



NÉZŐPONT INTÉZET

REFORM OF THE HUNGARIAN ELECTORAL SYSTEM

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CHANGE IN THE NUMBER OF MEMBERS OF PARLIAMENT

- **In 2014, the number of MPs was reduced from 386 to 199:** Compared to its land area and population, Hungary had a disproportionately high number of MPs until 2014. The new, 199-member National Assembly, however, fits the size of the country. The smaller Parliament also necessitated the remodelling of the electoral system because previous regulations could not be automatically applied with the reduced number of mandates. The National Assembly decided on the new system in 2011, allowing for parties running at elections in 2014 to make preparations in due time.

TYPE OF ELECTORAL SYSTEM

- **Mixed-member representation:** Similarly to the electoral system used until 2010, mandates continue to be allocated through a mixed-member, two-tier voting system. This consists of two elements: the majority system based on individual constituencies, which provides political stability and governability, as well as the proportional (party list) system, which assures that parties with genuine support in society gain parliamentary representation.
- **Shift towards the majority (individual constituency) system:** Prior to 2014, the proportional element was dominant: of the total of 386 mandates, 210 were allocated through territorial (county) and national lists, while only 176 MPs were elected in individual constituencies. Since 2014 elections, however, the majority system has gained priority: 106 MPs are allocated parliamentary mandates by winning individual constituencies, with the additional 93 gaining their seat through party lists. In the new electoral system, the share of MPs elected through the majority component increased from 46 to 53 percent. The dominance of the majority element increases the chances of the establishment of a stable parliamentary majority behind the cabinet, which – if supplemented with clarifying responsibilities – may serve as the fundament of effective governmental work. The latter played an outstanding role in the management of the European economic and migration crisis by enabling swift decision-making.

CHANGES IN VARIOUS ELECTORAL PROVISIONS

- **Abolishment of territorial (county) lists:** Until 2014 elections, two separate lists were used within the framework of the proportional system. A total of 152 mandates were allocated from the territorial (county) list, which enabled citizens to vote for a party list pertaining to their county of residence (a single list in each county). Additionally, a national list also existed, from which parties could gain at least 58 mandates, although in practice, further seats were added to this from the territorial branch due to the mandate distribution system. Citizens were unable to vote directly for national lists, which was comprised of votes from the territorial list and fragment votes transferred from the majority branch. Since 2014, the reduced size of Parliament has also brought

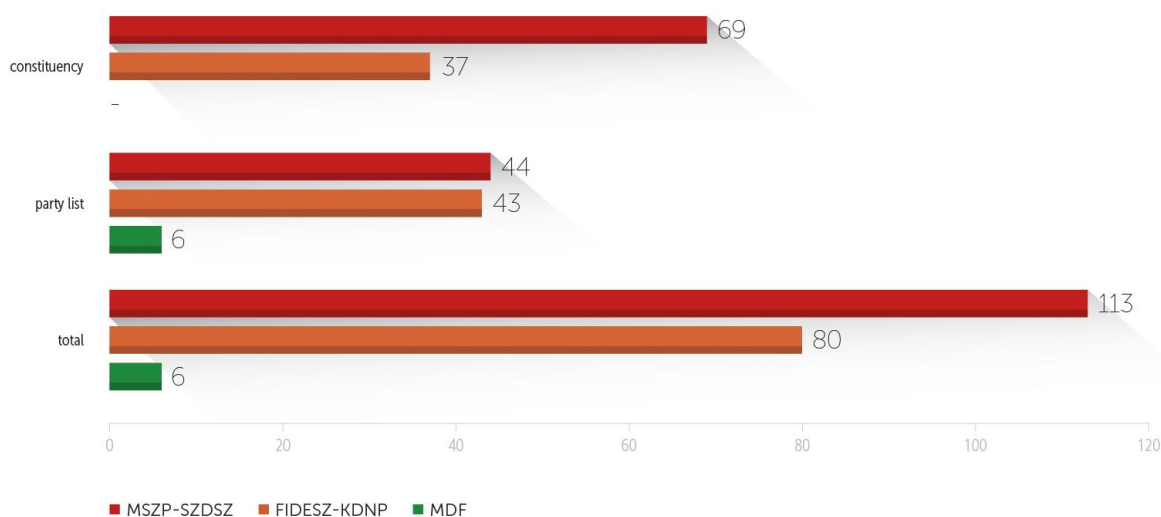
about the simplification of the electoral system, including the abolishment of territorial (county) lists in Hungary.

