

INTERNATIONAL ELECTION OBSERVATION MISSION Hungary – Parliamentary Elections and Referendum, 3 April 2022

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 3 April parliamentary elections and referendum were well administered and professionally managed but marred by the absence of a level playing field. Contestants were largely able to campaign freely, but while competitive, the campaign was highly negative in tone and characterized by a pervasive overlap between the ruling coalition and the government. Candidate registration was inclusive, offering voters distinct alternatives. The lack of transparency and insufficient oversight of campaign finances further benefited the governing coalition. The bias and lack of balance in monitored news coverage and the absence of debates between major contestants significantly limited the voters' opportunity to make an informed choice. The manner in which many election disputes were handled by election commissions and courts fell short of providing effective legal remedy. Women were underrepresented in the campaign and as candidates. Contrary to established international good practice, the legal framework for the referendum does not guarantee equal opportunities to campaign and voters were not informed in an objective and balanced manner on the choices presented to them nor on their binding effect. IEOM observers assessed all stages of the election-day process positively in the overwhelming majority of polling stations observed and noted few procedural problems and violations, mostly related to voter secrecy and the transparency of the tabulation process.

The electoral legal framework provides an adequate basis for the conduct of democratic elections. However, several key provisions fall short of international standards and obligations, and it also contains a number of omissions, undermining its effectiveness and at times leading to legal uncertainty, mostly related to campaign rules. The adoption of amendments to the election laws in 2020 introduced a number of positive technical changes and clarifications. However, the adoption of the amendments lacked genuine public consultation and many prior ODIHR recommendations to strengthen the legislation largely remain unaddressed, including on suffrage rights, prevention of the misuse of administrative resources and blurring of state and party functions, media freedom, campaign finance, and citizen observation.

The referendum legal framework is largely inadequate for the conduct of a democratic referendum and does not provide for a level playing field for referendum campaigns. The law does not guarantee equal campaign opportunity for the supporters and opponents of the referendum proposals and does not prescribe neutrality of public authorities, nor does it ban the authorities' use of public funds for referendum campaigns or require impartial voter education on the choices. Under a 2018 amendment, the government has full campaign rights as a referendum initiator, contrary to international good practice, as defined by the Council of Europe's Venice Commission's Code of Good Practice on Referendums. Positive efforts were made to amend legislation to harmonize administrative matters for the concurrent holding of the referendum and elections, but the holding of simultaneous campaigns led to legal ambiguities, particularly on campaign rules.

The 199 members of parliament were elected under a mixed electoral system, including a national-minority component. A key 2020 amendment to election legislation substantially increased the number of single-mandate candidates that parties need to nominate in order to contest in the national proportional contest, which several ODIHR EOM interlocutors considered as an undue barrier to participation. Contrary to the law, parliament did not revise the boundaries of constituencies that exceeded the established deviation limit following the 2018 elections. The current voter distribution amongst single-mandate constituencies significantly challenges the principle of equality of the vote.

A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ballots. The current referendum was proposed by the government and after judicial review included four questions related to the 2021 ‘child protection’ law. While by law all referendum results are binding, the application of the binding effect of the current referendum is unclear, at odds with international good practice, as the law, which is the legislative basis of the issues put to the referendum, is already in force.

Overall, the election administration managed the technical preparations professionally and efficiently and met all legal deadlines. NEC sessions were open to the public, the agenda was announced shortly before each session, with decisions published in a timely manner. The election administration did not enjoy the full confidence of electoral contestants, particularly at the higher level, due to concerns over the dominance of the ruling majority appointees in its bodies. Furthermore, most sessions of election commissions lacked genuine deliberations, and were limited to voting on pre-drafted decisions, especially before the party-delegated members joined, diminishing the transparency of the decision-making.

Some 8.22 million voters are included in the voter register, which is maintained by the National Election Office (NEO). Political parties and civil society organizations that the ODIHR EOM met with expressed overall confidence in the accuracy of the voter register. However, the November 2021 amendment, which eased requirements for civil registration, weakened safeguards against manipulation of voter registration, and concerns persisted about the accuracy of the registry for postal voting as the data is only updated once in 10 years. The NEO’s efforts to publish detailed voter registration figures on a weekly basis increased transparency of the register. The differing modalities for out-of-country voting, depending on whether voters retain a domicile in Hungary or not, challenged the principle of equal suffrage. Restrictions on electoral rights on the basis of intellectual disability and distinction based on marital status are at odds with international standards.

In an inclusive process, the NEC registered 55 nominating organizations, including 12 minority self-governments, from which six national proportional lists with a total of 1,035 candidates were registered. Constituency Election Commissions registered more than 660 candidates for elections in the 106 single-mandate constituencies. Less than 20 per cent of all candidates were women. The process of support signature collection by single-mandate constituency candidates was marred by numerous instances of fraudulent signatures and personal data misuse by some contestants. The election administration made insufficient efforts to address these violations and there was a lack of timely handling of such cases by law enforcement.

Fundamental freedoms of association and assembly in the campaign were respected, and election participants were largely able to campaign freely. However, the campaign was marked by an absence of a level playing field, characterized by a pervasive overlap between the ruling coalition’s campaign messages and the government’s information campaigns, giving an advantage to the ruling coalition and blurring the line between state and party. Furthermore, due to a concentration of ownership of commercial billboards, there was a significant disparity in the allocation of billboard space for campaign posters, favoring the ruling coalition. In a highly negative campaign, the war caused by the Russian Federation’s invasion of Ukraine featured prominently with the ruling and opposition parties criticizing one another’s stance and launching personal attacks. The referendum campaign is largely unregulated and referendum issues featured in the campaign only to a limited extent.

The campaign finance legislation remained largely unchanged since the last parliamentary elections, and recent amendments did not address longstanding ODIHR and the Council of Europe’s Group of States against Corruption (GRECO) recommendations. The lack of requirements for the disclosure of donations resulted in an opacity of campaign funding. Extensive spending through third parties, which largely favored the ruling party, remains unregulated despite prior ODIHR recommendations, and rendered

spending limits ineffectual. While the State Audit Office is mandated with campaign finance oversight, it does not interpret this to extend to ascertaining actual campaign spending. No direct public funding is provided for referendum campaigns and there is no referendum spending limit. Overall, the legislative shortcomings and limited enforcement of the regulatory framework negatively affected transparency and accountability of campaign finances.

Out of 13 national minority self-governments, 12 submitted candidate lists, with the exception of the Roma minority. Several interlocutors, including Roma representatives, raised concerns with the ODIHR EOM about potential election violations in relation to the Roma community, including vote-buying and possible pressure by mayors connected to employment programs. The ODIHR EOM observed isolated instances of anti-Roma rhetoric.

The media are divided along political lines and operate in an increasingly concentrated market. The extensive government advertising campaigns and biased news coverage in the public and many private media provided a pervasive campaign platform for the ruling party. The campaign opportunities in the media for other parties were significantly limited by the constitutional prohibition on paid political advertisement and scarce allocation of the free airtime by only a few media. The absence of debates among the major electoral competitors, along with the independent media's limited access to public information and activities of national and local government officials, significantly limited voters' opportunity to make an informed choice.

The legal framework provides opportunity to seek legal remedy for election disputes on an expedited basis, however, a recent amendment that restricts the legal standing to appeal decisions of election commissions unduly limits the right to seek effective legal remedy. The NEC deliberated on complaints and appeals in public sessions within established deadlines and promptly published its decisions, contributing to transparency of the process. Almost half of complaints and appeals were denied consideration by the NEC on technical grounds, and some dismissals of complaints on merit lacked necessary examination. A key Constitutional Court decision from 11 March, effectively authorized the government to engage in election campaigning. Some election disputes were adequately resolved, but the handling of many cases by the adjudicating bodies fell short of providing effective legal remedy, contrary to OSCE commitments.

There is no legal provision for participation of non-partisan observation of the election process, contrary to OSCE commitments and repeated ODIHR recommendations. Party observers could observe the tabulation process at constituency and national level and the counting of postal votes. A civil-society initiative recruited more than 27,000 volunteers to act as party-delegated members to all PSCs across the country. Legislation provides for international election observation at all stages of the process, and the accreditation process for international observers was efficient.

Election day was peaceful and the NEO announced a voter turnout of 69.5 per cent. IEOM observers assessed all stages of the election day process positively in the overwhelming majority of polling stations observed. Voting procedures were largely respected, but secrecy was often compromised, many polling stations were overcrowded, and group voting was frequently observed. IEOM observers reported only isolated cases of other violations. Counting procedures were largely followed, and IEOM observers reported relatively few procedural errors and omissions. The tabulation procedures at LEOs were generally followed but in some cases, transparency was lacking. IEOM observers noted some issues with the data entry and reconciliation of election results.

PRELIMINARY FINDINGS

Background and Political Context

Hungary is a parliamentary republic, with legislative powers vested in a unicameral parliament. The government, led by the prime minister, exercises broad executive powers. On 11 January 2022, President János Áder called parliamentary elections for 3 April. The same day, he set the date for a referendum on matters addressed by the so-called ‘child protection’ law to be held concurrently with the parliamentary elections.¹ On 10 March 2022, in anticipation of the end of Mr. Áder’s second five-year term in May 2022, parliament elected Katalin Novák, nominated by *Fidesz*, as the next president, the first female president of Hungary.

