶⁹.

⁶⁹ https://newtalk.tw/news/view/2020-01-08/351431
Fake news campaigns continued even after the vote counting on Election Day. A fake video was released, claiming that vote counting was being manipulated. A close examination of the clip shows that it was obtained by combining the audio from another video with unrelated footage of vote counting, to create the illusion of fraud being conducted. Once again, Taiwan FactCheck Center proved that the video was fake\(^{70}\). Another bit of misinformation claimed that the number of invalid ballots was over 500,000, while the official results announced a much smaller number\(^{71}\).

Overall, the media environment in Taiwan during the 2020 presidential and legislative elections suffered from many issues. From a widespread perception of bias, to disinformation and lack of oversight, both traditional and social media failed to live up to the aspirations of voters by offering them comprehensive and neutral news coverage. More should be achieved in this aspect, and the promotion of a code of conduct among the media sector could be a step towards more balanced and better-quality reporting.

With regard to fake news, while there was some success in tackling the problem thanks to the mobilization of fact checkers and coordination between stakeholders, the phenomenon remains rampant and undermines the foundations for a well-informed electorate. More could and should be done in the future to address the issue of misinformation, including through legislation, but Taiwan is an important case study for other countries that could replicate some of the advances displayed by the country.

\(^{70}\) https://tfc-taiwan.org.tw/articles/1959

\(^{71}\) https://tfc-taiwan.org.tw/articles/1923
時代力量
公平正義 改變台灣
黃國昌後援會
Chapter 4: Election Day

On 11 January 2020, over 19 million voters headed to the polls to elect the President, Vice-President, and legislators of the Republic of China. A total of 17,266 polling stations across the country opened from 8 AM to 4 PM to welcome voters, and 228,058 polling staff were mobilized for the occasion. Depending on the number of voters, each polling station was comprised of 8 to 21 staff: one chief administrator, one chief scrutineer, 3 to 14 administrators, 2 to 4 scrutineers, and one guard in each polling station.\(^{72}\)

In the Taiwanese system, scrutineers are nominated by political parties to examine voting and ballot counting.\(^{73}\) On the other hand, domestic and foreign observers were not authorized to observe the voting process. However, ANFREL team members deployed across the island\(^ {74}\) were able to enter polling stations prior to the opening of the polls and got to witness logistical preparations.

**Voting Process and Layout of Polling Stations**

Prior to Election Day, polling stations had been prepared to welcome voters. Logistical items such as the ballot boxes, polling booths, notices to voters and other essential material were delivered under police escort. Ballot boxes were kept at polling stations overnight under supervision. Ballot papers are then picked up on the morning of Election Day by polling officers from the district administration office.

The selection of the voting centers, usually schools or public buildings, promoted transparency where bystanders may look at polling stations from the outside. The initial process on Election Day, had polling officers inviting the first voters in the queue to witness the opening procedures, including the sealing of the ballot box.

\(^{72}\) https://web.cec.gov.tw/english/cms/FAQS/26159

\(^{73}\) http://www.taipeitimes.com/News/taiwan/archives/2007/07/20/2003370416

\(^{74}\) In Taipei, New Taipei City, Kaohsiung, Taichung, Tainan, and Yilan.
In order to cast their ballots, voters were required only to bring their national identity cards, but most would also take along the polling notices issued by the election commission, which identifies their polling station, as well as their personal “chop”, or name stamp. Upon receiving the ballot papers, voters were asked to stamp the voter list up to three times (one for each ballot received), but they could also sign or use their thumbprint. Voters who did not take all three ballots at once could not enter the polling station a second time to cast their remaining ballots. Voters were also asked not to take their mobile phones into polling stations, and a tray was often provided for them to leave their devices in the custody of the polling staff.

Throughout the day, the ANFREL team was able to witness a highly peaceful election environment with no signs of election violations or violence in and around polling stations. There was palpable enthusiasm
among voters, evidenced by long queues in the morning, and voters were able to cast their ballots quickly and without any hassle. A heavy flow of voters continued on until the afternoon, and queue management was found to be mostly adequate. Polling staff were also quick to provide assistance to elderly or disabled voters.

The layout inside polling stations were observed to be well arranged, designed to facilitate ease of voting. Polling booths equipped with curtains ensured secrecy, while lighting and space were adequate. Polling stations would have 3 to 5 ballot boxes and usually between 3 and 6 polling booths, at least one of which was accessible to wheelchair-bound voters.