- **Restructuring of national party lists:** With the abolishment of territorial (county) lists, it has been possible to vote for national party lists since 2014. Similarly to the earlier system, however, splinter votes transferred from the individual constituency branch also contribute to the allocation of mandates through this element of the electoral system. A total of 93 parliamentary mandates can be gained through national party lists.
- **Larger constituencies:** The establishment of a more compact Parliament brought about a necessary reduction in the number of individual constituencies. At the same time, the principle of electoral equality can only be met with the assignment of constituencies of identical size. The National Assembly paid special attention to compliance with this requirement, especially because the previous situation saw significant differences in size between various constituencies. In 2010, the electorate of the smallest constituency (6th Constituency, Veszprém county) numbered 27 073 persons; in contrast, 67 092 persons with the right to vote resided in the largest constituency (4th Constituency, Pest county).¹ This problem has been addressed adequately by the new electoral system; since 2014 elections, each MP represents 76 000 voters. Furthermore, provision has been made to prevent the future injury of electoral equality: if the number of voters in a given constituency deviates by 20 percent from the national arithmetic average, the National Assembly is obliged to modify the boundaries of the constituency concerned. Following the practice pursued so far, constituency boundaries may not transcend county limits or administrative boundaries of the capital.
- **Facilitated fielding of candidates in individual constituencies:** Prior to 2014, the collection of at least 750 recommendation slips was required to run as a candidate and each voter could only recommend one person. Since 2014, potential candidates collect signatures on recommendation sheets and citizens are able to give their support for multiple candidates. The collection of at least 500 signatures is required to achieve candidacy.
- **The balance of party preferences in individual constituency:** The examination of political hypotheses established to model the new electoral system proves that the phenomenon of “gerrymandering” cannot be identified owing to the fact that when forming constituencies’ electoral history profile, one cannot ignore the effects the structure of the new electoral system will have on the political and party system. For example, it is unrealistic in professional terms to suppose that political forces campaigning and planning to form a government jointly should run separately at elections under the new, one-round system. The results of elections held in 2006, which were won by the then incumbent left-wing MSZP-SZDSZ coalition, formed the basis of our inquiry. (At that point, individual candidates representing MSZP-SZDSZ won 49.71 per cent of the vote, while Fidesz-KDNP’s individual candidates gained 42.03 per cent, MDF candidates 5.04 per cent and 3.22 per cent of votes were for candidates fielded by all other parties together.) As shown by the graphs below, projecting individual constituency results of the first round of the 2006 election onto the new electoral system in the form of party blocks (MSZP-SZDSZ and Fidesz-

