

External Votes at the 2014 Hungarian National Election

Votes Cast Abroad at the Hungarian General Elections of 2014

On 26 May 2010, not long after the formation of the new government, the Hungarian Parliament approved an amendment to the law on Hungarian citizenship with an overwhelming majority, which allowed for the simplified naturalization of Hungarians living beyond the borders of Hungary as of the year 2011. The Fundamental Law, approved in spring 2011, did not set residency in Hungary as a condition to the exercise of suffrage, thus it eliminated the constitutional obstacle for Hungarian citizens without residence in Hungary to exercise their right to vote. The preamble of the law on the election of Members of Parliament approved at the end of 2011 declared that “Hungarian citizens living beyond the borders of Hungary shall be a part of the political community”.¹ Thus, after the citizenship law, the electoral law was also amended in a way so as to make it clear that Hungarians living abroad are also part of the political community of Hungary, and with that the unification of the nation by public law reached its apotheosis. According to the law on the election of Members of Parliament, while electors with permanent residence in Hungary may vote both for a single-member constituency candidate and a party list, voters without permanent residence in Hungary can cast their ballot only for a party list. In other words, as opposed to citizens with permanent residence in Hungary holding two votes, Hungarians living beyond the borders have only one vote, which is in harmony with the Fundamental Law of Hungary. Article XXIII (4) of the laws stipulates the following: “A cardinal Act may provide that the right to vote and to be voted for, or its completeness, shall be subject to residence in Hungary, and the eligibility to be voted for shall be subject to additional criteria.”² In practice, the ballots cast by Hungarians living abroad can affect the distribution of the 93 party list mandates out of the 199 mandates to be handed out in the Parliament whereas they have no influence over the 106 single-member constituency mandates.

¹ Law CCIII of 2011 on the election of Members of Parliament

² Fundamental Law of Hungary

In 2012, Hungary was the scene of heated debates about electoral registration. Finally, the law on electoral procedure making registration obligatory for all voters³ was approved in November 2012. János Áder, President of the Republic turned to the Constitutional Court before the announcement of the law requesting that it examine the conformity of the act approved by the Parliament with the Fundamental Law. In the course of the preliminary constitutional review, the Constitutional Court found that several provisions of the law on electoral procedure were contrary to the Fundamental Law, including some of the provisions tying the exercise of suffrage to obligatory preliminary registration. In its decision n. 1/2013 (7 January), the Constitutional Court ruled that in the case of citizens with permanent residence in Hungary, the obligation to register unduly restricts their right to vote, hence it is unconstitutional. At the same time, the legal body found that the possibility to apply for inclusion in the central register may enhance the exercise of voting rights in the case of certain groups of voters, thus registration is justified in their case. Such voters include Hungarian citizens of legal age without residence in Hungary as well as those members of national minorities living in Hungary who wish to vote for national minority lists.

Thus, Hungarian citizens living abroad and without permanent residence in Hungary were allowed to vote in the Hungarian parliamentary elections of 6 April 2014 if they applied for their inclusion in the voters' register at least 15 days prior to the elections, i.e. if they registered. Those registered will be kept on the electoral register for ten years, but the period of ten years starts over automatically in case of data modification or participation in the elections. Registration is needed if the voter had been registered with foreign personal contact data, regardless of the fact whether he or she otherwise has temporary residence in Hungary or not. Those voters who had neither permanent, nor temporary residence in Hungary could also get onto the electoral register by registration. If the voter had permanent residence in Hungary, or had valid temporary residence in Hungary according to his or her address card, there is no need to register.

