
POLITICS AND JUDICIARY VERDICTS ON VOTE-BUYING LITIGATION IN TAIWAN

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Abstract

Widespread vote buying is a major characteristic of Taiwan's election politics. We examine the impact of political factors (including partisanship, whether persons are elected or not, and type of election) on court decisions at three levels for vote-buying litigation in southwestern Taiwan between 1990 and 1999. Findings reveal that political variables have considerably less effect than expected on trial outcomes.

Reporting vote-buying does no good here [Wandan Township, Pingtung County, Taiwan] because the courts are not independent of the party. The courts will always support the power of the [Kuomintang] party."¹
—Remark by a *thiau-a-kha* (vote broker), on the eve of the January 1986 Taiwan election, carrying a wad of NT \$100 bills in his hands

Elections are political behavior. Due to the historical and social environment, vote buying has become a component of Taiwan's election culture. . . . This case has been under investigation for two years; the defendant has learned a harsh lesson and is not likely to commit the crime again.
—Reasons given by the High Court in Hualien for granting probation to Deputy Speaker You Xian-rong of the Taitung County Council²

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1. Cited in Joseph Bosco, "Taiwan Factions: *Guanxi*, Patronage, and the State in Local Politics," in *The Other Taiwan: 1945 to the Present*, ed. Murray A. Rubinstein (Armonk, N.Y.: M. E. Sharpe, 1994), p. 129.

2. See *Zhongguo Shibao* [China Times], Taipei, November 28, 1997, p. A11.

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Vote buying by candidates has long marred Taiwan's elections and this malpractice has been an issue of great concern to many on the island.³ Two common sayings describe the phenomenon: "Elections have no master, and can be bought with money," and "If you spend money, you are not guaranteed of winning elections, but if you do not spend money, you are guaranteed to lose." In Taiwan regional terms, it appears that the prevalence of vote buying is more serious in traditional agricultural constituencies than in metropolitan ones. The general public does not seem to trust the judicial system to be independent of political influence. A number of popular sayings about the courts reflect this negative public impression of vote-buying cases: "The judiciary is dominated by the ruling Kuomintang (KMT)"; "Those elected will be let off, but those losing the elections will be imprisoned"; and "At the first trial a heavy sentence is passed, at the second trial the sentence is halved, and at the third trial 'they eat pig's trotter noodles'," (a Taiwan proverb meaning the case has been quashed).

This study examines the decisions of Taiwan's three-tiered court system—district, high, and Supreme Court—regarding vote-buying litigation. In particular we ask the following question: Are the courts' decisions on vote-buying cases affected by political influences? To help answer the question, in this article we tackle three interrelated concerns. First, we offer a description of the types of vote buying in Taiwan. Second, we outline the position that the judicial system might have political considerations in vote-buying litigation and the possible factors that could affect case decisions. Third, the data used in this research are from verdicts by the three court tiers on vote-buying litigation in southwestern Taiwan between 1990 and 1999; a hierarchical logit model is constructed to test whether judgments on vote-buying cases are affected by political factors.

The judiciary's handling of vote-buying cases can be divided into two stages: the prosecutory organ's investigation of the case and the court's trial and verdict. There are two possible results from the prosecutor's investigation: charge and discharge. When the case is brought to court, the court reaches either a verdict of guilty or not guilty; a guilty verdict also includes the granting of probation.⁴ Since prosecution system material is not available, our study analyzes court verdicts from the three tiers.

3. For detailed descriptions of election malpractices in Taiwan's early period, refer to Chang-quan Xiang, *Taiwan Difang Xuanju zhi Fenxi yu Jiantao* [An analysis and examination of Taiwan's local elections] (Taipei: Shang Wu, 1980).

4. In criminal law, court judgment categories are more detailed than those adopted in this article. It must be noted that we employ this typology for two reasons. First, this is the categorization used by the Ministry of Justice in its published material. Second, it is easier for those unfamiliar with Taiwan's legal intricacies to understand the categories of verdict used for criminal cases in the three court tiers.