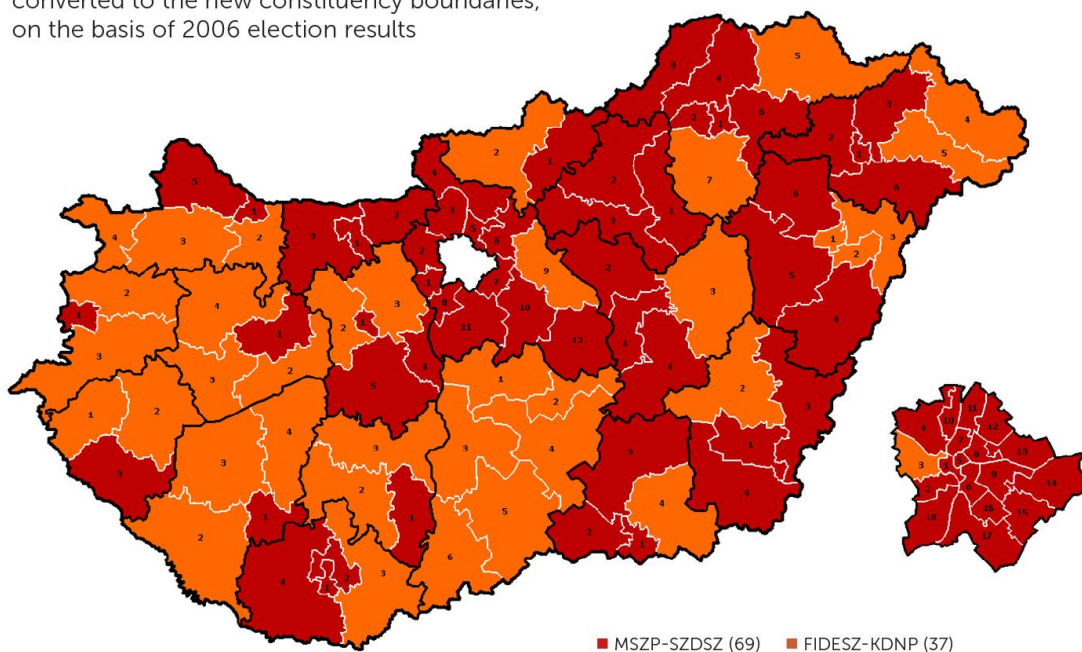
¹ As pointed out by the Constitutional Court in 2005 and 2010, this resulted in an unconstitutional situation because the principle of electoral equality is damaged if the difference between the number of votes included in constituencies’ electoral registers reaches double.

KDNP) in no sense results in the original results turning over to the benefit of right-wing forces.² This also means that all political blocks with sufficient support will have the possibility to gain a strong parliamentary majority under the new electoral system.

The division of individual constituency and party list mandates converted to the new electoral system, on the basis of 2006 election results (number of mandates)



2010 election results in individual constituencies converted to the new constituency boundaries, on the basis of 2006 election results



² Databases of the former National Election Office (OVI) and the Central Statistical Office (KSH) provided the source for electoral history data.

- **Raised requirements for fielding party lists:** Under previous regulation, territorial (county) lists could only be fielded by parties that ran candidates in at least a quarter, or no less than two individual constituencies. Starting from 2014, requirements for fielding national party lists have been raised parallel to the abolishment of territorial (county) lists. According to new rules, a “party list may be drawn up by any political party which nominated candidates independently in at least twenty-seven single-member constituencies within at least nine counties and in Budapest”. This serves to compensate advantages of the facilitated fielding of individual candidates and reserves the right to draw up national party list for parties with larger nationwide coverage.
- **Winning mandates in single-member constituencies (one round instead of two):** The introduction of single-round elections has resulted in changes in the conditions of winning parliamentary mandates in single-member constituencies. Until 2014, a second round was held in single-member constituencies across Hungary in which the candidate winning the valid³ first round failed to gain the absolute majority of votes cast (50 percent + 1 vote). Because parties could withdraw their candidates in favour of a politician put forward by another party in the hope of a possible coalition government, this provided the possibility to make deals between the two rounds. Since 2014, however, single-round elections are held in Hungary, with single-member constituency mandates being won in all cases by the candidate gaining the highest number of votes (relative majority). In addition to being more cost-effective, single-round elections also result in clear distinctions in relations between various parties. The system encourages groups unable to win on their own to cooperate prior to elections, meaning that voters will, in most cases, know in advance about parties’ coalition potential.
- **The 5 percent election threshold remains in place:** Meeting the 5 percent election threshold continues to be the proof of genuine public support resulting in parliamentary mandates. According to the law, “no mandate may be won by a party list which failed to reach at least five percent of all valid votes for party lists and national minority lists.” The threshold remained unchanged also in the case of joint party lists: following the earlier practice, these may only win mandates since 2014 if they reach at least 10 percent of all valid votes cast. The threshold rises to 15 percent in the case of party lists drawn up by two or more political parties.
- **“Compensating the winner” with fragment votes:** Prior to 2014, only single-member constituency and territorial (county) list votes not resulting in a mandate counted as fragment votes. Since 2014, parallel to the abolishment of territorial (county) lists, all votes unnecessary to win the single-member constituency count as fragment votes. According to the law, fragment votes shall include “the number of votes remaining after deducting the number of votes for the runner-up candidate plus one from the number of votes for the candidate who won the mandate.” The latter provision – the so-called “compensation of the winner” – facilitates the establishment of a parliamentary majority enabling stable governability while

