

Key findings

- Just like the Constitution, the new electoral law that was passed on December 23, 2011 is a one-party law. As opposition Socialists and green/liberal LMP were staging protests against the government, Fidesz and KDNP caucuses passed the new bill with overwhelming majority. Right-wing radicals Jobbik voted against it.
- The new law shifts the election system towards the majoritarian principle, thereby threatening future election results to become even more disproportional when comparing mandate proportions in Parliament to proportions of votes cast for party lists. The tendency per se can however not be interpreted as an injury to democracy.
- There are two major aspects of the law that fuel controversy: the suspicion of gerrymandering and the decision to compensate the winner in single-member-constituencies. The latter is a solution unknown to election systems in the rest of the world.
 - Though the letter of the new law essentially solves the constitutional problem concerning disproportional constituencies, there have been certain clear signs of political motivation when drawing the boundaries. The new map favours the forces on the political right.
 - Not only will votes for candidates falling short of gaining a mandate in their respective individual constituencies be added to the votes cast for the national lists, but the votes cast for the winner that exceeded the number required to secure the candidate's election will make their way to the national list as well.
- Conditions for nomination have loosened, but the collection of endorsement slips, which is a hotbed of political corruption, eventually survived the reform process.
- The suffrage, for the first time, is extended to Hungarian citizens who do not have a permanent residence in Hungary; however they will only be entitled to cast their ballots for Hungarian parties' lists, thus will not have the chance to vote in single-member constituencies. The fact that Hungarians living in the country will have two votes while non-residents will only have one may harm international electoral standards.
- Preferential mandates have been created for national minorities living in Hungary. However, only the Roma minority has a realistic chance of gaining a preferential mandate from the 13 registered national minorities in Hungary.
- The act on electoral procedure is expected to be passed by spring, hence important details – time limits, campaign rules, limitations for advertisements, out-of-country voting methods – are yet unknown.
- The new electoral law can be described as a demonstration of strength. At the moment, the majority of its aspects would benefit the present governing party. The new system can however easily strike back at Fidesz amid the transformation of the Hungarian party system.

A shift to the majoritarian principle

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. Furthermore, the elimination of the second round creates a situation where mandates can easily be obtained by relative majority. Nevertheless, since 199 is an odd number, there will not be a stalemate situation in Parliament.

Comparing components in the old and the new voting act

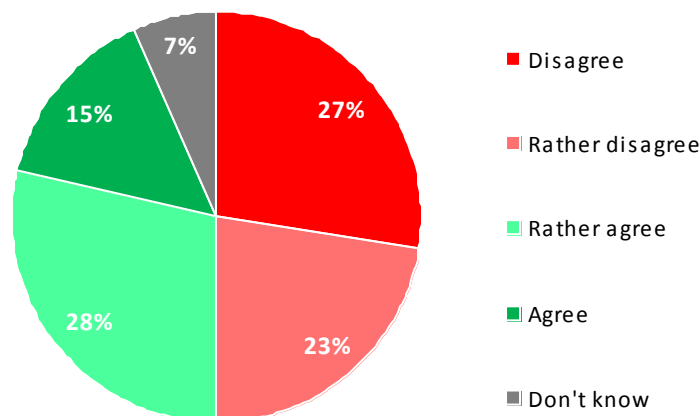
Electoral system components	Previous voting act	New voting act
Number of rounds	2	1
Threshold	5%	5%
Number of MPs	386	199
Number of individual constituencies	176	106
Proportion of single-member constituency mandates	46%	53%
Number of mandates on county lists (max)	152	0
Number of mandates based on compensation (min)	58	0
Number of mandates on summarized national lists	0	93
Average number of citizens living in a constituency	45,000	75,000
Number of nominations for a candidate	750	1000

Innovation – out-of-country votes and special mandates for national minorities

For the first time, suffrage is extended to Hungarian citizens who do not have a permanent residence in Hungary. A large part of this population 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. Hungarians living outside the country will only vote for Hungarian party lists, hence there will be no out-of-country MPs in Parliament (unless they are nominated by parties on their lists).

