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# **Hungary's Changing Electoral System: Reform or Repression Inside the European Union?**

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**Abstract.** The 2004 enlargement was hailed as a victory for the free market and democracy as formerly communist Hungary was welcomed into the European Union. As it joined, Hungary had a stable parliamentary government balanced by a strong constitutional court and president for over a decade. Since that time, however, some observers have noticed that Hungary's executive leadership has gradually gained power at the expense of its legislature and judiciary: Parliamentary election laws and procedures have recently been changed, the government has tightened its grip on the court and the media, and on January 1, 2012 the constitution was significantly amended. Taking the changing legal and political frameworks into account while evaluating how parliamentary seats have been and will be allocated, in terms of their overall percentage in parliament (either via the national lists, or in multi-seat or single-seat constituencies), this paper seeks to determine if the recent reforms will have any long-term and short-term impacts on the overall competitiveness of future elections. The findings indicate that the electoral reforms would result in nearly an 8% reduction in the possible number of seats assigned based on the national lists, meaning that a smaller number of seats could be awarded to smaller and non-incumbent parties. This change, along with numerous others to be described in detail, will not only make it more probable that current Prime Minister Viktor Orbán and his ruling Fidesz Party will remain in power after the next election in spring 2014: the effects of these transformations will also have the potential to damage Hungary's democratic institutions—and the European Union's already suffering image as a stabilizing and democratizing force—long beyond 2014. Implications for the European Union and its reactions to recent developments in Hungary are discussed.

## Post-Communist Democratization & The EU's 2004 Enlargement

The 2004 enlargement was hailed as a victory for the free market and democracy as formerly communist Hungary was welcomed into the European Union. After ten years of negotiations, Hungary had earned its membership in the EU by successfully fulfilling the accession requirements, or Copenhagen criteria, as specified by the Treaty on European Union in Articles 49 and 6(1) and the European Council in 1993. In addition to having the institutional capacity to adopt the *acquis* and meeting specific economic criteria, candidate countries have to satisfy all of the essential political criteria in order to become a member state. According to the Presidency Conclusions of the Copenhagen European Council, “membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (European Union, 1993). Having satisfied the Copenhagen Criteria, Hungary and nine other Central and Eastern European countries joined the EU on May 1, 2004, and Hungary, in particular, exhibited a stable parliamentary government balanced by a strong constitutional court and president for over a decade.

The foundation for the Hungarian government that was welcomed into the EU was laid during the negotiations that took place within the context of Hungary's transition to democracy in 1989. At that time, the former communist-party dominated regime conceded many powers to an opposition coalition of other parties, thus establishing a parliamentary form of government balanced by a powerful constitutional court. “Both by design and by performance [Hungary's

Constitutional Court] is probably the most powerful constitutional court in Eastern Europe, despite some gaps and weaknesses” (Schwartz, 2000, p. 75). However, as early as 2004 Schiemann observed that “Hungary's decade and a half of parliamentary democracy has witnessed the gradual strengthening of executive leadership and executive power vis-à-vis the National

Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	1.25	1.25	1.25	1.75	1.75	1.75	1.75	1.75	2.25	2.25
Civil Society	1.25	1.25	1.25	1.50	1.50	1.75	1.75	2.00	2.00	2.25
Independent Media	2.25	2.50	2.50	2.50	2.50	2.50	2.75	3.25	3.50	3.50
Governance*	2.50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	2.00	2.00	2.25	2.25	2.50	2.50	3.00	3.50	3.50
Local Democratic Governance	n/a	2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.75
Judicial Framework and Independence	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.25	2.75	2.50
Corruption	2.75	2.75	3.00	3.00	3.00	3.25	3.50	3.50	3.50	3.50
Democracy Score	1.96	1.96	2.00	2.14	2.14	2.29	2.39	2.61	2.86	2.93

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Assembly, or parliament” (p. 128). Since 2004, the balance between key actors and among the branches of the Hungarian government has shifted more dramatically.

Recent results from Freedom House’s Nations in Transit 2013 survey, shown in the table, reveal that Hungary’s democracy score has been steadily increasing since 2005. (The higher the score, the lower the level of democratic progress.) There are three notes that must be made about Hungary’s score with respect to the scores of other countries before we continue to examine Hungary in more detail. First, “only countries engaged in EU integration have experienced improvements since 2005” (Freedom House, 2013). Second, when considering the countries that entered the EU during the 2004 and 2007 enlargements, “only the Czech Republic and Latvia have improved since their accession” (Freedom House, 2013); and third, “Hungary ... has declined more than any other country” of all countries included in the Nations in Transit survey during the period from 2005 to 2013 (Freedom House, 2013). The survey, which also included many other countries such as Russia, Azerbaijan and the Ukraine, noted that, “Hungary is close to falling out of the ‘Consolidated Democracies’ category” (Freedom House, 2013). While the task of this paper is to focus on Hungary’s shifting electoral system, this cannot be done without considering the overall political and systemic context, because Hungary’s electoral system has recently been significantly altered by the ruling government, thereby changing the institutional conditions that were originally intended to balance powers between the executive, legislative and judiciary.

Before continuing to examine the electoral system and how it has recently been changed, it is important to understand that, since 1990, the main constraints on ruling governments have originated from the checks and balances that have taken place between the executive, legislative and judicial branches of the Hungarian government and not by means of opposition parties in parliament. It would be imprudent for any paper examining Hungary’s electoral system to do so without bearing in mind that opposition parties typically (albeit with a few rare exceptions) remain mostly powerless within the context of day-to-day procedures. The marginal role that opposition plays within parliament has been observed by Kopecky and Spirova, when they noted that “only 1.7 per cent of all legislation adopted since 1990 [until 2008] has been initiated by the opposition” (2008, p. 151) and that “the approval rate of government bills during 1994-2006 has been at a stable average level of 91 percent of all governmental proposals” (2008, p. 146). Therefore, maintaining the checks and balances between the three the branches of government is absolutely critical and required to restrain the powers of the ruling party or coalition, as it is typically the only way in which the ruling government can be opposed, blocked or restricted from passing and implementing their policies as they wish.

However, downplaying the importance of and ignoring the role of major political parties in opposition would be a grave error for several reasons. First, opposition parties can (and often do) suddenly win control of (or become a part of) government through Hungary's electoral process. Second, all governments since 1994 have been coalition governments with the exception of the current government which was elected in 2010, opposition parties can and often do suddenly find themselves leading or being included in a ruling coalition at any time. Third, only one time since 1990 (in 2006) has a party ever retained power after a parliamentary election. These three facts combined mean that even if the current government continues to increase its monopoly on power, the major political parties outside of government will not become irrelevant unless there are significant reasons to doubt the competitiveness of future elections.

