

## ABSTRACTS

LEVENTE NAGY

**The Canadian Electoral Reform (attempt) of 2016 – A Theoretical Study**

After losing three consecutive elections (2006; 2008; 2011) to the Conservative Party, the leader of the Liberal Party, Justin TRUDEAU promised that the 2015 general election would be the last to use the *first-past-the post* voting system in Canada. The Liberals won the 2015 elections with absolute majority, yet, Prime minister Trudeau abandoned his campaign promise to reform the voting system to have a more proportional representation. By the end of that year an all-party Committee released a report recommending the Liberals design a proportional representation voting system and hold a national referendum to gauge support. It turned out, that the Liberals refused to acknowledge a consensus, and months later, Trudeau directed the minister of democratic institutions to abandon electoral reform altogether. As a result, in 2019 and 2021 FPTP voting system was still used. These events have led to the formation of a series of questions regarding the essence, the nature, and the complexity of the concept of (electoral) *reform*. The goal of the present paper is twofold: on the one hand, it attempts to unfold the „inner structure“ of the concept, emphasising the dynamic nature of it, on the other hand, it tries to come up with a detailed examination of the process of electoral reform (initiation, selection, decision, implementation), with a special emphasis on the role of the main actors (political elite, citizens, experts, judges, etc.), and of interest-oriented motivations, and value-oriented objectives of the reform. One of the conclusions of the paper is that main parties are mostly motivated by power-seeking self-interests, but their motivation is often justified by value-based arguments.

**Keywords:** Electoral reform, reform process, types of electoral reform, interest-oriented motivations, value-oriented objectives.

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**The main features of minority participation at the 2014 and 2018 parliamentary elections**

In the 2010s, the participation of the minorities in public life was expanded with a new institutional channel in Hungary, the system of the minority members of the parliament and the minority spokespersons, which – closely related to the contentious issues of the country's policy towards its domestic minorities and the demands of the minorities for parliamentary representation dating back to the change of regime – have been analysed so far in a number of works, mainly in law and political science, with particular reference to issues of their election and status, and not least, the specific activities of the German MP and the spokespersons. However, it is of crucial importance to explore more thoroughly how the minorities themselves approach this new political-legal framework, especially at the time of its election. The aim of the present study is, therefore, to introduce and analyse the main characteristics of the minority participation at the 2014 and 2018 parliamentary elections, based on electoral results and statistics, comparing them with the main features of the elections of minority self-governments. In this context, it unpacks the development of the numbers of the minority electoral rolls, the territorial configuration and local numbers of registered voters, and seeks also to explore the key explanatory factors behind the successful election of the German MP in 2018. At the same time, the article points out that Roma, by far the country's largest ethnic community, were registered to a small extent as compared to the minority elections and even less voted in the election of the Roma spokesperson. While in both elections examined, the overall turnout of the minorities was above the national average, which was, however, largely offset by the extremely high proportion of invalid votes.

**Keywords:** Minority participation, minority representation, minority spokespersons, parliamentary elections, minority self-governments

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LÁSZLÓ KÜHRNER

**The Assessment of You – Deficiencies of the Hungarian system of regulatory impact assessment**

The regulatory impact assessment system of Hungary suffers from deficiencies since its inception. This often results in ill-thought out or inefficient legislation that needs to be amended quickly and needs to be amended often. This consequently raises issues with regards to legal certainty and ultimately to the rule of law. Despite this, the Constitutional Court of Hungary held in 1996, that skipping over the regulatory impact assessment step during the preparation of legislation does not lead to unconstitutionality as it only affects the social efficiency of the statute. While a declaration of unconstitutionality based on the absence of regulatory impact assessment may not be warranted, the Constitutional Court's approach swings towards the other extreme and cements the view that regulatory impact assessments are inconsequential and unimportant and thus can be skipped without issues. This view forms the basis of how impact assessments are seen today.

In my paper I give a short overview of the impact assessment system's long-standing problems and the reform initiative of 2011. I then follow how this initiative slowly failed and how its goals, tools, and small achievements faded from memory. I then give a picture of how the regulatory impact assessment currently works, drawing on the data available to present trends and characteristics. Following this I look at a field of impact assessment that has long been neglected and on which not even the 2011 reforms could have any impact: the assessment of social impacts.

