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The formation of electoral culture in Hungary

The article is devoted to the study of the culture of parliamentary elections in Hungary. The author addresses the experience of European electoral systems (Poland, Germany) and analyzes the particularities of the Hungarian electoral system after the political revolution. It proves the necessity of increase of political culture of electorate, including through the media.

Key words: representative democracy, Hungarian Roundtable Negotiations, an electoral reform, the 1989 change of the political system, a three-tier and — two-round system, the German and the Polish electoral systems, the new Electoral Act of 2011.

Introduction

When looking into modern democracies the square one question is what the relationship between the people and their representation is like. What the answers to this question tend to share is the view that the people, as a political subject, is represented by its elected representatives in an institutional system of power. Therefore it is fair to say that the democratic representative system «makes the people the subject and part of the institutional power, and not an opposing political subject» [1,7].

As the basic forms of exercising public power both direct and indirect democracy dates back to the Ancient Times. While direct democracy is governed by the principles of freedom and equality, representative democracy means political institutions in which the decisions are made by the majority voting of democratically elected representatives. Hungary is a modern parliamentary democracy, which was formed during the changing of the political system between 1989 and 1991.

The changing of the political system

Including legal, administrative, economic and cultural changes in addition to the political ones, as this was characteristic of periods following the collapse of Eastern, Central and Southern European communist regimes, the changing of the political system and the subsequent transitional period took place between 1989 and 1991. In these countries this allowed democratic and pluralist systems to be created by dismissing the authoritarian communist political regimes.

Huntington (1991) describes the transition and the changing of the political system in Eastern Europe as ‘democracy’s third wave’ affecting more countries and societies than ever before. Eastern European socialist systems were primarily regarded as permanent regimes and not as transitional ones. The changes in Hungary in the 1980s were regarded as transitions within socialism, proving the capacity of the socialist regime to reform itself instead of foreboding the collapse of the entire system amidst a legitimization crisis.

The changing of the political system in Hungary was both unforeseen and unprecedented in terms of historical international changes. The ‘empire’ of the European socialist countries collapsed in ten countries at a pace unprecedented in history, starting with Poland, Hungary, East-Germany in July, September, November 1989 respectively, only to be followed by Czechoslovakia, Romania and Bulgaria in December 1989. Some twenty new states were created in the territory of the crumpled ‘empire’. As opposed to changes in Hungary this involved the crush of the institutional political power in the German Democratic Republic (DDR) and in Romania, and the maiming of the machinery of state in Poland and in Czechoslovakia.

Huntington sees Hungary as one of the prototypes of the political changes in the Soviet Bloc, where the elite of the authoritarian regime in power played a role in doing away with it and in building a democratic system instead.

As Kukorelli puts it, ‘Bargained, negotiated, consensual, velvet and bloodless revolution in the rule of law, democratic and peaceful transition. Shifting, amending and changing of the system. Do we actually have the right words for 1989 to describe history faithfully and truthfully? It is high time to clarify this, all the more so because today many look on 1989 as the «original sin», calling what happened back in 1989 a replacement of the system or flat-out a mere «changing of the gangsters» [2; 1]. Kukorelli adds the adjective

«constitutional» to the term «changing of the political system», in agreement with the decision by the Constitutional Court 11/1992 (III.5.), which declared that, by proclaiming the amendment of the Constitution on 23 October 1989, practically a new constitution was entered into force, introducing a root-and-branch change by giving the state, laws and the political system a completely new character and qualities, and thus making the Republic of Hungary an independent and democratic country where the rule of law prevails. The events in 1989 created a constitutional democracy based on the rule of law.

What minister of home affairs Horváth István said when proposing the draft law on the election of members of the national Parliament in October 1989 is still valid. «Although the new law provides for the most democratic solutions, it cannot possibly bring about the desired changes in itself. We must be able to actually exercise the freedom and take advantage of the opportunity ensured by the law — and, if ever that was important then now it is all the more so, we must not misuse it» [3; 51].

The participants of the Roundtable Negotiations created the Hungarian electoral system on the basis of the constitutional principle of equal voting rights.