In the first part of this paper, Hungary's relatively complex electoral system that was created in 1990 will be described. Secondly, in order to more effectively put present day events into context, an overview of various aspects of the Hungarian electoral system will be provided, tracing the electoral system's performance from 1990 until the last parliamentary election which took place in 2010. The electoral system will be examined by discussing historical voting behavior, the traditional lines of conflict in Hungarian politics, the major political parties and some key figures, along with an overview analysis of the last election in 2010. Next, the changes to the electoral system will be discussed in detail by providing an analysis and comparison of how parliamentary seats have been allocated in past elections and will be allocated in the upcoming elections. While doing so, this paper seeks to determine if the recent reforms will have any long-term and short-term impacts on the overall competitiveness of the next and future elections. Subsequently, the current government's justifications for making the changes and the European Union's reactions to them will be considered. Finally, there will be a discussion about the possible broader short-term and long-term impacts that these changes could have on Hungary's electoral system, the European Union and its image.

## **Hungarian Parliamentary Election Procedures From 1990-2010**

The Hungarian electoral system is complex and has been described as a "segmented electoral system with a compensatory element" (Nohlen, 2000; in Körösenyi, A., Fodor, G. & Dieringer, J., 2010, p. 381), and all elections since 1990 have been carried out using this system. After the completion of the eighteenth year of one's life, every Hungarian citizen residing in Hungary is granted electoral rights. Citizens outside of

Hungary were also later given the right to vote at embassies abroad. Voting is not compulsory.

Hungary's parliamentary elections take place every four years. Hungary's parliament, also known as the Országgyűlés in Hungarian, is unicameral and consists of 386 seats. Every eligible voter has two votes: the first for a candidate (from each voter's corresponding single-seat constituency) and the second vote for a party list. 176 members are directly elected by an absolute majority voting system in 176 single-seat constituencies, with one winner from each constituency representing his or her own geographic area in which he or she resides.

Typically between 120 and 146 seats are filled by proportional representation within 20 regional electoral districts (multi-seat constituencies) from which candidates are elected from regional party lists (Körösenyi et al., 2010). Additionally, the 90 to 64 or more remaining seats (this number depends on how many seats were already assigned from the regional lists) are filled from the national party lists.

The so-called "compensatory element" comes into play when the votes are tallied for the regional and national party lists. When the regional electoral district votes are tallied, a number (X) is calculated from a formula as the number of votes in a region that is required to be won in order for a seat to be awarded to a party from their regional party list (the names are chosen from the party lists in descending order). However, there are remaining votes left over for the party lists in each region that were not used to award seats. Any party lists in each regional district that did not get X number of votes (in order to be awarded at least one seat) or those votes which are left over after assigning more than one seat (after subtracting any multiple of X) will have their votes left over to be pooled together and then tallied for the national party lists. Those remaining votes from the entire country are then tallied up and seats are awarded based on proportional representation from the national party lists using a different mathematical formula. For the seats given based on a party list (from a region or nationally), each party must secure at least 5% of the total vote to enter parliament (for a coalition with 2 parties, 10% and for 3 or more 15% is required).

In the 2010 election and prior to it, the elections took place in two rounds. The second round only dealt with the single-seat constituency elections. If a candidate won an absolute majority of the votes in his or her constituency and voter turnout exceeded 50%, he or she would be declared the winner and no second round would take place. If a runoff election were needed, the top three candidates and any additional candidates

who received at least 15% of the votes during the first round would enter the second round election.

Körösenyi et al. (2010) have observed how this three-level electoral system works to the benefit of some parties for several reasons: typically the single-seat constituency system, along with the entry threshold, ensures a cumulative advantage for the victorious party with respect to those seats which are awarded from the single-seat constituencies (p. 382). Additionally, the multi-seat constituencies considerably favor the two parties that receive the most votes, and normally the share of seats they are awarded is 5 to 10 percentage points higher than the share of the votes they received (p. 382). On the other hand, the national lists ensure compensation for the smaller parties. But more independent candidates have successfully reached parliament by means of combining lists to form alliances, and while doing so, the electoral system has still nevertheless worked to the advantage of the larger parties. This is because smaller parties have had hardly any chance to win with their own candidates in the single-seat constituencies, and instead, the larger parties have adopted candidates from the smaller parties as their own (p. 383). Therefore, typically “the complex voting system has an entrenched multi-party system which often makes it difficult for any single party to win a majority of the seats, thereby necessitating coalition arrangements” (Inter-Parliamentary Union, 2011, p. 9).

## **Voting Behavior in Parliamentary Elections From 1990-2010**

Voter participation was relatively low in Hungary during the 1990s, and the 2002 election stands out from all of the other parliamentary elections in Hungary since 1990. In the 2002 parliamentary elections, voter participation reached 73.5% in the second round election (beyond the 70% average for Western European countries), and between the first and second round elections over 100,000 Hungarians attended political rallies (Körösenyi et al., 2010, p. 385). The unusually high voter turnout in the 2002 election was consistent with one of the four of David Broughton’s institutional factors that affect voter turnout: the election was perceived to be highly competitive and many Hungarian voters had the impression that their votes were politically powerful enough to change the overall outcome of the election (in Rosenberger & Seeber, 2008, p. 45). In 2002, the Hungarian Socialist Party (MSZP) inched out a narrow victory over the Fidesz Party in terms of overall votes.

Voter Turnout in the First and Second Round Parliamentary Elections						
	1990	1994	1998	2002	2006	2010
First Round	65.8%	68.9%	56.3%	70.5%	67.8%	64.4%
Second Round	45.4%	55.1%	57.0%	73.5%	64.4%	46.7%
Data combined from International Institute for Democracy and Electoral Assistance (2011), The Inter-Parliamentary Union (2014) and Körösenyi et al. (2010).						

However, in the subsequent elections in 2006 and 2010 (including both the first and second round elections), voter participation dropped to below 70% once again. Here it should be pointed out that one number clearly stands out on the table above: the percentage of voter turnout for the 2010 election reached a very low 46.66%. This abnormally low voter turnout percentage was from the second round election (which was consistent with all data given on the table above). Turnout was in line with typical voting behavior in the first round when 64.38% of Hungarians went to the polls (Inter-Parliamentary Union 2011, 9). According to a poll conducted on April 16, 2010 by the Forsense Institute between the first and second round elections, many first round voters indicated that they were not sure about whether or not they should go to the polls again for the second round because of a lack of strength in their voting preference (Pester Lloyd, 2010).

A lack of strong preferences and identification with a particular political party is nothing new to the political culture in Hungary. Weak party affiliations and a high number of swing voters, along with a high number of voters who boycott elections, are characteristic of the Hungarian electoral system. Additionally, Körösenyi et al. observed that, up until the 2006 election, incumbent coalitions have always failed to win reelection and the winning parties in each election have come from those parties in the opposition, suggesting that a large number of voters are “negative voters” who typically decide to vote for the “less evil” option at the time (2010, p. 385). Interestingly enough, the only exception to this could have been the 2006 election in which the incumbent coalition was not voted out of office, but Körösenyi et al. considered that election not to be an endorsement of the ruling coalition at the time (The Hungarian Socialist Party and the Alliance of Free Democrats), but rather as a protest vote against Viktor Orbán (2010, p. 385). The tendency of Hungarian voters to switch their party preferences and to cast protest votes against a party or an individual is not to be underestimated.