Vote Buying in Taiwan

Vote buying refers to the exchange of money or gifts for a vote. During election campaigns, candidates or their agents (vote brokers) offer money or material gifts to people with the right to vote in exchange for their vote. There is a wide range of types of vote buying in Taiwan that can be summarized into the following categories: use of money, use of gifts, election banquets, purchasing voters' identification cards, betting on election results, transferring loans, increasing employees' salaries, and paying voters' tax bills.⁵

In terms of the targets of the vote buying, there are two main categories. The first type is for direct elections, e.g., polls for president, city mayor or county magistrate, township mayor, village chief, and all other levels of elected public representatives. In these elections, the target for vote buying is a citizen holding the right to vote. The second category of vote buying does not target ordinary people but various levels of public representatives who can vote for speaker and deputy assembly speakers. The nature of vote buying varies by target.

The constituencies for direct elections of city mayor or county magistrate are quite large, and the electorate is considerable. Therefore, the targets and effectiveness of vote buying are hard to control. Unless candidates have planned meticulously and boast a huge campaign fund, the results of vote buying will be poor. The situation for local-level elections (such as township or village chief elections) is quite different. The electoral districts are smaller, there are fewer voters, the number of seats tends to be quite large, and the threshold for winning is lower. Accordingly, candidates only need to gain support from a portion of the voters to get elected. In such elections, the targets of vote buying are easier to control. In addition, in various assembly elections for speaker and deputy speaker, the number of representatives with voting rights is lower. The targets of vote buying are easier to monitor and the rewards of vote buying are greater. Overall, vote buying is most effective in this type of election. Regardless of the level of election, the objective of vote buying is the same: to offer rewards in exchange for votes, with the ultimate goal of gaining office.

The illegal practice of vote buying has long been the subject of social and media discussion. Academics in Taiwan have come up with some explanations for the causes of vote buying and have accumulated a body of research data.⁶

5. For vivid accounts of vote buying in Taiwan's elections, see Jin-shou Wang, "Kuomintang Houxuanren Maipiao Jiqi de Jianli yu Yunzuo" [The making and operation of a Kuomintang candidate's vote-buying machine], *Taiwan Zhengzhi Xuekan* [Taiwanese Political Science Review] 2 (December 1997), pp. 3-62; and Chung-li Wu and Shu-fen Yen, "Houxuanren Huixuan Dongji zhi Fenxi" [An analysis of candidate incentives to vote buying], *Lilun yu Zhengce* [Theory and Policy] 14:1 (March 2000), pp. 1-21.

6. For example, John Fuh-sheng Hsieh, "The SNTV System and Political Implications," in *Taiwan's Electoral Politics and Democratic Transition: Riding the Third Wave*, ed. Hung-mao Tien

From a legal perspective, the widespread phenomenon can be partly attributed to the judicial system's handling of vote-buying litigation, which is the topic of this study.

Influences of the Judicial System upon Vote Buying

Some legal scholars have argued that in Taiwan's authoritarian era (1949–87) the influence of the ruling KMT penetrated almost all social groups and institutions; thus, the judiciary, including the prosecution and court systems, could not avoid the interference of party power.⁷ Over the long term, the KMT, with its political advantage, had adopted various methods and channels to intervene in the judicial system. These tactics included personnel management, job transfers, financial expenditure, and internal organizational administration. Research has shown that because the courts have long been manipulated politically, society has little confidence in the judicial system.⁸

In the era of KMT domination (from the early 1950s to the mid-1980s), the vast majority of candidates were members of the ruling party. Therefore, the judiciary was unable to stringently investigate vote buying. Although the judiciary gave much lip service to such probes, in reality they were not effective. Even where vote buying was investigated, the process tended to be highly selective; to that extent, the courts' handling of vote-buying cases was often affected by political considerations.⁹ The leadership of the KMT often called

(Armonk, N.Y.: M. E. Sharpe, 1996), pp. 193–212; Yeh-lih Wang, "The Political Consequences of the Electoral System: Single Nontransferable Voting in Taiwan," *Issues and Studies* 32:8 (August 1996), pp. 85–104; and Chung-li Wu, "Taiwan's Local Factions and the Kuomintang in Electoral Politics," *International Relations of the Asia-Pacific* 3:1 (2003), pp. 89–111.

