

Searching for Differential Invalidation in Hungary's 2018 Parliamentary Election

Abstract: Democratic backsliding occurs when a particular party or candidate makes reforms in order to keep itself at the top. In some Eastern European cases, the fall of communism and their legacies can have an impact. The purpose of this research is to evaluate a potential cause of democratic backsliding in Hungary: changes to the electoral system to make the elections seem free, but not fair. Particularly, I will be looking at the case of differential invalidation in the 2018 Parliamentary election, in which the invalidation rate drops as the support for a particular party increases. To test for this, we will use data collected from the Hungary archive of elections. We will also look at the other four prominent parties in Hungary to detect patterns or other interesting information that could help us understand the deeper implications of democratic backsliding in Hungary.

Introduction

Democratic backsliding is on the rise in Eastern Europe. There are a multitude of reasons why democracy decays in the first place, but in Hungary, the exact cause is hard to pin down. In 2010, Viktor Orbán's Fidesz party made it into parliament, winning with a majority of the votes. Since that day, Orbán's changes in the electoral system kept Fidesz's place, the changes to the constitution have been made to assure Fidesz power, and tensions with the European Union have increased drastically. Many scholars describe elections in Hungary as "...free, but not fair."¹ The purpose of this paper is to investigate the effects of the changes in the electoral system. One way to test for unfairness in an election is by determining whether or not differential invalidation is present.

Differential invalidation occurs when the votes for one place are invalidated at a higher rate than the others, given the support rate for the candidate. In our case, we will be investigating if Fidesz had evidence of differential invalidation in Hungary's 2018 parliamentary election. We will test for this using a Vector-Generalized Linear Model, which is different from the Classical Linear Model and an extension of the Generalized Linear Model. It is important to note that no matter what we find, this is just what the statistics are telling us. There could be other modes contributing to why democratic backsliding is happening in Hungary due to Fidesz, but this is just one speculation.

Background on Democratic Backsliding

There are many causes of democratic backsliding; the causes of global illiberalism are believed to be due to polarization in Western societies, deficient political institutions, and the

¹ Krekó, Péter, and Zsolt Enyedi. 2018. "Orbán's Laboratory of Illiberalism." *Journal of Democracy* 29, no. 3 (July): 39-51. 10.1353/jod.2018.0043.

failure of political powers to address the defects of their parties and systems.² It is theorized that all democracies are subject to three causes of backsliding: epistemic disfiguration, populist disfiguration, and plebiscitary disfiguration.³ Epistemic disfiguration paints democracy as a system of knowledge, where elites in the political system practically remove mass politics so it is more controlled.⁴ Removing mass politics essentially removes extra political parties that could be getting in the way of the goal of the elites. The populist disfiguration takes into consideration the will of one specific group of people and excludes the others.⁵ An example of this could be the consideration of the povered over the wealthy; many populists tend to attack the wealthy in order to make a case for protecting the people.

The view of plebiscitary disfiguration is strongly represented in Hungary's case. This involved the reduced participation of citizens in government; in other words, the parliament, the president, or other political decision-makers control the ballot box and the systems behind it.⁶ The citizens can vote, but the candidates are hand-selected by the President, so there really is not much of a choice. An additional example of this is the National Election Committee. Essentially, they are elected by the parliament to observe the elections and count the ballots. Because such a powerful committee is chosen by the parliament, it gives a sense of hopelessness to the citizens for any change in power.

In a global sense, there is an idea of illiberal democracy, which is a cause of democratic backsliding. In semi-democracies, backsliding was developed by the political elites.⁷ Typically, this process comes from a number of controversial laws, a change in the constitution, and

² Anders, Lisa H., and Astrid Lorenz, eds. 2021. *Illiberal Trends and Anti-EU Politics in East Central Europe*. N.p.: Springer International Publishing. 10.1007/978-3-030-54674-8.

