



Election Reform in Hungary: Still in Progress

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Introduction

In this paper we will summarize the main modifications introduced in the election system after the new electoral law was passed (2011/ CCIII. Act on the Election of the Members of Parliament) on December 23, 2011. The law was adopted without amid a complete lack of opposition support: only the governing parliamentary caucuses of Fidesz and KDNP voted in favour of the new law, while opposition Socialists and green/liberal LMP were staging protests against the government outside the parliament during the vote. Right-wing radicals Jobbik voted against the law.

The act on electoral procedure, regulating all technical details of the election process is expected to be passed by spring, hence important details – such as time limits, campaign rules, limitations for advertisements, out-of-country voting methods – are yet unknown. These are not expected to drastically modify the fundamentals of the new election system, however a number of changes may be deemed relevant.

We will summarize the main modifications in the election system so far, pointing out some specific aspects of the “Summary of the Cardinal Act on Parliamentary Elections” released by the Press Office of the Ministry of Public Administration and Justice on November 22, 2011. The document released by the Ministry offers a relatively correct description of the new elections system, however political motivation behind the moves and the effects of the modifications are not included at all. Political Capital makes an attempt at providing the background by examining the governmental arguments aimed at justifying the modifications.

Single-round voting

“INSTEAD OF THE CURRENT 2 ROUNDS THERE WILL BE A SINGLE ROUND. THE ESSENCE OF THE ONE-ROUND SYSTEM IS THAT THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES IN A GIVEN CONSTITUENCY WILL WIN THE MANDATE TO REPRESENT IT.”

Fidesz’s main aim with the new electoral system is to create a situation when the relatively biggest party (they expect them to be this party in 2014) has the chance to obtain the absolute majority of 199 mandates. Fidesz-politicians are aware of the decrease of their support, but if they succeed in keeping the position of the relative biggest party in Hungary (having maybe just 25-35% of votes), their single-member candidates still can triumph in most single-member constituencies – in a one-round system. So the elimination of the second round creates a situation where mandates can easily be obtained by a relative majority.

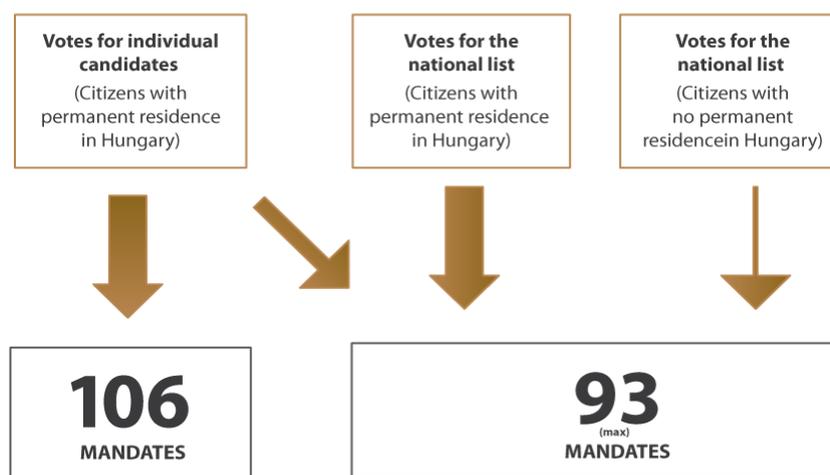
The new Parliament will have 199 members with 106 mandates obtained in single-member constituencies along with a maximum of 93 mandates allocated from the national list. This remains a mixed system, however one that shifts even closer to the majoritarian principle as more than 53% of mandates will be allocated in single-member-constituencies, and the relatively proportional pillar will also benefit the winner. The elimination of the second round serves the same aim, so does the loosening of the nomination process.

Fractional votes and the compensation of the winner

“FRACTIONAL VOTES IN EACH CONSTITUENCY (VOTES CAST FOR LOSING CANDIDATES PLUS THE FRACTION OF VOTES CAST FOR THE WINNING CANDIDATE WHICH EXCEEDS THE NUMBER GAINED BY THE SECOND-PLACE CANDIDATE) WILL BE TRANSFERRED TO NATIONAL PARTY LISTS.”

The “compensation of the winner” is a solution unknown to election systems in the rest of the world. This is one of the major aspects of the new system that fuel controversy (the second is the justified suspicion of gerrymandering)

The mandate-allocation remains quite difficult: After allocating 106 single-member-constituency mandates on the first-past-the-post level, the remaining mandates, the number of which may reach a maximum of 93, are to be allocated (see the figure below; arrows illustrate the weight of different sources of mandates). Votes cast to party lists – in and outside of the country – are added together with unused votes coming from the single-member level.