Since coming to power in 2010, *Fidesz* – Hungarian Civic Alliance, with its coalition partner, the Christian Democratic People’s Party (KDNP), has held a two-thirds parliamentary majority for most of the period.² The ruling majority has initiated significant legislative changes, including some that led to infringement procedures against Hungary by the European Commission (EC).³ After the adoption of the June 2021 ‘child protection’ law, the EC initiated a legal action against Hungary for violations of the fundamental rights of LGBTI people, following which Prime Minister Viktor Orbán announced his intention to call a referendum.⁴

For these elections, six opposition parties, the United for Hungary bloc, agreed to back a joint prime ministerial candidate, the independent Péter Márki-Zay. They also agreed to support a single candidate in each of the 106 single-mandate constituencies, and to put forward a joint list for the proportional component.

Legal Framework

The electoral legal framework forms an adequate basis for the conduct of democratic elections, however, it contains a number of omissions and key provisions that fall short of international standards and obligations, undermining its effectiveness.⁵ The legal framework underwent a series of amendments following the last parliamentary elections; the most recent substantive changes were adopted in 2020, in one package of amendments to seven laws. These were mostly related to a range of election-administration matters, and also included a key change to political parties’ eligibility to fully contest the

¹ The Law on Stricter Measures against Pedophile Offenders and Amending Certain Laws to Protect Children was adopted on 15 June 2021. The Council of Europe’s European Commission for Democracy through Law (Venice Commission) [Opinion](#) from 13 December 2021 found the law incompatible with international human rights norms.

² In the 2018 parliamentary elections, the *Fidesz*–KDNP coalition won 133 out of 199 seats; *Jobbik* won 26; the Hungarian Socialist Party (MSZP) in coalition with Dialogue won 20; the Democratic Coalition (DK) won 9; Politics Can be Different (LMP; the party was renamed to LMP – Hungary’s Green Party in 2020) won 8 seats, the Together party won one seat, and there was one independent. The National Self-government of Germans in Hungary won one seat from the minority list component.

³ In June 2020, the European Court of Justice (ECJ) ruled that a 2017 law restricting foreign funding of civil-society organizations did not comply with EU law. In April 2021, parliament revoked the law. In November 2021, the ECJ found the so-called ‘stop Soros law’, which criminalizes participating in organized assistance to illegal immigrants, to be in violation of EU law.

⁴ The EC initiated [infringement procedures](#) on 15 July 2021. Mr. Orbán [stated](#) that “we need the referendum because Brussels attacked Hungary and we need the support of every Hungarian person so that we can win this battle.”

⁵ The legal framework consists primarily of the 2011 Fundamental Law (Constitution), the 2011 Act on the Elections of Members of Parliament, the 2013 Act on Election Procedures, and the 2013 Act on the Transparency of Campaign Costs. Legislation is supplemented by decrees issued by the Minister of Justice and non-binding guidelines to election commissions issued by the National Election Commission.

elections.⁶ The adoption of these latest substantive amendments lacked genuine consultation with relevant stakeholders, contrary to international commitments and good practice.⁷

Recent amendments introduced a number of positive technical changes and clarifications, including on matters related to voter and candidate registration, campaigning, postal voting, determination of election results, and repeat elections. The amendments, however, did not address a number of previous ODIHR recommendations to bring the laws further in line with international standards and commitments, including those related to suffrage rights, the electoral-boundary delimitation mechanism, prevention of the misuse of administrative resources and blurring of state and party functions, media freedom, campaign finance, and citizen observation.⁸ Key gaps in the regulation of the campaign led to the election commissions and courts defining the rules during the adjudication of complaints. Legal certainty was further challenged as the decisions on complaints and appeals that shaped the regulation of these campaign matters were often overturned or annulled by higher adjudicative bodies.

The Constitution guarantees fundamental rights and freedoms. However, media freedom, the right to information, and freedom of association have been restricted in recent years and judicial independence has been weakened by recent legislative changes. Under the current declared state of danger, the government holds extraordinary powers to issue decrees that may restrict certain fundamental rights and freedoms.⁹

The legislative ban on holding concurrently a national referendum and elections was lifted in November 2021. As these two events were being held concurrently for the first time, this resulted in some complexity and ambiguities on the rules applicable for the overlapping campaigns.¹⁰ Positively, some amendments on administrative matters were introduced to the legislative frameworks aiming at harmonizing the potential concurrent administration of such events, still the lack of regulation of the referendum campaign and its intersection with the election campaign adversely impacted the process.

The referendum legal framework is largely inadequate for the conduct of a democratic referendum and does not provide for a level playing field for referendum campaigns.¹¹ Under a 2018 amendment, the

⁶ The amendments were assessed in a [Joint Opinion](#) of ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission); the recommendations on revisions remain unaddressed.

⁷ Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) states that the legislation should be adopted at the end of a public procedure. As required by law, the draft amendments were published with invitation for comments. However, the Ministry of Justice informed the ODIHR EOM that they considered the views of the civil society sector to be aligned with the political opposition and therefore deemed the consultation with these organizations unnecessary. This lack of broader consultation and the fact that amendments were adopted one month after submission drew criticism from the opposition and civil society, who alleged that certain provisions were politically motivated.

⁸ In paragraph 26 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed themselves to follow-up on ODIHR's election assessments and recommendations. The authorities informed the ODIHR EOM that those recommendations deemed not to be in line with Hungarian democratic and legal traditions would not be addressed. For example, the prior ODIHR recommendation to fully repeal restrictions on the voting rights of persons with intellectual disabilities, in line with international standards, is considered by the authorities not to be in line with Hungarian legal tradition.

⁹ The current state of danger related to the COVID-19 pandemic is set to expire on 1 June 2022. These decrees can remain in effect after 15 days with the approval of parliament. While most pandemic-related restrictions had been lifted prior to the election, including on freedom of assembly, Decree 521 from 25 November 2020, which extended the deadline for the government to respond to access-to-information requests from up to 30 days to up to 90 days, remains in force.

¹⁰ In addition, on 1 January 2022, a complete ban on holding national referendums introduced by the government under a pandemic-related emergency decree was lifted while the ban on local referendums remains in force. The amendment was initially proposed by an opposition MP Tímea Szabó, from Dialogue for Hungary, and 183 MPs supported its adoption.

¹¹ Referendums are regulated by the Constitution and the 2013 Act on Initiating Referendums, the European Citizen's Initiative and Referendum Procedure (Referendum Act).

government has full campaign rights as a referendum initiator. The Referendum Act does not prescribe the neutrality of public authorities, nor ban their use of public funds for referendum campaigns. Moreover, it guarantees equal opportunity to campaign in the broadcast media for parliamentary parties and the government, when it is the initiator of a referendum, rather than equal opportunity for the supporters and opponents of the referendum proposals. These aspects are at odds with international good practice.¹² The law also does not have a clear definition of political advertisement for referendums. Moreover, neither the government nor the election bodies are legally bound to provide voters with objective and balanced information on the issues put to the referendum or the positions of the proponents and opponents on the issues, challenging voters' ability to make an informed choice.¹³

Electoral and Referendum Systems

The 199 members of parliament are elected under a mixed system: 106 in single-mandate constituencies by first-past-the-post voting, and 93 are elected from closed candidate lists in a nationwide proportional contest through a partially compensatory system, with varying thresholds.¹⁴ National minority lists need one fourth of the electoral quota for one member to be elected.¹⁵ If the quota is not reached, the national minority is entitled to a non-voting parliamentary spokesperson.

The 2020 amendments introduced stricter criteria for parties to run in the national proportional contest, requiring the simultaneous nomination of at least 71 single-mandate candidates in a minimum of 14 of the 19 counties and in Budapest, an increase from 27 candidates and 9 counties and Budapest.¹⁶ While parties and other stakeholders generally agree that such a measure may alleviate a prevalent problem of 'fake' parties running only to misuse public campaign funds, some informed the ODIHR EOM that they consider the increase to be an undue barrier to participation.¹⁷

The delineation of single-mandate constituencies has not changed since 2014. There is a significantly unequal distribution of registered voters amongst the constituencies, with up to 33 per cent deviation, at odds with the principle of equal suffrage, and in some instances contradicts domestic

¹² Guidelines I.2.2 and I.3.1 of the [Venice Commission's Code of Good Practice on Referendums](#) state: "Equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on notably as concerns the coverage by the media, in particular news broadcasts, as well as public subsidies and other forms of backing...Administrative authorities must observe their duty of neutrality, [to ensure] equality of opportunity [and as] one of the means of ensuring that voters can form an opinion freely...Contrary to the case of elections, it is not necessary to prohibit completely intervention by the authorities in support of or against the proposal... However, the public authorities must not influence the outcome of the vote by excessive, one-sided campaigning and must not abuse their position...[T]he use of public funds by the authorities for campaigning purposes must be prohibited."

¹³ Guideline I.3.1 of the [Venice Commission's Code of Good Practice on Referendums](#) states, in part: "The authorities must provide objective information... This implies that the text submitted to a referendum and an explanatory report or balanced campaign material from the proposal's supporters and opponents should be made [directly] available to electors sufficiently in advance...in order to enable voters to arrive at an informed opinion...The information must be available...in the official languages of national minorities."

¹⁴ The following thresholds apply: 5 per cent for parties standing individually, 10 per cent for two-party coalitions, and 15 per cent for coalitions of three or more parties. Under international good practice, these thresholds for coalitions can be viewed as especially high, even for coalitions. See the European Court of Human Rights (ECtHR) case in [Yumak and Sadak v. Turkey](#), where the Court stated that a 10 per cent threshold, although not a violation of the European Convention on Human Rights, seemed excessive and recommended to lower it.

¹⁵ The quota is determined by dividing the total number of national list votes by 93.

¹⁶ The proposal of the Ministry of Justice was to increase the number of candidates to 50, which was further increased to 71 based on a proposal of an independent member of parliament.