Age, educational background and place of residence are the most important determining socio-demographic factors, whereas religion and membership in the former



Communist Party are dominant cultural factors that affect voting behavior (Körösenyi et al., 2010, p. 386). However, membership in the former Communist Party (because of changing demographics) is of decreasing importance when it comes to influencing voter preferences in Hungary. In 2003, Racz observed that “the formerly liberal Fidesz ideology crystallized in the concept of ‘citizen’s bourgeois society’”, uniting “all divergent elements of nationalism, Christianity and right-radicalism on the ‘positive side’ and” resulting in “a sharp contrast to the ‘negative’ socialist–liberal forces which represent ‘the evil past and prevent the evolution of bourgeois values in society’” (p. 751). This suggests that nationalism, religion and class could be additional factors that influence the Hungarian electorate. (This is contrary to Körösenyi et al. (2010) who argue that socio-economic status plays a negligible role.)

Another important trend that could play a defining role in upcoming Hungarian elections is economic voting. Duch (2001) found that “the economic effects on support for incumbents are asymmetric,” and that “the Hungarian evidence suggests that among those with generally negative economic assessments, small differences in perception have no significant influence on their vote” (906). Additionally, Duch discovered that in transitional post-communist democracies, “expectations or hopes may be fairly high, and unless clear improvements are seen, people do not respond positively to the economic efforts of incumbent governments” (906). Lippényi, Maas & Jansen (2013) confirmed the hypothesis that economic voting is a factor in Hungary, noting that it has “increased over time”. Furthermore, Zubek & Goetz (2010) observed that the fiscal crisis of 2007-2008 “reignited the domestic debates about the merits of the existing institutional framework, including fiscal governance” (p. 5). With economic voting increasing and recent economic and financial crises entering more frequently into political discourse in Hungary, it can be concluded that understanding economic perceptions are becoming increasingly important to explain Hungarian voting behavior.

## **Political Cleavages & Political Parties in Hungary From 1990-2010**

Understanding the political cleavages within Hungarian society is important to comprehending how and why the political parties define and describe themselves the way they do. Some common divisive factors that do not play an important role in Hungary are language and ethnicity, because minorities only constitute 2-8% of the total population (Körösenyi et al., 2010, p. 388). This has allowed other factors to play a greater role. Aside from the factors previously mentioned (age, educational background, and religious beliefs),

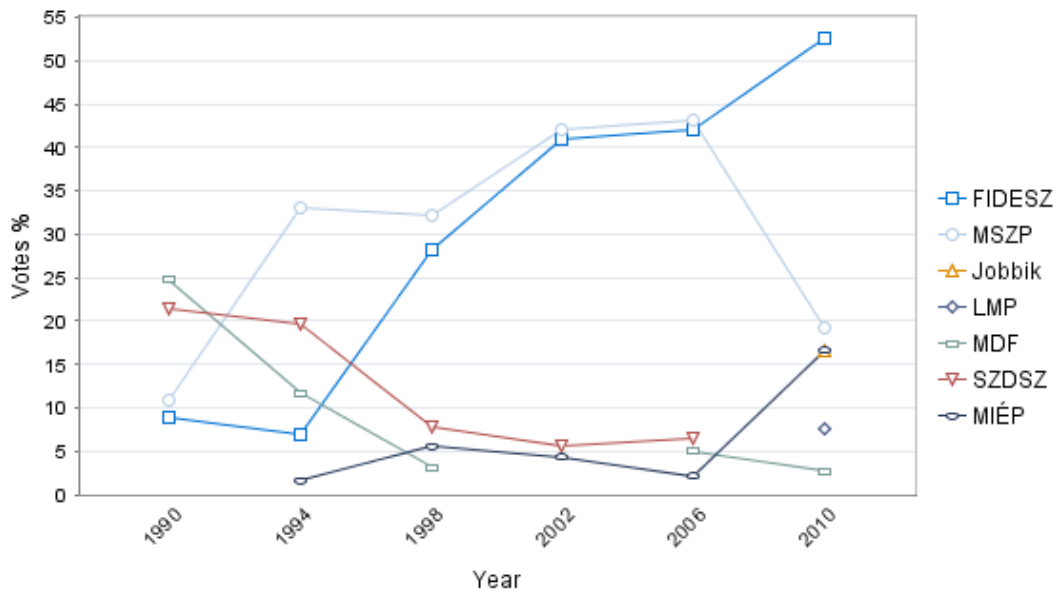
there is also an urban and rural split, with most liberal and left-leaning voters living in or near Budapest. Above all, however, the conflict between communists and anti-communists remained the most important line of conflict in Hungarian political culture during the 2002 campaign, when the conservatives used anti-communist rhetoric to unify and mobilize their base (Körösenyi et al., 2010, p. 388). This particular line of conflict also played a major role in influencing the outcome of the 2010 election and may in the upcoming election as well.

For purposes of brevity and maintaining focus, this paper will only discuss those political parties that have been politically dominant or otherwise relevant or noteworthy since 1990. The first election after the new regime came into existence was a victory for the MDF - Hungarian Democratic Forum (Magyar Demokrata Fórum), which won the most votes with 24.7% percent of the total votes, running a campaign that appealed to Hungarian nationalism and restrained privatization (European Election Database, 2010). The SZDSZ - Alliance for Free Democrats (Szabad Demokraták Szövetsége), which came in second with 21.4% of the vote, advocated a “more radical restructuring” (European Election Database, 2010).

From 1994 until 2006, the MSZP - Hungarian Socialist Party (Magyar Szocialista Párt) was the party that won a relative majority (or plurality) of votes in each election, and the MSZP became part of the ruling coalition after each of these elections, with the exception of the 1998 election. The party is the successor of the former Hungarian Communist Workers' Party (Magyar Kommunista Munkáspárt) which controlled Hungary from 1956 until 1989.

