

## CONTEMPORARY SYSTEM OF HUNGARIAN LOCAL SELF- GOVERNMENT

**Sándor Fekete**

*assistant professor, Institute of Applied Social Sciences, University of Miskolc Hungary  
3515 Miskolc, Miskolc-Egyetemváros, e-mail: [bolblack@uni-miskolc.hu](mailto:bolblack@uni-miskolc.hu)*

### **Abstract**

*The conception of the actual local self-government system was created in the age of the dualism. Its development consisted of two parts, the first one was the decentralisation of the public law system, and the second one concerned the council's sovereignty. Unfortunately, many councils went into liquidation so the state had to provide them with support. Therefore, the state's influence was increasing, which was reflected in the new local self-government law. This law limits the local self-government's sovereignty because it ignores the recommendation of the European Charter of Local Self-Government. It was necessary to create a new local self-government but with the consent of the councils.*

**Keywords:** *Hungarian party system, local elections, Hungarian parties, local self-governments*

### **1. Introduction – Organs of deconcentration in Hungary**

In several areas, deconcentrated organs contribute to the fulfilment of tasks of the administration of the Hungarian national government. State administration is managed by the Government on the basis of the principle of hierarchy. For this reason, units on the local/territorial level of state administration are also called “organs under central subordination” – deconcentrated services.

In Hungary, the current dual system of local administration was developed in 1990, when decentralized organs (local governments) and deconcentrated organs took the place of Soviet-type councils. Basically, deconcentrated organs of state administration have specific tasks, while local governments are responsible for general administration. For this reason, deconcentrated organs are also called “organs of special administration”.

Together with the reorganisation of public administration, the organisation of the deconcentrated state administration system has changed. There are central state administration organs (e.g. the Government, ministries). The county (capital city) government offices are the regional organs of the Government with general scope. At the moment of reorganisation, most of the previously separated local/regional deconcentrated state administration organs became parts (administrative departments) of the county (capital city) government offices. However, some specialized regional local administration agencies with a limited scope still remained; their jurisdiction usually extends to one county, but there is also a territorial division that differs from this (e.g. the National Tax and Customs Office is on a regional level, but they also have an intra-regional organ, as well). Thus, deconcentrated organs of state administration operate at the middle tier as a general rule. They have units in regions or in counties. However, some of them have organisations in smaller units of public administration: for instance, the police have offices even in some cities and towns.

The local government system is constitutionally based (Fundamental Law paragraph 31-35) and legally based, as the Act on local self-government in Hungary provides a single and unified legal background for the structure. Similarly, the structure and legal status of central administration organs are regulated by a single Act, but the status of these organs is regulated by different legal rules – mainly by governmental decrees, but some of them were established by Acts of Parliament. Hierarchical relations between supervisors and local units are regulated in the same manner, mainly in the decree or act establishing the organ and defining the scope of its authority. The names of these organs can also differ, but one cannot usually draw a conclusion about the activity or the tasks of a certain deconcentrated organ from its name.

The county (capital city) government office should be differentiated from the deconcentrated organs, because they exercise the power of supervision of local government action. It is important to mention that the county (capital city) government office is an organ of the Government, and it is in a sub- and superordinate relation with it. So, the Government practices the supervision of the local government sub-system through the county (capital city) government offices. This guarantees that supervision can only be in connection with the legality of local government actions.

## **2. System of Local Representation**

The basic rules on the right to vote as a political right to participate in government, based on the principle of popular sovereignty, are included in Article XXIII of the Fundamental Law.

Every adult Hungarian citizen and adult citizen of a Member State of the European Union with a residence in Hungary, as well as persons recognised as refugees, immigrants or residents of Hungary has the right to vote and to be voted for in elections of local government representatives and mayors.

In elections of local government representatives and mayors, voters may vote at their place of residence or registered domicile. The new regulation on the right to vote is in compliance with the disposition of Council Directive 94/80 of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

Under Article 3 of the Directive, any person who, on the reference date, is a citizen of the Union but is not a national of the Member State in which he or she resides, but in any event satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals, has the right to vote and to stand as a candidate in municipal elections in the Member State of residence in accordance with this Directive. The new rule of the Fundamental Law on the right to vote in elections for local government representatives and mayors was inaugurated in view of these criteria.