¹⁷ ODIHR and the Venice Commission in their [Joint Opinion](#) recommended to significantly reduce the amended numbers given that the stricter requirement "might aggravate the level of political polarization in the political arena and ultimately in the society" and noted that other means to minimize 'fake' parties could be used.

law.¹⁸ Further, revision of boundaries that have more than a 20 per cent deviation based on voter distribution in the most recent parliamentary elections, did not take place following the 2018 elections as required by law.¹⁹

National referendums can be initiated by 200,000 voters or ordered at the discretion of the parliament when initiated by the president, the government, or at least 100,000 voters.²⁰ This referendum was initiated by the government which proposed five questions. The National Election Commission (NEC) which determines compliance of the referendum questions with substantive and procedural legal criteria, approved five questions but the Supreme Court overruled the decision on one of the questions.²¹ Multiple questions submitted by the same initiator appear on the same ballot with each question offering a ‘yes’ or ‘no’ option. A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ballots. While by law all referendum results are binding, the legal effect of the current referendum is unclear, as the legislative basis of the issues put to the referendum, the 2021 ‘child protection’ law, is already in force, at odds with international good practice.²²

Election Administration

The parliamentary elections and referendum were managed by a parallel four-tiered administration comprised of the NEC, 20 Regional Election Commissions (RECs), 106 Constituency Election Commissions (CoECs), and 10,243 Polling Station Commissions (PSCs). In addition, the NEO, 20 Regional Election Offices (REOs), 97 Constituency Election Offices (CoEOs), and 1,264 Local Election Offices (LEOs) are responsible for administering elections, and providing assistance to the respective commissions in the decision-making process.²³ ODIHR EOM observers found that the parallel operation of offices and commissions, without clearly separated functions, diminished the intended functional oversight over the election offices.

¹⁸ Twenty-five of the 106 single-mandate constituencies have more than a 10 per cent deviation, including 18 with more than a 15 per cent deviation, the largest being 33 per cent. See paragraph 7.3 of the [1990 OSCE Copenhagen Document](#), which states that the participating States will “guarantee universal and equal suffrage to adult citizens”. Guideline I.2.2 of the [Code of Good Practice](#) stated that “the permissible departure from the norm should not be more than 10 per cent and should certainly not exceed 15 percent, except in special circumstances.”

¹⁹ The two constituencies are No. 02 and 05 in Pest county. The boundaries of the single-mandate constituencies are entrenched in cardinal law that can only be changed with two-thirds parliamentary support, contrary to international good practice. In August 2020, the NEO submitted to the Ministry of Justice proposed revised boundaries of several constituencies to ensure that the voter distribution was within the legislated limit; the proposal was never tabled in parliament. In December 2020, a parliamentary opposition member tabled the same boundary revision proposal which in turn was voted down.

²⁰ Referendums may only be held on matters within parliament’s purview, with exceptions including issues that impact international treaty obligations.

²¹ Multiple petitions in the Supreme and Constitutional Courts challenged the substantive and procedural validity of the five referendum questions. One of the questions that was overturned by the Supreme Court was subsequently confirmed by the Constitutional Court; however, in the meantime the parliament had already called the referendum for the four questions. On re-examination, the Supreme Court on 23 March again rejected the fifth question.

²² The Guideline I.3.1.c. of [Code of Good Practice](#) states that “The question put to the vote must be clear; it must not be misleading; it must not suggest an answer; electors must be informed of the effects of the referendum; voters must be able to answer the questions asked solely by yes, nor or a blank vote”.

²³ Election offices operate in a hierarchical structure headed by the NEO president, who is appointed for a nine-year term by the president of Hungary upon nomination by the prime minister. Lower-level offices are headed by municipal clerks and act as secretariats for the commissions. In some cases, CoEOs and LEOs are headed by the same official.

The NEC is a permanent independent body composed of a president and six elected members.²⁴ After registration, entities that fielded national lists could delegate members to the NEC.²⁵ Of the 18 current NEC members, four, including the vice-president are women. During the 50 days between the calling of the elections and the nomination of the NEC party-delegated members, a number of decisions on the registration of party lists, as well as the adjudication of complaints and appeals took place without party-delegated members, detracting from the pluralism of the NEC's decision-making.

RECs, CoECs and PSCs consist of three members elected by the corresponding county or local government, based on proposals from respective election offices.²⁶ Recent amendments have broadened LEOs' discretion in nominating additional PSC members where PSCs have less than five members due to insufficient nominations from contestants. Recruitment of PSC members was conducted by public calls that did not contain detailed requirements and did not follow a consistent approach, diminishing the transparency of the selection process. LEOs provided training for PSC registrars, who assist PSCs on election day and are responsible for filling out the results protocols, and organized sessions for the elected and delegated members, based on training materials produced by the NEO. The training sessions for PSC members attended by ODIHR EOM observers were assessed as well-organized and comprehensive. CoECs and RECs did not receive training, even on the RECs new role related to candidate registration appeals but could consult CoEOs and REOs if needed.²⁷

Overall, the election administration managed the technical preparations professionally and efficiently and met all legal deadlines. Sessions of election commissions were open to the public, the agenda announced shortly before each session, and NEC decisions were published in a timely manner. However, most sessions of election commissions, lacked genuine deliberations, and were limited to voting on pre-drafted decisions, especially before the delegated members joined. This along with strict time restrictions on members' interventions diminished the transparency and collegiality of the decision-making.²⁸ While NEC sessions can be held using electronic channels, these are not broadcast or streamed online, and session minutes were published within some two weeks. Furthermore, the election administration did not enjoy the full confidence of electoral contestants, particularly at the higher-level, due to concerns over the dominance of the ruling majority appointees in its bodies.²⁹

Notable efforts were made by the election administration to strengthen the accessibility of the elections to persons with disabilities, in line with law.³⁰ The NEO maintained an information website with voter information for the elections and referendum, as well as voter education materials and easy-to-read content tailored for users with various impairments. 1,648 persons requested to vote at a designated

²⁴ Political parties with a parliamentary group can each elect one member with full voting rights. The mandate of these members ends when the next parliamentary elections are called.

²⁵ Six political entities and five national minority lists delegated members, who started attending sessions on 4 March.

²⁶ Political parties and independent candidates registered in the respective constituency may each delegate up to two members per PSC.

²⁷ The ODIHR EOM was informed by some CoEOs that CoECs members are experienced election lawyers and university professors and do not need training. The NEC chairperson, however, shared that CoECs did not adjudicate complaints in a uniform manner during the election period.

²⁸ The NEC Rules of Procedure specify that commissioners may speak on two agenda items during the discussion of the agenda, with two interventions of two and one minute, respectively. This might be extended to five minutes. While this may contribute to the efficiency of meetings, it does not allow reasonable time for thorough deliberations.

²⁹ Similarly, in a few localities, *Fidesz* raised concerns about the lower level election bodies where the opposition has the ruling majority. [Code of Good Practice](#) Guideline II.3.1 underlines "an impartial body must be in charge of applying electoral law".

³⁰ The Convention of the Rights of Persons with Disabilities Committee's 2022 Concluding [Observations](#) on Hungary raised a number of concerns related to the right to vote of persons with disabilities and issued four related recommendations including on suffrage rights, assisted voting, reasonable accommodation, and measures to promote the election and appointment of persons with disabilities.

accessible polling station, and 246 a voting template in Braille. In addition, over 80,000 voters requested to vote using the mobile ballot box. ODIHR EOM observers reported that voter education campaigns were mainly conducted by civil society organizations (CSOs).

Voter Registration

All citizens who are at least 18 years old on election day, and married citizens over 16, have the right to vote, except for those disenfranchised by an individualized court decision due to mental incapacity or criminal conviction.³¹ Restrictions on electoral rights on the basis of intellectual disability and distinction based on marital status are at odds with international standards.³²

The voter register is maintained by the NEO.³³ As of 2 April, 8,215,466 million citizens registered to vote in the parliamentary elections and the referendum.³⁴ Voter registration is passive for eligible citizens with a domicile in Hungary. Political parties and CSOs the ODIHR EOM met with expressed overall confidence in the accuracy of the voter register. However, the November 2021 amendment which redefined residency and eased requirements for civil registration weakened safeguards against manipulation of voter registration.³⁵ Moreover, the timing of the amendment is at odds with international good practice.³⁶ The NEO's efforts to publish detailed voter registration figures on a weekly basis increased transparency of the register. Voters could request changes to their data up to two days before election day.³⁷ According to the data published by the NEO, changes in voter registration figures per constituency following the amendment to the law ranged from 0.002 to 0.95 per cent.³⁸

There are two different voting methods for voters abroad. Voters abroad with an in-country residence had to register by 25 March to vote in one of the 146 polling stations established at Hungarian diplomatic missions. Voters abroad without domicile in Hungary, are eligible to vote by post. The data of just under half a million voters in the register for postal voting only needs to be updated once every ten years, at

³¹ According to NEO data, this affected 72,360 voters. The 2020 amendments to the Act on Election Procedure removed “pathological addiction” from the grounds for disenfranchisement. The ODIHR EOM was informed by persons with disabilities rights organizations that despite the legal requirement for individual court decisions, the court practice of disenfranchising voters due to mental health issues has not changed. Further, the ODIHR EOM was informed that previous decisions on depriving voting rights for mentally incapacitated persons are not re-examined.

³² Article 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), states that to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected”. Paragraph 3 of UN Committee on Human Rights [CCPR General Comment No. 25](#) states: “no distinctions are permitted between citizens in the enjoyment of [voting rights] on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

³³ The civil registry contains data based on the Personal Data and Address Registry at the Ministry of Interior, while the National Court Office and the Criminal registry provide data on those deprived of suffrage rights.