While most polling stations were located on the ground floor, there were instances of polling stations being located one floor up due to the high number of required locations. This was inconvenient to the

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75 Most polling stations would use only one ballot box for the elections of district and indigenous legislators altogether, while some had three.
elderly and disabled voters. Polling stations had wheelchair-accessible entrance and exit, except in a few cases. Polling staff were seen to take extra initiatives to assist elders and PWDs, and ANFREL did not see any voter being turned away because of lack of access. Nevertheless, ANFREL invites the CEC to take the necessary steps to ensure that, in the future, all polling stations are accessible to voters with disabilities or with limited mobility.

In one isolated instance, a polling station was set up on a sidewalk of a busy street, reportedly because the building that should have been used was undergoing renovation. Although the polling station was made out of tarps and was noisy due to its location, it is remarkable that the set-up preserved the voters’ accessibility and ballot secrecy. While some polling staff and voters expressed dismay at the location chosen, it is ANFREL’s view that this “worst case scenario” was perfectly acceptable which, if anything, highlights the good quality of the logistical preparations across the island.
The voting process was carried in an efficient and smooth manner. Members of the polling staff, made up of teachers and civil servants, confirmed that they had received sufficient training from election management bodies, and overall displayed considerable control of the voting process. As a whole, Election Day was an extremely well-prepared and well-managed affair, a testament to the integrity of Taiwan’s democratic processes.

However, ANFREL believes that the presence of election observers, both domestic and international, would further contribute to a climate of transparency, and would allow the civil society to partially assume ownership of the electoral process by having a greater say in it. Election observation is a universally accepted mechanism\textsuperscript{76} to promote free, fair, and genuine elections. Many countries in Asia allow and encourage the involvement of elections observers, and as a regional organization, ANFREL encourages the Republic of China to follow suit.

\textsuperscript{76} General Comment 25 of the United Nations Human Rights Committee: “There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”
Top: An elderly voter in Taipei rises from her wheelchair in order to enter the polling station. Bottom: The polling booths used in Taiwan are equipped with curtains.
Vote Counting and Invalid Ballots

Upon closing of the polling stations, ballot counting took place in the same locations. On-site ballot counting has long been a fixture of elections in Taiwan, to the point that some consider it an “electoral ritual.” The general public is welcome to witness the opening of the ballot boxes and counting of the votes, and in most locations, a handful of citizens would take advantage of this privilege.

An interesting feature of ballot counting in Taiwan is that, in large polling stations, two teams counted ballots at the same time, one composed only of women, and the other of men. This rule instituted by the CEC ensures that when ballots are called out loud, there is no confusion between the voices. One team would count ballots for the presidential and vice-presidential election, while the other counted ballots for district legislators. Ballots for party-list legislators were counted last. This division of labor allowed faster counting and reporting of results.

Overall, ANFREL observed a very efficient ballot counting process, marked by transparency and speed. It took only a few seconds for each ballot to be called out loud and entered into the tally sheets. Polling staff were trained and knowledgeable about the procedures, and guidelines for determining invalid ballots which were publicly displayed. Whenever a team counting ballots encountered an invalid ballot, the polling station’s chief administrator would check the ballot and make the final ruling.

77 https://ssrn.com/abstract=3135667
Top: Guidelines for counting ballot papers: valid examples are on the left, and invalid on the right. Bottom: Example of an invalid ballot paper: a voter used his or her personal stub to mark the ballot instead of the stamp provided by the CEC.
No errors in counting or tallying ballots was observed by members of the ANFREL Study Mission. Below is a table presenting the statistics on invalid votes.

<table>
<thead>
<tr>
<th>Election type</th>
<th>Total turnout</th>
<th>Invalid votes</th>
<th>Rate of invalid votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>President and vice-president</td>
<td>14,464,571</td>
<td>163,631</td>
<td>1.13%</td>
</tr>
<tr>
<td>District legislators</td>
<td>14,129,999</td>
<td>244,571</td>
<td>1.73%</td>
</tr>
<tr>
<td>Lowlands indigenous legislators</td>
<td>124,504</td>
<td>2,624</td>
<td>2.11%</td>
</tr>
<tr>
<td>Highlands indigenous legislators</td>
<td>147,572</td>
<td>2,848</td>
<td>1.93%</td>
</tr>
<tr>
<td>Legislators-at-large</td>
<td>14,456,293</td>
<td>296,155</td>
<td>2.05%</td>
</tr>
</tbody>
</table>

As the table above displays, all five elections show low rates of invalid ballots, which is really commendable on the part of election management officials. The low rates of invalid ballots (2% and lower) can be explained by high awareness of the electoral process among voters, and the use of a stamp instead of a pen, which reduces the risk of misinterpreting the intent of the voter.
Announcement of Results and Voter Turnout

Due to the very efficient ballot counting, election results in Taiwan are known within hours of the closing time. While TV channels were live streaming results immediately after 4 PM, these were partial tallies that did not necessarily reflect the whole country, and there were discrepancies in the figures reported by the different channels.\(^78\)

On the other hand, the CEC which is the official authority tasked with endorsing election results, would publish figures later than most media, but these tallies were sure to be accurate. A “counting and information center” was established in Taipei in order to centralize all results and to present the information on large screens for media and foreign guests. ANFREL was present at the CEC information center on election night, and was able to witness an organized system in tabulating and announcing results.

