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Hungarian electoral system and procedure

The second Orbán government wanted to create a new constitution instead of the former transitional one, so the Basic Law was adopted in 2011 by the Fidesz majority. According to their former promise, the numbers of the members of parliament were significantly reduced – however, along with that, the boundaries of the constituencies had to be also changed. Fidesz decided not only to change the boundaries of the constituencies, but about major reform which included several new rules regarding the electoral system of Hungary and the electoral procedure, too.

In this article we summarise the main changes.

I. The new electoral system

This new system was drafted in the Act CCIII. of 2011 On the Elections of Members of Parliament.

The main provisions of the Act:

- The Hungarian electoral system remains mixed, consisting of national list and constituencies. The list of candidates remain closed, there is still no preferential voting, like in Italy or Poland.

- As mentioned earlier, the seats of the Hungarian parliament were reduced from 386 to 199.

- In the new system are 106 constituencies, decreased from 176.

- The candidate who receives the majority of valid votes shall be the Member of Parliament for the particular single-member constituency. There is no second round of elections, in contrast to the earlier practice.

- There is only one national list, consisting of 93 seats. In the former system national list and lists of counties existed too, consisting of 2010 seats.

- The 5 % threshold in the parliament of the former system remained.

It is important that will only one election round instead of the former two round system. Therefore there will not be a possibility for parties to join forces upon knowing the results of
the first round. This is why the parties of the left wing opposition had to unite for the election, so the formation called Alliance, consisting of MSZP, Együtt, DK, PM and Liberals, („Összefogás”) was established in January which was renamed in March to Change of government (Kormányváltás).

- Minorities had no representatives in the Hungarian legislative so far. The Act makes it possible to draw up a national minority list.

**Explanations:**

**Political stability**

The 5 % threshold is a serious obstacle for the small parties.

This system like the former one – also prefers the winner, however with a slightly difference: not only can the loser candidate collect fragment votes for his party list, but the winner as well. That means that a larger party can receive a 50 % majority somewhat easier than before.

**Boundaries of the constituencies** were changed – they became significantly larger. The government parties were accused with politically motivated gerrymandering. It is a fact that several constituencies with former lefty majority were split up, for example the 13. district in Budapest. However, government parties argued that the boundaries had to be changed because of the former decision of the Constitutional Court, the territories of the constituencies were not proportional (i.e in one constituency there were about 20 thousand voters, in another one 50 thousand).

**Minorities:** Only self - governments of national minorities may draw up national minority lists. It is also important that one must to register as a member of national minority if one wishes to vote for national minority lists. In that case, this voter is not allowed to vote for party list.

No mandate may be won by a list which failed to reach at least five percent of all valid votes for national minority lists. Because the Gipsy minority is the biggest of all minorities of Hungary, the National Roma Self - government has the best chance to get a parliamentary seat.
II. The electoral procedure

The Fidesz - majority has approved a new bill about the procedure issues of the election (Act XXXVI. of 2013 on Electoral Procedure).

The main provisions:

- The election is organised by the National Election Office on national level, whose president is appointed by the president of Hungary, according to the motion of the prime minister. The most important election committee is the National Election Committee, whose seven members are elected by the parliament. After the general election of Members of Parliament is called for, an additional member of the National Election Commission shall be appointed by each of the nominating organisations putting forward national candidate lists. It is a novelty that the election committees are entitled to impose fines on those who breach some provisions of the electoral law.

- The election commissions decides on the objections referencing a breach of a legal regulation pertaining to the election or the fundamental principles of election and election procedure.

- Every party that takes part in the election has the right to delegate its representatives to the electoral commissions, including (and that is very important) the ballot-counting committees. So the opposition is given the opportunity to control the ballot-count. Therefore the parties can control one another - it is an important factor to stand against the possible frauds.

- International observers are allowed to take part in the whole process of the election procedure, including the observation of ballot-counting. There is one condition: the observers have to register.

- The individual candidates have to collect 500 recommendations in each constituency before they become officially registered candidates.

- It is an important reform that the Hungarians who live abroad and obtained the Hungarian citizenship due to the installation of „double citizenship” are allowed to vote in the Hungarian elections. However, they may not vote for the candidates of the constituencies (because they do not have permanent residence), only for national party list. These persons can vote via mail which is not allowed for the citizens who have permanent residence in Hungary but work and live abroad. There is also controversy over if it is possible to control the mail voting
properly. However, the significance of the Hungarian voters abroad is not too great; some calculations suggested that they can decide 1-2 seats. The people who have permanent residence, will be able to vote in the embassies of Hungary, but they have to claim their request before the election day. There was a controversy in Hungary if the buildings of the Hungarians embassies will be sufficient for the many persons abroad to vote properly.

- The former provision that the Voting shall be held on Sundays was sustained in the new Law.

- The campaign moratorium was ceased. That means that there can be campaigning even on Election Day, however it is forbidden to hold campaign meeting on that day.

- The change of the reform of the political campaign was crucial. The Law differentiates between the terms 'political advert' („politikai reklám”) mean a political message in the media, 'political advertisement' („politikai hirdetés”) shall mean any content published in the press. The political advert must be published free of charge, so the commercial media are not willingly to broadcast political advert. The state - owned television and radio must broadcast political advert free of charge. This provision of the Law was sharply criticized by the opposition because they felt that the government intended to cut off the political advertising in the commercial media for the opposition.

- The right of changing districts remained, however some rules were changed. Requests for changing districts may be submitted by voters listed in the polling district electoral register of their address who will be within the territory of Hungary on the day of voting, but in the area of a different polling district than the one of their Hungarian address. Such requests must reach local election offices no later than two days before the voting. Based on the request, the local election office shall delete the voter from the register of the polling district of their address, and at the same time enter the voter into the register of a polling district of the settlement indicated.

- Appeals may be submitted against the decision of a polling station commission determining the polling district results. Ultimately, the competent court decides on the issue.