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Electoral System Change in Europe since 1945

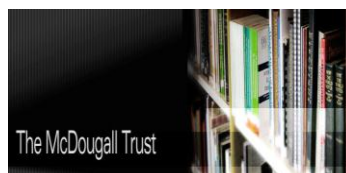


Electoral System Change in Europe since 1945: Hungary

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Compiled with the assistance of:

With thanks to:





Section 1: Overview of Hungarian Electoral System Changes since 1990

Hungary's first post-communist elections were held in March and April 1990 on the basis of a new electoral law that had been passed in Parliament the previous autumn. The key points of that law were negotiated between representatives of the outgoing regime and the various opposition groupings during the roundtable negotiations in the summer of 1989 (see Benoit and Scheimann 2001; Renwick 2005; Schiemann 2000). The 1990 system was mixed, comprising single-member districts (SMDs) using a two-round system and both regional and national PR lists. The allocation of PR seats was partly compensatory, but this was rather limited: Shugart and Wattenberg (2001) categorized the system as mixed-member majoritarian (MMM) with partial compensation.

Despite on-going discussion of reform (for details of which see www.valasztasirendszer.hu), the 1989 electoral law remained mostly unchanged for over twenty years: only one significant reform occurred during this period: the raising of the electoral threshold from 4 to 5 per cent in 1994.

Greater change came, however, following the 2010 elections, when the right-wing Fidesz party secured the two-thirds parliamentary majority needed to change the electoral law unilaterally. First, in May 2010, the constitution was amended to prescribe a sharp cut in the size of Parliament, from 386 members to no more than 200. Then, in December 2011, a wholly new electoral law was passed. The new system is still one of MMM with partial compensation, but many of its details have been revised. The law sets out only the basics of the system. At the time of writing (January 2012), a new law on detailed electoral procedures is expected within a matter of months.

Tables 1 and 2 summarize the constitutional changes pertaining to the electoral system and the changes to the electoral law that have occurred since 1989 and indicate (in bold and in the rightmost column) which changed the electoral system in ways relevant to the present research.



Section 2: Relevant Electoral System changes in Hungary since 1990

Table 1. Summary of Hungarian constitutional changes pertaining to the electoral system since 1989

Law	Amendment	Date of enactment	Location	Relevant for the research
	31/1989	18.x.1989	<i>Magyar Közlöny</i> 1989/74, pp. 1244-1255 http://www.1000ev.hu/index.php?a=3&param=8629	Yes (with new electoral law)
	16/1990	1.iii.1990	<i>Magyar Közlöny</i> 1990/21, pp. 412-414 http://www.1000ev.hu/index.php?a=3&param=8672 http://www.complex.hu/kzldat/t9000016.htm/t9000016.htm	
	63/1990	2.viii.1990	<i>Magyar Közlöny</i> 1990/78, pp. 1589-1592 http://www.1000ev.hu/index.php?a=3&param=8719 http://www.complex.hu/kzldat/t9000063.htm/t9000063.htm	
	61/1994	30.ix.1994	<i>Magyar Közlöny</i> 1994/98, pp. 3063-3064 http://www.1000ev.hu/index.php?a=3&param=9119 http://www.complex.hu/kzldat/t9400061.htm/t9400061.htm	
	98/1997	14.x.1997	<i>Magyar Közlöny</i> 1997/3, pp. 6446 http://www.1000ev.hu/index.php?a=3&param=9517 http://www.complex.hu/kzldat/t9700098.htm/t9700098.htm	
	61/2002	17.xii.2002	<i>Magyar Közlöny</i> 2002/161, pp. 9330-9331 http://www.1000ev.hu/index.php?a=3&param=10123 http://www.complex.hu/kzldat/t0200061.htm/t0200061.htm	