![Graph of votes reported by different TV channels](https://tfc-taiwan.org.tw/articles/2028)

Number of votes reported by different TV channels on Election Night. (Courtesy: Taiwan FactChecking Center)

\(^78\) https://tfc-taiwan.org.tw/articles/2028
Around 8 PM on the night of the election, Han Kuo-yu, the Kuomintang presidential candidate, conceded defeat, a short time before incumbent President Tsai Ing-wen went on stage for her victory speech. Full nationwide vote tallies were available by 10 PM, a mere six hours after the closing of the polls. There were no violent incidents or election complaints reported following the 2020 elections, again emphasizing the quality of the electoral process.

Another notable feature of this round of Taiwanese elections was the high voter turnout, at around 75% of voters casting ballots in the presidential election and both district and party-list legislative elections. However, the turnout rate among indigenous voters trailed behind the rest of the population, with 62.3% and 68.6% for lowlands and highland aborigines in their respective MPs. This somewhat lower level of political participation can most likely be explained by a feeling of marginalization among the indigenous peoples of Taiwan, although...
there was a significant rise in voter turnout this year, and this across all elections.

![Voter turnout in Taiwanese elections](chart.png)

The graphic above shows there was a substantial improvement in participation over the 2016 elections. Strong voter interest resulted in a turnout increase of roughly 9%. This reverses the pattern from the early 2000s until 2016, where electoral participation had steadily declined, especially among younger generations.\(^7^9\) Declining voter turnout is the bane of mature democracies.

Turnout would probably have been even greater if alternative voting procedures were implemented. While most polling staff interviewed were able to cast their ballots, some could not vote because their polling stations were located in another constituency. Mechanisms such as advance voting, implemented in many Asian democracies, could be considered in order to ensure that none of the poll workers, 228,058 this year, would be disenfranchised.

\(^7^9\) [https://www.sciencedirect.com/science/article/pii/S0261379417305620](https://www.sciencedirect.com/science/article/pii/S0261379417305620)
The 2020 elections also reinforced the position of women in Taiwanese politics. Aside from the reelection of the country’s first female President, the number of female members of the Legislative Yuan also rose to 47 out of 113 seats, or 42%, up from 43 (38%) in 2016. Taiwan’s legislature is the most gender-balanced in Asia\textsuperscript{80}.

This further push for representation of women goes beyond the quota in the election of legislators-at-large. This year, 25 out of the 47 women sitting in Parliament were elected in constituency races, and 3 in the election of indigenous MPs\textsuperscript{81}. In both cases, there were no quotas for representation of women. The table above shows that women remain a minority in the total pool of legislative candidates, but also that they have a greater chance altogether of being elected. Undoubtedly, Taiwan has made tremendous progress in addressing the gender gap in political representation.


\textsuperscript{81} https://observablehq.com/@ceshine/women-in-2020-taiwan-legislative-election
A voter displays her polling notice and personal chop on Election Day.
The ANFREL Study Mission observed that, overall, elections in Taiwan are transparent, reliable, and provide voters with credible results. The Central Election Commission, political parties, candidates and civil society performed their respective duties well. There was, however, significant criticism directed towards the media, which appears as the weak area of this electoral process.

Media in Taiwan are struggling with two different phenomena that negatively affect the electoral landscape: biased coverage and misinformation. The latter is most often associated with not so covert attempts from external forces to influence the results of Taiwanese elections and/or subdue democratic ideals in the country.

Nevertheless, ANFREL feels that the spirit of democratic governance, or as the Presidential and Vice-Presidential Election and Recall Act puts it, that positions within the state shall be filled “by way of common, fair, direct, and secret vote” was substantially satisfied.

Before moving on to recommendations for potential improvement of Taiwan’s electoral processes, ANFREL wishes to highlight the following remarkable rules and practices that can be considered “best practices” in administering elections. Other countries may want to emulate or draw inspiration from these in order to improve their own electoral processes:

- The preparation and distribution by election management bodies of notices to every registered voter, indicating the name, address, assigned polling station, and what to bring on Election Day, and of an election bulletin containing the location of polling stations, voting guidelines, details and platforms of all candidates, and other information. These documents are received by voters at least 10 days prior to Election Day, and the election bulletin is also available online.
• A practice of open election data where information regarding the elections is made accessible to the public before, during, and after the elections through the CEC website and social platforms. The website contains official information such as the voter list, the political parties and candidates, statistics about the elections, list of polling stations, and comprehensive election results. Open election data foster a culture of transparency around electoral processes.