Not only will votes for candidates not obtaining a mandate in individual constituencies be added together with the votes for the national lists, but the votes for winners of any single-member constituency that were not required to secure the candidate’s election as well. The table below helps to understand this particular Hungarian invention: one vote is added to the number of votes won by the runner-up, then this figure is subtracted from the votes secured by the winner. The result – the number of votes that exceeded the figure required for the election of the winner – goes to the national tier, along with the votes for the rest of the candidates. After having counted all the votes, seats are allocated to parties proportionally, using the d’Hondt formula.

Pattern for surplus votes generated in single-member-constituencies

	Number of votes	Surplus votes transferred to national lists
Candidate number 1	20 000	4 999
Candidate number 2	15 000	15 000
Candidate number 3	10 000	10 000

The significance of “winner-compensation” is minimal if the popularity of political parties is balanced, whereas if one party is significantly more popular than all the rest (as was the case in 2010), such distorting elements are not necessary for the predominant party to acquire a two-thirds majority. All things considered, in a party system with several poles, the effect is simply unpredictable – it can easily strike back to Fidesz.

Nomination slips and political corruption

“AS CONSTITUENCIES WILL BE LARGER, A POTENTIAL CANDIDATE IN AN INDIVIDUAL CONSTITUENCY WILL NEED TO COLLECT 1500 NOMINATION SLIPS, INSTEAD OF THE CURRENT 750. ONLY 21 DAYS WILL BE AVAILABLE FOR THE COLLECTION OF NOMINATION SLIPS, SO ELECTION CAMPAIGNS WILL BE SHORTER AND CHEAPER.”

A few days before the final vote in Parliament on December 23, 2011, the rules for fielding candidates have been loosened: instead of 1500 only 1000 signatures will have to be collected. This means that nomination for a single-member candidate will be slightly easier than before (which can make it easier for smaller parties to succeeding in gathering them) however the basis of the nomination process will remain the collection of so-called endorsement slips which is still considered a hotbed for political corruption.

There is a further relief for organizations running on future elections: in order for it to be possible to vote for the list of a party in every single polling station, fielding 27 candidates are going to be sufficient (which will require a total of 27,000 endorsement slips). Until now 36,750 slips covering all counties and Budapest were necessary. In the future, parties will get a chance to concentrate on nine counties of choice along with the capital.

Even though Fidesz always harboured a desire to make the nomination criteria even more stringent, the bill that was eventually passed indicates that Fidesz decided to follow political interests rather than show muscles during the nomination process: the more rivals are fielded against them, the easier their candidate can clinch victory in a one-round system.

However, the law on electoral procedure is expected to be passed by spring, thus the time limit for collecting endorsement slips remains unknown. Earlier, the time limit was set at 36 days, and our latest information also refers to the reduction for 21 days – but this is not written in the passed law, so change is possible, regarding the fact that Fidesz’s interest is to keep the opposition fragmented.

Nomination slips and political corruption

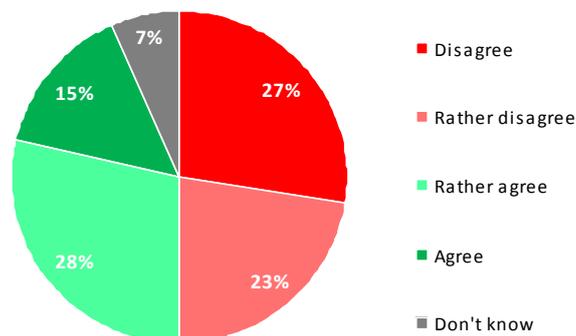
“A HUNGARIAN CITIZEN LIVING BEYOND THE BORDERS WITHOUT A RESIDENCE IN HUNGARY BUT REGISTERED ON THE ELECTORAL ROLL WILL HAVE ONE VOTE (AND AFTER PRELIMINARY REGISTRATION HE OR SHE MAY EVEN VOTE BY POST).”

The fact that Hungarians living in the country will have two votes while non-residents will only have one may harm international electoral standards.

A large part of out-of-country Hungarians is living in former Hungarian territories belonging to surrounding countries since the Treaty of Trianon that ended World War I. Nevertheless, millions of Hungarians live in diaspora around the world. It is challenging to estimate the number of voters that would indeed show up on election day, the figure is likely to exceed the 300 thousands but will fall short of one million. A survey in the ethnic Hungarian community in Romania (conducted by Kvantum Institute and analysed by Political Capital Institute) has just proved that among politically active voters Fidesz has an overwhelming support (55%¹) – Fidesz expects that giving the right to ethnic Hungarians vote can make them easier to win the election.