Az Alkotmány 2010. május 25- i módosítása (Constitutional amendment of 25 May 2010)	25.v.2010	<i>Magyar Közlöny</i> 2010/ 85, p. 19722 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK10085.pdf http://www.complex.hu/kzldat/t1000525.htm/t1000525.htm	Yes
Magyarország Alaptörvénye (Fundamental Law of Hungary)	18.iv.2011	<i>Magyar Közlöny</i> 2011/43, pp. 10656-10681 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk11043.pdf In English: http://www.kormany.hu/download/4/c3/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf	


Table 2. Summary of Hungarian Electoral Laws and Amendments since 1989

Law	Amendment	Date of enactment	Location	Relevant for the research
34/1989 Law on the Election of Parliamentary Repts		20.x.1989	<i>Magyar Közlöny</i> 1989/47, pp. 1305-1323 http://www.1000ev.hu/index.php?a=3&param=8632	Yes
	2/1990	1.ii.1990	http://www.1000ev.hu/index.php?a=3&param=8658 http://www.complex.hu/kzldat/t9000002.htm/t9000002.htm	
	45/1990	4.vii.1990	http://www.1000ev.hu/index.php?a=3&param=8701 http://www.complex.hu/kzldat/t9000045.htm/t9000045.htm	
3/1994		22.xii.1993	<i>Magyar Közlöny</i> 1994/7 pp 285-299 http://www.1000ev.hu/index.php?a=3&param=9061 http://www.complex.hu/kzldat/t9400003.htm/t9400003.htm	Yes
	25/1994	22.iii.1994	http://www.1000ev.hu/index.php?a=3&param=9083 http://www.complex.hu/kzldat/t9400025.htm/t9400025.htm	
	96/1997	14.x.1997	http://www.1000ev.hu/index.php?a=3&param=9515 http://www.complex.hu/kzldat/t9700096.htm/t9700096.htm	
	98/2011	11.vii.2011	<i>Magyar Közlöny</i> 2011/85 (19 Jul), pp. 25099–25100 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk11085.pdf http://www.complex.hu/kzldat/t1100098.htm/t1100098.htm	



203/2011 Law on the Election of Parliamentary Reps	23.xii.2011	<i>Magyar Közlöny</i> 2011/165 (30 Dec), pp. 41095–41181 http://jogszabalykereso.mhk.hu/MK11165.pdf	Yes
100/1997 Law on Electoral Procedure	14.x.1997	http://www.1000ev.hu/index.php?a=3&param=9519 http://www.complex.hu/kzldat/t9700100.htm/t9700100.htm	
	29/1998	http://www.1000ev.hu/index.php?a=3&param=9607 http://www.complex.hu/kzldat/t9800029.htm/t9800029.htm	
	22/2000	http://www.1000ev.hu/index.php?a=3&param=9818 http://www.complex.hu/kzldat/t0000022.htm/t0000022.htm	
	9/2003	http://www.1000ev.hu/index.php?a=3&param=10139 http://www.complex.hu/kzldat/t0300009.htm/t0300009.htm	
	32/2004	<i>Magyar Közlöny</i> 2004/61 (1 May) http://www.complex.hu/kzldat/t0400032.htm/t0400032.htm	
	43/2004	<i>Magyar Közlöny</i> 2004/70 (25 May) http://www.complex.hu/kzldat/t0400043.htm/t0400043.htm	
	92/2004	<i>Magyar Közlöny</i> 2004/150 (19 Oct) http://www.complex.hu/kzldat/t0400092.htm/t0400092.htm	
	81/2005	<i>Magyar Közlöny</i> 2005/95 (8 July), pp. 5070–85 http://www.kozlonyok.hu/nkonline/MKPDF/2005/MK95.pdf http://www.complex.hu/kzldat/t0500081.htm/t0500081.htm	



