

**As an expected consequence of leading governing party Fidesz's efforts to improve their 2014 election prospects by administrative means, mandatory registration will be introduced in the new electoral procedural law planned to be passed by November. The new institution is likely to rule out voters who are reluctant to go through the bureaucratic process in time. Even though the text of the act has not yet been published, a remarkably wide range of constitutional lawyers warn that the plans announced can be unconstitutional.**

Based on the July 27th statements made by the Prime Minister, Viktor Orbán and Fidesz vice president, Lajos Kósa, the introduction of voter registration in some form is a foregone conclusion: only those Hungarian citizens will be entitled to vote at the general elections who have registered to the index of voters a few weeks or months prior to the date of the general elections. Should they fail to register until the deadline set, they are not entitled to vote.

The new institution will be regulated by the proposed act on electoral procedures that the government coalition, enjoying a two thirds majority, hopes to pass before November. Just as the election law passed last December, the drafting of the procedure act has not been preceded by any kind of professional or political consultation.

Details of the regulation are not carved in stone at this point, however according to the latest information from the press, **the deadline set is planned to be 55 days prior to election day.** Voters will be able to undergo the registration process at local election offices (which are present in every major and minor city along with almost all villages) in person or by proxy. According to the most recent reports, **the registration by mail or on the web will be provided for Hungarian citizens permanently staying abroad only.** As previously expected, Fidesz is not pondering the introduction of Election-Day Voter Registration known from a number of U.S. states.

At the moment, the only thing doable is to analyse what has already been announced.

*Lajos Kósa noted: "electoral participation for Hungarian citizens living or working abroad cannot be provided in the lack of a registration process" This is a pseudo-argument. Three types of voters can be distinguished:*

**1. Hungarian citizens living abroad, lacking a permanent address in the mother country.**

Since the Hungarian state has no registry about Hungarians living around the globe, it is obvious that they have to register in case they choose to participate in Hungarian parliamentary elections. The suffrage was extended to citizens lacking a residence in Hungary last December, so the 2014 parliamentary elections are expected to be the first ever when these people have the chance to cast their ballots.

**2. Hungarian citizens having a permanent address in the mother country, but temporarily living (studying, working) in another country or just staying abroad on election day.**

These Hungarian citizens have been voting on parliamentary, European Parliamentary elections and national referendums at Hungarian embassies throughout the world, without any reported difficulties since Hungary's 2004 EU accession. Of course, they have had to request to be included on the foreign registry in advance, with the entitlement based on the domestic registry. This act can be regarded as a special kind of preliminary registration, that concerned a small minority of voters. All in all, there is no need for a complete re-regulation in this field.

**3. Hungarian citizens having a permanent address in the mother country, staying at home on election day.** No legitimate criticism has so far emerged with regard to the electoral registry of the Hungarian population at previous elections as cases when voters were unduly omitted from the voters' roll were extremely rare. There is no legitimate justification for launching a preliminary registration, as based on the electoral registry, these voters were perfectly able to cast their ballot.

*The vice president also said that "similar models are in place in several European countries".*

Fidesz generally refers to models from abroad in order to legitimate their policy proposals which in any way curtail rights, and this is just another example of this practice. They earlier referred to the French model, even though it is a completely different one: only citizens coming of full age (18) have to register, along with the ones who are officially moving to a new location. In France there is no need for registration before every single election.

Practices including the forfeiture of the right to vote indeed exist in a number of U.S. states, the fundamental difference however – besides the fact that electoral registration in the U.S. looks back on centuries of tradition – that there is no federal register of the population in the U.S., whereas in Hungary such a register is in place, and has been functioning ever so perfectly. Democracies around the world are headed toward a practice where voters are required to put in the fewest possible efforts in order to vote, as the political leadership has long become aware of the fact that there is no better legitimizing factor than a high turnout at the polls. Let alone there is no democratic country whatsoever where despite a register of the population in place and functioning well, the right to vote is ultimately subject to a prior registration, with the failure to register entailing the forfeiture of the right to vote. It so far seems as though Hungary is willing to show "leadership" in this aspect as well.

### The real motivation

- Within the ranks of Fidesz, a growing perception of losing the trust of the public has occurred, and confidence about an election victory in 2014 is gradually waning. The party leadership is therefore making efforts to improve the election prospects of Fidesz by administrative means (e.g. the redrawing of electoral districts in a way that is favourable to the governing party). This notion is further underlined by the plan to introduce the mandatory registration of voters ahead of the elections, in order to keep away the critical mass of undecided voters from polling booths.
- Fidesz is looking to introduce prior electoral registration in order to increase the significance of determined and "conscious" voters at the elections. This would mainly be an advantage to the governing party itself with regard to the 2014 elections, since their policies have hit groups of lower social status in the first place, whereas their own voter base is still regarded as the most committed, and Fidesz is also the most efficient in mobilizing their voters. (Fidesz has not lost any by-election where the voter turnout was low since the early 2000's.)

## Nevertheless, the plan may pose significant risks to Fidesz:

- Contrary to the general belief, politically active, well-off voters with relatively high levels of education are overrepresented in Jobbik's camp as well, thus the far-right party may come out as the other winner of prior electoral registration. What is more, Jobbik now possesses an organizational structure that, from several aspects, matches that of Fidesz.
- A scenario suggesting that the less committed of Fidesz-voters will sit back in resignation come 2014 should not be ruled out either, whereas a general sentiment to take the government down may enable uncertain voters to be mobilized during the registration period. In this case, Fidesz might as well lose the elections two months before they actually take place.
- There's a good chance that the Constitutional Court will find prior registration unconstitutional, arguing that the right to a free election may only be limited based on other grounds derived from the Constitution. In the past few weeks, this has been suggested by a number of constitutional lawyers, including a former chairman of the Constitutional Court and the previous President of the Republic, László Sólyom. An intensely controversial electoral system may leave the government open to criticism on constitutional grounds. In fact, should the Constitutional Court or the European Court of Human Rights decide to test the Hungarian scheme of preliminary registration for necessity, the Hungarian government would probably find itself in a clearly uncomfortable situation, as it remains in grave doubt whether Budapest could point its finger at a legitimate justifying factor which could explain the necessity of narrowing the right to vote.