According to Political Capital's survey carried out in early December 2011, the extension of suffrage beyond the borders of the country is not supported (see chart below). Only Fidesz-voters' majority supports out-of-country voting, while not only supporters of the Socialist Party (53%) and LMP (55%), but the majority of far-right Jobbik's (53%) voters is also against it. While the solution of giving the right to vote to dual citizens without residence is not atypical (we can find similar regulations in Croatia and Romania, among others), it threatens to strengthen the tensions between Hungarians inside and outside borders.

In the new electoral system suffrage is extended to Hungarian citizens who do not have a permanent residence in Hungary. Do you agree with this?



National minorities

“THE NATIONALITIES’ LISTS ARE ELIGIBLE FOR ‘PREFERENTIAL’ MANDATES, MEANING THAT FEWER VOTES ARE SUFFICIENT TO WIN A MANDATE COMPARED TO OTHER LISTS.”

A national minority can gain a seat from the list tier of the system if it secures one quarter of the votes that are necessary for an average mandate. Minorities that cannot reach this threshold will still be entitled to a non-voting parliamentary spokesperson. According to our calculations, only the Roma minority has the chance to gain a preferential mandate from all 13 registered national minorities. The fact that the neighbouring countries' minorities in Hungary have no chance to gain a preferential mandate may end up in diplomatic conflicts.

¹ http://hvg.hu/vilag/20120104_erdelyiek_magyarorszagi_partvalasztasa

This probably also serves the aim of shifting the system even further toward the majoritarian principle, whereas if one minority does manage to gain a preferential mandate, the number of MPs will not be increased, but fewer list mandates will be allocated. Fidesz will hence be likely to welcome the side effect potentially moving the system even closer to the first-past-the-post principle.

Re-drawing the constituencies

“ACCORDING TO THE NEW FUNDAMENTAL LAW, THE MAXIMUM NUMBER OF MEMBERS OF PARLIAMENT WILL BE REDUCED TO A MAXIMUM OF 200, AND THIS REQUIRES THE CREATION OF A NEW LAW ON ELECTORAL RIGHTS. IT IS NOT ONLY THE REDUCTION IN THE NUMBER OF MPs THAT MAKES A NEW BILL NECESSARY HOWEVER. THE CONSTITUTIONAL COURT HAS RULED THAT PARLIAMENT IS IN VIOLATION OF THE CONSTITUTION, AS THE PRESENT 176 INDIVIDUAL CONSTITUENCIES ARE NOT PROPORTIONALLY BALANCED; THIS SYSTEM HAS NOT BEEN REVISED FOR AROUND TWENTY YEARS. CERTAIN CONSTITUENCIES HAVE VOTING POPULATIONS THREE TIMES THE SIZE OF OTHERS. SUCH INEQUALITIES RESULT IN SOME CITIZENS' VOTES BEING WORTH FAR MORE THAN OTHERS.”

The amendment of the constituency map would be inevitable even if the whole system would be intact. The parliament should have redrawn the boundaries years before latest elections in 2010. The new law does solve the elderly problem of disproportionality among the number of citizens in constituencies, but creates a new one that is even more embarrassing: it emerges the suspicion of gerrymandering.

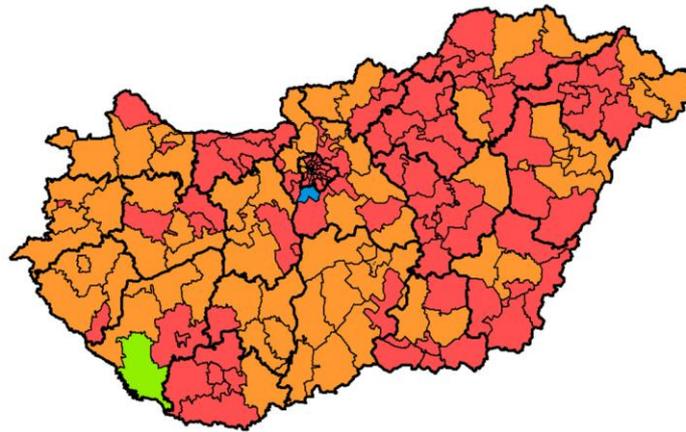
The letter of the law states that constituencies must form a „coherent area” and they may not cross county and capital boundaries. Furthermore, only those cities may be divided into several individual constituencies where the “number of those entitled to vote exceeds the average number of those entitled to vote in individual constituencies”. To put this more simply, the cities where the population is below 75,000, voters cannot be divided into several electoral districts.

