

# Constitution making and deliberative democracy in Hungary 1990-2018



## 1989/1990 constitution making

- Gradual changes of the old Communist constitution (amended in 1989 and 1990)
- Elite agreement / no participation of the citizens
- Only the National Assembly is entitled to amend the constitution (constitutional amendments via referendums or initiatives are *not* permitted)

## Obligatory referendums 1990-2012

- 1990-1997: 100.000 signatures (1,25% of the electorate) with 50% turnout threshold for referendums (easy to initiate but hard to succeed)
- 1997-2012: 200.000 signatures (2,5 % of the electorate) with 25% approval quorum of the electorate (more complicated to initiate but easier to succeed)

## 2010/2011 constitution making

- Adoption of the new Fundamental Law (25/04/2011)
- Ad-hoc parliamentary committee (from November 2011 without the left wing/liberal opposition parties)
- Seven times amended since 2012 (only the National Assembly is entitled to amend the constitution, referendums on constitutional amendments is explicitly prohibited by the new Fundamental Law)

## Obligatory referendums 2012- :

- 200.000 signatures but with 50% turnout threshold (plus informal administrative obstacles on initiators)

2010-2018 **national consultations** (organized by the government without the involvement of the National Election Office)

- 2010: on pensions; 2011: new constitution, on rights and duties of the citizens, parental voting; 2011: social policy issues; 2012: economic issues; 2015: migration; 2017: migration issues; 2018: family policies
- Government announced the turnout and results but no official data available
- Instrument to strengthen the engagement of the government supporters

## 2016 national referendum on migrant quota

“Do you want to allow the European Union to mandate the resettlement of non-Hungarian citizens to Hungary without the approval of the National Assembly?”

voter turnout:

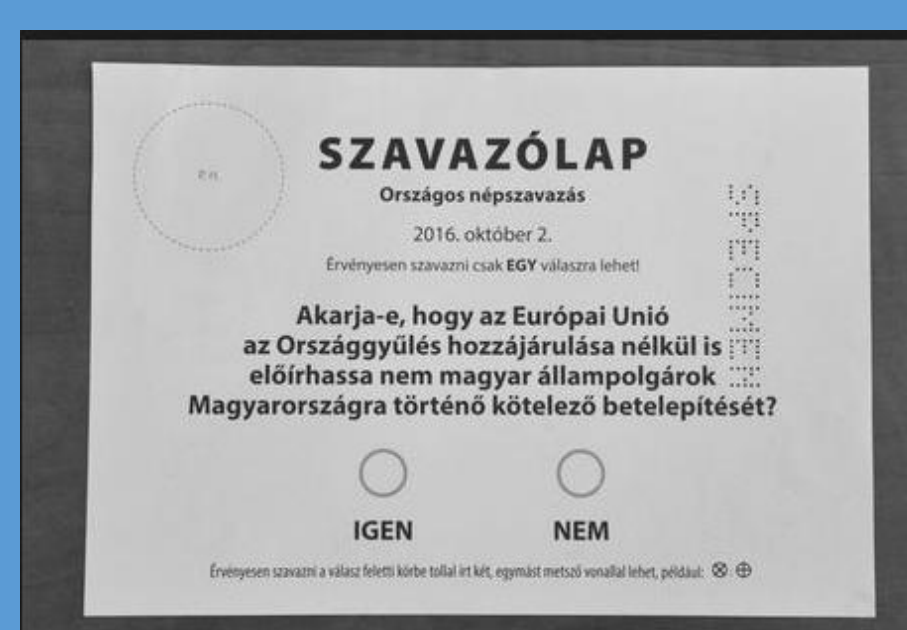
44% (invalid due to the 50% turnout threshold)

“yes”: 1,6%

“no”: 98,3% (3.3 million voters)

“no” votes clearly over the electoral support for government (2.4 to 2.7 million voters)

7th amendment of the Fundamental Law was accepted.



**NEMZETI KONZULTÁCIÓ**  
a bevándorlásról és a terrorizmusról

## 2011 National consultation on the New Fundamental Law (but no referendum on the new constitution)

- ca. 60% textual overlapping with the former constitution
- but important changes concerning the constitutional court, electoral law etc.
- modified system of checks and balances (informal influence of the government on the democratic institutions increased)