The Fundamental Law also provides that elections for local representatives and mayors be held every five years starting in 2014, the former four-year term served by local representatives and mayors being replaced by a five-year term.

The local and territorial representative bodies of local governments gain their legitimacy in local government elections. Pursuant to the principle of representation, the mayor and the local and county government representatives are directly elected by voters in their municipalities and districts. The Fundamental Law gives the people the right to directly elect their mayor and representatives. The chairman of the county representative body is elected by the county representatives among their members.

In the early summer of 2010, the last general election year, the election system for local government representatives and mayors was reformed. Beginning in autumn, elections for local representatives and

mayors have taken place in the changed legal environment in accordance with the provisions of Act No. L of 2010.

The legislative purpose of the reform was “to simplify electoral rules” and “to reduce the number of local representatives of the representative bodies”. The Act contains numerous changes to the rules adopted in 1994. Compared to a system of relative majority aspiring to proportionality, it is an improvement to a system of relative majority.

The single-round electoral system has prevailed since 1994. The electoral system of towns with 10,000 or fewer inhabitants and more than 10,000 inhabitants differ greatly. In towns with 10,000 or fewer inhabitants, representatives are elected on an individual list. In those towns with more than 10,000 inhabitants, there is a mixed system. This means that representatives could be elected in individual constituencies and nominating organisations can get mandates from the compensation lists based on the surplus votes collected in the individual constituencies.

The Act defines the number of local government representatives according to the population of cities and towns.

The number of elected offices allowed on individual lists is shown in Table 1.

**Table 1.** *The number of elected offices allowed on individual lists*

Inhabitants	Number of offices
<100	2
101–1,000	4
1001–5,000	6
5,001–10,000	8

Source: <https://net.jogtar.hu/jogszabaly?docid=a1000050.tv>

In the mixed electoral scheme, prevailing in cities with more than 10,000 inhabitants, the number of possible elected offices in constituencies and from compensatory lists is shown in Table 2.

**Table 2.** *The number of possible elected offices in constituencies and from compensatory lists*

Inhabitants	Single elected-office constituencies	Compensatory list
< 25,000	8	3
< 50,000	10	4
< 75,000	12	5
<100,000	14	6

Source: <https://net.jogtar.hu/jogszabaly?docid=a1000050.tv>

The number of representatives elected in single elected-office constituency increases by one person for every additional 10,000 inhabitants, and the number of representatives elected from compensatory lists increases by one person for every additional 25,000 inhabitants.

The representatives of the assembly of the capital, Budapest, are elected from the capital list. One representative may be elected for every 50,000 inhabitants. The mayors and the Lord Mayor of the capital are directly elected by voters of the cities and towns. County assembly representatives are henceforth elected by voters on county lists. Pursuant to new rules on local government elections, each county constitutes a single constituency, which does not include cities with county rights and the capital.

With the former distinction between municipalities with less than 10,000 inhabitants and those with more than 10,000 inhabitants eliminated, departments now form a constituency.

The number of representatives of the county assembly is based on the number of inhabitants of the county (Table 3).

**Table 3.** *The number of representatives of the county assembly*

Inhabitants	The number of representatives	Minimum
< 400,000	1 representative for every 20,000 inhabitants	15 representatives
< 700,000	20 representatives, and 1 representative for every further 30,000 inhabitants exceeding 400,000	20 representatives
over 700,000 inhabitants	30 representatives, and 1 representative for each further 40,000 inhabitants exceeding 700,000	30 representatives

Source: <https://net.jogtar.hu/jogszabaly?docid=a1000050.tv>

The new electoral system retains the direct election of mayors and the number of representative bodies. Particular features of Hungarian local government system are also maintained, all municipalities have an independent representative body regardless of the number of inhabitants, as was established after the transition.