³ Anders, Lorenz, "Illiberal Trends", 306

⁴ Anders, Lorenz, "Illiberal Trends", 306

⁵ Anders, Lorenz, "Illiberal Trends", 307

⁶ Anders, Lorenz, "Illiberal Trends", 307

⁷ Anders, Lorenz, "Illiberal Trends", 313

changes in other checks and balances, such as electoral systems. Cases of illiberal democracies are prevalent in Hungary, Poland, and other ECE countries.

Scholars believe that in the trends of Eastern Europe, the post-communist environment has played a large role in the erosion of democracy. As far as the hallowing of democracy is concerned, it is mostly seen in declining voters' turnout.⁸ A multitude of factors cause a decline in turnout; examples include the lack of representative parties, indifference, or, more importantly, the feeling a vote will not matter or will not contribute. This could be seen in Hungary since the electoral system is set up in such a complex way.⁹ In addition, illiberalism rapidly increases when there are right-wing parties prominent in government, such as Viktor Orbán's Fidesz party. Although it may not be the goal of authoritarian leaders to reel in democracy, their practices (like changing the electoral system) contribute to confusion, caution, and distrust.¹⁰

Democratic Backsliding in Hungary

Democratic backsliding in Hungary was noted to begin after the 2010 Parliamentary election in which Viktor Orbán's Fidesz party was victorious. Since the win, Orbán has made efforts directed towards eliminating checks and balances that constrain the Hungarian executive by compromising the separation of powers, changing the electoral system, and controlling the media. There are a plethora of other factors contributing to democratic backsliding in Hungary due to the Fidesz party, but the purpose of this study is to focus on the electoral changes.

Perhaps the democratic backsliding of Hungary was inevitable. This could be theorized because, during the post-communist transition, Hungary did not update its constitution; instead, Hungary fixed the voting laws and remodeled the constitution, and allowed a two-thirds majority

⁸ Greskovits, Bela. 2015. "The Hollowing and Backsliding of Democracy in East Central Europe." 6, no. Global Policy (June): 11. 10.1111/1758-5899.12225.

⁹ Schackow, Nathan. (2014). "Hungary's Changing Electoral System: Reform or Repression Inside the European Union?."

¹⁰ Greskovits, "The Hollowing", 30

of parliament to make changes to the electoral systems and the constitution.¹¹ It is believed the writers of the constitution did not think it was possible to win such a majority, but in 2010, it turned out to be true. Fidesz only won 53% of the popular vote, but because of the new electoral system, it was enough to give them the 68% majority. At this time, there were 386 seats in the National Assembly; Fidesz gained 263 of these.

Because of this prominence in the national assembly, Fidesz was able to shape the way elections were done in Hungary, specifically by, but not limited to, making changes to the electoral system and enforcing rules on the media and other campaign advertising.¹² The changes made to the electoral system added an even larger majoritarian presence; so, even though Fidesz failed to win more than 50% of the votes cast in both the 2014 and 2018 elections, it still managed to secure the two-thirds majority in parliament.¹³ What is really striking about all of this is that after changing the electoral system, the people have a pretty difficult say in who makes up the majority of the parliament.

Prior to Fidesz's changes in 2010, the electoral system was complex. A year after a citizen of Hungary turns 18, they are permitted to vote.¹⁴ Voting also was not required by law. Citizens outside of Hungary were also permitted to vote.¹⁵ The parliamentary elections take place every four years; the parliament is made up of 386 seats. Every eligible voter has two votes to cast: one candidate vote (for the single-seat) and then the party list.¹⁶ 176 members are elected by an absolute majority voting system in the single seat constituency, and the rest are filled from

¹¹ Krekó, Zsolt, "Orban's Lab", 40

¹² Scoggins, Bermond. 2022. "Identity Politics or Economics? Explaining Voter Support for Hungary's Illiberal FIDESZ." *East European Politics and Societies and Cultures* 36, no. 1 (February): 3-28. 10.1177/0888325420954535.