³⁴ This includes 7,536,306 voters registered in their home constituency, 157,551 absentee voters, 65,480 voters registered to vote at Hungarian diplomatic missions, and 456,129 voters abroad without a registered address in Hungary who are eligible to vote by post (40,570 are registered to vote for national minority lists).

³⁵ Amendments to the Act on the Records of Citizens' Personal Data and Address changed the definition of residency from the actual place of residence to the address used for communication with the state. One quarter of sitting MPs challenged the amendment before the Constitutional Court, claiming that the register of residential addresses would no longer be proof of the actual place of residence. The petition was dismissed on 14 February. The Constitutional Court in its decision ruled that the amendment was necessary as it “provides a regulatory response to the social phenomenon that some of the notifications of residential addresses no longer reflect the reality of the situation”.

³⁶ Guideline II 2b of the [Code of Good Practice](#) states, in part, that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”.

³⁷ Guideline I 1.2. of the [Code of Good Practice](#) prescribes that “[e]lectoral registers must be published”.

³⁸ The figures on changes in the voter register are based on the ODIHR EOM analysis of NEO published data from December 2021 to 31 March 2022. The voter registration figures from 2021 were published by the NEO in a different format in comparison to the recent data, which does not facilitate the comparison of voter registration trends.

odds with international good practice and creates concerns about the accuracy of the register.³⁹ In response to complaints related to the delivery of the postal voting packages, the NEC stated that NEO is not responsible for investigating proper delivery of the postal voting packages.⁴⁰ The differing modalities for out-of-country voting, depending on whether voters retain a domicile in Hungary or not, challenged the principle of equal suffrage.⁴¹

Candidate Registration

The right to stand is granted to every citizen with voting rights. Candidates for single-mandate constituencies may be nominated by one or more nominating organization or run independently.⁴² Candidates for single-mandate constituencies had to collect at least 500 support signatures from citizens eligible to vote in that constituency, on signature sheets pre-approved by the NEO. The referendum legal framework does not include the concept of supporters and opponents of a referendum, contrary to international good practice, and does not require political parties or other stakeholders to register to participate in the referendum campaign.⁴³

In an inclusive process, the NEC registered 55 nominating organizations, including 12 minority self-governments, and denied 7 entities due to omissions in their documentation.⁴⁴ In total, six national proportional lists were registered, and one list rejected.⁴⁵ The registered lists included a total of 1,035 candidates, including 204 women (19.7 per cent). National minorities fielded 111 candidates, including 49 women (44.1 per cent). CoECs registered 663 candidates for elections in single-member constituencies, including 116 women (17.5 per cent); 34 single-member constituency candidates stood as independents. CoECs denied the registration of 105 candidates, 8 withdrew, and 1 was deregistered.⁴⁶

The NEO launched a new online portal where voters could check if their data had been used in support of any candidate. Numerous complaints and appeals were lodged by candidates and citizens alleging fraudulent signature collection or the misuse of personal data. RECs dismissed most of these on formal grounds due to late submission or inability to provide sufficient evidence; only in some cases were such

³⁹ Guideline I.1.2. of the [Code of Good Practice](#) prescribes that fulfilment of the following criteria is essential if electoral registers are to be reliable: “ii there must be regular up-dates, at least once a year”.

⁴⁰ On 21 March, a complaint was filed by an individual citizen claiming that in Serbia, the Alliance of Vojvodina Hungarians, an ethnic Hungarian party, delivered the postal voting packages instead of the Serbian postal services. The NEC dismissed the complaint stating that NEO is not responsible for investigating proper delivery of the postal voting packages. On appeal, the Supreme Court upheld the decision. ODIHR EOM received allegations that local organizations in neighbouring countries might influence voters when assisting them to file their voting packages. On 3 April, the NEC dismissed a complaint related to alleged destruction of ballots in Târgu Mureş, Romania due to lack of jurisdiction. The United for Hungary coalition called for the invalidation of all postal ballots after this incident.

⁴¹ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to “guarantee universal and equal suffrage to adult citizens”.

⁴² Candidates may withdraw up to 11:00 on the day before elections. After the election, candidates that did not win a mandate are removed from the party list contrary to ODIHR and Venice Commission recommendations.

⁴³ Guideline I.2.2 of the [Code of Good Practice on Referendums](#) “provides that equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on.

⁴⁴ The Hungarian National Party denied twice for lack of authorized legal representation was eventually registered.

⁴⁵ Nominating organizations include political parties that field single-mandate constituency or proportional candidates, as well as minority self-governments. The NEC refused the registration of the list of Our Party – IMA as the party fielded only 10 individual candidates in 7 counties and the capital. United for Hungary, the Normal Life Party, the Two-Tailed Dog Party, the Solution Movement, Our Homeland, and *Fidesz*–KDNP met the requirement for registration of their national proportional lists and submitted their documents by the deadline.

⁴⁶ The Budapest REC deregistered a candidate after reviewing the signature sheets as the data on some of the signature sheets was not in compliance with legal requirements, and invalidated part of the signatures, causing the number of remaining valid signatures to drop below the required 500. A candidate from United for Hungary appealed against the decision of Budapest CoEC 05 to register the Solution Movement candidate because several recommendation signatures were allegedly forged (five individuals informed about the misuse of their data by the movement).

claims forwarded to the police.⁴⁷ The Ministry of Interior informed the ODIHR EOM that more than 100 criminal investigations were launched on suspected falsification of signatures or misuse of personal data in the signature sheets submitted by candidates for registration, all of which are still pending.⁴⁸

Campaign Environment

The official campaign commenced on 12 February and continued through election day.⁴⁹ Campaigning by public officials is not restricted in any manner by the law, and the use of administrative resources in the election campaign is not prohibited, at odds with OSCE Commitments.⁵⁰ Referendum campaigning is largely unregulated.

The fundamental freedoms of association and assembly were respected, and election participants were largely able to campaign freely, however, the campaign was marked by a fundamental lack of a level playing field. A range of contestants represented different views. Parties campaigned actively around the country, with varied intensity between the regions, by means of meetings with voters, door-to-door and small-scale street campaigning, as well as indoor forums. Attendance at campaign events observed by ODIHR long term observers (LTOs) ranged from smaller gatherings focused on direct contact with voters to larger gatherings attended by a few hundred people, with some gathering tens of thousands.⁵¹ The ODIHR EOM noted a significant disparity in the allocation of billboard space for campaign posters in favor of the ruling coalition. Both ruling and opposition parties also placed smaller campaign posters in many parts of the country.⁵² Parties and candidates relied heavily on social networks to promote their campaign messages.⁵³ Multiple times in the campaign the sending of emails and text messages with

⁴⁷ Most RECs reviewed individual claims by voters about the misuse of their data by candidates, claims alleged misuse predominantly by the Solution Movement and the Normal Life party. A number of candidates appealed CoEC decisions on registration, requesting RECs to review the validity of the submitted support signatures. The NEC received a total of seven complaints and appeals about signature collection irregularities, including falsified signatures; all were rejected. A fine of HUF 3,000,000 (EUR 8,000) was issued by the Hungarian National Authority for Data Protection and Freedom of Information (NAIH) in March 2022 to the Common Ground 2018 party and its founder, György Gődény, the current chairperson of the Normal Life party, for a 2020 case on misleading citizens about the purpose of collecting personal data in support of an online petition. On 17 March 2022, the NAIH, launched an investigation into the Normal Life party, based on a number of complaints, concerning the unlawful collection of personal data online in connection with these elections.

⁴⁸ In addition, some criminal investigations were launched into candidates suspected of attempting to pay voters for signing their recommendation sheets.

⁴⁹ Campaign rallies and campaign advertisements in the media are prohibited on election day, and campaigning may not take place within 150 meters of polling stations.

⁵⁰ The law establishes guiding principles for the application of provisions in the election law, including the principles of equal opportunities for contestants and the protection of the fairness of the election. Campaigning in buildings that serve as premises for state or local government authorities is prohibited. Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”.

⁵¹ ODIHR LTOs observed 32 campaign events in 9 counties and Budapest city.

⁵² Following recent legislative amendments, advance written permission is required from the owner of a private property where campaign materials are posted. The ODIHR EOM noted widespread defacing of such posters. The Ministry of Interior informed the ODIHR EOM that some 50 criminal investigations were initiated in relation to damage to campaign posters, and some 20 related to the theft of campaign materials.

⁵³ Candidates frequently used their Facebook accounts to criticize each other. Non-party influencers were highly active in the campaign on social networks, particularly in support of *Fidesz*, and often used confrontational rhetoric. Mr. Orbán’s Facebook account had by far the highest engagement in terms of followers, likes, shares and comments among parties and politicians, while Mr. Márki-Zay had the highest engagement among opposition figures. Instagram was used much less extensively, and mostly with the same posts that appeared on Facebook. On 30 March, the *Fidesz* website was attacked by unknown hackers in what the party called “an obvious interference in the elections”. The website was accessible again in the evening of the same day. On 29 March, leader of Our Homeland claimed that the decision by Meta to block the party’s Facebook page was “conscious interference into the parliamentary elections”.

campaign messages led to allegations of the misuse of voters' personal data by the ruling party and the opposition coalition (see *Complaints and Appeals*).

The campaign was highly negative with mutual accusations between the ruling party and the main opposition bloc.⁵⁴ In the campaign, the war caused by the Russian Federation's invasion of Ukraine, featured prominently, especially in the first two weeks.⁵⁵ The United for Hungary opposition campaign focused on the activities of Mr. Márki-Zay campaigning around the country, and *Fidesz* focused on the activities of Mr. Orbán as prime minister, notably concerning the war in Ukraine and the influx of refugees. Locally, *Fidesz* candidates drew attention to projects benefiting the community. Other issues that featured in the campaign included energy security, the economy, notably family support payments, pensions, inflation and utility prices, and later in the campaign EU funding, foreign interference and COVID also emerged as issues.⁵⁶ The referendum issues featured in the campaign only to a very limited extent, although several CSOs called upon voters to invalidate their referendum ballot.