However, although the number of representative bodies remains unchanged, the number of local representatives is significantly reduced. The change is particularly significant as far as the diminution of county government bodies is concerned, but in the case of municipalities with less than 10,000 inhabitants, it is also excessive. The reduction would lead to a negative effect on the operability and quorum of representative bodies, as well as the preservation of diverse political and social interests and the segmentation of local society. In case of towns with 10,000 or fewer inhabitants, the number of offices is reduced by more than 30%. The new legislation retained the proportional compensatory list procedure, but in cities of more than 10,000 inhabitants, some distortions occurred, with the number of offices being reduced by approximately 35%. This diminution could not be proportional, but even so, the number of single-office constituencies decreased by more than 20% and the offices on compensatory list by approximately 55%. The diminution in the number of county assemblies is even greater than the reduction in the number of municipal-level mandates, more than 50%.

Conditions of nomination as a candidate have become stricter, with an increase in the number of proposals required to run for office. This increase is particularly noteworthy in the capital, where the number of proposals quadrupled.

This increase makes it more difficult to run for office. In county constituencies, lists may be set up by nominating organisations that have collected the proposals of 1% of voters of the constituency. The number of proposals was increased from 0.3 to 1%, and at least 2,000 voter signatures must be collected

in order to even be able to set up a list. It is also worth mentioning that the election threshold was increased from 4 to 5%.

Procedural rules for local municipal elections are determined by the Act No. XXXVI of 2013 on electoral procedure. Apart from basic rules of electoral procedure, the Procedural Act includes dispositions on local electoral bodies, such as election commissions, polling station commissions, local election offices and their responsibilities, the districting of single mandate constituencies and polling districts, the proposal of candidates and lists, the announcement and registration process of candidates, lists, and nominating organisations, as well as the rules for determining results.

### **3. The Legal Status of Local Representatives**

The communities of voters exercise their right of self-governance by electing local representatives to a body of representatives. The new regulation on local representatives (Act No. CLXXXIX of 2011 on local self-government in Hungary, abbreviated *Mötv.*) entered into force on the date of the general municipal elections of 2014. Until that date, the previous regulation on local governments (Act No. LXV of 1990) and certain questions on the legal status of local representatives (Act No. XCVI of 2000) were applied. One of the most fundamental changes is that, according to the new Fundamental Law, local representatives are to be elected for five years instead of four years. No professional standards are required for the post; however, representatives must participate in professional training organised by the Government Office within 3 months after taking his/her oath at the inaugural meeting, which is held within 15 days of the election.

Local representative office is a function of high importance in terms of the public sphere, and being elected means living up to the voter's expectations. Local representatives cannot engage in any activity which threatens the public confidence that is necessary to perform his/her functions. Rules on conflicts of interest are for the division of state and local government functions, and the enforcement of economic independence is meant to achieve an impartial decision-making process. Conflicts of interest must be eliminated within 30 days of recognition or becoming aware of the fact that an incompatible situation exists.

Ensuring the purity of public life and controlling the responsible management of local public funds, local representatives are required to make a declaration of assets every year. As long as they do not fulfil this obligation, they may not exercise the rights arising out of the office or receive any allowance from the local government.

Local representatives perform their duties on a voluntary basis. For the time necessary to participate in the council's work they are exempted from work at their workplaces, and any loss of income is reimbursed by the representative body.

Councillors represent the interest of their voters for the benefit of the entire community. They are required to keep in touch with voters and inform them of their activities as a local representative at least once a year.

Normative rules on the obligation to provide information are contained in the new legislation. Local representatives may adapt the means of correspondence and communication to traditions. They have the right to and are entitled to get involved in the work of the body of local representatives.

During the session, a local representative may request information on local public affairs from the mayor (vice-mayor), the notary (town clerk), or from the head of the committee. The answer must be given orally during the session or in writing no later than fifteen days following the session. At his/her request, proposals are noted in the minutes; his/her oral remarks are included. The local representative may attend any committee meeting and propose a debate on any question related to committee tasks to

the committee chair. The debate based on the proposal made by the local representative is then submitted to the next session to which the local representative is invited. S/he may call for the revision of decisions on local municipal issues made by a committee, the mayor, the body of the local partial government, or by the body of the local minority government under delegated power. Based on authorisation, s/he may represent the body of representatives. The administrative assistance required for his/her tasks is ensured by the Office of the body of representatives.