¹³ Krekó, Zsolt, "Orbán's Lab", 46

¹⁴ Schackow, "Hungary's Electoral System", 3-4

¹⁵ Schackow, "Hungary's Electoral System", 3-4

¹⁶ Schackow, "Hungary's Electoral System", 4

national party lists.¹⁷ In the 2010 election, and those before it, the elections took place in two rounds. The second round was only for single-seat constituency elections. If the candidate won by more than 50%, they would be declared winner and no second round would be needed.¹⁸ If there were to be a second, the top three candidates and any others who had at least 15% of the votes would enter the second round.¹⁹ Then, on January 1st, 2012, Viktor Orbán was able to amend significant parts of the constitution to reform election procedures in parliament that began with the next election.²⁰ The second round elections were abolished, the voter turnout requirements (for the seats to be awarded) were suspended, the regional and national lists were all combined into just the national list for all of Hungary, and the total number of parliament seats was reduced to 199, which is made of 106 from single-seat and 93 from party lists.²¹ All of these electoral changes benefit Fidesz because it limits the say of citizens in government; for example, let's pretend Fidesz had 36% of the votes, MSZP had 30%, and Jobbik had 34%. The lack of a second round election will automatically make Fidesz the winner, even though it was a fairly close match. To make matters more unfair, citizens are only allowed to vote if they register more than two weeks before hand.²² Fidesz also proposed 18 other changes, but they were ruled unconstitutional.

Due to all these changes in the electoral system, many believe the elections in Hungary are free, but not fair. What's the difference between a free and fair election? Free is giving the Hungarian people a right to vote, but the unfair part comes from the idea their votes really do not matter after all of Orbán's changes. A cause of unfairness could be due to differential invalidation. Differential invalidation occurs when the invalidation rate of votes decreases as the

¹⁷ Schackow, "Hungary's Electoral System", 4

¹⁸ Schackow, "Hungary's Electoral System", 4

¹⁹ Schackow, "Hungary's Electoral System", 4-5

²⁰ Schackow, "Hungary's Electoral System", 14

²¹ Schackow, "Hungary's Electoral System", 14

²² Schackow, "Hungary's Electoral System", 14

rate of support for a particular candidate (or party, in Hungary's case) increases. This could be caused by changes in the electoral system since Fidesz is working towards that majority vote. Because institutional roots of democratic backsliding, like the electoral changes by Fidesz, start the decay of democracy, it is important to perform statistical analysis to determine what is happening.

Data and Methodology

Data for this research was collected from *Nemzeti Választási Iroda*, the National Election Office (NEO) database in Hungary. The data that was collected was the counts of valid votes, invalid votes, and total votes for Fidesz, MSZP, Jobbik, LMP, and DK at the district level in each county of Hungary. In this study, we are only observing the single-member district results, not the seats determined by proportional representation. The quality of the source is legitimate in the sense it comes straight from the committee that counts ballots and announces the winner; however the NEO is selected by the members of parliament. Recall Fidesz controls 67% of the seats in parliament, so the NEO is practically selected by their standard.

For the model, the dependent variable will be the proportion of invalid votes and the independent variable will be the proportion of valid votes for the candidate. We will need to use a GLM rather than a CLM because our dependent variable is a count. This being said, we also have a binomial dependent variable since we are evaluating the number of successes (invalid ballots) out of the number of trials (votes cast). An important note is because of the aggregating (working at the county levels) we will have some overdispersion. To correct for this we use the Beta-Binomial. The reason we need to apply a Vector-Generalized Linear Model as opposed to just the GLM is that a Beta-Binomial is outside the exponential family. The Vector part of our

GLM, because we are working with a beta-binomial, will allow us to estimate the vector component, whereas just the GLM will estimate a scalar.

For further analysis, I created five different VGLMs; one for each main party in parliament. Those are Fidesz, Jobbik, MSZP, LMP, and DK. Table 1 below shows the composition of these five parties in the 2018 election. It is important to see what goes on in the entirety of parliament to look for patterns or get ideas for further research. After doing the models, I created graphics for each party to visualize the patterns (if any) for a broader understanding.

Table 1: Top five parties in the 2018 Parliamentary Election.

