

Europe's Electoral Integrity Must Be Defended from Internal Threats

Zsófia Banuta, Melani Barlai, Elliott Goat and Daniel Hegedüs

External meddling in democratic elections has recently moved to the top of the political agenda in Western democracies. Since the U.S. presidential election and the Brexit referendum in the United Kingdom in 2016, governments have been on high alert for information warfare, cyber-threats, and financial support provided to anti-establishment, populist, and radical parties that could interfere with elections.

Yet while countering such external threats has become a priority, as demonstrated by the European Commission's new European Democracy Action Plan, the internal erosion of democratic and electoral systems remains mostly overlooked. For example, the Organization for Security and Co-operation in Europe (OSCE) has noted in the case of Hungary and Poland respectively, "free but not fair elections" that are characterized by a "pervasive overlap between state and ruling party resources undermining contestants' ability to compete on an equal basis," and "ruling party dominance over the public media that further amplifies their advantage." These problems are unquestionably present in the EU, but they attract little political attention.

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International observation missions are carried out for elections in EU member states, mostly by the OSCE, but they are limited in their scope and they lack the short-term staff to monitor election-day activities in a large number of polling stations. The main reason for the missions' limited character is the scarcity of resources for the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE's main election observation body. Additionally, the missions have been limited by the perception that election-day irregularities in the EU are so rare and uncoordinated that they must fall short of influencing election results in a significant way.

Unfortunately, that supposition does not necessarily reflect electoral reality in the EU anymore. Grassroots election monitors often report striking irregularities that border on outright fraud.

Election Fraud in Hungary

An investigation by the election watchdog Unhack Democracy into Hungary's 2018 parliamentary elections revealed extensive irregularities. These fell into three main categories: the illegal cross-border transportation

11 February 2020

and registering of “phantom voters;” polling-day irregularities like voter-log tampering, voter intimidation, and “unusual” ticket-splitting; and electoral clientelism.

Analyzing the data provided by Hungary’s National Election Office as well as the testimonies of 170 ballot-counting officers, and press reports from Hungary and neighboring countries, Unhack Democracy found that the ruling Fidesz party would not have won a constitutional supermajority (by one seat) without electoral fraud. As a result, it can now amend the constitution at will, interfere in the independence of the judiciary, restrict freedom of association and intimidate civil society, further infringe on the freedom of the press, and target free academic institutions.

In the 2018 elections, non-resident Hungarians holding dual-nationality were unlawfully transported from Ukraine, Serbia, and Romania to vote for Fidesz at least in three constituencies. By analyzing the electoral rolls, Unhack Democracy also found several individual residences on the Hungarian side of the border with Ukraine, where hundreds of voters were registered as living. Hungary’s Supreme Court ruled that there had been “organized” meddling into the electoral process through the illegal bussing of voters from Ukraine on polling day. Nearly two years later, however, none of the 370 or so investigations into this has led to charges.

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Several opposition ballot counters told Unhack Democracy that they were unlawfully denied copies of voter logs, saw voter logs being forged, or experienced multiple cases of ballots mysteriously going missing. In Tolna County in central Hungary, ballot counters were asked to sign blank voter logs before the counting process started, while others claimed the results were changed after voting had closed.

There was also an “unusual” degree of ticket-splitting—voting for two different parties with one’s single-member constituency vote and party list vote—in several rural areas. In 5.6 percent of the polling stations, ticket-splitting was more than four times higher than the national average. It was also twice as likely in polling stations where there were no opposition-party officials to monitor the count.

According to Unhack Democracy, around 1 percent of domestic absentee and embassy ballots were identified as “missing” without a valid explanation from the National Election Office. Mail-in ballots also often arrived in envelopes that appeared to have been opened.

Fidesz has built an extensive network among ethnic Hungarian organizations abroad to register voters and collect ballots that are then sent to the electoral authorities in Hungary. The two largest—the Democratic Alliance of Hungarians in Romania (UDMR/RMDSZ) and the Eurotrans Foundation (also registered in Romania)—are major beneficiaries of Hungarian state spending. In Serbia, press reports claimed that activists of the Alliance of Vojvodina Hungarians (VMSZ), a close political ally of Fidesz, opened mail-in ballots and destroyed those that were not cast for Fidesz.