Since that time, the MSZP has denounced Marxism. However, being the successor of the former ruling party has not resulted in a large transfer of party membership, as the former Hungarian Communist Workers' Party had over 1,000,000 members and the MSZP has failed to reach 100,000 members. This party won most of its votes in the 1990s due to nostalgic memories of the former times during the Kadar regime, and as part of the opposition from 1998-2002 by criticizing the Orbán government for a lack of wealth and public safety as well as Orbán's attacks on the institutions of democracy (Körösenyi et al., 2010, p. 394). In 2002, the party won enough votes to make its way back into government by winning protest votes against Orbán and his party, Fidesz, and by appealing to voters with its campaign advocating a “change in the social welfare system”. The following chart traces support for the major parties in Hungary since 1990. It is important to note the drastic drop of support for MSZP in the 2010 election

### Overview of Hungarian Political Party Support from 1990 until 2010 (% Votes by Political Party)



Source: European Election Database,  
[www.nsd.uib.no/european\\_election\\_database/country/hungary/parliamentary\\_elections.html](http://www.nsd.uib.no/european_election_database/country/hungary/parliamentary_elections.html)

From 1994 until 2010, Fidesz - Hungarian Civic Union (Fidesz – Magyar Polgári Szövetség) enjoyed a quick and steady increase in the percentage of votes, and in the elections from 1998 until 2006, Fidesz came in a very close second place in terms of percent of the total vote, on the heels of MSZP. In 1998, although the Hungarian Socialist Party (MSZP) received the most votes, Fidesz won the largest number of seats in parliament because of its victories in the single-district constituencies. After the election, Fidesz formed a coalition government with the Independent Smallholders Party and Hungarian Democratic Forum (which saw a huge decline in support since winning the 1990 election). Since 1998, Fidesz has been the leading party on the middle-right part of the spectrum in Hungarian politics and, under Viktor Orbán's leadership, it has moved further and further to the right. By 2002, it had nearly all of the political right within the party. During the very close 2002 elections (which were previously mentioned due to the unusually high voter turnout), the rhetoric of Fidesz became more and more radical as hundreds of thousands of Hungarians came out to join street demonstrations. 2003 saw a return of Viktor Orbán as the leader of the Fidesz Party, which signaled the party's strategy to continue occupying the right end of the political spectrum in Hungarian politics and to try and maintain a "new majority" that could win against leftist coalitions. As a part of the party's platform, "the new Fidesz policy also included cautious anti-West and anti-globalization stances, while inviting and promoting multinational business enterprises in the country," and in order to promote the new campaign strategy, Fidesz tried "to popularize the new ideology" by intensifying "relations with and financial support for

the ‘historical churches’” (Racz, 2003, p. 751). Racz (2003) added that, “the clergy was more than willing to reciprocate” (p. 751). With these tactical moves, Fidesz more clearly defined its platform and differentiated itself from the other parties.

In the 1998 election, the successful entrance into parliament with over 5% of the vote by the extreme right-wing MIÉP - Hungarian Justice and Life Party (Magyar Igazság és Élet Pártja) was also a major shock. The party was founded by Istvan Csurka, who openly voices his anti-Semitism and believes that the Hungarian state should still contain parts of what is now Slovakia, Serbia and Croatia that were lost in the Peace Treaty of Trianon in 1920. The party describes itself as a “radical national-conservatist” party (Barlai and Hartleb, 2011, p. 82). Many supporters tend to be violent and extremists, and the party is against communists, capitalists and the EU (Barlai and Hartleb, 2011, p. 82). From 2002 to 2006, MIÉP cooperated a great deal with the Orbán-led coalition government (Barlai and Hartleb, 2011, p. 82).

From 2006 to 2010, the JOBBIK - Movement for a Better Hungary (Jobbik Magyarorszáért Mozgalom) Party saw a large jump in support from well below the 5% threshold to 16.7% of the total vote, which allowed them to win 47 seats in parliament (European Election Database, 2010). The Jobbik is also a right-wing party that was founded in 2003, and it also won nearly 15 percent of the votes in the European Parliamentary elections in June 2009 (European Election Database, 2010). During the party’s participation in the 2010 elections, it used anti-Roma and anti-Semitic rhetoric, and the party’s leader Gabor Vona said that “Hungary belongs to the Hungarians”. Both the FIDESZ-KDNP and MSZP refused to enter into a coalition with Jobbik in 2010.

The 2010 election also saw the entry of another new party into the Hungarian parliament, with the debut of the LMP or Politics Can Be Different (Lehet Más a Politika!), which was awarded 16 seats in parliament for 7.48% of the vote earned in the first round of the election (European Election Database, 2010). However, the party did not win in any of the single-seat constituencies. The LMP was founded in 2009 and its party platform roughly resembles that of the Green Party in many European countries. On the LMP’s website, the main issues the party advocates are freedom of the media and the preservation of democratic institutions, social inclusion, and party financing and anti-corruption among other issues (2013).

As one might conclude from reading this brief overview of the political party landscape in Hungary, the 2010 election revealed that the electorate might be shifting more of its support to parties on the right end of the political spectrum, with the center-right party, Fidesz, winning the last election with 52.7% of the total vote, and MIÉP and Jobbik joining forces to challenge it on

the far right. Together, Jobbik and MIÉP snagged 16.7% of the total votes. Altogether the three major parties on the right won 69.4% of the votes, awarding them 310 out of the 386 seats in parliament. Future elections may confirm or reject the existence of this underlying trend.

## Overview and Analysis of the 2010 Election

During the 2010 campaign, the main opposition party, the Hungarian Civic Union (Fidesz) and Christian Democratic People's Party (KDNP) led by Viktor Orbán, "actively campaigned for a majority that would allow it to govern alone, suggesting that only strong single party government could take the decisions needed to improve living standards" (Inter-Parliamentary Union, 2011, p. 9). The Fidesz-KDNP campaigned using the slogan, "The time has come!" ("Itt az ido!"), and it pledged to create 1 million jobs during the next 10 years, support small business and cut taxes (European Election Database, 2010). With living standards and public services on the decline in Hungary, this platform swayed the overwhelming majority of the voters, especially due to the fact that the unemployment rate reached 11 percent in March 2010, just one month before the election (European Election Database, 2010). After the second round of voting, Fidesz and KDNP had won 263 of the 386 seats in parliament, which not only allowed it to rule without forming a coalition, but also gave it the two-thirds majority required to amend the Hungarian Constitution.

### 2010 Hungarian Parliamentary Election Results



**Legislative elections:** National Assembly, 4-year term, 5% threshold, mixed member proportional representation system (176 FPTP/TRS + 210 PR):  
 • **President:** János Áder (FIDESZ) • **Prime Minister:** Viktor Orbán (FIDESZ) • **Government:** FIDESZ, KDNP

Party	Ideology, Affiliation, Founding	2010	Seats	2006	Seats
<b>Magyar Polgári Szövetség (FIDESZ)</b> <a href="#">↗</a> Hungarian Civic Union	National conservatism EPP, CDI, IDU 1988	52,7%	227	42,0%	141
<b>Kereszténydemokrata Néppárt (KDNP)</b> <a href="#">↗</a> Christian Democratic People's Party	Christian democracy National conservatism EPP 1989 (hist. 1943)		36		23
<b>Magyar Szocialista Párt (MSZP)</b> <a href="#">↗</a> Hungarian Socialist Party	Social democracy Third Way PES, SI 1989	19,3%	59	43,2%	190
<b>Jobbik Magyarországért Mozgalom (JOBBIK)</b> <a href="#">↗</a> Movement for a Better Hungary (2006: MIEP-JOBBIK)	Nationalism Right-wing extremism AENM 2003	16,7%	47	2,2%	-
<b>Lehet Más a Politika (LMP)</b> <a href="#">↗</a> Politics Can Be Different	Green politics Social liberalism EGP, GG 2009	7,5%	16	-	-
<b>Magyar Demokrata Fórum (MDF)</b> <a href="#">↗</a> Hungarian Democratic Forum	Liberal conservatism AECR 1987	2,7%	-	5,0%	11
<b>Szabad Demokraták Szövetsége (SZDSZ)</b> <a href="#">↗</a> Union of Free Democrats (affiliated to MDF in 2010)	Liberalism ELDR, LI 1988	-	-	6,5%	20
<b>Independents</b>	-	-	1	-	1
<b>Others</b>	-	1,1%	-	1,1%	-
<b>Total</b>	-	-	386	-	386
<b>Turnout</b>			64,4%		67,8%

© 2010 Wolfram Nordsieck. Source: National Election Office (<http://www.valasztas.hu>).