³ If over half of those with the right to vote cast their ballot.

minimalising the number of “lost” votes through granting the winner “surplus” votes. (Prior to 2014, surplus votes unnecessary to win single-member constituency mandates were lost.)

NEW RULES ON INCOMPATIBILITY

- **Full-time MPs:** Since 2014, rules of incompatibility have been tightened. The most significant change compared to the previous practice is that individuals holding elected office in local governments, including the positions of mayor and county assembly chairman, cannot parallelly serve as MPs. (Despite this, they may still serve as prime minister, minister, state secretary, government commissioner, prime ministerial commissioner, prime ministerial appointee or ministerial commissioner in addition to their duties in the National Assembly.) Curtailing the possibilities of holding multiple offices facilitates MPs to devote themselves exclusively to tasks deriving from their elected office and representing their voters’ interest.

NEW INSTITUTIONS: SUFFRAGE OF ETHNIC HUNGARIANS AND MINORITY SPOKESPERSONS

- **Suffrage of ethnic Hungarians:** While ethnic Hungarians living beyond the country’s borders previously did not have the right to vote, they have been able to participate in Hungarian parliamentary elections since 2014. Their suffrage has its basis in the following three legal acts: (1) the 2010 amendment to the law on Hungarian citizenship, which enabled the preferential naturalization of ethnic Hungarians living beyond the country’s borders; (2) the 2011 adoption of the Fundamental Law, which – unlike the previous Constitution – did not include permanent residence in Hungary as a requirement of suffrage; (3) and finally, Act CCIII of 2011 on the Elections of Members of Parliament, which states that “voters without residence in Hungary may vote for one party list.” Consequently, ethnic Hungarians are unqualified to vote for individual constituency candidates and may online influence the fate of 93 out of the total of 199 mandates. Because they number well below voters living in Hungary and their willingness to participate in elections is also lower, ethnic Hungarians living beyond the country’s borders would only influence the final outcome of parliamentary elections in the case of a very close result. Accordingly, ethnic Hungarians’ suffrage is an issue primarily of symbolic importance, which however encourages all Hungarian parties to devote attention to these communities when shaping their policies. This group may exercise its right to vote by mail, having registered beforehand.
- **Representation of national minorities in the National Assembly:** Prior to 2014, attempts to provide national minorities living in Hungary with representation in the National Assembly failed. While restructuring the electoral system, Parliament addressed this shortcoming, under new regulations, “national self-governments of national minorities may draw up

national minority lists”⁴ and are eligible to stand in elections. In order to gain a parliamentary mandate, the national minority list must reach the number of votes equalling the preferential quota.⁵ Failing this, the national minority concerned may gain representation in the National Assembly through a national minority spokesperson, whose entitlements compared to MPs are restricted.

⁴ According to Annex 1 of Act CLXXIX of 2011 on the Rights of Minorities the following count as national minorities: the Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romanian, Rusyn, Serbian, Slovak, Slovene and Ukrainian community.

⁵ According to Act CCIII of 2011 on the Elections of the Members of Parliament”, “The total number of national list votes shall be divided by ninety-three, and the result shall be divided by four; the preferential quota shall be the integer of the resulting quotient.”