There was pervasive overlapping of government information and ruling party messaging in media advertisements and billboards, and government letters about social benefits, blurring the line between state and party.⁵⁷ There were multiple formal complaints about a government program to distribute laptops in schools, alleging that candidates and officials used the delivery of the laptops as a campaign tool. Another complaint concerned the government sending emails to citizens about the war in Ukraine, in which it criticized the standpoints of the opposition. Such use of state resources amplified the advantage of the ruling party and further tilted the playing field, at odds with paragraph 5.4 of the 1990 Copenhagen Document.⁵⁸

⁵⁴ The ruling coalition stressed its record, contrasting it positively with the previous government under the former prime minister and current DK leader, and claiming that if the opposition came to power, family support and pensions would be reduced, and utility bills would rise. Mr. Márki-Zay filed a criminal complaint about the misrepresentation of his views by the ruling coalition campaign. The ruling coalition also claimed that the opposition would end free healthcare.

⁵⁵ The ruling coalition emphasized the need to preserve peace and security in Hungary, and claimed if the opposition were in power, Hungary would be directly involved in the conflict. The opposition rejected these claims and accused the prime minister of having been too close to the government of the Russian Federation and pursuing a similar course to the Russian President.

⁵⁶ On 29 March a media [report](#) described alleged long-term foreign meddling in the foreign ministry IT system. On 29 March, Mr Márki-Zay [called](#) on the foreign minister to resign for lack of action on the issue. In the campaign, the opposition frequently raised the withholding of EU funding, pointing to this as a government failure. On 31 March, a senior minister [responded](#) that the withholding of EU funding amounted to interference in Hungary's election.

⁵⁷ Government media advertisements featuring a photograph of the prime minister, posters and Facebook posts stressing the preservation of peace and stability in Hungary dovetailed with *Fidesz* messaging that also criticized the opposition position on the armed conflict in Ukraine. Similarly, a key *Fidesz* slogan, "let's go forwards, not backwards" closely mirrored a government information slogan used before the campaign period. Letters sent by the government to citizens about increased pensions and support for families with children contained criticism of the previous government of Mr. Gyurcsány. Utility bills contained messages, describing how prices had been kept low, mirroring a *Fidesz* campaign message about the achievement of low prices and a claim that if the opposition gained power, they would rise.

⁵⁸ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for "a clear separation between State and political parties". Paragraph II. B. 1.3 of the 2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes ([Guidelines](#)) stipulates that ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns. Paragraph II. B. 1.1 of the Guidelines states that "the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate".

The ODIHR EOM was informed by several opposition interlocutors that, especially in rural areas, their campaign activities were hindered by the fact that local populations were pressured not to attend opposition events.⁵⁹ Furthermore, there were numerous claims that employment programs, under which otherwise unemployed people receive employment in public works, were allegedly widely abused by mayors to warn people that, the programs would be withdrawn if the opposition wins in that locality.

Women are generally underrepresented in public life in Hungary and were underrepresented as candidates in the elections.⁶⁰ There are no special measures to promote the participation of women in the election legislation and only four parties informed the ODIHR EOM that they have internal rules to ensure women are represented in high places on candidate lists. Women were largely not featured or addressed in the campaign. At the campaign events observed by ODIHR EOM LTOs messages were rarely directed at women, and when gender-related issues were addressed they were mainly appealing to family values.

Campaign Finance

Party and campaign finance is regulated mainly by the 1989 Political Parties Act and the 2013 Campaign Finance Act. The legislation remained largely unchanged since the last parliamentary election, and recent amendments did not address longstanding ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations.⁶¹ Overall, the legislative shortcomings and limited enforcement of the regulatory framework negatively affected the transparency and accountability of campaign finances.

Public funding is the primary source of financing for political parties and election campaigns.⁶² Contestants may also receive private donations from individuals and campaign using their own funds.⁶³ No direct public funding is provided for referendum campaigns, and referendum campaigners are not subject to any financial disclosure or reporting requirements. As previously pointed out by ODIHR and GRECO, the lack of disclosure of donations maintains the opacity of campaign funding, at odds with international commitments and good practice.⁶⁴ Despite previous ODIHR recommendations, there are no caps on individual donations, which further heightens the risks associated with the lack of transparency of the funding.⁶⁵

⁵⁹ The Ministry of Interior informed the ODIHR EOM that some criminal investigations were launched regarding suspected undue influence of voters by deception or means of financial benefits. ODIHR EOM interlocutors made multiple allegations of vote-buying. In one observed example, in Hajdú-Bihar county, a *Fidesz* candidate posted on his Facebook page that he had distributed food packages to the elderly.

⁶⁰ Twenty-six out of 199 MPs in the outgoing parliament (13 per cent) and 2 out of 13 government ministers are women.
⁶¹ Including those related to caps on individual donations, campaign finance disclosure and reporting before the election, and third-party campaigning.

⁶² Political parties, party foundations, and parliamentary groups receive annual public subsidies. State subsidies for election campaigns are also provided to candidates in single-mandate constituencies, and to entities nominating candidate lists for the national proportional contest.

⁶³ Donations to political parties or contestants from legal entities, foreign individuals or states, as well as anonymous donations are prohibited.

⁶⁴ Large donations to political parties are disclosed in the parties' annual reports. Campaign donations are not disclosed, and only aggregate amounts of campaign incomes are published 60 days after election day. Article 7(3) of the [2003 UN Convention against Corruption](#) obliges states to make good-faith efforts to improve transparency in election and political party financing. See also [GRECO 2010 Evaluation Report](#), well as [ODIHR and Venice Commission's 2020 Guidelines on Political Party Regulation](#).

⁶⁵ [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) paragraph 194 states that "transparency is also important because the public has the right to receive relevant information and to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable".

The law provides for campaign spending limits.⁶⁶ However, their effectiveness was undermined by extensive spending through entities other than the election contestants ('third parties'), which largely favoured the ruling party, and is unregulated despite previous ODIHR and GRECO recommendations. Funding of such entities is not transparent, leaving campaign funders unknown to the public.⁶⁷ Substantial sums were spent on Facebook advertising, led by entities associated with the ruling party.⁶⁸ Spending on referendum campaigns is not limited, which further allowed for the circumvention of campaign spending limits. The most visible referendum campaign was conducted by the government. In these circumstances, election campaign spending limits, which were generally regarded as too low by several ODIHR EOM interlocutors, provided further advantage to the incumbency.

Election contestants must publish a statement on their campaign incomes and expenditures within 60 days of election day, and no reporting prior to election day is envisaged, limiting transparency. The State Audit Office (SAO) audits the campaign finances of the candidates and list nominators who obtained parliamentary mandates.⁶⁹ Those who did not obtain mandates may be audited only based on a request of other contestants, which may result in lack of accountability for the use of public funds.⁷⁰ The effectiveness of the SAO was challenged by its limited mandate and investigative capacity to ascertain actual campaign spending.⁷¹ Several ODIHR EOM interlocutors questioned the impartiality of the SAO due to its track record of identifying irregularities primarily in the finances of opposition parties and the prior political affiliation of the SAO president.⁷² These concerns were compounded by the absence of legal remedies against the SAO's conclusions.⁷³ During the campaign, the NEC dismissed multiple complaints related to possible campaign finance violations due to the lack of jurisdiction, undermining the possibility of redress.⁷⁴

⁶⁶ Each independent candidate may spend up to HUF 5.9 million (EUR 15,700), while a party may spend up to HUF 5.9 million for each candidate, but no more than HUF 1.2 billion (EUR 3.2 million) for a party or alliance contesting all parliamentary seats. 1 EUR equals 376.6 HUF.

⁶⁷ For instance, a highly visible negative campaign against the leader of the opposition alliance, with numerous billboards and posters across the country, was funded by a company set up by a non-governmental organization (*CÖF-CÖKA*). *CÖF-CÖKA* acknowledged to the ODIHR EOM that it is supported by the *Fidesz* party foundation and has received funding from state companies and a state-owned bank in the past but maintained that its negative campaign in these elections was funded from private contributions of individuals and companies. The 2016 Act on the Protection of Townscape provides for publication of contracts for billboard advertising made by state-subsidized bodies and entities, but these rules do not apply to campaign materials.

⁶⁸ Based on Facebook advertising disclosures, the ODIHR EOM calculated that between 19 February and 21 March, entities associated with the ruling party spent HUF 670 million (EUR 1.8 million) on ads; entities associated with the opposition spent HUF 441 million (EUR 1.2 million). All political parties contesting the election spent a combined HUF 223 million (EUR 595,000).

⁶⁹ In addition, the State Treasury, which administers campaign subsidies for candidates and political parties, verifies spending with respect to the subsidy for candidates in single-mandate constituencies, on the basis of reports submitted to it after election day. These reports are submitted within 15 days after the official election results by the candidates themselves or by their party, if the subsidy was assigned by the candidate to the party.

⁷⁰ Nominators of candidate lists, who received between HUF 471 and 706 million (EUR 1.3 and 1.9 million) in state subsidies, and nominators of minority lists, who were together entitled to some HUF 353 million (EUR 941,000), will not be audited automatically if they do not win any seats. The party list subsidy must be paid back if the list received less than one per cent of the valid votes cast for political parties.

⁷¹ Article 14 of [Recommendation Rec\(2003\)4 of the Council of Europe's Committee of Ministers](#) on common rules against corruption in the funding of political parties and electoral campaigns advises that: "[b.] The independent monitoring should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication."

