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Part I

STANDING COMMITTEE

MUNICIPAL ELECTIONS IN HUNGARY, 30 SEPTEMBER 1990

DRAFT MISSION REPORT OF THE CLRAE DELEGATION

At the invitation of the Hungarian Minister of the Interior, the CLRAE was invited, in a letter dated 18 September 1990, to appoint a delegation to observe municipal elections in Hungary, to take place on 30 September 1990.

I. Results

i. Principal results

This report will go into detail about the background to the election, its running and its results.

The main results are as follows:

1. The CLRAE delegation considers that the elections were conducted in a free, democratic and efficient manner.
2. For the elections to be valid, a minimum of 40% of the registered electorate was to vote. In most municipalities under 10,000 population, the voting was valid (approximately 50%); in most of the municipalities above 10,000 population and in Budapest (voting 37%) the elections were invalid and a second round will be necessary (14 October).
3. There were three different voting procedures, according to the size of the municipality - (a) for municipalities under 10,000 population; (b) for municipalities above 10,000 population, and (c) for the capital, Budapest.
4. In the municipalities under 10,000, by far the largest percentage of successful candidates, both for the positions of mayor and as members of the new councils, were "independent" (82%) - some of which were leaders and/or members of the outgoing councils of the previous communist régime.

In the municipalities over 10,000 and in the capital, the opposition parties (principally the Free Democrats and the Young Democrats) gained considerable support (31% and 18% respectively).

Appendix I gives full details of the voting.

5. All political parties and the press regretted what was considered to be a low turnout - a point of view not entirely shared by the CLRAE delegation.

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II. Composition of the CLRAE delegation

Mr Lucien SERGENT, President
Mr John MORGAN, Vice-President

Mr Moreno BUCCI, Vice-President of the Committee on Culture,
Education and the Media
Dr. Erich PRAMBOCK, member of the Committee on the Natural and
Built Environment
Mr Halvdan SKARD, Vice-President of the Committee on Education,
Culture and the Media
Mr Karl-Christian ZAHN, President of the Committee on Social
Affairs and Health

Dr. Pramböck was present in an additional capacity as part of
an Austrian/German delegation, also invited.

The delegation was accompanied by the Secretariat (Mr Richard
Hartley).

III. Additional delegations

The Hungarian Ministry of the Interior had also invited
additional delegations from the Netherlands (officials from the
Ministry of the Interior), France (official from the Ministry of the
Interior), Switzerland (President of the Union of Swiss
Municipalities) and an Austrian/German delegation, headed by
Dr. Mombaur, Executive Secretary of the Union of German Municipalities
and Communities and Dr. Pramböck, Secretary General of the
Association of Austrian Municipalities.

IV. Administrative arrangements

The delegation was accommodated in a government hotel in Budapest
and provided with official cars and a team of interpreters for the
duration of the mission.

The host authorities accorded every facility to the delegation;
the hospitality was impeccable.

The CLRAE main contacts throughout were principally with
Dr. Verebélyi and Mr Toth from the Ministry of the Interior
(responsible respectively for the new municipal legislation and the
municipal electoral procedures) and Mr Tamas Philippovich, former
Secretary General of the CEMR and currently advisor to the Minister of
the Interior on municipal matters.

V. Structure of the mission

On the eve of the election, the delegates were briefed on recent
municipal legislation and election procedure.

On Sunday the 30th, the day of the election, the delegation
visited different regions, as follows:

Mr Sergent, Budapest;
Mr Bucci, the South-West, around Vesprem;
Mr Skard and Dr. Pramböck, the South and the East as far as
Debrecen;
Mr Morgan and the Mr Hartley, the North-East of the country,
around Eger;
Mr Zahn, the North-West.

There were press conferences in the late evening of the day of the election and two the following day:- one where the CLRAE delegation gave its impressions on the election and the second where the National Electoral Board provided the full results (see appendix).

VI. Political background

Moves towards democracy in Hungary were prompted principally by the incapacity of the former communist régime to deal successfully with a series of crises, particularly with the acute economic problems; by the maintenance and revival of the spirit of the 1956 uprising; by the considerable publicity and emphasis on international values of human rights and democratic principles.