The application forms for electoral registration were sent out by the National Elections Office (NEO) to each Hungarian citizen living abroad who had taken the citizenship oath by 31 July 2013. Those who were granted Hungarian citizenship after 31 July received the necessary form on site, right after taking the citizenship oath. Having processed the applications for registration, the NEO notified citizens about the fact of their inclusion in the electoral register; then an elec-

³ Law XXXVI of 2013 on the electoral procedure

toral parcel was sent to their address in Hungary or abroad indicated by the voter in the application for registration. It was also possible to request that the electoral parcel could be picked up in person: in that case, voters could claim the parcel on working days for two weeks prior to the elections, at the seats of the individual parliamentary constituencies. In 26 designated settlements next to the Hungarian border the electoral parcels could be obtained at the designated foreign representations of Hungary (in Belgrad, Berehovo, Bucarest, Miercurea Ciuc, Osijek, Košice, Cluj-Napoca, Bratislava, Sobotica and Užhorod). It was especially important to provide the possibility to collect the electoral parcel in person for those Hungarian citizens living abroad who were otherwise citizens of countries forbidding dual (multiple) citizenship (including Hungarians living in Slovakia, Subcarpathian Ukraine and Austria).

The NEO registered 195 338 voters on the electoral register, so this is the final figure to which the participation rate of Hungarians living beyond the borders should be compared. At this point, it should be mentioned that by spring 2014, approximately 550 000 individuals took a citizenship oath, the fifth of whom had not yet reached the legal age, and 80 000 of them had residence in Hungary – i.e. the latter did not need to apply for their inclusion in the voters' register. This means that 60% of about 350 000 Hungarian citizens without permanent residence in Hungary, but eligible to vote indicated their intention to take part in the Hungarian general elections by registering. The distribution by postal address reveals that the highest number of applications for registration, 99 628 to be precise, arrived from Romania, 29 144 came from Serbia and nearly 4 200 from countries forbidding dual citizenship (including Slovakia and Ukraine). Voters were provided substantial help by Hungarian political, church and civil organizations abroad during the registration procedure. Based on the feedback, this was indeed badly needed, because voters often had difficulties filling out the forms.⁴ This can be explained partly by the fact that in the neighbouring countries – apart from a few minor exceptions –, there are no official forms and declarations in Hungarian. At the same time, had the procedure been made compulsory also for electors living in Hungary in accordance with the original plans, numerous faulty applications for registration would have undoubtedly been produced there as well.

Registered citizens could have the electoral parcel sent to a postal address indicated by them or to one of the foreign representations of

⁴ “Sok az érvénytelen levélszavazat” (There Are a Lot of Invalid Votes Cast by Mail). *Kronika.ro*. 31 March 2014. <http://www.kronika.ro/erdelyi-hirek/varhatoan-sok-lesz-az-ervenytelen-levelszavazat>; Downloaded: 4 April 2014.

Hungary. The ballot could be claimed only in person; that is, envelopes requested to be sent to the Hungary's foreign representations, voters had to travel to the embassy or consulate. Besides the ballot, the electoral package also contained a declaration for identification purposes, an internal envelope, a reply envelope and an informative brochure. Voters had to put an X in the box next to the party or party coalition selected by them on the ballot. This they had to place in the inner envelope before sealing the envelope. After that, they had to fill in the identification form appropriately and place it, along with the inner envelope, in the reply envelope. They could either send the ballot paper filled in to the address of the NEO by post, or drop it in the ballot box set up for that purpose at the foreign representations, or submit it at the constituency seat on the day of the election. It was not compulsory to post the ballot or submit it at the foreign representations or the constituency seat in person; and voters received considerable help in delivery of ballots from Hungarian political, church and civil organizations abroad.

According to the figures made public on the NEO website (www.nvi.hu), the office received altogether 158 654 ballots by post, out of which 111 268 were submitted at foreign representations, 4 330 were forwarded by constituencies to Budapest and 43 056 arrived at the seat of the authority by mail. As the figures indicate, Hungarian voters living beyond the borders had little confidence in their local postal system, while the ballots cast at foreign representations also included the votes collected by the local Hungarian organizations and transported to the designated foreign representations.