Source: <http://www.parties-and-elections.eu/hungary.html>

The current government is considered by many observers to be the first non-coalition government to rule Hungary since 1990. With more than 68.1% of the seats in parliament (which were won with only 52.73% of the vote), Fidesz single-handedly dominates parliament. However, it is important to note that officially, the current government is a coalition government including the Christian Democratic People's Party (Kereszténydemokrata Néppárt, KDNP). In reality, the KDNP is a satellite party of Fidesz, and prominent Fidesz members have acknowledged that Fidesz does not consider the government to be a coalition government.

The MSZP came in a distant second place with 19.3% of the vote, only winning 15.3% of the seats in parliament. Aside from the weak economy, the MSZP (in the ruling coalition with SZDSZ) had its chances of winning the election destroyed due to a series of corruption scandals involving its members and officials. “Socialist deputy chairman András Balogh told *Népszava* in an interview that the party performed poorly at the elections because they made mistakes while in government, abandoned left-wing values and became complacent, and because of corruption” (“Gyurcsány’s new faction forms today”). The MSZP went from winning 186 total seats in 2006 (with 43.21% of the vote) to holding only 59 seats after the 2010 election (European Election Database, 2010).

While Fidesz-KDNP was the big winner in the election and MSZP the big loser, there were two other smaller winners in the 2010 election—namely, Jobbik and the LMP. Jobbik came in third with 47 seats, allowing it to enter parliament for the first time after having gained 14.5% of the vote from the previous election (European Election Database, 2010). The LMP also made its way into parliament for the first time, earning 7.5% of the votes and 16 seats (European Election Database, 2010).

While the 2010 election stands out as the largest victory for a “single party”, (allowing for the only non-coalition government in Hungary’s history since 1990 to be formed), several aspects of the Hungarian electoral system and voting behavior have remained the same. First, according to an article written in *Pester Lloyd* in January 2012, only about one quarter of voters had a party preference in a poll conducted by “Polsters”. This indicates that in periods between elections, the vast majority of voters still have no clear preference for a particular party. Additionally, 10% of the voters for Fidesz originally planned to vote for Jobbik instead, but changed their votes shortly before the first round of the 2010 election (*Pester Lloyd*, April 16 2010). These two facts suggest that the Hungarian electorate has a propensity to exhibit weak party affiliations and have a high number of swing voters, as argued by Fabian 1999 (in Körösenyi et al., 2010, p. 385).

Second, the tendency of a high number of voters to boycott elections (Körösenyi et al., 2010, p. 385) could possibly be used to explain the unusually low voter turnout during the

second round of the 2010 election. Another reason for this could have been, as noted by the poll conducted by the Forsense Institute between the first and second round elections, that many first-round voters indicated they were not sure about whether or not they should go to the polls again for the second round because of a lack of strength in their voting preference (Pester Lloyd, 2010). Both of these factors (boycotting and a lack of strong preference for a particular party for many voters) played large roles in demobilizing Hungarian voters when considering the second round of the 2010 election.

Third, Körösenyi et al. have observed that incumbent coalitions tend not to win reelection and the winning parties in each election have a tendency to come from those parties in the opposition, suggesting that a large number of voters are “negative voters” who typically decide to vote for the “less evil” option at the time (2010, p. 385). According to polling data after the last election, a stunning 84% of the Hungarian population believed that the country was on the wrong path and, according to the Ipsos poll, the incumbent government was given a rating of 15 out of 100 points, which was only one point lower than the ratings for the opposition (Pester Lloyd, 2012). Furthermore, the Ipsos poll also revealed that 57% of those polled named parties that they rejected and only 43% actually preferred one party to the others (Pester Lloyd, 2012). These polling figures are signs that the Hungarian voters are dissatisfied with the status quo and will probably continue to vote for what seems like the lesser of all evils in the next election.

Fourth, the former communist party’s role is diminishing. Additionally, though the MSZP has traditionally been one of the few parties in Hungary that maintained some degree of party loyalty among the electorate, the corruption scandals that tainted the MSZP prior to the 2010 election may have long-term consequences. Polls indicated that two-thirds of the MSZP (socialist) voters were over 55 years old, and 90% of those who did vote for the MSZP during the first round of the 2010 election admitted they had always preferred the socialist party (Pester Lloyd, 2010).

Fifth, gender, age and level of education stood out as important indicating factors in the 2010 election. A poll conducted between the two rounds of elections in 2010 indicated younger voters (24% of the total electorate in the first round election was under the age of 24) tended to vote for either Jobbik or the brand new LMP (Pester Lloyd, April 16 2010). The poll also discovered level of education was the most important factor that determined the party choice of voters in this age group (Pester Lloyd, April 16 2010). The LMP had the highest number of academics and college graduates of all parties, while two-thirds of Jobbik’s voters were men. Jobbik’s voters tended to live in rural areas and were more likely to be jobless than those voting for other parties. (Pester Lloyd, April 16 2010). These trends paint a picture of a

Hungarian electorate that is increasingly turning away from party affiliations (especially to the old socialist party) and has a relatively high number voters who boycott elections, a large number of swing voters who decide at the last minute and a large number of “negative voters”. Finally, gender, age, the level of education and the urban-rural split are all key factors to consider when analyzing the Hungarian electorate.

## **Electoral System Reforms**

On January 1, 2012, Viktor Orbán and his Fidesz party, with over a two-thirds majority in parliament, were able to amend significant parts of the constitution to reform parliamentary election procedures effective beginning with the next election (recently scheduled for April 6, 2014). The changes are sweeping: the second-round elections were abolished, the voter turnout requirements (in order for seats to be awarded in constituencies) were suspended, the regional and national party lists were merged into one national list for all of Hungary, the total number of seats in parliament was reduced to 199 (with 106 being awarded from single-seat constituencies and 93 from party lists), the geographical boundaries between the constituencies were redrawn, and so-called “minority lists” (which must also reach the 5% threshold) and “minority spokesmen” were created. The minority spokesmen were created for minority groups who are not able to reach the 5% threshold. These spokesmen will be given the right to speak but not to vote in parliament. And last but most certainly not least, citizens will only be allowed to vote in elections if they register more than 2 weeks beforehand (either in person or via internet if the citizens have an electronic signature). Furthermore, around three million members of the Hungarian minorities who live abroad in Romania, Serbia, Slovakia and Ukraine will be able to register by mail to take part in the next election (Verseck, 2012).