7. Zong-yue Huang, ed., *Minjian Sifa Gaige Baipishu* [White Paper on civil judicial reform] (Taipei: Chang Yung-fa Foundation, Institute for National Policy Research, 1997), passim; and Xing-yi Liu, "Sifa Gaige yu Minzhu Zhengzhi de Guanlianxing" [The relationship between judicial reform and democracy], in *Guojia Fazhan Dazhanlue* [Grand strategy for national development], ed. Cheng-wen Tsai (Taipei: Foundation of National Development Research, 1996), pp. 59–84.

8. For example, in 1994, the Swiss International Management Institute carried out its World Competitiveness Analysis Report. Taiwan, Hong Kong, Singapore, Malaysia, Thailand, Indonesia, the Philippines, South Korea, Brazil, and Hungary were the 10 developing countries with potential for industrialization. In the study, approximately 7,000 international industry leaders were interviewed to evaluate each country's future competitiveness. In the report, Taiwan received only 49 points for "confidence in the fairness of the judiciary": It was ninth on this item. Taking all items into account, Taiwan scored lowest on this item. See *Zhongguo Shibao* [China Times], Taipei, December 20, 1994, p. A2.

9. Hung-mao Tien, *The Great Transition: Political and Social Change in the Republic of China* (Stanford: Hoover Institution Press, 1989), p. 179. The relationship between the judiciary and the KMT was revealed in a controversial event in July 1995. At the time, KMT Secretary-General Xu Shui-de was holding a regional discussion with KMT representatives to the 14th Party Congress in Kaohsiung County. Pingtung County Councilor Yu Shen, Kaohsiung County Provincial Assemblyman

for strengthening the rule of law and judicial independence, but in practice, it frequently interfered with judicial operations, especially in vote-buying cases.

One reason that vote-buying investigations in the period under discussion can be seen as highly selective may be that it is difficult to define what constitutes "vote-buying behavior." This ambiguity has often hobbled the courts in obtaining sufficient evidence and, therefore, issuing an appropriate sentence. It is understood that the judiciary's non-active investigation of cases does not stem solely from its inability to overcome technical difficulties. Political considerations (e.g., harming the nation's image and difficulties with local factions) are the crux of the problem. We believe that the difficulties in defining this crime contributed to the relatively flexible verdicts reached in numerous vote-buying cases. This line of argument suggests that political considerations might influence the judiciary's verdicts.

Apart from party influence on the judicial process, we consider two other variables that may affect the courts' handling of vote-buying cases. First, whether or not a candidate is elected should be a significant political factor. It is widely believed that when a candidate wins the election, the court is likely to find the defendant not guilty or, if there is a conviction, to allow probation, owing to lack of evidence. In contrast, when a vote-buying suspect fails to win election, his or her political influence declines significantly. Therefore, courts are more likely to actively pursue accusations and the probability of a prison sentence is much higher.

The second variable is whether different types of election affect the decisions in vote-buying cases. As mentioned above, many people in Taiwan share the belief that in such cases, at the first trial a heavy sentence will be passed; at the second, the sentence will be halved; and at the third, the case will be quashed. There is no doubt that this saying is very damaging for public trust of the judiciary. In some individual cases, it is not hard to find judgments reflecting this assumption. However, our study attempts to examine whether these are deviant cases or generalizations. We hypothesize that the higher the level of election, the greater the political influence on a judicial decision. There are two reasons for this. First, from the perspective of political authority, national-level elections determine which political party will be in government. In contrast, although local-level elections are extremely competitive, the results cannot affect the authority of the central government. Second, the greater the political resources of a candidate, the higher the level of elections he or she will reach. Therefore, political factors are more likely to come into play in national-level election cases.