The dismantling of the one-party monolithic structure was achieved by a "Round Table" of opposition groups, forcing upon the party and the existing parliament approximately 60 amendments to the constitution.

These changes concerned principally the renunciation of the monopoly position of the communist party; free elections, free press, the right of strike, right of assembly, formation of political parties, freedom of movement and emigration, the independence of the judiciary, the separation of church and state, freedom of worship and a new constitution based on western European principles.

Free national legislative elections took place early in 1990, with six main parties being involved. The current coalition government is made up of the Democratic Forum party and the Centre groups with a strong liberal minority opposition (mainly Free Democrats and Young Democrats).

Voting has also taken place in a referendum on the election of the Hungarian President, ie whether the post should be filled through direct election or by Parliament. The decision was in favour of the latter option.

The municipal elections thus represented the next major step and constituted the opportunity to change radically the previous municipal Soviet system, still in place; these elections thus represented a major political breakthrough.

The municipal elections took place against an economic background of high inflation (30%) and in an atmosphere of impatience with the new government in respect of the speed of steps towards a market economy.

VII. Municipal reform in Hungary

The new Hungarian Parliament has adopted in 1990 an Act on Local Self-Government.

Based on the CLRAE European Charter of Local Self-Government (the preamble to the new Act begins as follows: "Following the progressive traditions of self-government in Hungary and the basic requirements of the European Charter of Local Self-Government, the Parliament acknowledges and protects the rights of the local communities to self-government"), Hungary is thus one of the first Central and Eastern European countries to adopt such legislation.

Local councils

A distinction is made in terms of the structures of local government, between (a) municipalities under 10,000, (b) municipalities over 10,000 and (c) the capital, Budapest.

In the first category (2,920 municipalities), the new councils and the mayor are elected on an individual basis through direct suffrage. For municipalities of 500 inhabitants, there are three representatives. This ratio increases on a pro rata basis until, for municipalities of 10,000 population, there are 13 representatives on the councils.

For towns over 10,000, election to the new council is partly on the basis of individual candidates and partly on party lists. The number of seats allocated to parties is determined according to the percentage vote they achieve in the elections.

The new mayor is not elected by direct suffrage, but by the new council. It is clear that in such municipalities, the influence of the parties is likely to be considerable.

For Budapest, the council consists of 66 representatives (individual and party lists), plus 22 additional representatives appointed by the different districts.

Administration

For the administration of municipalities under 10,000, the new councils are free to appoint a chief administrator or notary. If the municipalities are small, they can join together under a joint administration and indeed are encouraged to do so for the purposes of efficiency.

However, given the legacy of 40 years of a centralising régime, the hostility to any form of inter-municipal co-operation is intense - the municipalities insisting vehemently on independence even at the price of inefficiency.

The authors of the new legislation recognise these characteristics but feel, nonetheless, that further reform, in the interests of efficient administration, might be necessary in a few years time, once this initial reaction to 40 years of authoritarian rule has dissipated.

In respect of the chief administrator and his/her staff, it appears that there is no shortage of good candidates and experts drawn, principally, from public administration and the universities. It is intended that they benefit from good salary and conditions.

Counties

The new legislation also provides a role for the "county". The 19 current county divisions, the main instrument in Soviet rule, will be kept but grouped into eight regions. There are no direct elections to these counties, their representatives being appointed by the new local authorities. The State defines the responsibilities of the counties, primarily to create the possibilities for and transfer resources to local authorities, for the latter to carry out their desired programmes; the counties are only there to carry out those tasks which are unable to be carried out by the new municipal authorities.

Commissioner of the Republic

In order to ensure the legality of decisions taken by counties, the new legislation provides for a Commissioner of the Republic (along the lines of French practice) - an institution that benefits from very little power other than one of ensuring conformity with legislation.

Cities

In respect of the main cities above 50,000, their administration is separate from that of the counties in which they are situated - a measure designed to avoid the mistakes of the centralising past where such cities took the major share of resources, often to the detriment of the rural areas within the same counties. The new legislation not only insists on such separation but also on co-operation between the cities and the county administration.