Election systems have proved to be the most stable of all institutions of representation in democracies, and as Lijphart (1994) sums it up the amendments of the systems did not apply to the entire system at hand, only to the formulas used and the parliamentary thresholds. It happens rather rarely that the system is reformed in its entirety, i.e. bringing about comprehensive and radical reforms. This stability shows the conservatism inherent in electoral systems. With the legitimacy of government challenged one is faced with the issue of an electoral reform. Together with several other democratised countries, Hungary opted for a mixed electoral system during the landmark events of 1989. However, the Hungarian system of 1989 is still unique not only because for us, Hungarian it was simple even in its complexity, but also because it is one of the most complex systems in the world. Being a three-tier and — two-round system employing even two of the available election formulas, it earned itself respect since the system that was designed for a one-off use was tried and tested in altogether 6 elections, proving that it was viable and functional.

The Hungarian electoral system after the changing of the political system

As a basic political right the right to vote is provided for in the constitution (basic law), whereas the procedural and substantive, system-like norms and the election rules are regulated by the Act on the election of member of the Parliament and the Act on the electoral procedure respectively, all of them cardinal laws today.

As a basic political law, the right to vote affects the creation of the Hungarian Parliament as well as its composition, and «the elections based on universal suffrage give democratic legitimacy to the representative and legislator power and indirectly to the governmental power» [4; 172]. The right to vote is linked to two major issues regulated by the constitution, to the constitutional regulation of fundamental rights on the one hand and of the structure and functioning of the state machinery on the other. The right to vote is, therefore, a right to participate, participate in public issues and a key to the legitimacy of representation.

The regulation of the electoral system, negotiated between 13 June and 18 September 1989 in the course of tri-lateral political negotiations, was adopted in a law requiring a two-thirds majority. Amidst conditions of the political transition the participants of the negotiations agreed to come up with a so-called mixed and two-round and set the threshold for representation in Parliament at 4 % to ensure governability and functionality. The mixed system adopted both by those preparing the (National Roundtable) negotiations and by the Members of Parliament was rather complicated since it was trying to combine the advantages of majority and proportionate representation systems, i.e. directness and representativity. As intended by its makers, the law was designed to serve its purpose a single time. Even though the social and political circumstances changed in the meantime, the system was up and running and served altogether six elections.

It is safe to say that the electoral system set up when the political system changed had two electoral systems living side by side in it. One of the systems was that of the individual constituencies, with 176 seats to win in way that citizens could vote on individuals and the one getting the majority of the votes was made Member of Parliament. The other one was the proportionate system where one can vote on party lists and the 152 mandates were distributed among the parties proportionately with their share of the votes. In addition to these two ways to get a seat in Parliament, the remaining 58 seats were filled by people from national party lists in line with their share of the fraction votes to strengthen proportionate representation.

Next we will give an insight into the German electoral system upon which the Hungarian system was modelled on when the political system changed.

The German electoral system

When looking around in the international arena, we must take a close look at the German electoral system, which is of great significance not only internationally but also for us, Hungarians since it served as a model when the Hungarian system was formed during the National Roundtable negotiations when the socialist regime fell apart.

Classified either a compensation type system or regarded as a class by itself, the German electoral system is a so-called personalised proportionate system. It is also classified as a hybrid system working towards proportionality, since German citizens cast two votes. The first one is given to an individual candidate in a single-member constituency in a simple majority system, while the second one is given to a party list. If the number of seats won by a party in a *Land* exceeds the number of mandates originally allocated to it, i.e. the number of party members achieving a relative majority in their own constituency exceeds the number of seats originally allocated to the party within the particular *Land*, then the party may keep such surplus or so-called overhang seats (*Überhangmandate*). The other parties are given no compensation for the surplus seats. The German electoral law foresees a correction mandate system, since on top of the seats won on a first-past-the-post basis in the individual constituencies a specific number of correction mandates are also allocated at *Land* level, to work towards a true proportionality of the election results.

Not unlike Hungary, the electoral system in Germany has undergone some changes as a decree by the German Constitutional Court from 2008 ruled that the Electoral Act should be amended to comply with the provisions of the German Basic Law. Under the old system it was possible that a vote for a party could backfire by turning out to be harmful and no good for the particular party. The system of the so-called surplus mandates made it possible for a party to win more seats in the *Bundestag* than its proportion of the total vote would have justified.