The Fidesz government has proposed more than 18 other changes to the election code, but on January 4, 2013, these changes were ruled unconstitutional by the Constitutional Court (Ritterband, 2013). The changes effectively create different groups of voters with different rights. For example, Hungarian citizens who live inside Hungary would have one vote for a party list and one vote for a candidate in his or her constituency based location of residence. Hungarian citizens without residence in Hungary would only be allowed one vote for a party list (and no vote for a constituency candidate where they last resided in Hungary). Furthermore, Hungarian citizens with Hungarian residency who are members of minority group would be required to be registered as a minority voter; they would receive one vote for a candidate in their constituency and one vote for either a party list or a minority list. Another



law severely restricted campaign advertising and another forbade releasing polling results more than six days before an election (Ritterband 2013).

The changes to the election code were not the only adjustments that were made. Other changes include restricting the freedom of expression when it harms the broadly defined "dignity of the Hungarian nation" (Verseck, 2013). University students will be forced to both stay and work in Hungary for some time after finishing their education or they will have to pay tuition fees – an attempt to prevent highly-educated workers and academics from leaving Hungary (Verseck, 2013). “The reforms also write into the constitution certain laws that had previously been overturned and deemed unconstitutional by the high court, making them essentially untouchable,” including a “ban on the homeless from loitering in public spaces, and allowance of the state to prosecute them for violations; a ban on electoral campaign advertising in private media; and an exclusion of unmarried, childless or same-sex couples in the official definition of family” (Verseck, 2013).

How Mandates Are Assigned in the Hungarian Parliament 1990 to 2010 vs. Future Elections

	Average (1990-2010)	Future Elections	1990	1994	1998	2002	2006	2010
Single-seat constituencies (after second round)	176	106	176	176	176	176	176	176
Multi-seat constituencies (regional lists)	134,2	0	120	125	128	140	146	146
National Lists	75,8	93	90	85	82	70	64	64
Total Seats	386	199	386	386	386	386	386	386
By Percentage								
Single-seat constituencies (after second round)	45,6	53,3	45,6	45,6	45,6	45,6	45,6	45,6
Multi-seat constituencies (regional lists)	34,8	0,0	31,1	32,4	33,2	36,3	37,8	37,8
National Lists	19,6	46,7	23,3	22,0	21,2	18,1	16,6	16,6

Sources for past mandates: Körösenyi et al. (2010) and the European Election Database

As shown in the table, the proposed change to assign 106 seats from single-seat constituencies and to award 93 based on the party lists would result in a shift of nearly 8% more of the total seats in parliament being granted to the winners in single-seat constituencies. As already discussed, the elections in the single-seat constituencies typically are to the advantage of the victorious party. The increasing trend of including small and independent candidates as a part of an alliance with a larger party means that the ruling and winning party would have even more of an advantage than in previous elections. A nearly 8% reduction of the possible seats that are assigned based on the national lists would mean that a smaller number of seats could be compensated and awarded to smaller parties via the national party lists. In addition, it is important to keep in mind that the 93 seats awarded based on national lists would also include the new voters who live outside of the physical borders of Hungary.

At first glance these changes may appear as if Fidesz, currently the largest and incumbent party, is redesigning the electoral system in their favor for the upcoming election. It may, however, be too simple to assume that these changes will inevitably work to their favor in the

future. A study of Hungarian MP voting behavior from 1994 to 2010 by Olivella & Tavits entitled, “Legislative Effects of Electoral Mandates” concludes that:

If an MP’s mandate changes from PR [party list or proportional representation] to SMD [single member district or single seat constituency], then that MP will become significantly more independent in his or her voting behavior – a relationship that holds for both types of PR used in Hungary, i.e., regardless of whether an MP’s previous mandate came from the regional or national PR list. However, if an MP’s mandate changes from SMD to PR – including either regional or national PR and regardless of whether the mandate change results from a change in nomination or a change in electoral fortune – then the legislative behavior of that MP does not change significantly. (2013, p. 16)

Therefore, when considering the current reforms to the electoral system, one might expect party cohesion to weaken when nearly 8% more mandates have come from MPs being elected in SMDs or single-seat constituencies. The rise of dissent from within the party could become a new balancing and restraining factor to the party leadership.

On the other hand, however, without a reliable voting block of sustained dissent from MPs within the ruling party or coalition, the 8% adjustment in the way that mandates are awarded to MPs could have a substantial impact both on the next election as well as future parliamentary elections. Additionally, the 8% adjustment alone cannot be considered without factoring in other reforms to the electoral system. Another study more closely examines the changes to the electoral system by taking more factors into account—namely, the newly gerrymandered single-seat constituencies. The study, entitled, “Beyond Democracy – The Model of the New Hungarian Parliamentary Electoral System”, used historical voting data from the general parliamentary elections in 2002, 2006 and 2010 and found that:

In both 2002 and 2006, this system would have contradicted the majority will of voters at that time, and would have led to a rightwing governmental majority. This is a result of the growing influence of single-seat constituencies on the final outcome in the new system as well as the transformation of the compensatory system. These have been redrawn in line with the Fidesz-KDNP party alliance’s current political interests. (Szigetvári, Tordai & Vető, 2011).

The authors point out that the changes will not only create a short-term advantage for the incumbents, they will also have long-term implications on future elections. First, the study deduces that “the new electoral system is a more majority-prone mixed system than the mixed system in place over the past 20 years.” Second, Szigetvári et al. argue that, “the greater the proportion of [single-seat constituency] mandates in a mixed system, the more majority-prone character the system takes on” (2011, p. 12) and point out that:

there is no separate quota or group for compensatory mandates; instead, compensatory votes are directly added to votes cast on national party lists. As a result, fragmentary votes enter the race alongside party list votes. Previously there were a minimum of 58 compensatory mandates within the 210 party list mandates; no such limit exists in the new version. (2011, p. 12)

Without a quota of compensatory mandates being awarded, national party lists will drown out fragmentary and minority group votes. The third point is closely related to the last point. Namely, Szigetvári et al. mention that the new system is one of “winners’ compensation”, in which the 93 party list votes are much more likely to go to larger parties (2011, p. 12).

Of course, the changes to voter registration laws and votes from Hungarians outside of Hungary must also not be overlooked as factors that could weigh in heavily to change future elections. When considering the two facts that just over 1.16 million votes were cast in the second round of the 2010 election and that more than 3 million Hungarians who now live outside of the country are now eligible to register to vote in the next election, the demographics of the electorate could turn out to be considerably different than those from previous elections.