Out of the 158 654 ballots submitted by post, 128 712 voting papers were valid, so if we subtract the number of invalid ballots, we can talk about 128 429 valid votes in total. The difference of 30 000 between the ballots sent by mail and the number of valid ballots derives from the fact that the former could be discarded as invalid for a number of reasons. A frequent problem was that the outer or the inner envelope was not sealed, and errors on the identification form could also result in an invalid vote. It often occurred that accents were not properly placed or names were incorrectly spelled. Since Hungarians living abroad often took back their original Hungarian name when taking up Hungarian citizenship, but put down their name on the identification form according to the way it would be spelled in their validating documents in their country of residence. The same applied to their place of birth; it is highly likely that many wrote the official Romanian, Serbian, Slovak, etc. name of the settlement on the form. Another error could be the "mother's name", because in the countries neighbouring Hungary, this piece of data is never requested in

any kind of official document, especially the mother's maiden name. On the identification form, voters had to put down their personal ID number, passport number, the number of their naturalization document or the certificate of citizenship. It is uncertain whether votes could be disqualified if people filled in all of these fields. Finally, voters could make a mistake at the signature as well because the form did not state anywhere that the full name had to be written out and initials would not suffice. In light of the high number of invalid ballots, it would be essential for the NEO to prepare a precise and detailed list of the typical errors in order to facilitate a possible legal amendment before the next elections to help eliminate such errors.

At the elections of 6 April, 95.49 % of all valid ballots by mail, i.e. of the 128 429 votes cast were awarded to the Fidesz-KDNP list by Hungarians living abroad. The overwhelming support for the governing party was motivated above all by the fact that in 2010, Fidesz-KDNP put an end to the debates related to the issue of Hungarian citizenship, and voters living beyond the borders expressed their gratitude for that at the elections. In the communication of the governing parties, it was presented as a kind of justification of the national politics conducted between 2010 and 2014 that Hungarians living abroad and participating in the elections stood by Fidesz-KDNP unanimously.⁵ Fidesz-KDNP received 122 638 votes, while the other 17 party lists shared only 5 791 votes. Among the parties having made it into Parliament, the Jobbik For Hungary Movement got 2 926 votes (2.28%), the joint list of MSZP – Together (Együtt) – Democratic Coalition – Dialogue for Hungary – Hungarian Liberal Party got 1 495 votes (1.16%) while Politics Can Be Different (Lehet Más a Politika, LMP) received 574 votes (0.44%).

The National Elections Office did not publish the regional distribution of party preferences manifested in the ballots sent by mail, but in light of the results, this has little significance. Based on the electoral results, Fidesz-KDNP reaped a landslide victory in every electoral region abroad. With respect to the four major Hungarian communities living abroad, we need to emphasize that the sentiments of Hungarians in Transylvania and Vojvodina with respect to the Parliamentary elections of the mother country, are necessarily different from the attitude of Hungarians living in Slovakia and Subcarpathian Ukraine. While Romania and Serbia raised no objection to the introduction of simplified naturalization in Hungary or the extension of voting rights,

⁵ Répás: "A külföldi szavazatok 95 százaléka a kormány nemzetpolitikájának legjobb visszaigazolása" (95% of the Votes From Abroad Is the Best Justification of the Government's National politics). *Erdélyi Ma*. 3 May 2014. http://erdely.ma/magyarorszag.php?id=164091&cim=repas_a_kulfoldi_szavazatok_95_szazaleka_a_kormany_nemzetpolitikajanak_legjobb_visszaigazolasa; Downloaded: 10 May 2014.

Slovakia, in response to the amendment of the Hungarian citizenship law in 2010, decided to forbid dual citizenship, and Ukraine had banned multiple citizenship even before 2010. In the following, we will briefly present the possible reasons for the overwhelming victory of the ruling parties in Vojvodina and Transylvania, and we will also present the Slovakian and Ukrainian regulation on citizenship along with the core ideas of the debate around dual citizenship.

Transylvania

The distribution of the applications for registration by mailing address indicates that 99 628 voters had an address in Romania, and a further 86 000 voters requested confirmation electronically. Thus it can be presumed that at least half, or even two thirds, of the voters having registered for the elections must have come from Romania.