In 2008 the Constitutional Court found it was vital to amend parts of the system in order to ensure that election result truly showed the intended political will of the voters underlying their votes cast. The Court reckoned that the so-called 'negative vote value' put the equality and the direct nature of the elections in jeopardy. As a result of negative vote values a party could get more votes than it was justified according to their share in the total of the second votes or the other way round. This was due to the fact that in the German electoral system *Bundestag* seats were allocated on the basis on a personal vote for an individual candidate and on the basis of a second vote for a party list. The Court argued that the negative vote value did not allow each and every vote cast to serve the intentions of the voter, in other words, it could not fully and reassuringly ensure a positive effect on the party preferred and voted by the voters, a breach of the fundamental principle of the equality of the elections.

This amendment of the Electoral Act also resulted in the introduction having so-called compensatory mandates, meaning that all the other parties that made it through the parliamentary threshold will be given a compensatory seat each if a party wins surplus mandates. The electoral system is thus in full compliance with the decree by the German Constitutional Court. Altogether we can conclude that although the German system opted for proportionality, both the old and now the new, amended Hungarian electoral law focuses rather on compensation.

Proposals to reform the Hungarian parliamentary system between 1990 and 2011

From as early as 1990 on a number of proposals have been tabled to amend the Hungarian parliamentary elections system from among which we find the proposals below highly significant.

- 1990–94: Horn Gyula wanted to reduce the number of MPs to about 220–250 persons and the idea of a two-chamber assembly was also put forward. Prompted by the criticisms one of the very first reform proposals was tabled by the social-democratic SZDSZ, which argued primarily that the Parliament oversized and its headcount needed to be cut, therefore Szigethy István of the SZDSZ elaborated a distribution system the pivotal point of which was to allocate seats in proportion with the votes given to a party on the party lists, thus maintaining the mixed system. In July 1994 the section of the Government programme on electoral reform proposed a one-round system ensuring greater proportionality. Prime Minister Horn was even talking about the possibility of reducing the parliamentary headcount to 220 to 250 persons and the option of establishing a two-chamber parliament. In spite of such plans no major changes were made to the electoral system between 1990 and 1995. Altogether seven amendments were adopted including one crucial change raising the threshold from 4 to 5 %;

- 1994–98: This period also saw suggestions to reduce the number of MPs. Already at this stage Fidesz was proposing a radical reduction of the headcount to 220 to 250 persons. The Socialists were proposing to keep the mixed system while reducing the headcount, whereas the Social Democrats wanted to reduce the headcount while ensuring proportionality. Although in December 1998 Fidesz tabled a proposed amendment to the law and initiated a reduction in the headcount, the parties, however, failed to reach a consensus;
- the Government's programme of 1998 included a proposal to establish a smaller and more efficient Parliament. A six-party parliamentary committee was set up to elaborate the details (to adopt a new system, the minimum of a five-party consensus was needed) but this plan was, however, rather short-lived;
- 2004: Medgyessy Péter also wanted to reduce the number of MPs from 386 to 250 persons. At this stage they wanted to amend the electoral system as well since it would not have been possible to reduce the size of the Parliament without reforming the electoral system at the same time. This latter proposal foresaw a one-round, relative majority system;
- 2006–09: Several suggestions were made to reform the system but none of them was supported by the Parliament.

Even though a number of other suggestions were put forward in the past 20 years to amend the electoral system in addition to the proposals above, the system *per se* remained unchanged in its most important features. One of the key issues such proposals were focusing on was the parliamentary headcount. Although most opinions on this tended to include the proposal to reduce the headcount on grounds of efficiency and cost-cutting, not very many feasibility and impact studies were published and governments continued to be formed from 1990 on without a hitch in the electoral system elaborated when the political system was changed. Analysing headcount issues in a European context and on the basis of data from all over Europe, Rózsa concluded in 1999 that the Hungarian Parliament counts as a large one in Europe; its headcount even renders it the largest among countries with a similar sized population, but nonetheless not so large that it would be an absolute necessity to reduce it [5; 4, 5].

