



Office for Democratic Institutions and Human Rights

**REPUBLIC OF HUNGARY
PARLIAMENTARY ELECTIONS**

10 AND 24 MAY 1998

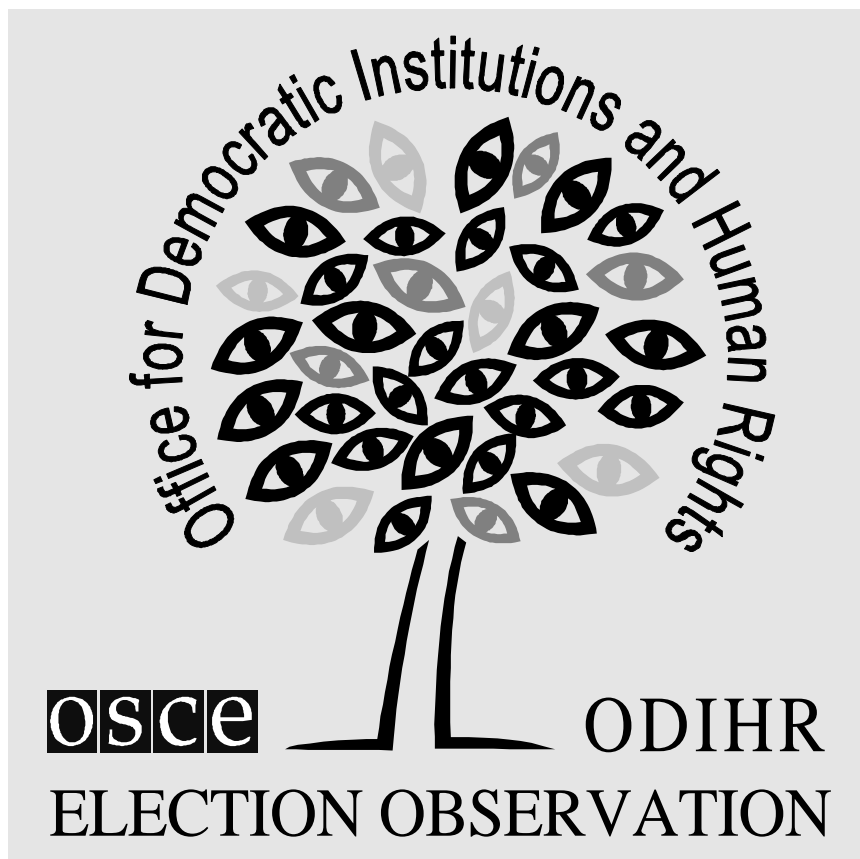


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1. INTRODUCTION

Following an invitation from the Hungarian Ministry for Foreign Affairs the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission on 10 April 1998.

Mr. Dzsingisz Gabor, Head of the Dutch delegation to the OSCE Parliamentary Assembly, was appointed by the Chairman-in-Office as the Special Co-ordinator for the Hungarian elections.

Mr. Mark Power-Stevens (UK) was appointed by ODIHR as the On-site Co-ordinator.

The report is based upon the findings of the 8-person long-term observation. It also incorporates the observations of some 76 observers for the first round from 21 participating States (including a 23-person delegation from the OSCE Parliamentary Assembly), and 36 observers for the second round, from 13 participating States. Members of the diplomatic community in Hungary also participated as observers.

2. SUMMARY OF CONCLUSIONS

- **The Hungarian electoral system and the supporting administrative structure have ensured that the May 10 and 24 parliamentary elections were carried out in a highly professional and transparent manner and in line with OSCE commitments.**
- **The Hungarian election authorities are to be congratulated for establishing such a strong electoral process which enjoys the full confidence of the public and a broad consensus among political parties after only the third multi-party elections since 1989. They are also to be congratulated for the level of information technology which has been integrated into the election process. This has served to further increase the efficiency and transparency of the process.**
- **The provision for political parties to appoint representatives on election commissions, from the National Election Commission (NEC) down to polling station level, is a very positive attribute. Likewise, there is also a high degree of confidence in the administrative duties carried out by the National Election Offices (NOE s) under the Ministry of Interior. Together, these factors have instilled a large measure of confidence in the overall process.**

- **The media coverage of the campaign was much improved over the 1994 elections. The coverage of political parties, whilst reflecting the interest in the largest parties nation-wide and in the activities of the incumbent government, was on the whole balanced.**
- **The voting and counting processes were carried out in a correct and efficient manner, and thanks to the information system established by the election authorities, results have been made available shortly after the count was completed. Observers reported full adherence to the voting procedures.**
- **The Observation Mission has made a number of recommendations for amendments to existing legislation and administrative procedures which it believes would serve to further strengthen the existing process. However, despite these issues, the Hungarian electoral system allows for an open election environment which enjoys broad support and in which all parties are able to compete on an equitable basis and in accordance with the OSCE Commitments.**

3. THE LEGISLATIVE FRAMEWORK

Electoral System

The Hungarian election system serves to elect the 386 members of parliament in a two round mixed system, incorporating a majoritarian system for the election of candidates in single mandate constituencies and a proportional system for the election of candidates on party lists at the territorial and national levels.