Party	Total Votes	Seats
Fidesz	2,824,551	133
Jobbik	1,092,806	26
LMP	404,429	8
DK	308,161	9
MSZP	682,701	20

Note: there are three other seats for an independent, the Together party (EGYÜTT), and MNOÖ.

Analysis

For this section, I will produce a table of statistics for each party, briefly discuss, and analyze it all at the end.

Table 2: Summary statistics for the five models.

Model	Slope Coefficient	p-Value
Fidesz	1.3120	0.0017**
Jobbik	1.4250	0.0000**
LMP	0.2594	0.5480

DK	-1.6055	0.0000**
MSZP	-1.0271	0.0010**

** denotes a p-value significant to the 0.01 level

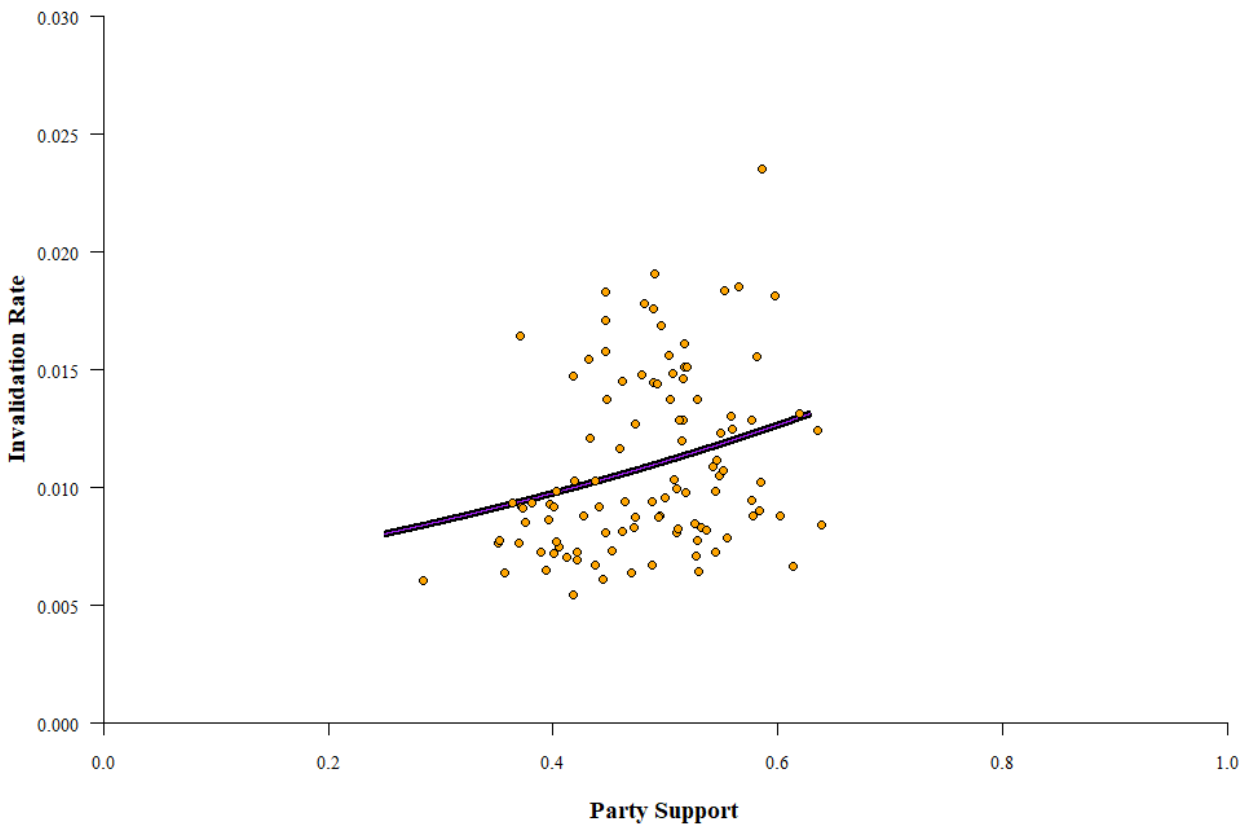
I will now do a party-by-party breakdown, starting with Fidesz. As we can see in Table 2, the slope was positive, meaning that as the support for Fidesz increases, the invalidation rate increases. Because this is a logistic transformation, we can read it that for every 10% increase in Fidesz support, the invalidation rate will increase by about 13%. We can see in Table 2 the p-value is less than 0.05, so we reject the null hypothesis and accept the alternate hypothesis that there is differential invalidation; however, it is *against* the Fidesz party. This was also a similar case with the Jobbik party; as the support for Jobbik increases, so does the invalidation rate. Perhaps a reason for this could be Jobbik and Fidesz are both right-wing populist parties and, at one point in time, were in cohorts with one another.