In addition to the points above we can conclude that during the discussions concerning the reform of an electoral system the problem often pointed out by experts, namely the disproportionate size of the individual constituencies was not given due attention. Ever since their establishment the differences in the disproportionate size of the constituencies grew up to two or even three times, which, due the demographic changes that took place since, triggered further disproportionalities. In democratic systems such anomalies are normally corrected after the forthcoming ten-year census.

What logically follows from this is that in the period preceding the two-thirds victory of the FIDESZ-KDNP coalition in 2000 the parties failed to come to an agreement on the electoral reform, which was probably due partly to the fact that the old system was negotiated before it was set up and partly to its relatively balanced nature and the democratic values achieved and acknowledged in the mixed system. Also, in spite of the errors inherent in the system and analysed to death it was still able to ensure a balanced governability and proportionate representation. In 2006 Dezső listed its democratic values by pointing out features like a) the single-member constituency system as the form ensuring contact between voters and their elected representatives, b) ensuring governability by designating a dominant party through the majority hand in the system and c) achieving representativity by party-list compensation mandates [6; 55].

The applicable Act CCIII of 2011 on the election of the Members of Parliament

If you want to outline the preceding history leading up to the act then one has to mention the events as follows. Since it made its way back to power in 2010, FIDESZ was throwing the idea of a new electoral law in the public mind time and time again and was doing so with reference to a number of the law's components. The other parliamentary parties have also been dealing with proposing a new law providing for the rules of parliamentary elections and chaired by Salamon László (KDNP), a parliamentary sub-committee was set up to reconcile the various ideas.

In their earlier drafts the Fidesz-KDNP coalition was advocating the mixed system while both the socialist MSZP and the right-wing Jobbik was favouring the introduction of a proportionate — party-list based — electorate system. The draft laws proposed by the Fidesz-KDNP and the MSZP were downright contradicting one another, since FIDESZ-KDNP wished to maintain the existing mixed system whereas would have preferred a purely list-based system.

As proposed by the draft law tabled by Fidesz-KDNP on 17 May 2010 on the election of the Members of Parliament (proposed by Kósa Lajos, Navracsics Tibor, Répássy Róbert, Rétvári Bence, Parliamentary document T/18.) the mixed electoral system would have been maintained with the modification, however, that the regional lists would be cancelled and citizens could vote on national party lists instead. They calculated with a Parliament of 198 members, plus 13 minority mandates. Out of the 198 members 90 was supposed to be elected in single-member constituencies, 78 from a national party list, and fragment votes would have allocated another 30 mandates. The law, however, was designed in terms of a one-round system and would have opted for a relative majority in the individual constituencies, while maintaining the parliamentary threshold, of course. Along with other analysts Szigeti reckons that «... the proposal unveiled rather unexpectedly ... can be seen as generous towards other political players, and by setting up a parliamentary sub-committee to prepare the electoral reform to reduce the number of MPs it created a forum for political negotiations and reconciliation» [7; 53]

Tabled also on 17 May 2010 the MSZP's draft law proposed a reduction to 199 MPs including 176 Members elected from regional — county and Budapest capital — lists and 23 from a national list to award mandates by totalling fragment mandates. In the one-round system proposed the parliamentary threshold would have been 5 %.

This seems the right place to make reference to the Polish system, which is designed in a way similar to the MSZP's proposal. After the Electoral Act of 1991 was amended, the majority of the mandates (391) are allocated to regional lists and 69 seats can be won on a national list. In 2001 they chose to do away with the national list, and now 7 to 14 mandates can be won in each of the 41 constituencies. Polish citizens can vote for this list but in addition they also have a so-called preferential vote which means voters can indicate a name on the list they wish to see in the Sejm. Such preferential votes are taken into account then allocating the seats to the persons on the list.

At the session of the parliamentary sub-committee discussing the reform of the electoral law on 17 October 2011 the parties failed to reach a consensus. Although chairman Salamon László put several proposals to the vote, including among others the proposal by the MSZP and one put forward by Lázár János, but none of them could reach the necessary majority in the sub-committee working on a partners-at-parity basis. On 20 November 2011 Lázár János tabled his private member's bill, which was adopted to create the new Electoral Act foreseeing a new electoral system.

