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Hungary to hold referendum and elections on same day in 2022

On December 1, 2021, the Hungarian National Assembly adopted a resolution on the organization of a nationwide referendum. It is to be held on the same day as parliamentary elections. However, parliament is likely to extend the state of extreme danger soon. This means that at the moment, it is impossible to establish the date of these proposed events.

Political background. In the period from March 11 to June 17, 2020 and from November 3, 2020, there is a state of extreme danger in Hungary caused by the COVID-19 pandemic. The introduction of this state is intended to improve the management of the coronavirus pandemic. Under the regulation of March 11, 2020 – among the consequences of the “state of emergency” – Prime Minister Orbán prohibited the organization of nationwide referenda and elections, both supplementary and nationwide. In connection with the organization of the referendum announced in July 2021, the prime minister amended the regulation and allowed the possibility of organizing a nationwide referendum, which was the result of a political decision. So far, however, the possibility of holding parliamentary elections has not been allowed.

Consequences for parliamentary elections. Currently, the state of extreme danger is valid until January 1, 2022. However, at the end of November, the deputy prime minister of the government and head of the KDNP (Fidesz coalition partner), Zsolt Semjén, submitted an act amending several other legal acts, which included a proposal to extend the duration of the state of extreme danger caused by the COVID-19 pandemic up to June 1, 2022. During the parliamentary debate held on November 30, 2021, the secretary of state at the prime minister’s office indicated that the proposal to extend the state of extreme danger was due to concerns about the emergence of a new variant of the coronavirus (Omikron).

Opposition representatives emphasized that the prolongation of the state of extreme danger caused by COVID-19 may delay the parliamentary elections. These, according to the constitution, should be held in April or May 2022. The inability to organize parliamentary elections, which occurs in the case of a constitutional state of “state of national crisis” or “state of emergency,” continues for 90 days from the date of the state of emergency ends. So far, government representatives have not provided any information on the possible impact of the state of extreme danger on the parliamentary elections. However, in a debate at the National Assembly, the secretary of state in the prime minister’s office emphasized that the extension of the state of extreme danger would not have any impact on next year’s parliamentary elections or the holding of the referendum.

It is difficult to take such a declaration at face value, because the possible delay in elections is not a decision dictated by concern for the health and life of citizens, but political calculations related to the unfavourable results of pre-election polls. Within the ruling coalition, there are growing concerns about the possibility of a hypothetical loss of power to the opposition bloc of six united political parties. Although the chances of a complete loss of power by the Fidesz-KDNP coalition are not high (which is largely the result of the electoral law that definitely promotes the results of the current coalition), the threat of losing the constitutional majority seems very real.

There is a real risk that the state of extreme danger will be used by the Fidesz-KDNP camp as an instrument to improve its own political situation. Large citizen support programs are planned for the beginning of 2022, which, in the opinion of the authorities, may have a positive impact on election polls. At the same time, legal acts are constantly being processed in the parliament that indirectly concern changes in electoral law that will increase the chances of victory in the elections for the Fidesz-KDNP coalition. During the parliamentary debate, the representative of the Hungarian Socialist Party (MSZP), Bertalan Tóth, submitted a proposal from the MSZP for an amendment to the law aimed at preventing any changes to electoral law by introducing a rule according to which the law may only be amended by an enhanced majority during a state of extreme danger – by four-fifths of votes, rather than the usual two-thirds majority. The adoption of this amendment is intended to prove to the opposition

that the decision to extend the state of extreme danger is caused by genuine concern for citizens' lives and not by political calculations.

Nationwide referendum. In July 2021, Viktor Orbán submitted a proposal to organize a nationwide referendum aimed at protecting children and adolescents up to 18 years of age against the broadly understood LGBTIQ ideology. This initiative is closely related to the amendments to the Basic Law of Hungary voted on in December 2020. They concerned, inter alia, clarifying that the family consists of a mother who is a woman and a father who is a man ("same-sex families" were thus excluded from the definition of family). Moreover, parents were guaranteed the right to raise their child in a Christian culture and it was forbidden to change the so-called metric gender of your birth, as well as your first or last name. The face of the campaign was the minister for family affairs, Katalin Novák.

The resolution of the Hungarian National Assembly resulted from the necessity to complete the formalities provided for in the constitution. According to the constitution, "the National Assembly may order a nationwide referendum on the initiative of the president of the republic, the government, or one hundred thousand citizens." The referendum is to consist of four questions (so far).

The resolution stated that the cost of organizing the referendum (HUF 12 bn) will remain unchanged regardless of the number of questions on the ballot paper. This assurance is important because in July this year, the Hungarian Supreme Court ruled that it did not agree to one referendum question: "Are you in favour of having sex reassignment treatments available also for minor children?". Prime Minister Viktor Orbán announced that he would ask the Constitutional Court to admit this question. The Hungarian National Assembly allowed the referendum to be held on the same day as the parliamentary elections. Thus, the ban on holding a referendum less than 41 days before the parliamentary elections was lifted.

Summary. Both the organization of the referendum and the discussion on the extension of the emergency result from current political needs. It is possible that, as in the case of the referendum, Prime Minister Orbán will again amend the state of extreme danger regulation and allow the organization of elections. However, this is not certain. The date of recalling the state of extreme danger will be largely influenced by the level of support for the Fidesz-KDNP coalition. The linking of the date of the referendum and elections is not only due to concerns about the state's finances, but is also an attempt to bring about a situation that will prevent the referendum from being invalid due to too low turnout, as was the case in 2016 (the referendum about immigration quotas). The issues to be taken up in the referendum are not among the most frequently mentioned problems by Hungarian society, and voting in line with the authorities' expectations is declared almost exclusively by supporters of the Fidesz-KDNP coalition.