## Reactions to the Electoral System Reforms

Hungary’s parliament passed a new law on electoral procedures that introduced questionable measures, most importantly a registration requirement that appeared to impose an unnecessary burden on the right to vote. On 28 December, the Constitutional Court invalidated the law on procedural grounds, but the substance of the changes was still under review at year’s end. With the decision of the court still pending, *Hungary’s electoral process rating remains unchanged at 2.25*. (Freedom House, 2014)

The opposition parties and other observers have argued that these laws would create a decisive advantage for the ruling Fidesz party and its likely voters (Szigetvári et. al, 2011; Ritterband 2013; Verseck 2012). The Socialist Party strongly criticized Orbán’s plans by stating that the government “only takes into consideration the interests of the governing parties when changing democratic institutions. They are excluding the majority of citizens from shaping their future” (“Wall Street Journal Europe, 2012”). The *Wall Street Journal* reported that a poll taken by Tarki pollster during July 2012, which was the time that Prime Minister Orbán announced the electoral changes, indicated “more than 50% of Hungarian voters don’t have a preferred political party and only a quarter has a distinct preference” (“Wall Street Journal Europe, 2012”). The article also included comments from Political Capital, a think tank, that reacted to the news by stating, “Fidesz thinks that by keeping undecided, politically inactive voters away from the polling booths it can increase its chances at the next elections” (“Wall Street Journal Europe, 2012”). Furthermore, the new electoral districts (for

the single-seat constituencies) are also highly controversial and “the unilateral manner in which new borders were drawn by Fidesz party officials ... has brought about accusations of gerrymandering” (“Wall Street Journal Europe, 2012”).

On March 11, 2013 the Fidesz-dominated parliament successfully and easily amended the constitution. As a result, according to the Economist:

Hungary’s Constitutional Court can no longer reject constitutional amendments on matters of substance—only on procedural grounds. ... The measures open the door for the executive leadership to use the constitution to pass new laws that might otherwise be rejected by the Constitutional Court. The process has already started. (“Viktor’s Justice”, 2013)

When doing so, the Fidesz party effectively removed one of the only major restraints on the executive leadership’s power in Hungary for the remainder of the current government and for all future governments.

However, when José Manuel Barroso, President of the Commission, wrote to Orbán on April 12, 2013, he only voiced his concerns about three issues: “a tax on Hungarian citizens to pay for fines imposed by the European Court of Justice; the empowerment of an administrative body to transfer cases from one court to another; and a ban on political advertising in privately-owned media” (Vogel, 2013). Changes related to electoral system were not mentioned.

Although the Constitutional Court ruled that the electoral reforms are unconstitutional in January, both the court’s ability (as mentioned above) and intention to counterbalance the power of Orbán and the Fidesz Party in the future is now in question. According to the *Neue Zürcher Zeitung*, more than half of the 15 justices currently in the Constitutional Court are either from the Fidesz Party itself or associated with it (Ritterband 2013). The Guardian reported that Thorbjørn Jagland, the Norwegian who heads the Council of Europe, reacted by stating that he is “concerned about the compatibility of the constitutional amendments with the principle of the rule of law” (Traynor, 2013). He continued on saying, “this gives the impression that the government is willing to use the two-thirds parliamentary majority to overrule the constitutional court, which might endanger the fundamental principle of checks and balances in a democracy” (Traynor, 2013).

The Guardian newspaper received a copy of a letter written by Guido Westerwelle, the German foreign minister, on behalf of Germany, Denmark, the Netherlands and Finland which demanded “new powers to police the rule of law in EU member states” (Traynor, 2013). In the letter he stated:

There are limits to our institutional arrangements when it comes to ensuring compliance. A new, more effective mechanism to safeguard fundamental values in member states is needed ... The commission should have a stronger role here, allowed to address deficits in a given country and require the country in question to remedy the situation ... as a last resort, the suspension of EU funding should be possible. (Traynor, 2013)

However, despite the harsh but futile criticisms from the opposition in Hungary, the Hungarian Constitutional Court, the EU, and others both inside and outside of Hungary, Orbán's reforms – including those governing elections – were easily passed by parliament and have gone into effect in time for the upcoming election this April.

## **Justifications for the Electoral System Reform**

On January 7, 2014, Minister of State Bence Rétvári held a press conference welcoming the “cheaper and more transparent system” that “will come to be with halving the number of parliamentary representatives and changing contrariety rules”. This would allow “parliamentary work” to be “of a higher standard” and “with lowered expenses” it “would mean lesser costs for citizens”. He continued on by stating:

As the Fundamental Law of Hungary states, no more than 200 representatives are allowed to take seats in the newly assembling Hungarian Parliament. Coming from this, voters of this year's elections may send 199 members to the Parliament. ... The current strength of the Parliament is bigger than in most other member countries of the European Union based on the proportion of representatives compared to the population. ... There has been an overwhelming agreement on a smaller House of Representatives, and yet no decision was made. Socialists and liberals merely took it as a “popular pledge”, but they did not care about the issue seriously and during their administration they allowed mayors and municipality officials to take parliamentary seats. ... No one can be a MP now who bears an office as a mayor or a member of the municipality board. ... Political pluralism (meaning that one could get payment for being a parliamentary and municipality representative as well as a mayor) has ended. ... Representatives of the new Parliament would be able to put more focus on parliamentary work, so MPs are going to be professional ... so as ends of specific professional groups will influence parliamentary life to a lesser extent. ... Around 50 per cent of the representative wages can be saved this way plus with the transformation of the system of expenses, spending is going to be cut. ... Regarding party funding, the cost ceiling in campaign years has

been raised from one million to a five million HUF limit per candidates who were able to get the necessary amount of support, also who reach the 2 per cent parliamentary threshold won't have to pay the sum back. (The Hungarian Government, 2014)

The focus of this statement is mostly on cutting costs and downsizing the waste of government spending while also making a vague reference to reducing corruption. However, critics such as Szigetvári et al. make a very convincing argument that it would have been “possible to create a new system of single-seat constituencies in Hungary that would follow clearer principles, without any sort of gerrymandering to overwrite the majority will of the people”. Their paper proposes specific alternative models that could do so.

## **Hungary's Upcoming Election & The EU's Image**

On January 18, Hungarian President Janos Áder announced the next election day: April 6, 2014, meaning that the opponents of Orbán have a mere 10 weeks to campaign (“The Economist”, 2014). Just 10 days before that, the major opposition parties finally joined forces to try to take on Orbán's government. Leaders from the Socialist Party (MSZP) and Together 2014 (E14) invited the Democratic Coalition (DK) and the Liberal Party led by Gabor Fodor (a former PM) to run together against Fidesz, giving them all a tiny bit of hope that they will be able to defeat Orbán and his new electoral system (Baumann, 2014). This time, however, each candidate with a plurality or relative majority of votes in each single-seat constituency will win (instead of requiring an absolute majority, with the possibility of two rounds). And many view the coalition's leader, Ferenc Gyurcsány of the Socialist Party, as a very provocative figure, since a taped private conversation revealed that he and his party had lied to the Hungarian people in order to get elected during the 2006 election (BBC News, 2006).

