

Fidesz overwrites the rules of the municipal elections

Fidesz rewrites the rules in the middle of the game and is ready to change the local election system to suit its own purposes. A fine-tuned concept based on the lessons of the EP election will limit the opposition's scope for action and may be unconstitutional on several points.

According to the draft bill introduced by 18 MPs of Fidesz on 30th May, the Budapest City Council will be made up of 23 district mayors and 9 representatives winning seats on the compensation list of the parties. The mayor of Budapest would be the 33rd member. The idea would eliminate party-list voting as well as the direct representation of Budapest residents.

Unconstitutional modifications

This botched solution is likely to result in an unconstitutional situation. The City Council is an autonomous popular representative body whose members must win their mandate directly from the electorate. However, the proposed system results in an indirect vote at best: council mandates would be based on votes cast for district mayoral candidates.

Article 71 (1) of the Basic Law: "Members of representative bodies of local governments and mayors are elected by **direct**, secret ballot by voting citizens, based on their universal and equal right to vote, as stipulated in fundamental laws.

The unconstitutionality of huge differences in the size of district populations is even more glaring: for instance, in the European Parliament election Budapest District 1 had 20,949 registered voters, while in District 14 there were 90,806. Several Constitutional Court rulings have already stated that a population difference by a factor of two in electoral districts violates the principle of the equal right to vote. Though Budapest districts are different from the single member constituencies, the problem is essentially the same: when it comes to the election of members of popular representative bodies, equal suffrage must be guaranteed.

After Political Capital had published an analysis on the possible constitutional problems on May 30th, Fidesz brought in two modifications to the bill.

The first one would calculate a quota for each district ("the number of people living in the district" divided by "the number of people living in the least populous Budapest district"). In all districts, votes would be multiplied by this quota and summed up afterwards on the compensation list. Thus, the loser candidates' parties would be less underrepresented. However, this does not mean that the huge differences between the numbers of voters who elect City Council members would be counterbalanced.

Based on the model of the Treaty of Lisbon the second modification introduces the “double majority”: any decision will require not only the support of 17 of the 33 City Council members, but the 23 mayors’ votes must also represent at least 50% of Budapest’s citizens. Lawyers diverge on the issue whether this method restores the harm of equal voting rights. However, we assume that the current Constitutional Court (CC) would find it acceptable. On the other hand, none of the modifications responds to the constitutional anomaly represented by the indirect election of council members. Thus, the CC might prevent the new system coming into force. The probability of this is very low, though.

How the proposal benefits Fidesz?

In parliamentary elections a party may field a national list with candidates running in only one fourth of all individual constituencies. Typically, requirements are more lax at the local level, however criteria is planned to become tougher in the capital. As things stand today, a party must have a mayoral candidate in 12 out of 23 districts to have a compensation list.

However, as the EP election [made it clear](#), today none of the parties that formed a reluctant alliance in the national elections enjoys a dominant position, and the upcoming local elections might be contested by three more or less equal forces. Running separately would be crucial for all of them, but the planned elimination of list voting would make this impossible. Even more painfully, based on the current proposal it will be extremely difficult for them to have separate compensation lists. This is the point that makes it absolutely clear: Fidesz has adjusted its policy (presumably, developed well in advance) to the outcome of the EP election.

What are the options for the opposition parties under these conditions?

Scenario 1: joint mayoral candidate in all 23 districts

- According to this scenario, they would lose the opportunity they have won in the EP election, i.e., the restructuring of the left where each party tries to define itself as an independent political force. Similar to the parliamentary elections, steering these parties into the same camp and keeping voters finding one or the other party unacceptable away from the polls would be ideal for Fidesz.

Scenario 2: there is no agreement, everyone fends for himself

- In this case, Fidesz is all but certain to win all the districts and capture almost all City Council seats as well. This tortuous path, where the opposition parties are bound to turn on each other, would also benefit Fidesz.

Scenario 3: the districts are distributed among the parties

- While this is not inconceivable even with three parties running, it would take its toll. They would have to give up 7 districts and field their own candidates in all. In the remaining 16 districts they can run their respective candidates in a 5-5-6 breakdown. As a result, the three organizations would have 12 mayoral candidates each, although in 7 districts they would give up every chance of winning. Even if they managed to hammer out such an agreement, in prolonged consultations they would focus on each other and lose sight of Fidesz. And this has already worked well for Fidesz during the parliamentary elections.