

New election procedure finally passed

The much awaited new Act on Electoral Procedures has been finally adopted, and from new rules on voter registration all the way to peculiar campaign advertisement regulations, it contains all the controversial elements that critics have lambasted for months. Fidesz has ultimately rejected the proposals that would have made the registration process easier for citizens who are also Hungarian residents, even the two week mail-in window provided for in the original bill. It is limiting both the time for campaigning as well as spaces where advertisements may be displayed, thus placing even greater restrictions on the opposition's already limited communication channels to the public. Even what was anticipated to be slight progress, i.e. the number of signatures necessary for placing candidates on the ballot, ultimately turned out to be far less generous than originally suggested.

With three weeks delay Fidesz has finally passed the new Law on Electoral Procedure. The bill was continuously amended by the governing parties – whose MPs sometimes introduced contradictory provisions - and many key proposals in the original draft turned out very differently in the bill that was ultimately adopted. Fidesz MP Ferenc Papcsák submitted a 65 page long list of 227 amendments, for example, for which the governing parties offered a full hour of review before voting. It is doubtful whether many of those passing the bill really had a clear idea of the innumerable crucial details in the bill that will govern many of the rules pertaining to the next elections. And their ignorance is only partly due to the complexity of the legislation.

Though our possibilities are also limited in terms of space, we hope to provide our readers with an overview of at least some of the most important regulations in the new law. The Act on Electoral Procedure is a law designed to regulate all elections, from municipal over national parliamentary all the way to referenda and EP elections, though separate acts also apply to each of these individually; some of the latter were amended as part of the overall bill approved last Monday.

Registration

Of course, the most important change is the abolition of the system of automatic voter registration. Hungarian citizens are no longer automatically entitled to vote but must register every four years to be allowed to vote. This is extremely unusual in European comparison, but even the very few countries that require registration strive to make it easier on their citizens. While the original bill contained a provision giving citizens in Hungary proper a brief window of two weeks to register by mail, the version finally adopted scrapped this option.

Registering by mail will only be open to citizens abroad. While citizens abroad clearly would find it much more difficult to register in person than those of their compatriots who reside in Hungary, the different handling of the two groups puts lie to what is Fidesz' very thin justification for introducing the registration requirement: namely that all citizens ought to face equal requirements and the introduction of suffrage without residence makes registration for at least the latter class of citizens inevitable. So while registration by mail makes sense for those abroad, there is no way in which depriving residents of this possibility is necessary or justified, even with the rationale advanced by Fidesz.

Just walk

There was a proposal that would have required a municipal representative to visit citizens in their homes to allow them to register, but this was changed to an optional possibility extending to those with reduced mobility or other documented conditions. Impractical as the idea was, it would have been a small gesture to show that the plan was not only to suppress voter turnout among the disaffected segments of the electorate, which would be likely to vote against the incumbents. What remains is a system that is relentlessly geared towards ensuring that Fidesz sympathisers will compose a larger share of those allowed to vote than their share of the overall voting-age population.

For the opposition, the major challenge will be therefore to make sure that undecided citizens register in time, so that they retain the option of voting even if they have no clear preference at the time of registration. That won't be easy, since in line of its earlier promise, Fidesz has also shortened the campaign period to 50 days. This will be awkward for several reasons. For one, the date of the election has to be announced 70-90 days before, so for 3-6 weeks parties will have to sit still even though they know an election is impending. Moreover, given that registration will have to be completed 15 days prior to balloting, parties will have a mere 5 weeks to encourage citizens to register through all potential campaign tools. At the same time, the bill does away with the anachronistic institution of the campaign stop in the last 24 hours before balloting, which means that parties may continue working voters up until the last minute.

Campaign limitations

The strict limitations on the campaign period are designed to shorten the opposition's time to make its case against the government – Fidesz appears to figure it won't need much time to make its own case – but it will be difficult to enforce, and nothing illustrates this better than the fact that even as we write, roughly a year and a half before the expected date of the election, Fidesz is already campaigning, though it is doing so by proxy. Following the government-funded anti-IMF campaign, now buses all over Budapest boast anti-Bajnai posters sponsored by a Fidesz-friendly civic group whose funding is obscure.

If the opposition will be allowed to similarly attack the government by using proxy groups, then the current restrictions don't make much sense. Deciding what counts as campaigning will of course be up to election overseers who are – just as most “independent” officials appointed since 2010 – selected by the governing party and whose position will be untouchable for nine years, even if they happen to verify many critics' suspicions that they are more loyal to the ruling party than to the needs of democratic elections. The way Fidesz appointees have handled politically controversial issues – witness the Media Council's repeated attempts at silencing the only opposition radio in Hungary –, at this point there are good reasons to suspect that non-partisan election and campaign oversight will be one feature missing from democratic elections.

Making money off limiting democracy?

What makes the new oversight scheme particularly troublesome is that through the overseers Fidesz has de facto access to invaluable voter information. In the age where election campaigns will increasingly be conducted by exploiting electronic databases that facilitate addressing and mobilising the right type of voters, the power over the voter registry provides a major edge. In an instance that was fairly representative of how incapable Hungarian democracy is of prosecuting abuses by politicians, Fidesz' chief campaigner Gábor Kubatov boasted at a semi-public event that the party possesses a list of voters broken down by party sympathy, which, if it really does exist, must be illegal. Whatever the truth of Kubatov's statement, future lists will be easier to compile, and Fidesz will have even less cause to be concerned about the legal consequences.

In what appears to be the most gratuitous restriction of all, parties will not be allowed to buy advertisement on commercial television. Given that public television – where parties with a national list (see below) will be able to advertise fixed amounts of time for free – is generally less watched, the goal here is obviously to ensure that the opposition won't have access to a large swathe of voters who get most of their information from commercial TV. Moreover, the lack of restrictions on giant posters is a boon to those in the giant poster business, which funnily enough includes Fidesz' infamous money-man Lajos Simicska and his company Mahir, already the beneficiary of legislation aimed at crippling its main competitor.

Ballot access – little no easing after all

We have previously complained a lot about Hungary's cumbersome ballot access requirements and have correspondingly lauded the earlier version of this bill for seeking to drastically lower those in the context of parliamentary elections. Now, the reduction in the number won't be as drastic as previously planned – it is going from a 1,000 to 500 instead of the originally proposed 200 – but the time of collection will be cut to a third, from close to six weeks to two weeks. Only time will tell whether this in fact means back to square one or maybe even worse – LMP's failure to collect sufficient signatures in a short timeframe for the municipal elections in 2010 is a dire warning for any new organisation – but in an international comparison it certainly still constitutes an unusually high burden on new parties. Parties need to collect 13500 signatures in 27 electoral districts to field a national list, which though less daunting than previous requirements, still requires a fairly massive organisation, especially given the overly tight deadline.