The tendency of the Hungarian electorate to vote incumbent governments out of office is something of which Viktor Orbán is well aware; while he has claimed publicly that the political system needs to be reformed to reduce corruption, the changes that the Prime Minister and Fidesz have made to the electoral system and campaign laws threaten the competitiveness of future elections in Hungary much more than they help fight and reduce corruption. The nearly 8% of mandates in parliament that will be switched to be assigned from the Fidesz-gerrymandered single-seat constituencies (instead of from the party lists) could prove to work very much in Fidesz's favor this April.

Only one government has ever fallen as the result of a vote of no confidence since 1990, party discipline and cohesion is high in the Hungarian parliament, and appealing to the Constitutional Court would have normally been virtually the only means available for opposition to challenge the government in any way (Kopecky and Spirova, 2008; Schiemann

2004). As such, Fidesz's recent controversial amendments to Hungary's Constitution and proposed changes to the relationship that the court has with the executive leadership and parliament have gravely damaged Hungary's democratic institutions. Schiemann, when describing the "chancellorisation" of the prime minister's office in Hungary, noted that the PM and cabinet can only be restrained in three ways: (1) many policy areas require two-third majority votes to win, (2) the President can forward a law to the court before signing it (if he questions it in any way), and (3) the opposition can appeal directly to the court after a law is passed (2004). At present, options 1 and 2 are not viable because Fidesz controls more than two-thirds of parliament and the current President, János Áder, is a member of Fidesz. Furthermore, as stated in this paper, a majority of the judges who serve on the Constitutional Court are either a part of Fidesz or associated with the party, meaning the court could be expected to be highly sympathetic to Fidesz's reforms well into the future. Additionally, a Constitutional Court that can no longer reject constitutional amendments on matters of substance—only on procedural grounds—would be extremely limited in its powers to face an executive leadership with a strong two-thirds majority in the parliament.

A voice in favor of the recent reforms has been Máté Szabó, who was elected by the Hungarian Parliament as the Parliamentary Commissioner for Civil Rights in 2007. In a 2013 article entitled, "Viewpoint: Proceedings of the Constitutional Court and the Ombudsman's Activity: First Steps in Practice on the Basis of Regulation of the Basic Law" in the Romanian Journal of Political Sciences, Szabó comments "on the constitutional challenges and novelties experienced by this country, in particular on the relations between the Ombudsman and the Constitutional Court" and "offers some justifications for the substantial changes introduced in recent years, which have created considerable concern in Hungary and abroad" (p. 4). While he seeks to make the case that recent reforms in his duties provide "quicker and more efficient solutions, closer to the actual problems, and it may take the edge off the too frequent activities of various international forums which sometimes seem to be trying to chip away at the very legitimacy of Hungary's constitutional system" (p. 20), he admits that the reforms were carried out related to his duties because:

Over the course of some decades no uniform process was established to deal with the thousands of petitions submitted or, at least, none was made public. However, in the absence of such a process it can be concluded that before 1 April 2012, which was the deadline for resubmission to the Ombudsman of past petitions, they disappeared from the archives of the Constitutional Court. Oblivion, then, was their fate, as if they had simply disappeared into Limbo. (p.7)

He concluded by stating the following:

From 1990 to 2011, Hungary changed least among the new democracies. We did not even draft a new constitution. However, from 2010 to 2011 have brought about a metamorphosis as the time has come for extremely rapid and substantial changes for which the internal instruments for finding equilibrium have become more important than ever before. The Basic Law has been the key: it has been strengthened and given new functions – as exemplified by the office of the Ombudsman – more elected officials have been appointed and the number of their civil servants has been increased, for example the number of the Justices of the Constitutional Court has increased from eleven to fifteen. (p. 20)

The ruling government appointed the new justices.

Apart from the potential for the Constitutional Court to restrict executive leadership, the only other means to restrict it would be the Hungarian people's right to remove it from office via the electoral system every four years. The disloyal electorate could thrust the majority of its support and "negative votes" behind any of the other options, including but not limited to the far right-wing Jobbik, the liberal LMP or to Gyurcsány's newly formed coalition. Barring the Hungarian electorate's tendency to have large numbers boycott elections (which would likely create an advantage for Fidesz), past voting behavior in Hungary would predict that the majority of Hungarians, if they are currently unhappy with the status quo (which may depend on if voters perceive attribute a substantial improvement in economic conditions as a result of the ruling government), would likely remove Fidesz from power in 2014. However, current polls show that Fidesz has a strong lead over the opposition ("The Economist," 2014).

Prime Minister Orbán has moved beyond consolidating political power within the institutional constraints via Schiemann's description of "chancellorisation", and is rather seeking to change the institutions so that they can no longer constrain him and his party's grip on power. This will not only affect Mr. Orbán should he remain in office, but future Hungarian leaders until the constitution can be amended. Although it is highly unlikely at this point in time, the Hungarian electorate or the European Union and the broader international community could influence and possibly reverse the damage that has been done to Hungary's democratic institutions.

When a coalition government was formed in Austria in 2000—including Jörg Haider from the Freedom Party of Austria, who actively courted the support of far right-wing Neo-Nazi extremists—the other 14 members of the EU had no mechanisms in place to pressure or force Austria to comply with its wishes to not allow Mr. Haider take part in the government. For similar situations in the future, such measures were subsequently incorporated into the Treaty of Nice (which, to date, have never been used). Article 7 states that the European



Council can declare the existence of "a serious and persistent breach of fundamental rights", and if this happens, "the Council may, by a qualified majority, suspend certain rights of the country concerned" (EurActiv.com, 2006).

Article 7 reads:

On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1), and address appropriate recommendations to that State. (European Union, 2001)

As mentioned at the beginning of this paper, Article 6(1) states that, "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States" (European Union, 1993).

Mr. Orbán, on the other hand, has expressed that he feels no need to comply with the EU's wishes by retorting that, "the countries of central and eastern Europe should make their own policies without looking to the EU. We do not have to listen to everything the bureaucrats in Brussels say" (Traynor, 2013).

With the hurdles set rather high in Article 7 in the Treaty of Nice, the EU might be forced not only to become accustomed to dealing with an increasingly authoritarian state within its borders, but also being in a single market and innumerable negotiations with it. Therefore, the recent efforts and ambitions of Orbán and Fidesz to remain in power could not only do lasting damage to Hungary's electoral system and democratic institutions, but this damage could last long beyond the next election and have profound consequences that will extend not only from Budapest to Brussels but well beyond. Discussions about the European Union's democratic deficit would pale in comparison with those about a deficient democracy—Hungary—inside of the EU. Not only could it create a crisis within the EU institutions itself, but it could also destabilize the region surrounding Hungary and erode the EU's soft power abroad.

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