Finance

The financing of the new local councils will be difficult. The Hungarian authorities fully recognise that local autonomy depends very much on local, financial autonomy, but local taxation is difficult, given the lack of a substantial property base and the variety of prosperity of different settlements.

At the beginning, taxation, therefore, will have to be centralised and redistributed. State grants to local authorities, however, will not be tied to particular programmes. Local authorities will have the freedom to select their own priorities and allocate funds accordingly.

It is expected that this State funding will correspond to approximately 70% of the requirements of local authorities - a proportion considered unsatisfactorily high by the authors of the new legislation, but inevitable given the current economic state of the country.

In the near future, the mechanisms for local authorities to raise their own loans will be examined.

VIII. Electoral procedure

The new electoral procedure as adopted by the Hungarian Parliament is somewhat complicated, divided into three types, according to the size of commune (see above).

For the elections to be valid, 40% of the registered electorate in the district must vote, a figure considered to be high by many foreign observers, but determined as a result principally of pressure from the main political parties.

For a mayor to be elected in the municipalities under 10,000, an absolute majority is required. Any person can be proposed as a candidate for the councils. For the post of mayor, 3% of the electorate is required for nomination; 1% in the case of council members.

No provision is made for vote by proxy, largely because of memories of the electoral fraud of 1949, where an estimated 150,000 votes were considered fraudulent. Nor is it possible to vote beforehand or to vote outside of the district of permanent residence.

Special positive discriminatory provisions are made for foreigners with permanent residence permits.

Organisation of elections on 30 September

For the elections on 30 September, there were 88,000 candidates for 25,000 posts; 11,000 polling booths and 3,000 local electoral bureaux. The central organisation was entrusted to a National Electoral Board, with regional boards organising and supervising procedures at a lower level.

45 parties were represented, some of which do not exist at a national level, plus representatives of 880 local associations. Many candidates were "independent". Some of these were supported by parties and many of them were in fact outgoing members and leaders of councils of the previous communist régime.

Elections took place in all but 20 of the settlements where, because of lack of candidates, no election could be held.

IX. Results of the visits of the CLRAE delegation

The CLRAE delegates, dispersed in different regions and in Budapest, visited in total approximately 20 polling stations and held discussions with four regional electoral boards. The municipalities visited ranged from small municipalities of less than 1,000 population to towns of 1/2 million (Debrecen) and the capital (2 million).

The principal observations and conclusions of the CLRAE delegates, some of which they made at the press conference, are as follows:

1. The election was organised in an efficient and competent manner. The registration of voters was carried out scrupulously. Voters were provided, by mail, with all necessary information as to where and how they should vote. The ballot lists were clear and printed in a uniform manner throughout the country.

2. The actual voting stations, in many cases, were not particularly easy to find nor easily identifiable, as was the case, for example, in the Polish municipal elections. In one case, even the police did not know where the voting booths were situated. The delegates felt, however, that this was of relatively little importance, given the adequate administrative preparation.

Publicity for the elections, judging by the electoral posters, was adequate and, according to the organisers, had also taken the form of daily TV slots on the procedure and with free time allocated to parties.

3. The booths were open from 6 am to 6 pm with, in many cases, voters already waiting to vote at 6 am, even earlier - mainly because of the departure to work on the same day.

Most voters voted in the morning, either before or just after the Sunday morning religious services.

4. The delegates held a large number of discussions, particularly with members of the electoral boards present at voting stations and with voters. Generally speaking, the younger people seemed to understand the new electoral law, but particularly the older generation needed some on-the-spot guidance. Many voters, particularly in the larger settlements, did not seem to be well-informed on the candidates or on their programmes; this was less the case in the smaller municipalities.

5. The CLRAE delegation noticed a number of minor shortcomings: for example, couples and occasionally whole families voting together in one booth; voting outside of the booths; too many people in the voting stations (the electoral boards were generally composed of six to eight persons). One of the CLRAE delegates noted a case where, seemingly a party worker, sporting a political badge, was permitted to "help" uncertain voters in respect of understanding the procedures and leading them to the booths.