Zhong Shao-he, and Penghu County Provincial Assemblyman Xu Su-ye were all critical of Justice Minister Ma Ying-jiu's vigorous investigation into vote buying. Xu Shui-de tried to comfort them, saying, "It will be O.K., since the courts also belong to the ruling party." See *Xin Xinwen* [The Journalist], no. 437 (July 23–27, 1995), p. 25.

In this research, litigants include not only candidates but also their campaign workers and people accused of accepting bribes. In general elections, campaigns are mass activities and are not just limited to the actions of candidates; they rely upon campaign workers to contact the voters. The objective of campaign workers is to help get their candidate elected; thus, campaign workers' actions are viewed as being the equivalent of a candidate's behavior. In Taiwan's elections, the vast majority of vote buying is done not by the candidates, but by the candidates' agents, the campaign workers. Alternatively, campaign workers will assign vote buying to subsidiary campaign workers or supporters (commonly known as vote brokers [in the Hokkien language, *thiau-a-kha*]). Some vote-buying cases involve elections for speaker or deputy speaker of county or city assemblies. The majority of defendants in these cases have already been charged with receiving bribes or made an agreement on the voting decision with the vote buyer. Therefore, the defendants in the vote-buying cases analyzed here include the candidates, their campaign workers, and persons charged with giving or receiving bribes.

Research Hypotheses and Data Collection

Hypothesis 1. If the defendant in a vote-buying case is a KMT candidate, a campaign worker for a KMT candidate, or is accused of accepting a bribe from a KMT candidate, then they are more likely to be found not guilty by the court. If they are found guilty, they are more likely to be placed on probation.

Hypothesis 2. If the defendant in a vote-buying case is elected, is the campaign worker of an elected candidate, or is accused of receiving a bribe from an elected candidate, then they are more likely to be found not guilty by the court. If they are found guilty, they are more likely to be placed on probation.

Hypothesis 3. In vote-buying cases, the higher the level of election, the greater the probability of being found not guilty (or if found guilty, the likelihood of probation is greater).

We take the court's judgments on vote-buying cases as the dependent variable; the units of analysis are the defendants in vote-buying cases. We divide the independent variable into two categories: not guilty and guilty verdicts. Guilty verdicts include receiving a prison sentence or probation. Note that usually, there is more than one defendant in each vote-buying case; although the reasons for prosecution may differ, the judgments for the same case may be interrelated. Therefore, we treat defendants of the same vote-buying case as a cluster. In the statistical analysis, we treat the cluster observation values as mutually dependent.

The three independent variables in this study are partisanship, elected or not elected, and level of election. Partisanship is divided into three categories: KMT, Democratic Progressive Party (DPP), and others. Successfully elected is set at 1 and losing the election is set at 0. We divide the levels of election into six categories: Legislative Yuan and National Assembly, Provincial Assembly, city mayors and county magistrates, county or city councils, township representatives and village chiefs, and speakers and deputy speakers of county or city assemblies.

To examine whether political factors affect the courts' handling of vote-buying cases, we gathered 1990–99 data for vote-buying litigation judgments at the three court levels from nine counties and cities in southwestern Taiwan, including Yunlin County, Chiayi County, Chiayi city, Tainan County, Tainan city, Kaohsiung County, Kaohsiung city, Pingtung County, and Penghu County.¹⁰ During this period, local courts reached judgment on 5,091 defendants, the High Court reached judgment on 1,158 defendants, and the Supreme Court reached judgment on 53 defendants.