⁷² Since 2010, the SAO is headed by a former MP and deputy leader of the *Fidesz* parliamentary faction, who resigned from his political positions after his appointment to the SAO. Following the audit of the 2014 election contestants, the SAO identified irregularities in the financing of two parties and one alliance from the political opposition; the audit of the 2018 election contestants revealed irregularities in the financing of four parties, all from the opposition.

⁷³ The Act on the SAO provides that its findings and conclusions cannot be contested before courts or other authorities.
⁷⁴ The State Treasury and the SAO also do not have jurisdiction to address such complaints.

Participation of National Minorities

According to the most recent national census in 2011, the largest national minority, Roma, comprised some 3.2 per cent of the population.⁷⁵ As a measure to promote national minority participation, minority representatives can win parliamentary representation under special provisions. For these elections, 12 of the 13 national minority self-governments submitted candidate lists. Due to internal divisions, the Roma minority did not submit a list. Both the ruling party and the opposition had Roma candidates in high positions.⁷⁶ United for Hungary addressed a range of issues concerning Roma in its electoral program. Several interlocutors, including Roma representatives, raised concerns with the ODIHR EOM about potential election violations in relation to the Roma community, including vote-buying. Concerns were also raised that alleged abuses of employment programs by mayors would potentially affect Roma, among other vulnerable voters. Several ODIHR EOM interlocutors asserted that, as many Roma live in considerable poverty, there is often a high degree of dependency on such programs, as well as vulnerability to abuse of their electoral rights. The ODIHR EOM observed isolated instances of negative rhetoric stigmatizing Roma.

Media

The media are divided along political lines and operate in an increasingly concentrated market. The simultaneous transfer of the ownership of 476 media outlets to the Central European Press and Media Foundation (KESMA) in 2018 was not scrutinized by the competition authority.⁷⁷ The change of ownership of the largest news portal *Index* and the subsequent shift of their editorial policies further increased the existing concentration. Two private national broadcasters *RTL Klub* and *TV2* have the highest viewership. The government and state-affiliated companies are dominant in the advertisement market, and the distribution of the advertisement funds to media outlets mainly benefits outlets that support the government.⁷⁸

The public broadcaster Duna Television is legally required to provide balanced, accurate and objective news and to present different opinions and organize debates on community matters, but at the same time does not create its own content, as this is done by the separate entity the Media Services and Support

⁷⁵ The second largest, Germans, comprised 1.9 per cent. All others, including Romanians, Slovaks, Croats, and Serbs, comprised less than 0.5 per cent each. In the census, people may register more than one ethnicity. As a result, many people indicate membership of the Hungarian majority as well as their own national minority.

⁷⁶ There was one highly placed Roma candidate represented on the *Fidesz* list, and three on the the United for Hungary coalition list.

⁷⁷ This deal was exempted from being reviewed by the competition authority and the media regulator by the decree of the government due to its “national strategic importance”. Previously, in 2017 the competition authority and the media regulator blocked the merger of *RTL Klub* with the online media holding *Central Digital Media Ltd*, and in 2011 blocked the merger of Hungarian assets of *Ringier* with *Axel Springer*. Paragraph 8.18 of the PACE Resolution 1636 (2008) “[Indicators for media in a democracy](#)” reads “Legislation must be enforced against media monopolies and dominant market positions.”

⁷⁸ For instance, according to monitoring of advertising conducted by the advertisement research agency *Kantar* based on the list prices for advertising, in 2020 and 2021, *RTL Klub* received eight times less advertising from the government and government-affiliated companies, some HUF 4.05 and 4.03 billion (EUR 10.8 million and 10.7 million), respectively, than *TV2*, that received some HUF 34.2 and 31.9 billion (EUR 86.4 million and EUR 85.1 million), respectively. The government has informed the ODIHR EOM that the allocation of government funds is conducted by an advertisement agency based on the target groups selected for the advertisement campaigns. A number of major online media outlets connected the absence of government advertising in their media to their independent editorial policy. Paragraph 8.19 of the PACE Resolution 1636 (2008) “[Indicators for media in a democracy](#)” reads “if media receive direct or indirect subsidies, states must treat those media fairly and with neutrality”.

Trust Fund (MTVA).⁷⁹ Both entities are funded from the state budget.⁸⁰ Several former and current MTVA journalists complained to ODIHR EOM about an established system of censorship and external approval of editorial content.⁸¹ Following verbal complaints on the lack of access and public protests by the United for Hungary coalition, MTVA provided each contestant which registered a proportional or national minority list with one five-minute time slot in their morning programming for direct statements.

Freedom of expression is guaranteed by the Constitution; however, the media legal framework is restrictive, and this became further constrained during the COVID-19 pandemic.⁸² Access to public information is guaranteed by the legislation and the government informed the ODIHR EOM that weekly press conferences of the Minister of the Prime Minister's Office are open to all journalists. However, many independent and opposition media outlets complained to the ODIHR EOM about limited access to public information, most state-organized press-conferences and other activities of public interest that featured national and local government officials, at odds with international commitments.⁸³ The media legislation obliges the broadcast media to provide fair and balanced political coverage, however, editorial content is not explicitly regulated for elections or referendums. The Referendum Act provides for free broadcast airtime to be divided equally amongst the government, as initiator of the referendum, and parliamentary parties for political advertising, but otherwise there are no rules on who can campaign or the methods they can use in the referendum campaign. Paid political advertising in broadcast media is prohibited by the Constitution, but public-service advertising may be broadcast by the media. The vague definition of political and public-service advertising,⁸⁴ especially in the context of two simultaneous campaigns, combined with the absence of clear guidance by the regulatory body, created legal uncertainty which resulted in *ad hoc* and contradictory interpretations by the NEC and courts.⁸⁵

ODIHR EOM media monitoring noted extensive government advertisement campaigns that were focused on promoting economic achievements, family support and national security, reinforcing the main

⁷⁹ Together they operate seven television channels, seven radio stations and the country's only news agency.

⁸⁰ MTVA was allocated some HUF 130.4 billion (EUR 378 million) for 2022, while Duna was allocated HUF 1.8 billion (EUR 4.8 million) within MTVA's budget. The Hungarian Advertisement Association has [estimated](#) the entire domestic advertisement market for 2021 at HUF 203.1 billion (EUR 541.6 million).

⁸¹ Paragraph 16 of [General Comment 34](#) to Article 19 of the ICCPR requires the States Parties to "ensure that public broadcasting services operate in an independent manner" and "guarantee their independence and editorial freedom".

⁸² The OSCE Representative on Freedom of the Media [noted](#) that media legislation introduced since 2010 violates OSCE media freedom commitments and [media pluralism](#) and the Council of Europe Commissioner for Human Rights stated that it [negatively affects](#) free speech. In 2015, the [Venice Commission](#) called for the narrowing of content-related restrictions. The Freedom of Information Act, amended in 2016, introduced undue restrictions on access to information by broadening the definition of information not subject to disclosure and by increasing the fee for handling information requests. In 2020, a new provision in the Criminal Code introduced the crime of fearmongering, which effectively bans intentionally spreading misinformation that hinders the government response to the pandemic, subject to a maximum five-year prison term.

⁸³ Paragraph 19 of [General Comment 34](#) Article 19 of the ICCPR requires the States Parties to "proactively put in the public domain Government information of public interest" and "make every effort to ensure easy, prompt, effective and practical access to such information". See also the 2009 Council of Europe [Tromsø Convention](#).

⁸⁴ The Media Act defines political advertisements as promoting or advocating support for a party, political movement, or the government, or promoting the name, objectives, activities, slogan, or emblem of such entities. It defines public interest advertising as a call or public interest message which does not constitute political advertising and does not serve financial interest and advertising purposes, and which seeks to influence the viewer or listener of a media service in order to achieve a public-interest objective.

⁸⁵ Following the civil-society organization (CSO) appeal, the Supreme Court ruled on 11 March that a government commissioned advertisement regarding the potential consequences of a positive answer to one of the referendum questions is not political advertisement. On 11 March and 2 April, the NEC, following complaints, ruled that advertisements commissioned by a CSO calling on voters to invalidate their referendum ballot constitutes political advertisement, the latter decision also concluded that such advertisement cannot be aired in the broadcast media, as CSOs are not entitled to political advertising.

campaign messages of *Fidesz*.⁸⁶ Another advertisement campaign commissioned by the government displayed the potential consequences of a positive answer to one of the referendum questions. Such advertisement campaigns that were paid by the state budget provided an undue advantage to the ruling party and further blurred the lines between the state and the party. In line with existing legislation, public television offered each contestant free airtime for the election campaigning and offered to the parliamentary parties and the government free time for the referendum advertisement, however, United for Hungary coalition refrained from using it. *RTL Klub* also offered free time for the referendum and election campaigns, which was used by all election contestants except Normal Life Party. On 21 March, following a complaint, the NEC prohibited political parties to use the free airtime allotted for the referendum campaign for the purposes of election campaigning. This decision was upheld by the Supreme Court on 28 March.

ODIHR EOM media monitoring noted extensive bias in a number of broadcast and online media against United for Hungary and in favor of the government and *Fidesz*, often without clear distinction between the coverage of the government and the party.⁸⁷ This has deprived voters from receiving accurate and impartial information about the main contestants, thus limiting their opportunity to make an informed choice. In particular, public television *MI* failed to provide balanced coverage of the campaign and during the monitoring period displayed a clear bias in favor of the government and *Fidesz*, who received 50 and 5 per cent respectively of politically relevant coverage in the prime-time news, mostly positive in tone.⁸⁸ By contrast, United for Hungary received some 43 per cent of such coverage, predominantly negative in tone. Such coverage was often intertwined with comments by journalists and personal attacks on the opposition leader, Mr. Márki-Zay.