• Supporting political parties through the reimbursement of their campaign expenses, subject to the conditions set by election laws, as well as paying the services of the scrutineers appointed by political parties and serving inside polling stations on Election Day. This practice reduces the expenses incurred by elected public officials running for office, hence mitigating the need to commit graft and corruption to recover one’s election expenses.

• An accurate, reliable, and up-to-date voter list, available on the website of the CEC should anyone want to check his or her name. This is especially commendable in light of the rather complicated system of handing out ballots to different groups of voters, since voters are segregated between the general public and aboriginal peoples, for instance. Different eligibility requirements for each election also mean that several voter registries need to be compiled. Nonetheless, one of the reasons why voting went smoothly on Election Day is that there was no known incidence of missing names in the voter list.
• Civil society organizations (CSOs) are militant and protective of the democratic space that Taiwan has built over the years. Among CSOs working on election-related or public accountability missions, some deserve a mention here. One is ANFREL member Citizen Congress Watch, which monitors the performance of parliamentarians and their voting records vis-à-vis their campaign promises. Another is youth organization Watchout which engages in fact-checking to neutralize election related disinformation or fake news. It was reported that there are at least ten other groups, including the Taiwan FactCheck Center, conducting fact-checking activities, which is evidence of a modern and active democracy.

• Mechanisms for ensuring representation of aboriginal peoples and women in Taiwan’s Legislative Yuan. While the system is not without flaws and limited in scope to party-list or minority-based elections, it promotes a more diverse political class and incites historically underrepresented sections of the population to engage in political action.

• The regular review and reallocation of Legislative Yuan district seats based on population, fully supported by Article 35 and 37 of the Civil Servants Election and Recall Act. While redistricting is a contentious issue in many other countries, which often turns into gerrymandering or an unfair playing field, such exercise has become a standard and largely consensual practice in Taiwan, although there remains some disapporportionment in the allocation of seats.
While ANFREL’s outlook on electoral processes in Taiwan is largely positive, there are nonetheless some areas where improvements could be made. In this light, the following are recommendations that we feel would help sustain democracy in Taiwan in the future:

1. To revise the legal framework for elections to provide for the possibility of election observers being present in polling stations. Election observation is a universally-recognized practice that fosters public trust in electoral processes and civic participation, as well as offers assistance to election management officials and other stakeholders in promoting long-term electoral reform. There is in our opinion no reason for an advanced democracy such as Taiwan to prevent independent citizens and civil society organizations to mobilize and play a greater role in defending democracy throughout the electoral cycle.

2. To lower the voting age in elections from 20 to 18 years old, and therefore align it with the voting age in referendums. This is largely a consensual issue among civil society and political parties in Taiwan, and there should logically be no difference in the enfranchised population between elections and referendums.

3. To enforce existing campaign finance regulations and make political finance data, including expenses reports of candidates and political parties, widely available to the public. While the implementation of rules regarding campaign finance is a delicate matter, a lack of oversight is detrimental to the transparency of the electoral process and the accountability of elected officials.
4. To review and, if necessary, revise the Status Act for Indigenous Peoples to ensure that all ethnic minority groups are granted official recognition and adequate representation in the country’s political institutions. Laws on citizens participation should be updated regularly to ensure that these are in step with the present conditions, much the same as the regular reallocation of district seats.

5. To allow overseas Taiwanese citizens to vote in party-list legislative elections, and not only in the presidential and vice-presidential election. After all, party-list representatives are elected “at large” and it will only take minimal administrative adjustments on the part of the CEC to expand the voting privilege of this sector.

6. To introduce absentee voting mechanisms that would provide otherwise disenfranchised voters with an opportunity to cast their ballots. This could be beneficial to migrant workers or students, the sick and elderly, detainees, polling staff serving on Election Day, military and police personnel, etc. Other countries use a variety of solutions, including advance voting and out-of-country voting to enable these groups to cast their votes, and thus increase voter turnout.

7. To better implement existing code of ethics for journalists and members of the media, or otherwise to promote new instruments promoting accurate and neutral reporting, in order to combat media bias and widespread misinformation.

8. To ensure that all polling stations are accessible to persons with disabilities (PWDs) or elderly voters with limited mobility.
Annex 1: Deployment map for the ANFREL 2020 Taiwan Study Mission
Asian Network for Free Elections

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