Discussion of Findings

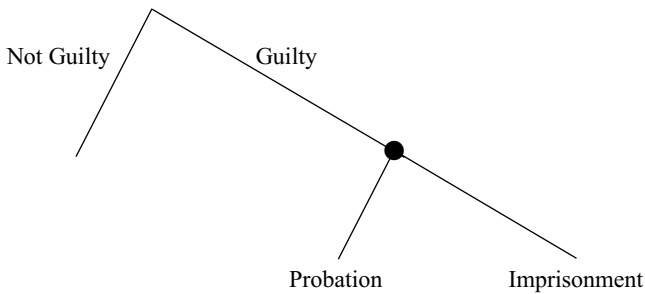
This paper employs a hierarchical logit model, and the order of analysis is shown in Figure 1.¹¹ First, we analyze whether being a member of the KMT, winning the election, and reaching the higher levels of election have a bearing in the vote-buying cases with a not guilty verdict. Next, we see whether the above-mentioned factors affect the awarding of a probationary sentence to guilty defendants.¹²

We first perform a cross-tabulation of the local courts' decisions on vote-buying cases. As shown in Table 1, the results indicate that KMT and independent candidates are more likely to use vote-buying strategies. For the different

10. For data collection, the authors first telephoned the court units responsible for filing the verdict documents and explained the academic purpose of the project. Next, we wrote official letters requesting assistance and access to the files. Then our research assistants recorded the vote buying case files at a prearranged date. Note that because of the large volume of data involved and a dearth of personnel, the data are not inclusive nationally. Furthermore, we could only compile cases that were stored on the computerized files. The rate of computerization of files at different court tiers varies considerably, and many local courts have been sluggish in developing computerization; thus, this study has limited the data to the period 1990–99.

11. The hierarchical logit model, also called the continuation-ratio logit model, was first proposed by Stephen E. Fienberg for ordinal outcomes in which the categories represent the progression of stages in some process. In our study, judicial process is indeed a sequential decision-making mechanism. See Stephen E. Fienberg, *The Analysis of Cross-Classified Categorical Data*, 2d edition (Cambridge, Mass: MIT Press, 1980), p. 110, and P. McCullagh and J. A. Nelder, *Generalized Linear Models*, 2d edition (London: Chapman and Hall, 1989), p. 160.

12. To ensure consistency of the estimation standards, we employ White's robust covariance matrix estimation. See Halbert White, "A Heteroskedasticity-Consistent Covariance Matrix Estimator and a Direct Test for Heteroskedasticity," *Econometrica* 48:4 (May 1980), pp. 817–38.

FIGURE 1 *The Analytical Order of the Hierarchical Logit Model*

levels of election, there are 4,680 defendants for the Legislative Yuan and National Assembly races; these made up the vast majority of defendants. The remaining categories include 33 defendants for elections to the Provincial Assembly, 33 for city mayors or county magistrates, 42 for county and city councils, 237 for township representatives and village chiefs, and 66 for speaker or deputy speaker of county or city assemblies. In the category of Legislative Yuan and National Assembly vote-buying case verdicts, there are 42 KMT defendants, most of whom won election. Among this group, five were found guilty and received prison sentences, while 25 were found guilty but allowed probation. There were 4,637 non-KMT/non-DPP candidates and only one defendant was elected. Among them, 66 were found guilty and received prison sentences, while 4,222 were found guilty and received a reprieve, i.e., postponement of punishment, and 348 were found not guilty.

Table 2 illustrates the analyses for district-level courts' not guilty verdicts. The findings demonstrate that in vote-buying trials with KMT defendants, the local courts were more likely to reach not guilty verdicts. More specifically, on average, the odds of a KMT candidate receiving a not guilty verdict were about 8.2 times those for a non-KMT defendant, *ceteris paribus*. This is in line with hypothesis 1. Contrary to expectations, the data yield indicates that both winning the election and the level of election do not reach statistical significance.

The estimations reported in Table 3 indicate the analyses for local courts' probationary verdicts. The data show that the variable of KMT partisanship exerts an important but unpredicted influence on the dependent variable; that is, KMT defendants are less likely to receive probationary sentences than non-KMT/non-DPP candidates. The results also reveal that Legislative Yuan and National Assembly elections have a significant correlation with the courts' decisions on vote-buying cases in the anticipated direction. As