Ever since the creation of the possibility of simplified naturalization, there has been a continuous interest in Transylvania for the adoption of Hungarian citizenship. The general elections approaching, Hungarian church, political and civil associations of Transylvania all provided help both for putting together citizenship folders and registration. The envelope containing the ballot could be sent to Budapest via the Romanian postal system, but many preferred to drop their envelopes in the ballot boxes set up at the foreign representations in Cluj-Napoca or Miercurea Ciuc while those living close to the border made sure to transmit the ballots to the closest constituency in Hungary. The reason for that was that on the one hand, there was only a short time between the arrival of the parcel and the deadline for mailing the envelope, so many feared that due to the slowness of the Romanian postal system, their votes would arrive too late. On the other hand, it also mattered that by throwing the ballot in the ballot boxes personally, voters could feel the symbolic weight of voting. It was not unusual at the two foreign representations that voters, dressed up in their Sunday best, brought not only their own ballot papers, but the envelopes of their acquaintances as well.

On the basis of the results of ballots mailed, it is obvious that Fidesz-KDNP achieved a landslide victory in Transylvania. This was not unexpected, but it still allows us to draw some conclusions. The elections reflected the party preferences of voters having adopted Hungarian citizenship and having registered for the elections. The popularity of the Hungarian parties may differ from that (as in all probability, it does) among Transylvanian Hungarians. This does not mean that Fidesz-KDNP would still not be the most popular formation by far, but in all likelihood, the proportions would be different.

The success of Fidesz-KDNP can be put down not only to the extension of Hungarian citizenship or to the activities of the Hungarian government since 2010, but also to the fact that the leading politicians of Fidesz as well as Viktor Orbán himself have demonstrated on countless occasions since the political changeover that they considered Hungarians living in the neighbouring countries to be part of the nation. Fidesz politicians have a tightly knit network of relations in Transylvania, they attend traditional, annually organized events, they can be linked to the creation of numerous institutions: in other words, their by far embeddedness surpasses the connections of left-wing parties.

The minimal support for Jobbik does not come as a surprise despite the fact that the party's communication places a lot of emphasis on support for Hungarian communities living abroad. As opposed to Fidesz, Jobbik is not embedded in Transylvania. It has connections only within certain youth subcultures, whereas the general opinion of the party is not at all positive. The reason for that is that Transylvanian Hungarians, being in a minority position themselves, cannot identify with the views of Jobbik promoted in Hungary. It is hard to evoke sympathy in an ethnic minority by rhetorical aggression against other minority communities. Moreover, this kind of rhetoric is not entirely new to Romanian Hungarians, the only difference being that they usually face similar manifestations of racism aimed at them in Romanian. This, of course, might change with the sophistication of Jobbik's communication style, but few votes can be gained in Transylvania with extremist messages.

The showing of the left-wing party alliance is not surprising, either, but this does not mean that there are no people in Transylvania with leftist sentiments. MSZP has made an attempt to open a new chapter in national politics, but on the one hand, that was only the beginning of a long road, the continuation of which cannot be seen for the moment. On the other hand, all such moves seem discredited if they come in alliance with Ferenc Gyurcsány – mainly as a result of the stand taken by the former Prime Minister in the referendum campaign on dual citizenship ten years ago. Naturally, even so, MSZP or Gordon Bajnai would have more support than that, but chances are that among those potential sympathizers, fewer people applied for Hungarian citizenship and registered for the elections.

Vojvodina

Among Hungarian communities living abroad, Vojvodina Hungarians applied for their inclusion on the electoral register in the greatest proportion. Out of their community of 251 000, 29 144 persons regis-

tered for the Parliamentary elections of Hungary, which makes up nearly 12 percent of Serbian Hungarians. The remarkable electoral activity of Vojvodina Hungarians might be due to several reasons. First, the acquisition of Hungarian citizenship through a simplified naturalization procedure has always been extremely popular among Hungarians in Serbia. It was the members of this community that applied for Hungarian citizenship in the greatest proportion from among Hungarian communities living beyond the borders. Thus, the need to be connected to the Hungarian state as a mother country on the institutional level can be considered quite strong among Hungarians in Vojvodina. Second, barely two weeks passed between the Hungarian elections of April 2014 and the early elections of March in Serbia, which may have contributed to the maintenance of electoral activity. Moreover, the outstanding results achieved by the Alliance of Vojvodina Hungarians (VMSZ) at the Serbian elections of 16 March was unprecedented. Having obtained six seats in the Parliament with 75 248 votes the party managed to stop and even reverse the decreasing trend since the middle of the 90s in terms of votes given to Hungarian parties. VMSZ is also in the new Serbian governing coalition, which may have further strengthened the optimism of Vojvodina Hungarians, hence boosting their electoral activity in the Hungarian elections as well.