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.

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?

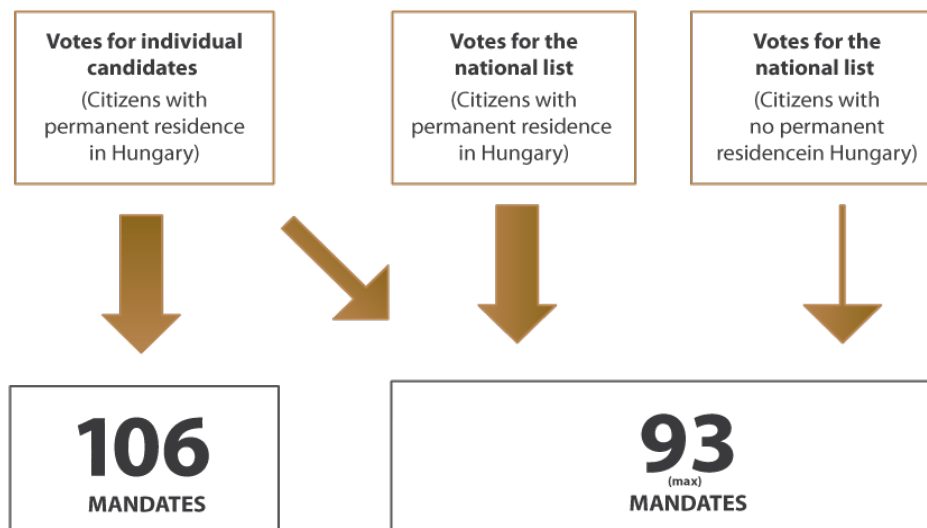


Special provisions are made for national minorities living in Hungary. A national minority can gain a seat from the list tier of the system if it secures one quarter of the votes that are necessary for an average mandate. Minorities that cannot reach this threshold will still be entitled to a non-voting parliamentary spokesperson. According to our calculations, only the Roma minority has the chance to gain a preferential mandate from all 13 registered national minorities.

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.

Complicated allocation of mandates

After allocating 106 single-member-constituency mandates on the first-past-the-post level along with the preferential mandates (if there are any), 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.

Nomination

The rules for fielding candidates have been loosened.

1,000 signatures will have to be collected instead of 750 in the past (one-third more), in areas with territories that have increased by two-thirds when compared to previous districts. This means that nomination for a single-member candidate will be slightly easier than before, 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 (they originally planned to raise the necessary amount of endorsement slips to 1,500), 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, yet MEP János Áder mentioned in July 2011 that it would be reduced to 21 days. Minor details such as this one may influence the balance of forces considerably.

New constituency map benefits the right-wing

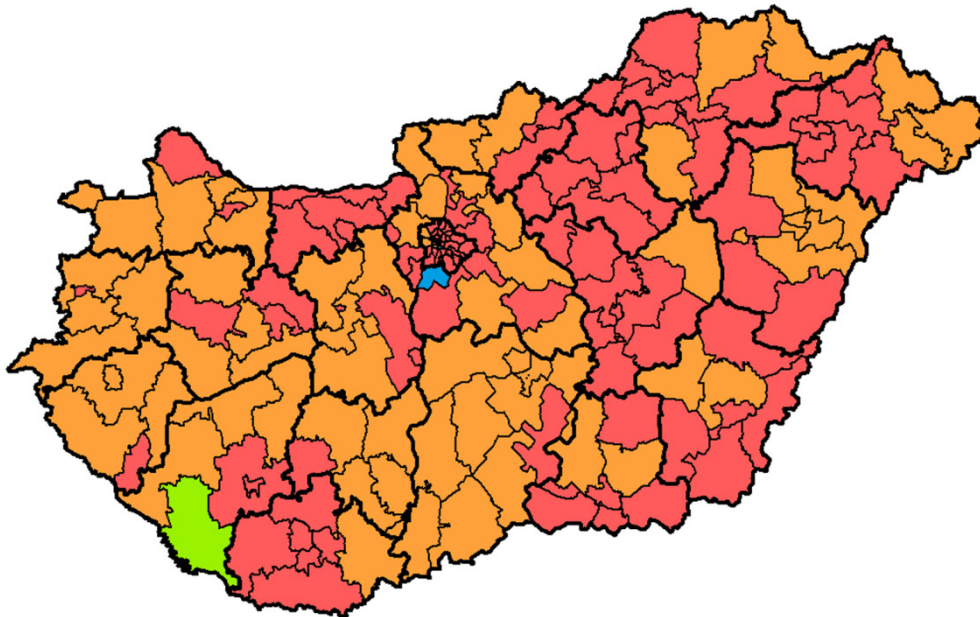
The letter of the law states that constituencies must form a „coherent area” and they may not cross county and capital boundaries. Furthermore, only those cities may be divided into several individual constituencies where the “number of those entitled to vote exceeds the average number of those entitled 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.