A similar trend was observed on private televisions *TV2* and *Hir TV*, which provided the government 54 and 37 per cent and *Fidesz* 11 and 14 per cent of mostly positive news coverage accordingly, while United for Hungary received 34 and 45 per cent, respectively, of mainly negative coverage.⁸⁹ *RTL Klub* has devoted 35 per cent of mainly neutral coverage to United for Hungary, and 47 per cent to the government and 15 per cent to *Fidesz* that was mainly neutral and negative in tone. Similar trend was observed on *ATV*, where Government and *Fidesz* were covered in a neutral tone and to lesser extent negative manner, while the coverage of the United for Hungary was mainly neutral in tone. The talk shows and current affairs programs on *ATV* were often used by United for Hungary as platform to present their views and sharply criticize the government. During the campaign, no debates among the main

⁸⁶ In particular, ODIHR EOM media monitoring identified in the prime-time broadcasts of public *MI* and private *ATV*, *Hir TV* and *TV 2* over 190 instances of the broadcasting of an 80-second advertisement commissioned by the government. This advertisement promoted national security and reinforced the main campaign messages of *Fidesz*. It was narrated by and extensively featured Prime Minister Viktor Orbán. From 3 March until 2 April, the ODIHR EOM monitored the prime-time (18:00–24:00) coverage of *ATV*, *Hir TV*, *MI*, *RTL Klub*, *TV2* and websites *24.hu*, *444.hu*, *hvg.hu*, *Index*, *Origo* and *Telex*.

⁸⁷ The ODIHR Media Monitoring measured the coverage of government officials in their official capacity as the coverage of the government, regardless if they were contesting in the elections.

⁸⁸ On 22 June 2021, the Constitutional Court ruled that for balanced editorial content it is not necessary to show the representatives of the opposite views, but only note that such views exist, identify those who hold them, and describe how such opinions are different. The European Parliament [resolution](#) of 3 May 2018 on media pluralism and media freedom in the European Union stresses “the need to guarantee full expression for all political actors” and “to base the amount of airtime they are given on public service broadcast channels on journalistic and professional criteria and not on their degree of institutional representativeness or political views”.

⁸⁹ On 28 March, the news program of *TV2* [published](#) on its official Facebook page an advertisement produced by the television in which their news presenters and senior members of the news department announced their support for Viktor Orbán. Furthermore, on 14 March *TV2* and on 2 April *Hir TV* aired in their prime time a 125-minute feature film, which portrayed the leader of DK Ferenc Gyurcsány as responsible for the violence and police brutality during the protests in 2006, when he was prime minister.

contestants were organized, which further limited the opportunities for voters to make an informed choice.⁹⁰

Among the monitored online media outlets, *Origo* displayed a clear bias in favor of the government and against the main opposition coalition, while *444.hu*, *hvg.hu* and *Telex* were visibly critical of the government and ruling party and covered United for Hungary mainly in a neutral manner. *24.hu* covered both main contestants mainly in a neutral manner, with equitable proportions of positive and negative coverage. The coverage of Index, while mainly neutral, was more positive towards the government, and more negative towards United for Hungary. On 28 March, a number of national and regional news websites, that belong to the Mediaworks holding had their main page defaced with messages and video reports alleging government control over the media and posting interviews with the leader of United for Hungary coalition.⁹¹

Complaints and Appeals

The electoral legal framework provides opportunity to seek an expedited legal remedy for election disputes.⁹² Despite a previous ODIHR recommendation, there is no guarantee to a public hearing of election-related complaints at any level of the election-dispute process.⁹³ The 2018 amendments narrowed the possibility to appeal decisions of election commissions to those citizens and legal entities whose rights are ‘affected by the case’, unduly limiting the right of all electoral stakeholders to seek effective legal remedy, at odds with international standards.⁹⁴ The NEC strictly applied this new standard. Furthermore, the amendments significantly limited the grounds for judicial review of the NEC decision establishing the national list results, at odds with the international good practice.⁹⁵

The NEC deliberated on complaints and appeals in public sessions within established deadlines, and its decisions were promptly published on the NEO website, as were relevant Supreme Court decisions, enhancing the transparency of the complaint-resolution process.⁹⁶ A 2020 amendment granted the NEC president the right to direct the content of the draft decision, and according to the revised rules of

⁹⁰ On 11 March Viktor Orbán, answering a question from an opposition MP regarding his participation in a debate, said: “There won’t be any debate because [...] your boss isn’t running”.

⁹¹ While the official police investigation is still ongoing, on 28 March the Minister of Justice has called it a “left-wing cyber-attack”. During the week prior to election day, the websites *444.hu* and *telex.hu* reported about denial-of-service attacks (DDoS) on their websites that caused short-term disruptions in their operations.

⁹² Complaints and appeals must be filed within three days, with the competent bodies having three days to adjudicate the matter. Violations of campaign rules on election day are to be decided within five days of receipt by the NEC. Election commissions decide in the first instance on complaints concerning violations of election legislation; their decisions can be appealed to a higher commission. Requests for judicial review of NEC and REC decisions can be lodged with the Supreme Court, and Supreme Court decisions can be challenged to the Constitutional Court.

⁹³ Paragraph 12 of the [1990 OSCE Copenhagen Document](#) provides that “proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments.” In addition, see Guideline II 3.3 of the [Code of Good Practice](#).

⁹⁴ The same legal standing rule applies to requests for judicial review to the Supreme Court. Supreme Court case law referred to by the NEC in its decisions interpreted this as a direct violation of the appellant’s rights, which for the most part does not apply to voters as they can only prove “abstract legal affectedness”. Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Article 2.3(a) of the ICCPR states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy...”. Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

⁹⁵ Election results can be overturned in judicial review based only on errors in aggregation or violation of the rules for establishing the election result. Guideline 3.3.e of [Code of Good Practice](#) provides that “the appeal body must have authority to annul elections where irregularities may have affected the outcome”.

⁹⁶ While NEC decisions described the content of the complaints and appeals, the petitions themselves and related evidence were not made public.

procedure, NEC members can propose amendments at the public session. Although the new provisions provide more clarity regarding the decision-making process, the previous ODIHR recommendation on the opportunity for commission members to contribute to the drafting of decisions remains unaddressed. Following the appointments of party-delegated members, they actively participated in the public deliberations of complaints and appeals.

In the pre-election period, the NEC received 162 complaints and appeals. Most disputes related to the campaign rules, including use of public position and resources to campaign, breach of campaign material rules, campaign finance, election and referendum advertisements.⁹⁷ In deciding on some 30 cases of misuse of public position and resources and blurring of state and party functions, the NEC dismissed most cases or overturned CoEC decisions that had found violations.⁹⁸ When challenged, the courts ultimately upheld all NEC decisions on these matters.⁹⁹ Almost half of complaints and appeals were denied consideration by the NEC on technical grounds.¹⁰⁰ The interpretation of jurisdiction by adjudicating bodies in some cases was problematic.¹⁰¹ The NEC did not consider the substance of complaints rejected on technical grounds *ex officio* under its general mandate to ensure the legality of the election process.¹⁰² Moreover, some decisions dismissing complaints on merit lacked sufficient examination and sound reasoning and some cases in which violations were established were left without sanction.¹⁰³

Before election day, the Supreme Court received 13 appeals against REC decisions on candidate registration and 27 cases against the NEC, mostly on decisions on complaints and appeals; of those, ten

⁹⁷ The 2018 amendments changed jurisdiction to handle appeals against CoEC decisions on candidate registration from the NEC to the RECs. The RECs received some 100 appeals related to candidate registration, including the collection of supporting signatures. Among those, some 35 were denied consideration on formal grounds. Five appeals were incorrectly submitted or transferred to the NEC.

⁹⁸ Decisions of the different CoEC over that matter were not consistent. The NEC reviewed 19 cases alleging misuse of public position or resources for campaign, and nine cases on the blurring of state and party, of those, one case that clearly demonstrated the government's involvement in the election campaign, and one case alleging that the prime minister campaigned at a state-funded National Memorial Day celebration on 15 March, and four cases claimed that *Fidesz* party campaign materials too closely resembled the government's information materials. In two cases, the NEC found that the campaigning of one *Fidesz* candidate in state buildings was a breach of the law.

⁹⁹ A 2018 amendment that provides that the exercise of government functions under the law does not constitute campaigning was used extensively by adjudicating bodies to justify findings that public officials did not breach neutrality or misuse state resources in the campaign.

¹⁰⁰ In total, 78 were found inadmissible and 9 were partially rejected. For example, 20 cases were rejected for missing personal data or not citing the precise legal basis, and 8 were denied for lack of legal standing, including 1 appellant who was contesting a CoEC decision on their complaint. Guideline II.3.3.b of [the Code of Good Practice](#) states that "the procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals".

¹⁰¹ For instance, the NEC's legal interpretation of its jurisdiction, upheld by the Supreme Court, resulted in a lack of a clear avenue for all 30 complaints and appeals it received related to campaign finance. The NEC also refused to consider two cases regarding postal voting. Some CoECs took into consideration campaign finance complaints which on appeal the NEC decided was not within their jurisdiction. Some CoECs transferred complaints related to campaign material rules under their jurisdiction to the NEC.

¹⁰² The NEC informed the ODIHR EOM that it does not consider itself to have *ex officio* power. Guideline II.3.3.i of the [Code of Good Practice](#) provides that "if the appeal body is a higher electoral commission, it must be able *ex officio* to rectify or set aside decisions taken by lower electoral commissions."