As far as LMP goes, we fail to reject the null hypothesis; therefore, we do not have significant evidence of differential invalidation for LMP in the 2018 parliamentary election.

MSZP and DK were both an interesting case; the slope was negative with a significant p-value. As the support for MSZP increases, the invalidation rate decreases. Therefore, differential invalidation was detected for MSZP in the 2018 parliamentary election. This is no different for DK.

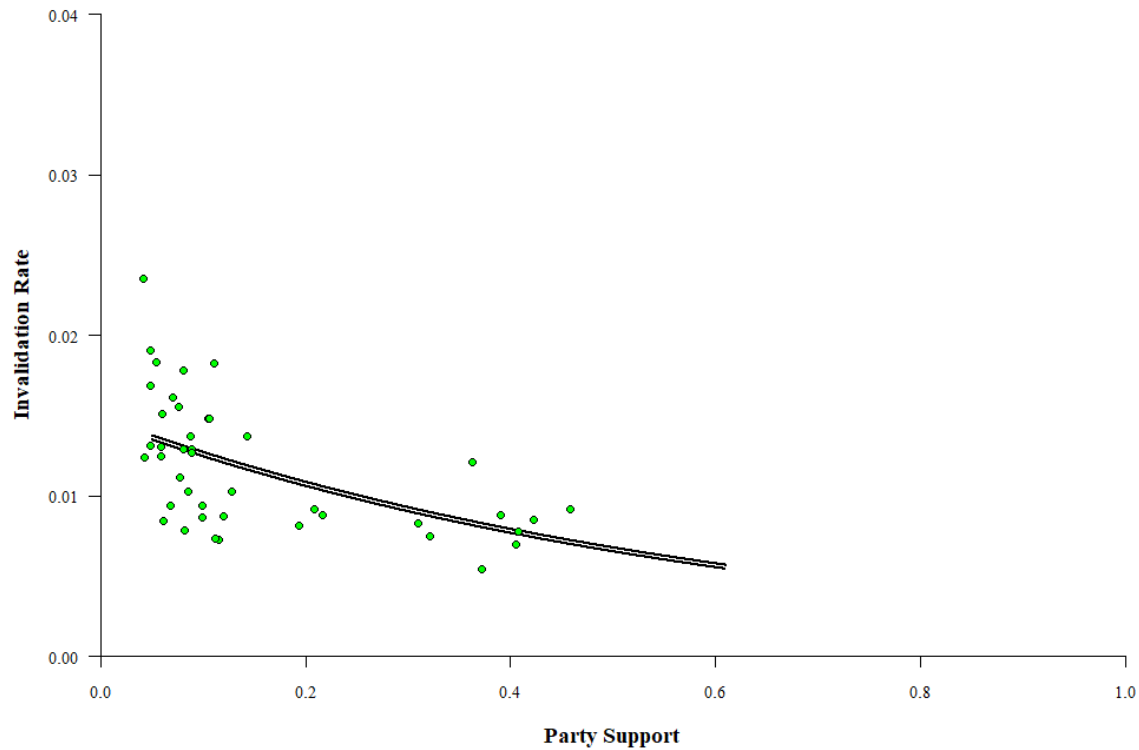
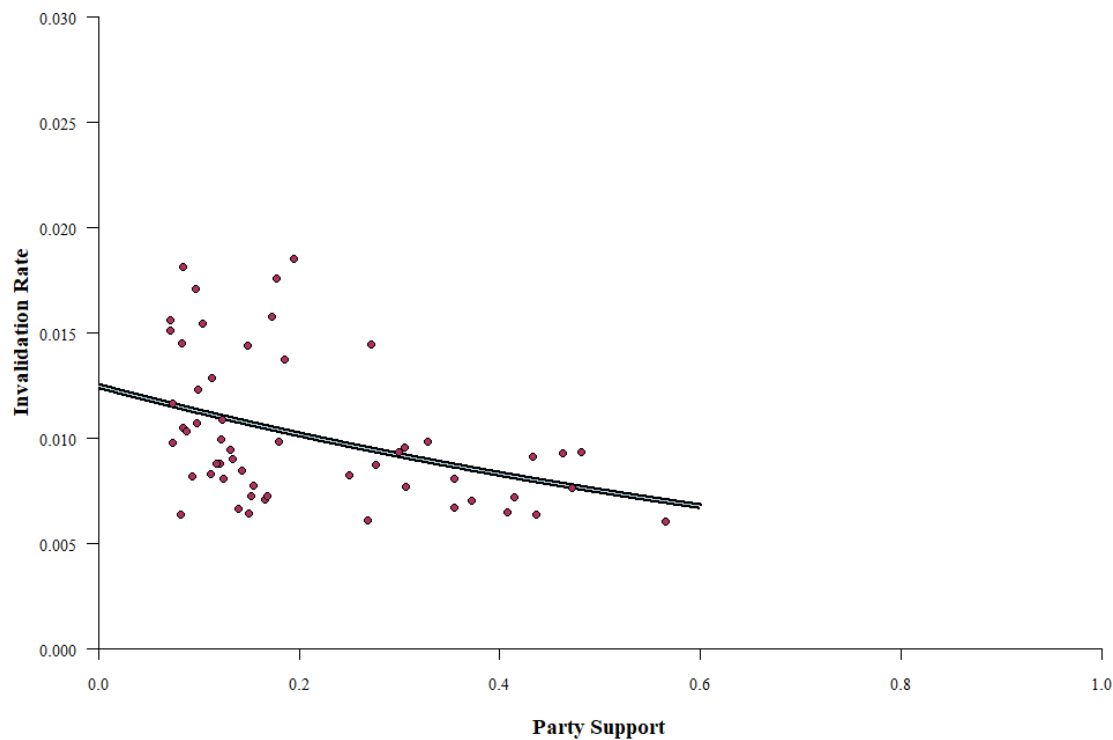
Figure one is the graphic for the Fidesz model; notice that as the party support increases, the invalidation rate also increases. From Table 2, for roughly a 10% increase in support for Fidesz, the invalidation rate increases by about 13%.

Figure 1: graphic for the Fidesz Model



Just so you can see what DI looks like graphically, figures two and three are the MSZP and DK model, consecutively. Notice the differences between Fidesz and MSZP and DK; the slope is downwards, meaning that as the party support increases, the invalidation rate decreases. Table 2 will give us the exact percentage of decrease for both MSZP and DK.

Figure 2: MSZP model and Figure 3: DK model



Although there is sufficient evidence for differential invalidation against the Fidesz, this does not completely disqualify their contribution to democratic backsliding. There could be a reason why differential invalidation is against the party. Recall from voting normally, a vote can be invalidated if you write outside a certain box, write something where you should not have, misread the instructions, and many more factors. Hungarian social protection is directed to groups whose vote, and loyalty for political success are dependent on these groups.²³ This being said, the risk of poverty gradually declines with aging due to the welfare systems redone in Hungary.²⁴ So, the youth's political participation is fairly unlikely since they are not protected by the welfare system, like the older crowd. How does age and differential invalidation relate? In Hungary, the electoral system has been changed quite a few times by Fidesz, and it was already confusing before the changes. Because of this, the older generation could be used to understanding how voting works in a way that is causing votes to get invalidated. This could be a possible reason why differential invalidation is against Fidesz, not for them.