172/2007	17.xii.2007	<i>Magyar Közlöny</i> 2007/183 (23 Dec), pp. 14191–4 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk07183.pdf http://www.complex.hu/kzldat/t0700172.htm/t0700172.htm
128/2009	23.xi.2009	<i>Magyar Közlöny</i> 2009/177 (9 Dec), p. 43978 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk09177.pdf http://www.complex.hu/kzldat/t0900128.htm/t0900128.htm
60/2010	21.vi.2010	<i>Magyar Közlöny</i> 2010/109 (29 Jun), pp. 21581–2 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk10109.pdf http://www.complex.hu/kzldat/t1000060.htm/t1000060.htm
61/2010	21.vi.2010	<i>Magyar Közlöny</i> 2010/109 (29 Jun), p. 21583 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk10109.pdf http://www.complex.hu/kzldat/t1000061.htm/t1000061.htm
98/2011	11.vii.2011	<i>Magyar Közlöny</i> 2011/85 (19 Jul), pp. 25099–25100 http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk11085.pdf http://www.complex.hu/kzldat/t1100098.htm/t1100098.htm

Note: This table lists all amendments to the Law on Electoral Procedure, including those that do not pertain to elections to the national legislature.



Section 3: Details of previous electoral systems and electoral system changes.

3.1 The 1989 Electoral System for the Hungarian Parliament

The 1989 electoral system was defined by the constitutional amendments and the new electoral law passed in that year. The constitution made only very general provisions, stipulating a four-year parliamentary term and expressing the principles of free and equal suffrage with direct and secret voting and free candidacy. All details were thus left to the separate electoral law. As noted above, the 1989 electoral law established an MMM electoral system with partial compensation. In detail:

Assembly size. There were 386 members (Article 4.1).

Districts and district magnitude. Seats were allocated in three tiers: 176 in single-member districts (SMDs); up to 152 in regional multi-member districts; and at least 58 in a nationwide district (Article 4.2). This distribution did not change until the passage of the new electoral law in 2011. Nor did the specific district boundaries. The seats in the regional tier were allocated in 20 regions (Hungary’s nineteen counties and the city of Budapest). The average district magnitude within the regional tier was thus 7.6. The distribution of seats to counties was set out in Annex 2 of the 1989 electoral law:

Table 3. Number of SMDs and Number of MMD Seats per County, 1989–2011

No.	County	Number of single-member districts	Number of regional list seats available
1	Budapest	32	28
2	Baranya	7	6
3	Bács-Kiskun	10	8
4	Békés	7	6
5	Borsod-Abaúj-Zemplén	13	11
6	Csongrád	7	6
7	Fejér	7	6
8	Győr-Sopron	7	6
9	Hajdú-Bihar	9	8
10	Heves	6	5
11	Jász-Nagykun-Szolnok	8	6
12	Komárom-Esztergom	5	5
13	Nógrád	4	4
14	Pest	16	14
15	Somogy	6	5
16	Szabolcs-Szatmár	10	9
17	Tolna	5	4
18	Vas	5	4
19	Veszprém	7	6
20	Zala	5	5
	Total	176	152



Nature of votes that could be cast. Voters could cast two votes: they could cast a vote for a candidate in their local SMD (and they could participate also in the second round of the SMD election if the first round was inconclusive); and they could cast a vote for a closed party list in their region. No votes were cast directly for the national party lists.

Party threshold. A 4 per cent nationwide threshold applied to win seats at either the regional or the national tiers (Article 8.5 and Annex 4, Section IV).

Allocation of seats to parties and candidates in the SMD tier. A candidate was elected at the first round if turnout in the district exceeded 50 per cent of eligible voters and if that candidate secured more than 50 per cent of the valid votes (Article 7.1). If turnout was 50 per cent or less, a second round was held in which all candidates from the first round could run again; provided turnout exceeded 25 per cent, the candidate with most votes was elected (Article 7.2 and Annex 4, Section I.1.b). If turnout in the first round exceeded 50 per cent but no candidate was elected, a second round was held in which any candidate who obtained at least 15 per cent of the eligible votes in the first round and (in any case) at least the top three candidates were eligible to run again; provided turnout exceeded 25 per cent, the candidate with most votes was elected (Article 7.3).