Nevertheless, the draft fails to establish that constituencies should be drawn in a way that best reflects the municipal structure of any given region. In the absence of such principles, most of the cities concerned (such as Miskolc, Szeged and Pécs) have been divided into constituencies in a way that some suburban settlements have been added to them as well (the extent varies in different constituencies). Note that in Debrecen and Székesfehérvár, there are electoral districts that have been carved out without adding such small, suburban settlements as well. This is the first point where one can suspect that the designers of the electoral map were influenced by electoral databases from the past.

The draft law more or less complies with the recommendation of the Venice Commission in terms of stating that the number of voters in constituencies should not deviate by more than 15 percent from the mean calculated from all constituencies (VC recommends 10 percent). If disproportionalities reoccur because of migration, resulting in a difference of 20 per cent in the voter population of a district when compared to the mean calculated from all the districts, Parliament will have to amend the constituency boundaries accordingly.

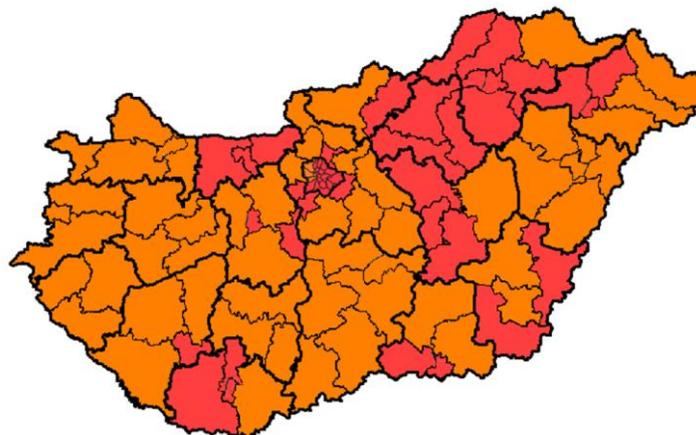
The creation of an independent committee in order to establish the boundaries of future constituencies would have clearly been more fortunate, yet it would obviously be too much to expect from the government to tie its hands this way. Nonetheless, the map of constituencies may not be amended “in the period between the first day of the year preceding the general election and the completion of the general election”. It appears better to avoid bringing up the question concerning what happens if the number of voters in a constituency crosses the critical limit in the very year of the elections, at some point between January 1st and polling day.

Winning candidates of political parties in single-member-constituencies (2006)*



* Orange: Fidesz-KDNP (68 mandates), Red: MSZP (102 mandates), blue: SZDSZ (liberal, coalition partner for MSZP, 5 mandates), green: local alliance (1 mandate)

Hypothetical map of winning candidates of political parties in single-member-constituencies with the new electoral system and constituency map, according to real 2006 election data**



**Orange: Fidesz-KDNP (59 mandates), Red: MSZP (47 mandates); calculation by: Patriotism and Progress Public Policy Foundation

In the presence of electoral districts the risk of gerrymandering can never be eliminated, it can however be limited. The main safeguards against gerrymandering are set out by the letter of the law, it however appears easy to identify traces of political manipulation in the map. The population in districts with dominantly leftist tendencies exceeds that in districts with voters traditionally opting for the political right by 6000 people on average. Hence votes in the latter districts obviously carry more weight than those in the former ones, since a member of parliament in a rightist district needs fewer votes to be elected than a counterpart in a district with a dominantly leftist voter population. This arrangement of districts is highly unlikely to be just a matter of accidental coincidences.

In 2006, in 3 districts out of the total 9 in the county of Hajdú-Bihar, Socialist candidates prevailed. According to the new arrangement of electoral districts, the county will be divided into 6 electoral districts only, with the design of the districts clearly favouring Fidesz to win in all of them, even based on the election results of 2006. The arrangement of election districts in other counties such as Bács-Kiskun, Győr-Moson-Sopron, Tolna, Vas, Veszprém and Zala have also been designed to emulate Socialist candidates in districts where they could triumph in 2006 (see maps above). A number of conspicuous re-arrangements of electoral districts obviously motivated by the logic of party politics have been completed in the capital as well, most strikingly by re-dividing the 13th administrative district of Budapest, where Socialist candidates claimed victories even in 2010.

About the Authors:

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