In respect of counting, there was no provision for correlation between the number of voters registered as voting on the day and the number of ballot papers cast. One CLRAE delegate, who had the opportunity to take part in the counting once the station had closed, noted a case where underlined names, instead of being marked with a cross on the right, were considered valid. The electoral board in question, however, added that no instructions had been received in respect of such cases of doubtful validity.

Some CLRAE delegates also felt that the validation of ballot papers by a simple stamp, easily forged, was not a sufficiently strong or efficient guarantee.

6. In terms of interest and motivation of voters, the CLRAE delegation sensed uncertainty amongst voters as to the responsibilities or powers that might be enjoyed by a local authority. Many were voting for persons rather than issues or parties. Some CLRAE delegates detected an indifference due, according to the voters in question, to a sense of over-exposure (national elections and the referendum for the presidential election).

7. The main issues considered important by voters were surprisingly constant - local services, roads, transport, sewage, water supply and the environment.

8. The CLRAE delegation also noted the low number of women candidates, both as representatives on the councils and/or as candidates for mayors - in contrast, for example, to the high number of women on the Electoral Boards.

9. In terms of the Electoral Boards, co-operation with members of the CLRAE delegation was exemplary - helped no doubt by a letter of introduction from the Minister of the Interior carried by respective interpreters.

The atmosphere, however, in some of the discussions with Electoral Boards varied. Some of the discussions were free-ranging; others were more formal. Their composition, as determined by the new legislation, was equal numbers from former councils and nominations from parties.

10. Two members of the delegation had contact with national and regional TV and press on the day of the election. In both cases, the opportunity was taken to speak of the role of the Council of Europe in helping with the establishment of local democracy in Hungary - a role known about and highly appreciated by the media in question.

11. The CLRAE delegates noted that there was a large number of different candidates and parties/organisations, thus giving voters considerable opportunities for alternative choices.

X. International press conference

The CLRAE delegation took part in the international press conference, held on Monday 1 October - designed specifically to enable the CLRAE delegates to give the TV and newspaper journalists their impressions on the elections.

Extremely well attended, the questions concerned principally whether the elections were democratic, the reaction of the CLRAE delegation to what was considered the low turnout and the lessons to be learnt from the election results in terms of the overall political situation in Hungary and to the changes over the last nine months.

The CLRAE delegation insisted upon the importance that the elections were taking place in any case; that the percentage turnout compared to some countries in western Europe was not to be regarded as disappointing and that, in a democracy, an electorate had the right to go to the polls or to stay away.

The CLRAE delegation also pointed out that a full, democratic society implied above all the existence of a number of real alternative choices between candidates and parties, with different programmes, rather than, necessarily, high turnouts.

The CLRAE delegates added a number of reasons why they felt that the turnout was not as high as might have been hoped (see next section), noting that the turnout was high in the municipalities under 10,000 population. In these, the CLRAE delegation noted that many of

the local leaders in the old régime were elected, probably indicating that they still commanded, on an individual basis, the confidence of the local electorate.

The CLRAE delegation also thought that the percentage of 40% required for elections to be valid was probably too high and could either be lowered or omitted completely, referring to the absence in many western European countries of a pre-fixed rate of attendance.

The CLRAE delegation also reminded the press that, in a few days time, Prime Minister Antall would be at the Council of Europe headquarters; that the application for full membership of the Council of Europe by Hungary was likely to be successful (1); and that the newly-elected local authorities would be free to take their place, possibly within a new association of municipalities, at the next Session of the Standing Conference in March 1991.

The Hungarian authorities were pleased at the positive reaction of the CLRAE delegation, particularly in the light of the pessimism expressed by the parties and the press in Hungary.

XI. The low turnout

The CLRAE observers, Ministry officials, the National Electoral Board and the press speculated on the reasons which prompted a low turnout in the settlements over 10,000:

- little experience of local elections and uncertainty on the part of the voters as to the powers and responsibilities of local authorities;
- passive resistance on the part of voters, impatient (unreasonably) at the slow rate of change since national elections;
- lack of understanding of the political significance of the local elections and the opportunity now available to control the destiny of their own commune - an apathy created as a result of 40 years of centralised control;
- indifference generated as a result of a high number of different elections (legislative; national referenda) in the country in the current year;
- a complicated electoral system with three types of voting procedures;
- the absence of real issues, attractive programmes or, for the moment, a budget to direct the affairs of the commune afterwards;
- lack of mobilisation of parties in getting their programmes known and discussed; lack of party funds after four elections in 1990;
- too high a figure (40%) for validity of the elections;

(1) Date of formal membership - 6 November 1990

- impossibility of vote by proxy;
- inadequate time to prepare an electoral campaign and mobilise voters;
- the good (Sunday) weather.

