

THE ELECTORAL ROLL IN HUNGARY

I. Electoral roll: register of citizens entitled to vote

II. Legal background

1.) Constitution (Act No. XX. of 1949): determines who has voting rights at the different election types

2.) Act No. C. of 1997 on election procedure: defines the way the electoral has to be compiled, it's publicity, up-to date state of the registers, rules of legal redress

3.) Decrees of the minister responsible for elections

- different decrees for each election, defining the latest details and standards for compiling and maintaining the electoral roll
- decree of maintaining the register of disfranchised citizens (32/1996 (XII.22.) BM. r.)

III. Typical attributes of the Hungarian electoral roll

- it is compiled automatically by the local clerk, the voter does not need to apply for it
- it is prepared for each election
- it is public
- not only the people concerned can take advantage of legal redress with roll issues

IV. Compiling of the electoral roll, content, notification

1) Responsibility: local clerk (who is also automatically the head of the local election office)

Grounds of compiling:

- register of citizens ID and residence data
- register of disfranchised

(these two databases can only be merged for use for elections – reason: protection of civil data)

2.) Content of the electoral roll

- name of the citizen (or birth name)
- residence
- electoral roll number
- if more than one person is contained with the same data, date of birth is also included

3) Notification:

Every voter receives info on the inclusion in the electoral roll. Content of this notification:

- place and time of voting
- documents needed for voting (e.g.: ID card, passport)
- it is handed over latest on the 58th day before the election
- it is delivered in a sealed letter, as it contains personal data

V. Publicity

1) Public display:

- From the 60th day before elections onwards it is displayed in the local (or capital district) mayor's office
- Modified electoral roll: public display from the second day before elections in the mayor's office
- Providing data from the electoral roll: for a fee and only for campaign reasons, can be obtained from the 20th day before elections

VI. Up-to date state

- The electoral roll – which is open for display – is continuously maintained by the local clerk until the last day before elections
- The clerks of the whole country notify each other when changes occur in their registers (e.g. change in the address, death, becoming of legal age, disfranchise etc.)

VII. Legal redress

- cases of exclusion or when applying for entrance into the register -> local clerk is in charge primarily
- clerk takes a decision: **a)** the applicant is entered **b)** denied, documents are handed over to the local court

VII. The future of the electoral roll

As Hungary has a complex and up to date governmental IT system, technically it would be immediately possible to set up a constant electoral roll, where the authorities only have to update changes. But as mentioned before, due to reasons of citizens rights for data protection, the needed databases can only be linked during elections. Electoral legislation is compiled in organic acts and therefore any change in the election system requires a 2/3 majority in the Parliament. Only the government between 1994-1998 had this majority, so changes are hard to achieve. Most discussions about future election reforms are much more about the size of the parliament, handling of the issue of casting votes from abroad or a change from the current „mixed system” to the clearly proportional representation.

Some additional explanation:

The often mentioned „local clerk” is in Hungary an administrative professional (educated in the science of administration or law), who runs the mayor's office and aids the activity of the local representative body. In Hungarian the clerk is called for traditional reasons the „jegyző”, which translates to registrar, but is a different position than the English meaning. The local clerk is much more an administrative director, ensuring that the settlement is being run according to national legislation and fulfils a high number of authority duties – as a part of it, the clerk is also head of the local election office (but not the ballot counting committee), ensuring the proper organisation of elections. The clerk is appointed by the local representative body but is not a member of it, as the clerk must remain impartial and apolitical.