After evaluating how the regulatory impact assessment of Hungary works and what can be the causes of some of its biggest ailments, I propose a workable, and to an extent tried solution, that bases itself largely in the reform initiative of 2011. This way I not only propose a short-term solution, but a workable solution which does not sound foreign to the current executive. Coupled with this I also draw up a possible long-term proposal for the improvement of the regulatory impact assessment system, which while requires a considerable undertaking has the potential to widen the range of the system and improve the quality of the assessments.

Regulatory impact assessment in Hungary is a tool with yet untapped potential, capable of improving the quality of legislation. The solutions for utilizing this potential have been developed to a degree and with small adjustments and more dedication on the part of the executive could make a real difference when implemented.

**Keywords:** regulatory impact assessment, legislation, decision making process, legislative process, policy process

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**Mexico's 2021 Mid-Term Elections**

On June 6, 2021, elections were held in Mexico. 'Mid-term' voting under the constitution takes place in the middle of presidential terms, as Mexicans elect the country's president and senators for six years, while members of the House of Representatives are only elected for three. Voters can thus decide the fate of 500 lower house seats every three years, significantly influencing the balance of power in the legislature and the ability of the president to enforce his will for the rest of his term. It is common for other elections to be held at such times (e.g. state governor, city mayor), but the volume of this current voting has surpassed any previous ones: Mexicans could choose to fill more than 20,000 positions. Thus, the June 2021 vote became the largest choice in the country's history. Despite the fact that the election campaign was not without violence, and that the elections had to be conducted during the coronavirus epidemic, the voting took place without major interruptions and the result was accepted by all parties involved.

Mid-term elections are a good measure of the popularity of the incumbent president and the party and / or party coalition that supports him, and can also provide information on who may have a better chance of winning the presidency in the elections in three years' time. Morena, which is currently in power, performed well, but the alliance against it, formed by the traditional parties (PRI-PAN-PRD) also won many votes. Therefore, both sides have reasons to be confident about the 2024 presidential election.

**Keywords:** elections, Mexico, political parties, Morena, AMLO

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REBEKA KISS

**Parliament v. Courts: Who has the final word?**

Ludovika – University of Public Service, Faculty of Public Governance and International Studies organized an international online conference on 29 November 2021 on the justiciability of parliamentary procedures. As part of the conference, four presentations were given, focusing on the issue of legal remedies against parliamentary proceedings and the lack thereof. In this context, the speakers reflected on the question of whether the justiciability of parliamentary procedures is a threat to the rule of law or a necessary element of it, and on the question of how a constitutional court can become an arbitrator in political conflicts and how does it shape the constitutional concept of parliamentarism. The presentations provided a comprehensive overview of the Hungarian, Austrian, Italian, and Czech practices. About Hungarian specificities, it was found that the problem of the lack of parliamentary legal remedies and the weakness of the control mechanism has been raised on several occasions in our constitutional practice. The presentation on Austrian practice highlighted the role of the Austrian CC as a guarantee of the political process. Its task is to ensure the political process's basic rules and prevent potential abuses. Therefore, in 2014, the Austrian CC received new powers, enabling it to request a resolution on intraparlimentary conflicts as well as on procedural issues and to bring procedural irregularities related to parliamentary rules to the CC. Regarding the Italian practice, it was criticized that it represents a further step backward in the autonomy of the Parliament since, on the one hand, there are no established criteria by the Italian CC to define “manifest” infringements. On the other hand, these practices allow for an excessive tolerance of the political background. Finally, the CC's continued inconsistency was highlighted in the Czech case. The presentation drew attention to the fact that the excessive discretionary power of the CC threatened the rule of law. Furthermore, the Speaker noted that otherwise unlawful laws, but according to the CC constitutional, not only do not remedy the existing problems but create increasingly problematic situations. The ambiguous effect of annulment for procedural errors also raises the question of whether a law adopted in such a way even exists and what effects this (un)law has or could have.

**Keywords:** parliamentarism, House Rules, justiciability of parliamentary procedures, legal remedy, Constitutional Court

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