XII. Future co-operation

As a result of an earlier mission to Hungary (the President and the Secretariat) a number of proposals for co-operation had been discussed with representatives of the Ministry of the Interior - principally the organisation of a colloquy in Hungary on transfrontier co-operation models, as a vehicle for the discussion of Hungarian proposals in respect of Slovakia, Romania and Austria.

Whilst still keen to pursue these projects, particularly that on transfrontier co-operation, the Ministry of the Interior officials preferred to wait until the second round was over and until a truly representative national association of local authorities was created. It would be with this body that a collaboration programme could be established. In any case, a Hungarian delegation would be constituted for the plenary Session of the CLRAE in March 1991.

XIII. Conclusions and general impressions

These elections were a crucial step in the establishment of a democratic society in Hungary - a progress seen as being continued and strengthened through Hungarian membership of the Council of Europe. The Hungarian authorities were gratified by the presence, the work and the conclusions of the CLRAE delegation and its influence is matched by the role played in new municipal Hungarian legislation by basic CLRAE texts, such as the European Charter on Local Self-Government.

APPENDIX I

RESULTS

RESULTS AS GIVEN AT THE PRESS CONFERENCE ON 1 OCTOBER, 18.00,
BY THE NATIONAL ELECTORAL BOARD

I. Municipalities under 10,000 population

- i. Mayors - Of the 2,926 settlements, the election was valid in 2,777. 50.09% of electors voted.

Percentage success

Independent	83.00%
Independent smallholders	3.8 %
Democratic forum	2.3 %
League of Free Democrats	1.65%
Christian Democrats	1.77%
Agrarian	0.8 %
Hungarian Socialist Party	0.8 %
Coalition Democratic Forum and Agrarian	0.7 %

- ii. Lists of individual candidates for the municipal councils - 2,727 municipalities valid. 50.89% of electors voted.

Percentage success

Independent	72.00%
Independent smallholders	6.2 %
Democratic Forum	4.3 %
League of Free Democrats	3.75%
Christian Democrats	2.9 %
Agrarian	1.3 %
Hungarian Socialist Party	1.12%
Young Democrats	0.59%
Coalition of smallholders and Democratic Forum	0.58%

II. Municipalities over 10,000

- i. Individual candidates for the municipal councils

Of the 2,112 constituencies, only 403 elections were valid, (ie over 40% voting) - thus representing under 20% of total number of constituencies.

Percentage success

Young Democrats	16.38%
League of Free Democrats	14.4 %
Democratic Forum	14.4 %

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Independents	12.5 %
Christian Democrats	9.2 %
Coalition of Christian Democrats/smallholders	5.5 %
Smallholders	4.5 %
Hungarian Socialist Party	2.23%
Democratic Forum/Agrarian coalition	2.0 %

ii. Party lists for places on the municipal councils

League of Free Democrats	21.00%
Democratic Forum	18.5 %
Young Democrats	16.0 %
Democratic Forum/smallholders	9.5 %
Christian Democrats	9.5 %
Socialist Party	6.53%
Coalition of Christian Democrats/smallholders	4.0 %
Hungarian Socialist Party	1.2 %

iii. Minority group representatives

Elected to 226 positions, ie 0.8% of the total

III. Budapest

The election was invalid overall, because of only 37.39% turnout. Of the 22 districts, five were valid, 17 not.

League of Free Democrats	31.4%
Democratic Forum	24.9%
Young Democrats	17.7%
Socialist Party	9.0%
Christian Democrats	6.3%
Hungarian Socialist Party	4.3%
Independent smallholders	3.8%
Urban development party	0.9%
Private sector and manufacturers	0.6%