Allocation of seats to parties and candidates in the regional tier. Allocation of seats in the regional tier was based solely on votes cast for regional lists and was entirely non-compensatory. Turnout of 50 per cent was required for the result to be valid (Article 8.1); if this was not achieved, a second round was held in which the turnout requirement was 25 per cent (Article 8.2). Seats were allocated using the Hagenbach-Bischoff quota: that is, the total number of valid votes in the region was divided by the number one greater than the number of seats available in the MMD, and the number obtained was the number of votes needed to win a seat. That is:

$$Quota = \frac{Total\ valid\ votes}{seats\ available + 1}$$

The number of votes cast in the MMD for each party that had passed the 4 per cent national threshold was divided by this quota; the number obtained, ignoring fractions, was the number of seats allocated to each party. If some seats remained to be allocated, these were allocated to the parties in declining order of their remainder votes, subject to the threshold that these remainders must be at least two-thirds of the Hagenbach-Bischoff quota. Any seats still unallocated were transferred to the national tier (Article 8 and Annex 4 Section II.3).

Table 4 shows how many seats were allocated in the regional tier and how many were transferred to the national tier in the elections between 1998 and 2010. The number of remainder seats has fallen as the Hungarian party system has consolidated.

**Table 4. Seats allocated at regional and national tiers**

Year	Seats available for allocation at regional tier	Seats actually allocated at regional tier	Regional seats transferred to national tier	Total seats allocated at national tier
1990	152	120	32	90
1994	152	125	27	85
1998	152	128	24	82
2002	152	140	12	70
2006	152	146	6	64
2010	152	146	6	64

Source: Vokscentrum (www.vokscentrum.hu) and Országos Választási Iroda [National Election Office], www.valasztas.hu, accessed 4.i.12.

Lists being closed, seats were allocated to candidates following the list order provided by each party.

Allocation of seats to parties and candidates in the national tier. The system's partially compensatory element came in the allocation of seats at the national tier. As noted above, no votes were cast directly for the national lists. Rather, two sorts of remainder votes were added together:

1. votes cast in the first valid round of the SMD elections for candidates who were not elected at this or a subsequent round;
2. remainder votes not used in the allocation of a seat at the regional tier (Article 9.1).

If a party won one or more seats in the regional tier using the two-thirds rule, then the difference between the Hagenbach-Bischoff quota and the number of (remainder) votes actually obtained by that party was subtracted from the party's vote total at the national tier (Article 8.4).

Using these vote totals, seats were then allocated at the national tier using the d'Hondt method (Annex 4, Section III). This was subject to the same 4 per cent national threshold as at the regional tier: that is, those parties were eligible for seats at the national tier that had secured 4 per cent of the valid votes nationwide at the regional tier (Annex 4, Section IV).

Lists at the national level were again entirely closed.

3.2 1994 Electoral Reform

Law 3/1994 cleared up many small details of the 1989 law. The only change that is significant for this project concerns the electoral threshold:

Party thresholds. Article 4.2 of the 1994 law amended Article 8.5 of the 1989 law such that the threshold for a party to receive seats at the regional or national tiers was raised from 4 per cent to 5 per cent of the nationally aggregated votes at the regional tier.



3.3 2010 Constitutional Reform

The constitutional amendment of 25 May 2010 added a new section to Article 20 of the existing constitution:

20(1) The number of Members of Parliament may be no greater than two hundred. At most, a further thirteen Members of Parliament may be elected for the representation national and ethnic minorities.

The constitutional amendment went on to say that the entry into force of this provision would be governed by a separate law. That law was passed only on 23 December 2011 (see below), days before the old constitution was replaced, on 1 January 2012, by the new Fundamental Law of Hungary. The new Fundamental Law contains no reference to the number of MPs.

3.4 2011 Electoral Reform

An entirely new electoral law was passed by Parliament on 23 December 2011. This simplified the system in several respects: it removed the regional tier and replaced the two-round system in the SMDs with a single-round system. It also sharply reduced the number of deputies and changed the definition of remainder votes. It effected the first redistricting since 1989. The system is still one of MMM with partial compensation, but the new system is even more majoritarian than was the old.