Furthermore, the massive participation of Vojvodina Hungarians might be explained by the good relations between VMSZ and Fidesz going back several years: out of the Hungarian parties in Serbia, VMSZ is clearly the key strategic partner of the Hungarian ruling party, and this partnership meets the preferences of the bulk of local Hungarian voters. The fact that the Hungarian government maintains amicable relations with the local Hungarian party enjoying most of the support of Vojvodina Hungarians must have also contributed to their willingness to vote in the Hungarian elections. In the period prior to the elections, high-profile politicians of the Hungarian government (János Martonyi, Zsolt Németh, Zsuzsanna Répás, Sándor Fazekas among others) participated regularly in the campaign events of VMSZ, where they urged Hungarian voters in Vojvodina to take part both in the Serbian and the Hungarian general elections. Joining each other's campaign was a mutual gesture, for one of the keynote speakers of the Fidesz campaign closing event was István Pásztor, President of VMSZ, which also carried an important message for Hungarians living beyond the borders, but especially for Hungarian citizens in Vojvodina. At the same time, all the other Hungarian parties of Vojvodina, besides VMSZ, encouraged dual citizens living south of the Hungarian borders to participate in the Hungarian elections.

The firm representation of the interests of the Hungarian minority of Serbia by the mother country may have also played a role in that the Hungarians of Vojvodina registered for the Hungarian elections in above-average proportions. In 2011, the Serbian Parliament wanted to pass a law on compensation that would have shut out Serbian Hungarians completely from the compensation and retransfer procedure, declaring them collectively guilty for the sins of World War II. The bill prompted a firm and unambiguous reaction from the Hungarian government: should the Serbian Parliament approve the bill in its proposed form, Hungary would use its veto right to block Serbia's status as a candidate for EU membership at the European Council meeting. As a result of the diplomatic pressure exerted by Hungary, the Serbian Parliament modified the bill and omitted the passage about the collective guilt of the Hungarian minority. This positive experience no doubt contributed to the massive participation of Vojvodina Hungarians in the elections. Nevertheless, it was not only the mother country's commitment in 2011 that may have evoked a feeling of "gratitude" in Vojvodina Hungarians, an explicit manifestation of the latter being their participation in the Hungarian elections, but also the implementation of simplified naturalization. It is common knowledge that one of the loudest "claimants" of the possibility of dual citizenship had been Vojvodina Hungarians from the very beginning, and since Serbia is not an EU country, the practical significance of Hungarian citizenship is much greater in Serbia than in Romania or Slovakia. Thus, gratitude felt for Hungarian citizenship may have also increased the willingness of Serbia's Hungarians to take part in the Hungarian elections. Moreover, it should be mentioned that Serbia raised no objection whatsoever to the introduction of simplified naturalization by Hungary, or the authorization of citizens without residence in Hungary to vote (since both options are also open for Serbians living beyond the border). The favourable development of Hungarian-Serbian relations and the peaceful political atmosphere may have also had a positive impact on the electoral activity of Vojvodina Hungarians, since they did not have to fear any kind of direct or indirect retaliation due to taking up Hungarian citizenship or their participation in the Hungarian elections.

Slovakia and Ukraine

Slovakia and Ukraine are among those increasingly rare states that forbid dual citizenship, so in the case of these two countries the number of applications for registration is unknown. From the data

published by the NEO, it can be deduced that altogether 4 194 applications arrived by 22 March 2014 from countries forbidding dual citizenship. The issue of multiple citizenship is the subject of constant controversy in both countries.

