

Gerrymandering Fidesz' way to re-election?

Fidesz' electoral law is now almost complete and most of the crucial details have been submitted in a bill to Parliament. Most of these details reflect the trends we outlined a couple of weeks ago in our analysis of the bill's rough draft. The most important novelty – and the one we focus on in our review below – is that Fidesz has also designed the new district boundaries. As we noted a couple of weeks ago, there was a significant risk of Fidesz using the opportunity of having to redraw constituency boundaries to gerrymander the districts. As it happens, that is exactly what the political cartographers did. Though some strict rules Fidesz fortunately retained considerably limited the leeway the government's experts had, they made the most of the possibilities available and gave Fidesz a not so insignificant boost for 2014.

Fidesz still hasn't completely fleshed out the new electoral system, but the bill submitted last week by János Lázár is now near comprehensive. There are some crucial details still missing – we still don't know how long candidates have to collect their increased burden of endorsement sheets, which will have a huge impact on what we have called one of the most problematic issues, namely ballot access.

Many of the rules are as anticipated, however. In essence, this means that it will be much harder for new parties to field a national list or even individual candidates, and that the majoritarian element of our mixed electoral system will be substantially reinforced, both by increasing the share of MPs elected in single-member districts and by the abolition of the second round.

Risks and hopes

The combined effect of these rules is to give considerable added strength to whichever party finishes first. This will make it easier for a minority party facing a fragmented opposition to win a parliamentary majority. Already under the existing system, MSZP won a 54% majority in Parliament with a mere 33% of votes in 1994. The reforms also make it more likely that an election winner captures two-thirds of the seats, in fact Fidesz' two-thirds majority in 2010 – itself the result of “only” 52.77% of the votes – would have been a whopping three-quarters majority in Parliament, had the new rules applied last April.

This carries some risk for Fidesz' cherished Basic Laws, but the governing party figures that the potential boon to its electoral prospects outweighs the slim probability that its share of MPs will be reduced to less than a third. It's a rational risk.

Given that we have analysed most aspects of the new system already in weeks 41 and 42, we would kindly refer our readers to those issues for a more detailed and comprehensive discussion of the new rules, while we will focus only on one prominent feature below: district boundaries.

Bending the rules

We drew the sceptre of gerrymandering on the wall a couple of weeks ago, but obviously it wasn't a particularly daring guess in light of Fidesz' predilection to rewrite rules in its own favour. Hence we weren't surprised to see that the new electoral district boundaries contain a few changes that exclusively benefit Fidesz.

At the same time it is important to point out that Fidesz accepted some obvious limitations in terms of redrawing districts, which made absurd outcomes, such as for example dragon-shaped districts, unlikely: by virtue of the existing regulations, future districts have to adhere to existing county boundaries; district borders have to be contiguous, ruling out overly weird shapes; and each district has to contain roughly the same number of voters, with a maximum of 15% divergence between population sizes per district. The enforcement of the last rule actually marks a significant improvement over the existing situation, which the Constitutional Court has ruled unconstitutional twice previously, to no avail.

The edge

Nevertheless, it is obvious that district lines were not drawn without bias, and though the political influence is not as dominant as it may have been without the above-mentioned restrictions, neither was the process or its outcome a reflection of ideal democratic decision-making – unless one considers that an electoral victory of whatever magnitude authorises the winner to enact a host of self-serving rules, which appears to be Fidesz' warped understanding of democracy.

The means that were employed to give Fidesz an edge were fairly standard fare in gerrymandering. For one, left-leaning areas were chipped off of swing districts and added to heavily left-wing districts, thus concentrating leftist voters in already safe districts, while making swing seats more reliable right-wing constituencies. The other method is essentially the reverse: you take small bites of reliable right-wing districts and add them to – mostly urban – left-leaning districts, turning them into right-wing constituencies. Ideally (for the creator, that is), the same distribution of votes will yield narrower majorities in the average district where the right prevails, but with more districts won overall.

Slashing the red bastion

The changes in the borders of Budapest district's are highly illustrative. It is difficult to understate the importance of Budapest for the Hungarian left, which exceeds even the substantial, roughly 17% of the total Hungarian population that the city is home to. Any

political majority to the left of Fidesz will depend heavily on Budapest voters and electoral constituencies. To illustrate this, it is worthwhile to take another peak at previous elections.

Without Budapest, the left would have been soundly defeated in 2002 and 2006. In both these elections MSZP won 28 of Budapest's 32 electoral districts, all but the four Buda constituencies that may now be accurately labelled as the most reliable conservative districts in the nation. The lopsided result in the capital gave MSZP enough buffer to slightly outweigh Fidesz' dominance in much of rural Hungary. For the left, the imperative until now was to sweep Budapest almost completely, for when it failed to do so - e.g. in 1998, when it lost an insubstantial seven out of 32 seats – it also lost the election. (This is not to say that the left can't actually afford to lose a few more seats in Budapest: the point is that sweeping Budapest is the baseline for the left – if it can't swing that then that is indicative of insufficient support nationally).

The electoral reform would reduce Budapest's number of single-member districts from 32 to 18, or from 18.2% of all constituencies to 17%. That is fair in and of itself, given that this slight adjustment brings Budapest's electoral weight roughly in line with its share of the population. Yet Fidesz managed to construct district boundaries in such a way as to preserve the number of safe right-wing districts – there are still 4 – while also making some of the left-leaning districts more competitive. Hence the stable left, left-leaning and swing districts will be halved from 28 to 14, while Fidesz doesn't lose anything.

In an extremely tight election this change in itself could impact the outcome. Reinforced by similar changes across the country, however, the couple of seats that will swing to Fidesz even though it might have lost them in a close election will very likely constitute a cushion that will help the governing party weather a popular swing towards the opposition. The government's advocates are perfectly correct in stressing that the rules continue to make a free and fair election and hence a democratic choice possible. At the same time, they do tweak the existing system sufficiently to make ousting one particular governing party considerably harder, without providing any acceptable rationale for so doing. That is nothing but the self-serving and arbitrary exercise of the constituent power that the public vested in Fidesz.