TABLE 1 *The Local Court's Decisions on Vote Buying Cases (Unit: Defendant)*

	<i>Type of Election</i>													
	<i>Legislative Yuan and National Assembly</i>		<i>Provincial Assembly</i>		<i>City Mayors and County Magistrates</i>		<i>County and City Councils</i>		<i>Township Representatives and Village Chiefs</i>		<i>Speakers and Deputy Speakers of County/City Assemblies</i>			
	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>		
KMT														
Imprisonment	5	2	4	16	4	3	6	1	29	9	0	0	5	
Probation	25	0	5	4	9	2	15	6	12	6	0	0	0	
Not guilty	10	0	0	3	0	2	0	0	65	1	0	0	9	
DPP														
Imprisonment	1	0	1	0	0	0	0	0	0	0	0	0	0	
Probation	0	0	0	0	10	0	0	0	0	0	0	0	0	
Not guilty	0	0	0	0	0	0	0	0	0	0	0	0	0	
Others														
Imprisonment	1	66	0	0	1	0	8	1	10	4	7	26		
Probation	0	4,222	0	0	1	0	1	4	28	68	17	0		
Not guilty	0	348	0	0	0	1	0	0	3	2	2	0		

TABLE 2 *Logit Estimates for the Local Court's Not Guilty Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Partisan factor		
KMT	2.1022*** (.5785)	8.1840
Election (elected = 1)	.1697 (.5583)	1.1850
Type of election		
Legislative Yuan and National Assembly	1.4367 (1.2289)	4.2068
Provincial Assembly	-.4471 (1.1443)	.6395
Township representatives and village chiefs	1.6847 (1.2038)	5.3909
Speakers and deputy speakers of county/city assemblies	1.6188 (1.4080)	5.0469
Intercept	-3.9739*** (1.2298)	
Log - likelihood = -1409.4825.		
N = 5,037 $\chi^2 = 21.28$ df = 6 $p \leq .01$.		

NOTE: Estimated robust standard errors are shown in parentheses; *** $p \leq .001$. All 12 DPP defendants running for various elections and 42 defendants for the elections to county and city councils received guilty verdicts and thus were excluded in the analysis. Furthermore, the cases of elections to city mayors and county magistrates were dropped due to collinearity.

TABLE 3 *Logit Estimates for the Local Court's Probation Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Partisan factor		
KMT	-2.0448** (.7457)	.1294
DPP	-.8940 (1.6518)	.4090
Election (elected = 1)	-.0931 (.6548)	.9111
Type of election		
Legislative Yuan and National Assembly	2.9001** (.9742)	18.1752
City mayors and county magistrates	1.5323 (1.0075)	4.6287
County and city councils	.8814 (1.1477)	2.4143
Township representatives and village chiefs	.4857 (.9520)	1.6254
Speakers and deputy speakers of county/city assemblies	-1.8321 (1.4939)	.1601
Intercept	1.1847 (.9738)	
Log - likelihood = -552.1168.		
N = 4,645 $\chi^2 = 212.69$ df = 8 $p \leq .001$.		

NOTE: Estimated robust standard errors are shown in parentheses; ** $p \leq .01$. The cases of elections to the Provincial Assembly were dropped due to collinearity.

remarked in hypothesis 3, other things being equal, in national-level elections, vote-buying case defendants tended to receive reprieves. However, the other independent variables do not emerge as statistically significant; DPP partisanship and election outcomes have little impact on probationary verdicts of district-level courts.

In addition to local court's verdicts, we further examine whether there is any difference in vote-buying case judgments between the High Court and the Supreme Court. Table 4 presents results of the vote-buying cases for the High Court. Out of 1,158 defendants, 1,137 were found guilty (including probationary and prison sentences), and only 21 were found not guilty. Defendants from the different levels of election included 1,105 from the Legislative Yuan and National Assembly elections, 14 from the Provincial Assembly, 15 from the city mayors or county magistrates, 14 from the county and city councils, and 10 from township representatives and village chiefs. In the Legislative Yuan and National Assembly vote-buying case decisions, there were 40 KMT defendants, all of whom were elected. Among this group, two were found guilty and received prison sentences, while 27 were found guilty but received reprieves; 11 were not guilty. There were a total of 1,064 non-KMT/non-DPP candidates, all of whom failed to be elected. Among them, 24 were found guilty and received prison sentences, while 1,040 were found guilty but permitted probation.

