

Beware of the undecided!

Hungary's new electoral procedures act

With the new electoral procedures act the governing party, Fidesz does its best to increase its chances of winning the 2014 general election with a combination of its heavily eroded voter base with Hungarian residence (1.5-1.8 million people) and non-resident Hungarian citizens (300-500 thousands). Preliminary registration may discourage a considerable number of unpredictable and disillusioned voters from going to the polls. Opposition parties will face an uphill battle trying to mobilise their potential voter base facing extremely restrictive campaign rules.

With a two-thirds majority in parliament Fidesz has created a completely new electoral system. While the new [electoral law](#) was passed on December 23, 2011, passing the electoral procedures act ran into obstacles. The first reading of the act was submitted to parliament on September 18, 2012. The following two months' breakneck pace comes down to a political decision about preliminary registration, a divisive issue even within the governing party. Having been drafted only in mid-September, the technical implementation of the registration requirement has neither been prepared thoroughly nor codified into law.

During October and November the government has been busy defending its proposal against criticism based on professional, constitutional, data-protection and equal-opportunity concerns, hence the need for frequent modifications. The government's ideas concerning campaign rules came to light only in a set of modifications submitted on November 6. Following two months of chaos, the electoral procedures act is in the home stretch with final vote expected on November 19-20 – lacking the rules for party and campaign finance.

Most important modifications

Preliminary registration

- **The registration period** will start on September 1 preceding the election year (first time in 2013) and end 15 days before election day (expected in April or May 2014), hence the whole period will take 7 or 8 months.
- **How to register?** Most resident voters with the intention to vote will have to go to a local municipal office and register in person. Voters with a registered residence in Hungary will not be entitled to register via mail, as opposed to foreign-based Hungarians. In Hungary and abroad citizens will be able to register via citizen portals (ügyfélkapu), but whoever does not have access to this will be left with the sole chance to register personally. If requested, the municipal notary will visit disabled voters, so they will be able to register at home.

- **Cementing in constitution.** To prevent the Constitutional Court (CC) from declaring the act (especially the mandatory registration) unconstitutional the government codified the concept of preliminary registration – and even its procedural details – in the Constitution itself on 29 October. However, there's a small chance that the CC will find prior registration unconstitutional, arguing that under provisions of the Constitution the right to a free election may only be limited based on other grounds. In fact, should the CC 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; it is highly doubtful that Budapest could offer a legitimate argument for the need to narrow the right to vote.
- **Political motivation.** Fidesz introduces electoral registration in order to increase the proportion of committed and "conscious" voters at the elections. It serves mainly the interests of the governing party since its 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 its voters. A Tárki poll carried out after the 2010 parliamentary election showed that one-tenth of the active voters decided where to cast their vote only in the last two weeks. This crowd of 500,000 people is regarded to be the most dangerous for Fidesz, and preliminary registration, closed 15 days prior to the election day, can keep them away from polling stations.

Campaign rules

- Officially the campaign will run for 50 days, although the registration period starts half a year earlier: in these months it will be all but impossible to distinguish between pushing for registration and campaigning for a party.
- The campaign will be dramatically restrained: political commercials will be forbidden in commercial radios, televisions, cinemas and online media as well. In public radio and television parties with a national list will be granted a limited timeframe measured in minutes to advertise free of charge. In the print media ads still can be published at standard and transparent prices. The State Audit Office will be involved in controlling the process.
- Posters and flyers are still eligible surfaces for campaign purposes.
- Although the campaign silence will be eliminated, some elements of it will survive: no political commercials can be released and no campaign rallies may be held on election day. No public opinion polls can be released in the last six days prior to election day (in 2007 the Constitutional Court decided that the 8-day moratorium for surveys is unconstitutional, hence the reinstatement of this out-of-date prohibition can be reversed again even under Hungary's new Constitution).

The extension of the mandate of the National Election Committee

- The nine-year mandate will keep members of the National Election Committee (to be elected in September 2013) in office long enough to guarantee that not only the 2014, but also the 2018 and 2022 general elections will be administered by the Committee to be elected next year (unless early elections change the agenda for general elections).
- However, an amendment enabling the Committee to be elected with a simple majority should Parliament fail to reach a supermajority decision about the Committee members in the first two rounds, improves Parliament's chances to elect new members to the Committee when the current 9-year mandate expires.

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, www.valasztasirendszer.hu collects all available information on the Hungarian electoral reform process 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>