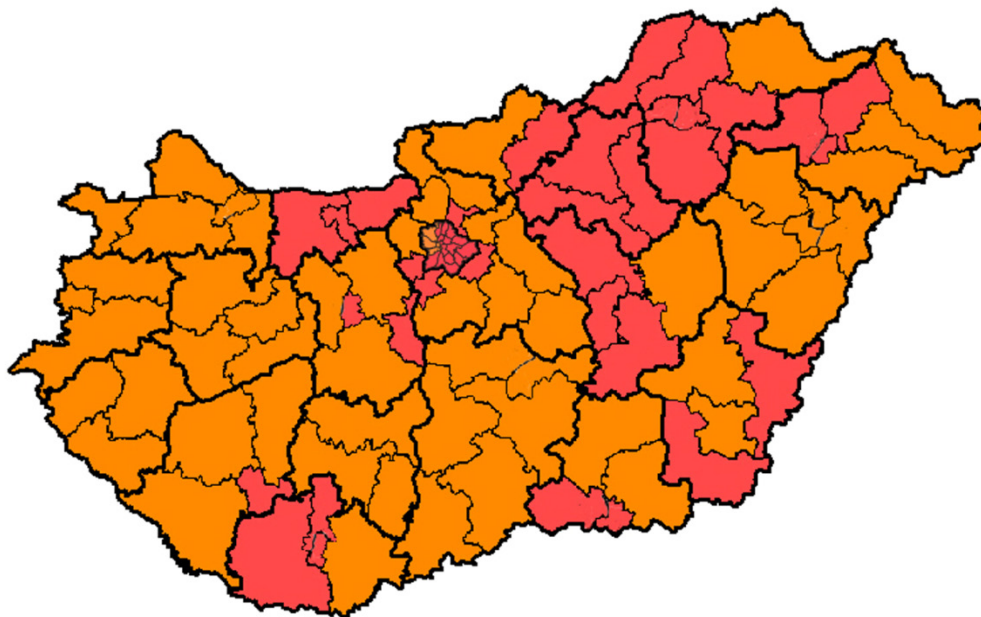
The creation of an independent committee in order to establish the boundaries of future constituencies would have clearly been more fortunate, yet it would obviously be too much to expect from the government to tie its hands this way. Nonetheless, the map of constituencies may not be amended “in the 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.



Social Development Institute



Political Capital and Social Development Institute is working on a project that is partially funded by the OSI Think-Thank Fund. The program that is called "New electoral system in Hungary: watchdogging, advocacy and raising awareness" focuses on the electoral reform in Hungary. The website of the project, [Választásirendszer.hu](http://valasztasirendszer.hu) collects all available information on the new Hungarian electoral law for experts, journalists, NGOs, diplomats and politicians who show interest in the topic. The site was launched in September 2011 and is regularly updated with analyses, publications, research and data.

Please find our analyses in English at <http://www.valasztasirendszer.hu/?cat=215>