The passage of the law was highly controversial: it was widely perceived as part of a broader attempt by the Fidesz government to concentrate power in its own hands to the detriment of democracy (e.g., Szigetvári *et al.* 2011; Scheppele 2011).

Assembly size. The number of members was reduced from 386 to 199 (Article 3.1).

Districts and district magnitude. The seats are allocated in two tiers: 106 in SMDs and 93 in a single, nationwide list-based tier (Article 3.2).

As noted above, the law effected the first redistricting since 1989. The government legitimately pointed out that discrepancies in district populations has become wholly unacceptable. The old law set out the number of SMDs and MMD seats per county and left the precise district boundaries to secondary legislation. The new law, by contrast, also defines all of the districts precisely (Annex 2). The law sets out parameters within which districting must occur: districts cannot cross county boundaries, must comprise contiguous territory, and must contain broadly equal numbers of eligible voters (Article 4.2). The number of eligible voters in a district must not diverge by more than 15 per cent from the national average (Article 4.4), and Parliament must change district boundaries if this deviation exceeds 20 per cent (Article 4.6). There is, however, no precise formula for apportioning seats to counties and there is no independent procedure for drawing district boundaries. Analyses showed that the new districts clearly favoured Fidesz (e.g., Szigetvári *et al.* 2011).

Nature of votes that can be cast. Voters can, as before, cast two votes: one is still for a candidate in the voter's local SMD; the other is now for a national (closed) party list (Article 12.1). Citizens resident in Hungary can now register as belonging to a national minority, in which case they can vote in an SMD and for their minority list (Article 12.2). In addition,



citizens who do not have a place of permanent residence in Hungary are given the right to vote for the first time. These voters can cast a vote for a national list, but have no SMD vote (Article 12.3).

Party threshold. For regular party lists, the threshold for obtaining seats in the national tier is, as before, 5 per cent of the total valid vote for all lists (Article 14.1). There is, for the first time, a special, lower threshold for lists representing national minorities, as detailed below.

Allocation of seats to parties and candidates in the SMD tier. The law states simply, “In a single-member district, the candidate who receives most votes will be the parliamentary representative.” (Article 13). Thus, these seats are allocated by simple plurality.

Allocation of seats to parties and candidates in the national tier. In broad terms, the new national tier combines both the regional and national tiers in the old system. Thus, seats are distributed at this tier using the aggregation of votes cast directly for the national lists and remainder votes from the SMDs. As before, remainder votes include votes cast for candidates in SMDs who were not elected (Article 15.1a). In addition, however, they now also include votes cast for the winning candidate that were not needed to secure that candidate’s election: one vote more than the number of votes obtained by the second-placed candidate in each SMD is subtracted from the winning candidate’s total, and the remaining votes are transferred to the national tier (Article 15.1b). This change was controversial, as it dilutes further the system’s compensatory aspect.

Seats are allocated to party lists (or minority lists) that pass the 5 per cent threshold using d’Hondt (Article 16g).

In addition, a minority list can obtain one seat if it obtains one quarter of one Hare quota of all the votes that count in the national tier. That is, all the votes cast for party lists and minority lists and all the remainder votes are added together; these are then divided by 93 and then by four; a list that reaches this quota of votes obtains one seat (but can obtain a second seat only if it passes the 5 per cent national threshold). The number of seats available for allocation to party lists is reduced by the number of seats won by minority lists (Article 16a–e). If a minority list does *not* obtain a seat, the first person on its list becomes that minority’s [non-voting] spokesperson in Parliament (Article 18).

Lists being closed (as before), seats are allocated to individual candidates in the order they appear on the party’s list, ignoring those already elected in SMDs. If a list has fewer candidates on it than the party has won, these seats remain unfilled (Article 17).



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Project funding provisions

The ESCE project team wishes to acknowledge that this research was made possible due to the financial support that the project has received from: the FRS-FNRS, the McDougall Trust and the Nuffield Foundation.

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