¹⁰³ The NEC decided that government posters that stated "Let's protect Hungary's peace and security" did not constitute campaigning, but rather were a legitimate government communication to citizens. A decision that found that government referendum posters had covered opposition candidate posters was left without sanction. In two cases related to mass sending of emails and SMS messages the NEC took differing decisions. In the complaint about a government communication to citizens by email with explicit referendum campaign messages, the NEC found no violation of data protection rules as citizens had consented to receiving government information when signing up for COVID vaccination information. In the second case, however, the NEC found that an SMS campaign to citizens in favour of the opposition coalition violated a rule that prohibits sending campaign messages via SMS without the express consent of voters.

cases were rejected on technical grounds. The Court fully or partially overturned nine NEC decisions.¹⁰⁴ On request, the Constitutional Court reviewed eight Supreme Court decisions, declaring three unconstitutional. The Constitutional Court's interpretation of the law when deciding to annul a Supreme Court decision that found that the government exceeded its functions and breached its duty of neutrality by criticizing the opposition for their views [over the war in Ukraine] in a government communication widely delivered to citizens, raised questions.¹⁰⁵ Concerns about deteriorating judicial independence following several legislative amendments between 2010 and 2020 have been raised by domestic and international actors.¹⁰⁶ Overall, the handling of many cases by the adjudicating bodies fell short of providing effective legal remedy, contrary to OSCE commitments.¹⁰⁷

Election Observation

The law does not provide for participation of domestic citizen observers and non-partisan observation of the election process, contrary to OSCE commitments and previous ODIHR recommendations.¹⁰⁸ Several CSOs launched awareness and voter education campaigns, as well as initiatives to recruit and train elected and party-delegated PSC members.¹⁰⁹ The law allows for up to five observers per political entity that registered national lists to be present during the counting of the postal vote and the aggregation of the election results as PSC members, as well as up to two observers at the constituency level. However, the presence of party observers at the first level of tabulation at LEOs is not regulated.

International observers were accredited by the NEO, with the right to observe all stages of the electoral process. For these elections, a total of 906 observers from 39 organizations, delegations and embassies were accredited, in an efficient process. Media can be present during voting and counting on election day, tabulation, and during the verification and counting of postal ballots. A total of 40,231 party observers (PSC members) were delegated. 20K22, a project organized by the Foundation for Clean Elections with the aim to help political parties cover each polling station, recruited more than 27,000 volunteers of which the United for Hungary coalition delegated 19,462.¹¹⁰

¹⁰⁴ In overturning one NEC decision, the Supreme Court ruled that party-delegated election commission members are not required to act politically neutral outside of the work of the commission, while in another case, it upheld the NEC's ruling that elected members of commissions must stay neutral. In its subsequent decisions, the NEC referred to the former court ruling. In another case, the Supreme Court ruled that lowering campaign posters put on lampposts violated equal opportunity.

¹⁰⁵ The court held that the war in Ukraine provided unique circumstances under which the government, in exercising its functions, was permitted to inform the public about the diverse views of "non-governmental actors" on the conflict. It found that as the communication did not reference "the elections, voting, or the names of specific parties," its reference to views of "the opposition" did not constitute campaigning. It held that the Supreme Court's finding was a "blatant error" that violated the press's freedom to disseminate information necessary for the formation of democratic public opinion and the government's right to a fair trial. The NEC referred to the ruling while deciding on cases related to similar issues.

¹⁰⁶ The 2020 European Commission Rule of Law [report](#), in its chapter on Hungary points to the challenges for the independence and impartiality of judicial institutions of Hungary, including at the Supreme Court level. The Venice Commission [Opinion](#) on 2020 amendments concerning the judiciary assessed the appointment of the Supreme Court president, and her or his powers in allocation of cases, and stated that the appointment process "could pose serious risks of politicisation and important consequences for the independence of the judiciary".

¹⁰⁷ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) provides that "everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

¹⁰⁸ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that OSCE "participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place."

¹⁰⁹ Unhack Democracy and Let's Count Together organized online and in-person trainings for those volunteers to be delegated PSC members, while *TASZ* (Civil Liberties Union) advocated for the rights of vulnerable voters, and the Coalition for Clean Voting provided civil awareness campaigns and legal help to voters.

¹¹⁰ *Fidesz* delegated 17,672 members, the Two-Tailed Dog party – 2,144, Our Homeland – 888. Eight candidates and parties registered more than 300 party observers at the constituency level.

Election Day

Election day was peaceful, with a voter turnout of 69.5 per cent, as announced by the NEO. The opening was assessed positively in 116 of the 117 polling stations observed by IEOM observers and opening procedures were largely followed.¹¹¹ IEOM observers assessed voting positively in 98 per cent of polling stations observed, characterizing the process as well organized, orderly, and smooth. However, the secrecy of the vote was often compromised, particularly in overcrowded polling stations. In 16 per cent of polling stations observed, not all voters marked their ballots in secrecy, and in 11 per cent they did not ensure that the mark on their ballots could not be seen. The design and positioning of voting booths in 32 per cent of polling station observed detracted from the secrecy of the vote.

Voter identification procedures were generally adhered to in the polling stations observed. In 16 per cent of polling stations observed, one or more voters were turned away mostly because they were unable to produce a valid ID or could not be found on the voter list of that polling station. Voting procedures were largely respected, but group voting (multiple voters in the voting booth at the same time) was reported from 17 per cent of polling stations observed. Further, in 8 per cent of polling stations observed, the PSC did not provide all voters with envelopes when issuing ballots as required. IEOM observers reported only isolated cases of other violations.¹¹²

IEOM observers reported overcrowding in 12 per cent of polling stations observed. Despite election administration efforts to improve accessibility, some 27 per cent of polling stations were not accessible for persons with physical disabilities, and in 12 per cent, the layout was not suitable for these voters. IEOM observers reported very few cases of tension or intimidation in or around polling stations, and only isolated indications of organized transportation of voters, which is not allowed by law. IEOM observers also reported one incident where strong indications of vote buying were observed.

Party-delegated PSC members were present in 98 per cent of polling stations observed, mainly representing *Fidesz* (97 per cent) and the United for Hungary opposition coalition (91 per cent). The presence of unauthorized persons was reported in 2 per cent of polling station observed, with nine cases of unauthorized persons, mostly local government officials, interfering in the process. Overall, 67 per cent of PSC members in polling station observed were women, and 76 per cent of PSCs observed by IEOM observers were presided over by women.

The vote count was positively assessed in 94 of the 96 polling stations observed and described by IEOM observers as professional, well organized and orderly. Counting procedures were largely followed, and IEOM observers reported few procedural errors and omissions. The PSCs did not always follow reconciliation procedures before opening the ballot boxes, including summing up and recording the number of voters who voted for each type of election in the results protocols. When counting the ballots, some PSCs split into smaller groups to speed up the count, not in line with procedures. In 20 counts observed, the PSC did not note the reasons for invalidating ballots or sign invalid ballots as required. In 20 counts, results protocols had been pre-signed, and in 19 cases, IEOM observers did not receive copies of the results protocols upon request.

The tabulation process was assessed positively in 69 of the 74 LEOs observed. While tabulation procedures were generally followed, some problems with the data entry and reconciliation of election results were reported by IEOM observers. In almost half of LEOs, one or more PSCs were needed to

¹¹¹ In 2 polling stations the ballot boxes were not shown to be empty and sealed in the presence of the first voter as required, and in 5 instances, no control sheet was placed in the mobile ballot box before it was sealed.

¹¹² This included proxy voting (less than 1 per cent) or attempts to influence voters (1 per cent). In 1 per cent of polling station observed, the same person was assisting numerous voters to mark their ballots. In 2 per cent of polling stations observed, the ballot boxes were not properly sealed.

correct their results protocols. IEOM observers reported problems with the transparency of the tabulation process; in 12 cases, not everybody present had a clear view of the process, and in 6 LEOs, IEOM observers were restricted in their observations, as at times they were not provided access to the data entry room or given required information. The NEO started posting on its website detailed preliminary election results by polling station in the evening of election day.

The Ministry of Interior informed the ODIHR EOM that 12 criminal reports related to election day were filed with the police, including three alleged cases of vote buying, six cases related to damage and theft, two cases of public nuisance, and one alleged incident of violence against an official. The Coalition for Clean Voting, a CSO observing outside of polling stations, lodged some complaints to police and CoECs related to the harassment of its volunteers outside of polling stations, on organized voter transport, banned by the election law, and on vote buying.¹¹³

***The English version of this report is the only official document.
An unofficial translation is available in Hungarian.***

¹¹³ A 2 April decision of CoEC 05 in Hajdú-Bihar county ordered a local government to take down its online notice on providing organized voter transport. Vote buying complaints alleged that voters in a settlement in Borsod county were offered 10,000 HUF (27 EUR) and voters in the town of Mako in Csongrad-Csanad county were offered five portions of pork meat.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Budapest, 4 April 2022 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the elections complied with OSCE commitments, international obligations and standards for democratic elections, and with national legislation. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

Kari Henriksen, MP was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Mark Pritchard, MP. Ambassador Jillian Stirk is the Head of the ODIHR EOM, deployed from 24 February.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at the upcoming annual session in July 2022.

The ODIHR EOM includes 20 experts in the capital and 18 long-term observers deployed throughout the country. On election day, 312 observers from 45 countries were deployed, including 221 observers deployed by ODIHR, as well as 91-member delegation from the OSCE PA. There were 47 per cent of women among observers. Opening was observed in 117 polling stations, and voting was observed in more than 1,206 polling stations across the country. Counting was observed in 96 polling stations, and the tabulation in 74 LEOs.

The IEOM wishes to thank the Ministry of Foreign Affairs and Trade for the invitation to observe the elections, and the National Election Commission and the National Election Office for their assistance. The IEOM wishes to also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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