An electoral system should only be assessed with due consideration to all of its components. One of the crucial factors is whether we are dealing with a proportionate, majority or mixed system. An equally essential question is how the majority and proportionate components complement one another. Duverger's law asserts that purely majority rule elections structured within single-member districts, where seats can be won with a relative majority, tend to favour a two-party system. (Duverger, 1972) A proportionate, list-based system tends to result in a rather fragmented party structure [8; 362].

On 6 April 2014 we, Hungarians had the opportunity to experience first-hand that voters could elect 106 MPs in single-member constituencies and 93 from a national list. The procedure to elect our MPs was made one-round only, as part of which voters with domiciled in Hungary could vote for one candidate in a single-member constituency and a party list, whereas citizens domiciled in Hungary and listed as belonging to a minority could vote for one candidate in a single-member constituency and the minority list. Those eligible to vote in the absence of a domicile in Hungary, i.e. ethnic Hungarians outside the borders of Hungary could vote for a party list only.

When the new act was adopted the boundaries of the constituencies were also re-drawn. When the draft law was put forward it was argued that the re-drawing of the constituency boundaries was made necessary by the Constitutional Court Decree of 2005, which was designed to ensure that the boundaries of single-member constituencies do not cross the boundaries of counties of that of the capital, that such districts should form a single coherent area and lastly, that the number of those eligible to vote should be roughly the same. The new single-member constituencies, therefore do not cross county boundaries, which logically followed from the old electoral law with county lists, thus making counties an electoral unit. In the new system, however, county lists have been eliminated to give way to one single national list instead.

The new Act allows a divergence in the size of the constituencies exceeding 15 % of those eligible to vote only if the divergence cannot be maintained for objective reasons, be it what may, say migration, for instance. Changing constituency boundaries is made mandatory for the Parliament when, for whatever reason, such divergence exceeds 20 %. The Act created 18 and 12 single-member constituencies in Budapest and in county Pest respectively. In the remaining countries 2 to 7 single-member constituencies were established in proportion with the number of those eligible to vote.

Prior to the adoption of the new Act the boundaries of the constituencies were still regulated by a Council of Ministers' Decree from 1990 adopted by Németh Miklós Government. (Council of Ministers' Decree 2/1990. (I.11.) on the establishing of the boundaries of single-member constituencies and regional electoral districts) Drawing the boundaries of constituencies has always been a rather thorny issue due to the manipulation of the district boundaries, known as gerrymandering. Coming from US English, the political term designates the practice of manipulating district boundaries to gain political advantage. Governor of Massachusetts Elbridge Gerry signed a bill in 1812 to change the boundaries of electoral districts, favouring his own party, hence the term.

The number of recommendations needed for a candidate in the first place doubled under the new regulation, saying that the area of the individual districts, and therefore the number the eligible voters also increased. A candidate, consequently, needs at least 1500 recommendations from eligible voters listed in the particular single-member constituency. By law a voter may recommend only one candidate but may do so only in the case of candidates in his/her own constituency, although there is no way to check who gives how many recommendations to whom.

Fragment votes and over-compensation

Under the old Electoral Act of 1989 those eligible could vote for individual candidates and regional lists but not for a national list, since it was used to collect fragment votes only. Under the new Act the two lists were merged since the number of MPs was reduced from 386 to 199. The methods employed to allocate compensation seats and mandates from the lists are as follows. To begin with, any vote that failed to result in a mandate in a single-member constituency is automatically transferred to the national party list, saying that the number of single-member districts had been reduced. Also, the winner, too, gets fragment votes after the ones that did not result in a mandate, on the grounds that this is not unprecedented in the international arena, take Italy for instance. This, however, can lead to overcompensation. The winner in a single-member constituency does not use all of the votes that had been cast for him/her but a single vote over the number of votes the second candidate was given to use the thus outstanding votes once again as fragment votes. As pointed out by analysts, this became the disproportionality factor of the new system, raising a number of further issues. One of the most significant of these is certainly the question whether or not a vote cast for the winner in a single-member constituency resulted in one or more than one mandates.