Tables 5 and 6 display the estimates for the hierarchical logit coefficients for the High Court's not guilty and probation verdicts. Contrary to expectations, as shown in Table 5, none of the political factors has a statistically significant influence on the dependent variable. Table 6 shows analyses of whether the defendants found guilty would receive a probationary sentence. The data demonstrate that KMT defendants are less likely than non-KMT/non-DPP candidates to receive reprieves. In particular, where other conditions are kept constant, on average the odds for KMT defendants to receive a probationary sentence from the High Court is only 3.32%, compared with the odds for independent candidates. After controlling for the variable of partisanship, we find that there is very little difference between the probability of vote-buying cases reaching probationary verdicts between Legislative Yuan or National Assembly elections and other levels of election.

Table 7 shows the cross-tabulation for vote-buying cases in the Supreme Court. Out of 53 defendants, only three were found not guilty, 17 received prison sentences, and 33 were found guilty but placed on probation. Defendants from the different categories of election included 39 from the Legislative Yuan and National Assembly elections, three from the Provincial Assembly, three from the city mayors and county magistrates, three from county and city councils, and five from township representatives and village chiefs. In the Legislative Yuan and National Assembly vote-buying trials, there were 38 independents

TABLE 4 *The High Court's Decisions on Vote Buying Cases (Unit: Defendant)*

	<i>Type of Election</i>											
	<i>Legislative Yuan and National Assembly</i>		<i>Provincial Assembly</i>		<i>City Mayors and County Magistrates</i>		<i>County and City Councils</i>		<i>Township Representatives and Village Chiefs</i>			
	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>	<i>Elected</i>	<i>Not Elected</i>
KMT												
Imprisonment	2	0	2	2	0	2	3	0	2	1		
Probation	27	0	1	1	1	1	4	0	2	0		
Not guilty	11	0	0	1	0	0	0	3	0	0		
DPP												
Imprisonment	0	0	0	0	10	0	0	0	0	0		
Probation	0	0	0	0	0	0	0	0	0	0		
Not guilty	1	0	0	0	0	0	0	0	0	0		
Others												
Imprisonment	0	24	0	0	0	0	0	0	0	0		
Probation	0	1,040	7	0	0	0	4	0	1	0		
Not guilty	0	0	0	0	0	1	0	0	4	0		

TABLE 5 *Logit Estimates for the High Court's Not Guilty Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Partisan factor		
KMT	2.6951 (2.5586)	14.8072
DPP	2.5229 (5.5326)	12.4641
Election (elected = 1)	1.4786 (2.5784)	4.3870
Type of election		
Legislative Yuan and National Assembly	-2.3612 (2.4540)	.0943
Provincial Assembly	-2.2543 (2.2494)	.1049
City mayors and county magistrates	-3.1814 (5.0406)	.0415
County and city councils	-1.5298 (2.3729)	.2166
Intercept	-3.2229 (2.6486)	

Log - likelihood = -64.4791.

N = 1,158 $\chi^2 = 14.16$ df = 7 $p \leq .05$.

NOTE: Estimated robust standard errors are shown in parentheses. The cases of elections to speakers and depute speakers of county/city councils were dropped due to collinearity.

TABLE 6 *Logit Estimates for the High Court's Probation Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Partisan factor		
KMT	-3.4041** (1.2529)	.0332
Election (elected = 1)	2.0774 (1.1550)	7.9836
Type of election		
Legislative Yuan and National Assembly	2.5250 (1.6203)	12.4907
Provincial Assembly	.3788 (1.6472)	1.4606
City mayors and county magistrates	1.6930 (1.4477)	5.4356
County and city councils	.4119 (1.1292)	1.5097
Intercept	1.2565 (1.6137)	

Log - likelihood = -136.6149.

N = 1,127 $\chi^2 = 1030.98$ df = 6 $p \leq .001$.