Electoral clientelism also appears to have been widespread during the 2018 elections, including outright vote buying, providing public benefits in exchange for votes, and coercion by threatening with the withdrawal

of social benefits. One Roma family revealed how the local mayor had promised them permanent public employment in return for registering dozens of dual citizens at their home address. These documented cases from 2018 are not isolated incidents but part of a pattern of organized electoral fraud over multiple elections in Hungary. The illegal transportation of voters and vote buying were reported at the 2019 municipal elections as well.

Strengthening Electoral Integrity in the EU

The semi-feudal clientelism and dependency structures that are largely responsible for such electoral fraud are not only present in Hungary, but also in other EU member states, like Bulgaria and Romania. One study, for example, found that approximately 5.8 percent of the rural population in Hungary and 11.5 percent in Romania had experienced voter coercion during the Hungarian parliamentary and Romanian presidential elections in 2014.

In order to safeguard European values and genuine democratic electoral processes, the EU's institutions and member states must pay greater attention to domestic challenges. There are several steps they can take.

The European Commission should extend the scope of the European Democracy Action Plan to cover the internal dimensions of threats to democratic electoral systems as well as external ones and to enhance resilience to domestic challenges.

The European Commission should also consider establishing an instrument for monitoring elections in member states on a comprehensive basis. EU Election Observation Missions are currently only carried out outside the EU by the European External Action Service under the umbrella of the European Instrument for Democracy and Human Rights.

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Since member states use the same institutions to run national and European elections, if these institutions cannot guarantee a national vote that is fair or free from significant irregularities, they cannot do so with regard to the European Parliament. The integrity of national electoral systems is thus of utmost European interest, and Article 14.3 of the Treaty on European Union (which stipulates the European Parliament must be elected in a free and secret ballot) may provide a legal basis for the EU monitoring member states' elections.

OSCE and potential EU electoral observation missions in member states would have to be closely coordinated to avoid duplication and to ensure an optimal utilization of resources. EU missions could, for example, run long-term and short-term observation teams that report to the more limited OSCE core teams.

Member states should also use their influence within the OSCE so that it sends full-fledged electoral observation missions in countries subjected to the EU's Article 7 suspension procedure or its Cooperation and Verification Mechanism for new members, or where there is evidence of a potential democratic backsliding.

11 February 2020

The EU institutions should also consider steps to ensure that all member states legislate for the right to civic election observation. This could be done through an amendment of the 1976 Electoral Act that regulates elections of the European Parliament or via new secondary legislation on the basis of Article 14.3.

Encouraging civic election observation might be a valuable measure to foster citizens' political engagement. Furthermore, where an incumbent governing party becomes increasingly dominant and opposition parties lack the resources to send observers to all polling stations, civic observation can be the ultimate domestic tool for safeguarding the integrity of the electoral system. The European Commission should also pay greater attention to electoral watchdog and civic education NGOs as well as to education about election-related skills in its Citizens for Europe program.

Provide Democracy a Life Support

EU institutions, watchdog NGOs, and the scholarly community are deeply engaged in the battle over the rule-of-law crisis inside the union. However, that crisis is part of a broader, multidimensional one of democracy at member-state level. It is difficult to address all the aspects of this crisis—rule of law, independent institutions, independent media, corruption, and electoral integrity—through measures like the Article 7 procedure but neglecting its multifaceted character would be a huge failure.

The domestic challenges to the integrity of electoral systems is an EU issue that will only become more relevant during the next couple of years. Failing to address it in a timely manner would further erode a common democratic modus operandi that is already battered in several EU member states.

Zsófia Banuta is managing director and co-founder of Unhack Democracy

Melani Barlai and Elliott Goat are electoral experts and co-founders of Unhack Democracy

Daniel Hegedüs is fellow for Central Europe at the German Marshall Fund of the United States

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