Democratic backsliding in Hungary is not just seen in elections. There is quite a bit of research on how tensions with the European Union contribute to illiberalism. This all began in 2015 during the European refugee crisis. Hungary closed its Southern border and labeled all migrants ineligible for protection, no matter the circumstance.²⁵ This is an example democratic backsliding because of the anti-immigrant sentiments and xenophobia. This is a cause of democratic backsliding because Hungary international development and cooperation is isolated in Hungary; meaning, there is a shift away from Europe and the European Union.²⁶ Instead of taking people in, Hungary launched a brand-new program to focus on supporting Christian

²³ Greskovits, "The Halloweening", 33

²⁴ Greskovits, "The Halloweening", 33

²⁵ Szent-Inányi, B. and P. Kugiel (2020). "The challenge from within: EU development cooperation and the rise of illiberalism in Hungary and Poland", *Journal of Contemporary European Research* 16 (2): 120-138. <https://doi.org/10.30950/jcer.v16i2.1078>

²⁶ Szent-Inányi, Kugiel, "The challenge", 126

minority communities, deemed Hungary Helps, that was aimed to address the cause of migration.²⁷ Little is known about how this is being funded, and what the goal is, so the most reasonable reason for its existence is to take bilateral initiatives to support the anti-migrant rhetoric.²⁸

Conclusion and Further Research

Although Fidesz had no evidence of support from the differential invalidation in Hungary's 2018 parliamentary election, this does not completely rule out their contribution to democratic backsliding. As discussed above, there are other contributors to backsliding besides election unfairness, such as: changing the electoral system, the presence of NEO, the structure of welfare, and even conflicts with the European Union. Democratic backsliding is a popular trend in Europe, and the cause is complicated due to the varying reasons from country to country. There are many causes of democratic backsliding; the causes of global illiberalism are believed to be due to polarization in Western societies, deficient political institutions, and the failure of political powers to address the defects of their parties and systems.²⁹ In the case of Hungary, most illiberal trends stem from the changes made by the Fidesz party in electoral systems, the constitution, and tensions with the European Union.

A topic for further research could be evaluating a deeper reason why Fidesz and Jobbik have differential invalidation against them, but MSZP and DK both have evidence of unfairness. Furthermore, it would be interesting to discuss a deeper reason on how the changes in the electoral system can affect differential invalidation, as well as democratic backsliding as a whole.

²⁷ Szent-Inányi, Kugiel, "The challenge", 127

²⁸ Szent-Inányi, Kugiel, "The challenge", 128

²⁹ Anders, Lorenz, "Illiberal Trends", 304

Bibliography

- Anders, Lisa H., and Astrid Lorenz, eds. 2021. *Illiberal Trends and Anti-EU Politics in East Central Europe*. N.p.: Springer International Publishing. 10.1007/978-3-030-54674-8.
- Greskovits, Bela. 2015. "The Hollowing and Backsliding of Democracy in East Central Europe." 6, no. Global Policy (June): 11. 10.1111/1758-5899.12225.
- Krekó, Péter, and Zsolt Enyedi. 2018. "Orbán's Laboratory of Illiberalism." *Journal of Democracy* 29, no. 3 (July): 39-51. 10.1353/jod.2018.0043.
- Scoggins, Bermond. 2022. "Identity Politics or Economics? Explaining Voter Support for Hungary's Illiberal FIDESZ." *East European Politics and Societies and Cultures* 36, no. 1 (February): 3-28. 10.1177/0888325420954535.
- Schackow, Nathan. (2014). "Hungary's Changing Electoral System: Reform or Repression Inside the European Union?".
- Szent-Inányi, B. and P. Kugiel (2020). 'The challenge from within: EU development cooperation and the rise of illiberalism in Hungary and Poland', *Journal of Contemporary European Research* 16 (2): 120-138. <https://doi.org/10.30950/jcer.v16i2.1078>