Slovakia did not punish dual citizenship before the amendment of the law on Hungarian citizenship allowing for a simplified naturalization was approved. However, as of the summer of 2010, the Slovak citizenship law⁶ currently in force stipulates that if Slovak citizens acquire another citizenship “by an express declaration of will”, then they will lose their Slovakian citizenship, and they are obliged to inform the competent public administration authority in their place of residence about this fact. If somebody fails to do so, he or she commits a misdemeanour for which he or she can be fined as much as 3 319 euros. This regulation goes against Paragraph (2) of Article 5 of the Slovak Constitution, which states clearly: “No one shall be deprived of citizenship of the Slovak Republic against his or her will.”⁷ In September 2011, Most-Híd Slovak-Hungarian mixed party turned to the Constitutional Court seated in Košice concerning the citizenship law. After a prolonged silence, the Constitutional Court discussed the petition during its public session on 22 January 2014. However the decision was postponed by the judicial body till the end of February, then sine die. The fact that the verdict was postponed till an unspecified date demonstrated that the Constitutional Court had not effectively looked into the compatibility of the citizenship law and the Constitution, nor did it wish to do so in the future. With that, the legal body made an overtly political decision: it chose to stay silent on a topic sensitive for the entire Slovak political establishment and the state, rather than ruling about two acts that obviously contradict each other. It can be assumed that the Constitutional Court saw clearly that it would be an indefensible ruling that the Constitution and the citizenship law are in perfect harmony with each other. At the same time, by pronouncing their incompatibility, the Court would manoeuvre itself as well as the entire Slovak political elite into an impossible situation in the international arena because the question would arise how such an act could be kept in force for (at least) three and a half years and resulted in depriving citizens of their citizenship. In Slovakia, it is still highly questionable how this problem can be resolved. The Ministry for Domestic Affairs has been looking into this issue for a long time, but the “solution” is expected to tie regaining Slovak citizenship to having permanent

⁶ 40/1993 Z.z. Zákon o štátnom občianstve Slovenskej republiky

⁷ 92/1992 Z.z. Ústava Slovenskej republiky

residence in the other country (for those who have lost their citizenship due to their law currently in force). Naturally, this also means that on the condition of having permanent residence in another country, it will be possible to take up the citizenship of another state while keeping the Slovak citizenship as well. Nevertheless, this will not remove the issue of citizenship from the political agenda, since the majority of Slovakia's Hungarians – similarly to their peers in the other Hungarian communities living outside the borders – would like to obtain citizenship in the mother country while working and living in their homeland (for lack of permanent residence in Hungary).

In Ukraine, the current regulation in force does not allow for dual citizenship. The Constitution declares that there is a “uniform” citizenship in Ukraine, which is interpreted by legal interpretation as an exclusion of dual citizenship. At the same time, laws do not regulate the procedure related to the deprivation of Ukrainian citizenship. So if a Ukrainian citizen takes up the citizenship of another country, this does not equal losing their Ukrainian citizenship in practice. According to the latest information, Ukraine is thinking about the introduction of regulations permitting dual citizenship perhaps reflecting the pressure of the prolonged Russian-Ukrainian crisis.⁸

From the perspective of the relationship of Hungarians living beyond the borders with their mother country, the period preceding the parliamentary elections and the submission of the ballots by mail constituted an unquestionably positive trend: many considered the exercise of suffrage as a solemn event, or their historical justification in the neighbouring countries. The political, church and civil organizations operating abroad offered considerable help to voters in the course of registration and the collection of the ballots, and it also provided another occasion for political organizations to meet their voters. The most important consequence of the assurance of voting rights for Hungarians living abroad is that from now on, each and every political force in Hungary will need to take into consideration the concerns of national politics: no party can remain indifferent to the problems of Hungarian communities living in the neighbouring countries. The practice of voting by mail was tested for the first time, and the lesson drawn from it is that the system should certainly be streamlined so as to allow the highest possible number of Hungarian citizens living abroad to exercise their voting rights in the future.

⁸ "Ukrajna engedélyezheti a kettős állampolgárságot" (Ukraine Might Allow Dual Citizenship). Vs.hu, 5 March 2014 <http://vs.hu/ukrajna-engedelyezheti-a-kettos-allampolgarsagot-0305>; Downloaded: 10 April 2014.