The remuneration and benefits in kind of the local representative who breaches his/her obligations may be reduced or withdrawn based on the decision of the body of representatives.

The regulation resulted in several changes in issues concerning the legal status of local representatives. Modification of the rules of conflict of interest strengthens transparency and unequivocally clarifies responsibility. It is now a basic requirement that no local representatives pursue any activity that might undermine public trust, which is a basic condition for the performance of his/her duties as a local representative.

Indignity has been introduced as a new concept, which is closely related to public trust and the authorisation granted for dealing with public affairs. If the local representative behaves in a way that makes him/her unworthy of his/her position, the body of representatives may decide to remove him/her from office. Indignity can result from, among other things, final imprisonment for an intentional crime, failure to settle public debts, concealment of a conflict of interest, and impeding the execution of a final and binding judgement against him/her.

Representatives may be entitled to receive a salary and benefits in kind. Both can only be provided if the local government's own-source revenues can cover them and the allocation does not endanger the performance of obligatory municipal tasks. A local representative may only claim expenses related to his/her work as a local representative.

#### **4. Changes from 2012**

The new Fundamental Law of Hungary, which entered into force in 2012, regulates the local self-government system differently from the relevant provisions of the previous Constitution, adopted during the political transition in 1990. The justification provided for these very detailed constitutional provisions concerning local governments was to guarantee local autonomy. In the new constitution, they were replaced by overarching provisions which relegated more detailed regulation to the cardinal Act<sup>1</sup> on local self-government in Hungary<sup>2</sup>.

The previous Constitution defined the right to local self-government as a fundamental right belonging to local voters, but today this right is not recognized by the new Fundamental Law, only by the cardinal Act.

The legal consequence is that the right to local self-government is no longer a fundamental right guaranteed by the Constitution and is not constitutionally protected. The other important change in the interpretation of the right to local self-government is the appearance of obligations in the regulation.

Thus, the emphasis is on the responsibility of local citizens,<sup>3</sup> who – being entrusted with the right to local self-government – “should reduce the common charges and contribute to the execution of the common tasks”.<sup>4</sup>

The place of local government within the organisation of the state has also been redefined by the Fundamental Law and the cardinal Act on local self-government in Hungary. According to the Act, “local governments shall function as a part of the organisation of the State.”<sup>5</sup>

The management of local public affairs has been redefined, and now focuses on the local public services prescribed by the Act.<sup>6</sup>

The system of local powers has not been formally changed. Therefore, two types exist: local governments' own powers, determined by law or appropriated by the local government itself, and there are other powers delegated by the state administration.

In reality, the technique of regulating the powers of local governments, both mandatory and belonging to the government, has resulted in profound changes. Under the previous system, the Act on local self-government in Hungary defined the basic powers of local governments. This fact provided stability and guarantees, because amendment process required a two-thirds majority.<sup>7</sup>

This situation has changed, and the powers of local governments can now be regulated by means of ordinary laws. As a consequence, local powers were severely diminished following the entry into force of the new constitutional control over local autonomy. These basic changes resulted in other important provisions concerning local autonomy, along with a remarkable centralisation of the Hungarian public administration.

## 5. Acknowledgements

The research reported here was carried out as part of the EFOP-3.6.1-16-2016-00011 “Younger and Renewing University – Innovative Knowledge City – Institutional development of the University of Miskolc aiming at intelligent specialisation” project implemented in the framework of the Szechenyi 2020 program. The realisation of this project is supported by the European Union, co-financed by the European Social Fund.

## 6. References

- [1] Cardinal acts are special constitutional laws, “the adoption and amendment of which require the votes of two-thirds of the Members of Parliament present”.
- [2] Cardinal Act No. CLXXXIX of 2011 on local self-government in Hungary (Mötv.)
- [3] Mötv. 2. § (1)
- [4] Mötv. 8. § (1)
- [5] Mötv. Preamble
- [6] Mötv. 4. §
- [7] About the local government elections: Kasznár, A.: *Local Government Elections in Hungary – Analysis of the Results of the Last Elections*. In: *Local Government in the Visegrad Countries*, Maria Curie-Skłodowska University Press, Lublin (2020) pp. 167-194. ISBN: 9738322793947