NOTE: Estimated robust standard errors are shown in parentheses; ** $p \leq .01$. All 11 DPP defendants were given probation and thus excluded in the analysis. The cases of elections of speakers and deputy speakers in the county/city councils were dropped due to collinearity.

TABLE 8 *Logit Estimates for the Supreme Court's Not Guilty Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Election (elected = 1)	-.5108 (1.3532)	.6000
Intercept	-1.0986 (.9085)	

Log - likelihood = -7.2020.

N = 14 $\chi^2 = .14$ df = 1 $p \geq .1$.

NOTE: Estimated robust standard errors are shown in parentheses. All 39 non-KMT defendants in the elections to the Legislative Yuan and National Assembly received guilty verdicts and thus were excluded in the analysis.

TABLE 9 *Logit Estimates for the Supreme Court's Probation Decisions on Vote Buying Cases*

<i>Independent Variable</i>	$\hat{\beta}$	<i>Exp</i> ($\hat{\beta}$)
Partisan factor		
KMT	-.6576 (1.1731)	.5181
Election (elected = 1)	-1.1214 (1.3892)	.3258
Intercept	.9679*** (.0874)	

Log - likelihood = -30.2256.

N = 50 $\chi^2 = 2.74$ df = 2 $p \geq .1$.

NOTE: Estimated robust standard errors are shown in parentheses; *** $p \leq .001$.

(all of whom were not elected) and one DPP defendant. Among them, 11 were found guilty and received prison sentences, while 28 were found guilty but allowed reprieves.

Tables 8 and 9 present the analyses of the Supreme Court's not guilty and probation verdicts. An examination of the results shows that the coefficients for the political factors are consistently weak and insignificant. The data indicate that there is no statistically significant relationship between whether candidates are elected or not and whether they receive not guilty verdicts or probationary sentences. Similarly, there is little difference in the probability of KMT defendants receiving probationary sentences.

We now summarize some major findings. First, the hypothesis that KMT defendants have an advantage in judicial verdicts is not absolutely supported. The results demonstrate that KMT partisanship has a conditional connection with vote-buying trials; that is, KMT defendants are slightly more likely to

receive not guilty verdicts at local-level courts. In other words, the common impression that the KMT adopted various methods and channels by which to intervene in judicial verdicts needs to be reevaluated. Second, whether or not a litigant wins an election has no consistent influence on courts' decisions. The popular saying that "those elected will be let off, but those losing elections will be imprisoned" has no basis that is reflected in judicial verdicts. Third, we also find no strong support for the belief that the "higher the level of election, the greater the level of political influence on the judicial verdicts." Last but not least, many people have the impression that in vote-buying cases, with each trial the level of political influence on the court's verdict rises. However, this assumption does not tally with the data. In sum, the findings reveal that the effects of political variables exercise considerably less influence than expected on vote-buying case verdicts.

Conclusion

The widespread phenomenon of vote buying is a major problem for Taiwan's electoral politics. The damage to Taiwan's democracy caused by vote buying has long been noted. The research presented here analyzes court decisions on three judicial tiers for vote-buying litigation in southwestern Taiwan between 1990 and 1999. We test whether or not the decisions were influenced by political factors, and the degree of influence. The data illustrate that there is not necessarily a causal relationship between court verdict and the partisan effect, whether the defendant wins the election or not, the type of election, or the level of court. In short, it appears that there is a gap between court verdicts in vote-buying cases and the way they are popularly perceived.

We believe that methodologically, there are at least two areas that can be strengthened in future research projects. First, in this study, we use data on vote-buying cases only from southwestern Taiwan; this is because the illegal practice of vote buying is more serious in traditional rural regions. Future studies could cover the whole of Taiwan; this would increase the number of trial cases and offer a more complete understanding of vote-buying case verdicts. A second limitation of our research is that the data is limited to 1990–99. Future work should extend the time period; this would allow comparison of judicial verdicts in vote-buying trials in different time frames. This article is merely presented as an exploratory study aimed at stimulating scholars of political development to pay more attention to judicial issues.