The system's tendency to lean towards disproportionality is particularly striking as looking at turnout rates and votes we can conclude that 55 % of all voters in all of the votes voted for candidates other than the FIDESZ-KDNP one and yet, the FIDESZ-KDNP could achieve a two-thirds victory with this 45 % vote rate. Data seems to suggest that a relatively small election difference can result in an overwhelming victory.

Votes by ethnic Hungarians outside the borders of Hungary and the representation of minorities in the Hungarian Parliament

Another new element in the Act is votes by ethnic Hungarians outside the borders of Hungary. It seems justified to underline the representation of minorities in Hungary, which, in the argumentation of the law, is necessary as 'The currently applicable electoral rules fellow Hungarians living outside the borders of Hungary do not have the right to vote in Hungarian parliamentary elections and the parliamentary representation of minorities in Hungary is also a problem to be remedied'. (Parliamentary document T/5006:99)

One of the exception rules in the Basic Law allows Hungarian citizens domiciled abroad to vote for party lists only, which may pose problems from the aspect of international law since this violates the principle of equal votes as provided for both by the European Convention of Human rights and the UN International Covenant on Civil and Political Rights. When a country gives a person the right to vote, this cannot be restricted, i.e. a half vote. There is no legal obligation to give the right to vote to Hungarians citizens domiciled outside the borders of Hungary, but if Hungary chooses to do so, she can give a full right only. In the case of the Hungarian citizens domiciled elsewhere a sound argument against their voting rights can be that the right to vote should be given to those only who will be bearing the consequences of thereof. The Hungarian Basic Law argues that such voting right are justified because these people are Hungarian citizens and can return to their mother country at any time, which would make them decision-makers. Knowing how things are these days in Central and Eastern Europe, allowing Hungarians domiciled outside the borders of Hungary vote for individual candidates would be bound to provoke the fury of neighbouring countries since this would tantamount to establishing electoral districts within their jurisdiction.

The way votes cast by citizens domiciled outside the borders are calculated varies from country to country, Poland, for example, adds such votes to a district in Warsaw but a half-vote system is clearly unprecedented.

The new Electoral Act provides also for the representation of minorities. The respective national minority self-government may compile a minority list only. To make it to this list candidates need the recommendation of at least 1 % of the persons listed as a minority citizen, which is capped at 1500 recommendations.

The Act guarantees minorities one eased mandate each, which reduces the number of mandates on the national list. Another novelty element in the new Act is the institution of the minority spokesperson, should the minority fail to win a seat for whatever reason, thus guaranteeing the opportunity for minorities to participate in the Parliament's work.

Summary

Starting out from the relationship between representative and direct democracy, this study provides a brief overview of the Hungarian electoral system as it was formed when the political system was changed in 1989, outlines its history ever since, and whilst also offering a comparison with the Polish and the German systems as two examples of electoral systems in Europe, it focuses primarily on the regulatory aspects of the electoral system, knowing fully well and bearing in mind that the most important instrument of renewing a representative democracy is free parliamentary elections.

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М.Хорват, М.Фрешли

Венгрияда сайлау өткізуде электоралды мәдениетті қалыптастыру

Мақала Венгрияда парламенттік сайлау өткізудің мәдениетін қалыптастыруды зерттеуге арналған. Авторлар еуропалық сайлау жүйесінің тәжірибелерін (Польша, Германия) қарастырып, саяси төңкерістен кейінгі венгерлік сайлау жүйесін талдады. Электораттың саяси мәдениетін бұқаралық ақпарат құралдары арқылы көтеру қажеттілігін дәлелдеді.

М.Хорват, М.Фрешли

Формирование электоральной культуры в Венгрии

Статья посвящена изучению формирования культуры парламентских выборов в Венгрии. Авторами обобщен опыт европейских избирательных систем (Польша, Германия), проанализирована специфика венгерской избирательной системы после политического переворота. Доказана необходимость повышения политической культуры электората, в том числе через средства массовой информации.