In the first round each voter is given two ballots. One ballot contains a list of candidates standing in the constituency, of which there are 176 in Hungary. The second ballot contains a list of parties standing in the territory, of which there are 20 in Hungary.

a) **In the single mandate constituencies**, a first round is only completed if there is more than 50% turnout of voters and the winning candidate secures more than 50% of the valid votes cast. If either one of these criteria is not fulfilled then a second round is held, in which so long as there is more than 25% turnout of eligible voters, then the candidate securing the most votes wins.

If more than 50% turnout has been secured but no candidate attained an absolute majority, then all candidates securing 15% of the 1st round vote can stand in the second round (but at least three candidates must initially stand). If in the first round the election was invalid because the turnout was below 50%, then all candidates are eligible for the second round.

Political parties entered into intense negotiation regarding electoral alliances for the second round, often resulting in just two or three candidates competing in most re-runs (see below).

Through the single mandate constituencies a maximum of 176 persons are elected to the parliament. If after two rounds any mandates remain unallocated, they are added to the pool of mandates at the national level.

If a party has a candidate in a quarter of the constituencies in a territory, with a minimum of two for territories with 8 or less constituencies, then the party qualifies to put up a territorial list.

b) **In the territorial units**, a first round is valid so long as more than 50% of the eligible electorate vote. If this criteria is not met then a second round is held, in which there is a requirement for a more than 25% turnout of eligible voters.

In order to be eligible for a mandate at the territorial level, a party list must secure a minimum 5% of the vote after all territorial votes are aggregated at the national level. Only parties passing this 5% threshold at the national level qualify for mandates at the territorial and national levels.

Through the territorial lists, a maximum of 152 persons are elected on a proportional basis to the parliament. Each territory has a number of mandates allocated to it dependent upon its population size. If after two rounds any mandates remain unallocated, they are added to the pool of mandates at the national level.

If a party puts up a minimum of seven territorial lists then it qualifies to put up a national list.

c) All parties passing the 5% threshold of the nationally aggregated territorial votes qualify for a proportional distribution of the minimum 58 mandates **at the national level**.

The votes considered for the proportional distribution of mandates at the national level incorporate all unused votes cast at the single mandate constituency level plus any unused votes at the territorial level for parties passing the 5% threshold nationally.

At the single mandate constituency level this means votes cast in the first round for unsuccessful candidates. And, though of lesser numeric significance, at the territorial level this means any votes not completely used after the proportional distribution of mandates.

Thus the level at which votes are eventually counted and the level at which mandates are eventually awarded can vary, depending upon the result and the validity of the first and second rounds.

As an example of the compensatory nature of the National List distribution, it is interesting to consider the allocation of national list mandates for Fidesz and the Hungarian Socialist Party. These two parties were the most successful in the Single Mandate Constituencies, with the Socialists often in second place to Fidesz, thus securing many votes but fewer single mandate seats.

Once the surplus votes have been taken into account, the Socialist Party, with over one million surplus votes, were awarded 30 compensatory National List mandates. Fidesz, with just 363,594 surplus votes, were awarded 10.

Issues

Threshold

The existing threshold for parties entering parliament is 5% of the valid votes cast at the national level. With the threshold at this level a party, to be successful, needs to be fairly strong in a good number of territories across the country. Thus, small and regional-based parties will find it extremely difficult to gain seats on the territorial or national distribution.

Small parties can of course still attempt to gain representation at the Single Mandate Constituency level, or by putting up common candidates with larger parties in the Single Mandate contest, as Fidesz and the Hungarian Democratic Forum did at this election.

The total valid votes cast at the Territorial level was 4,542,918. Thus the 5% limit for qualifying for territorial and national list mandates was 227,145. Only five of the 15 parties registered for the Territorial elections passed this limit. The Workers Party was in sixth place, with 179,590 votes (3.95%).

Though setting the threshold at 5% makes it difficult for some parties, such a level is generally acceptable. However, the application of the rule for coalitions is more problematic.

A coalition of two parties must pass a collective 10% threshold (15% for a three-party coalition), which is harsh but not unreasonable. However, under existing legislation both coalition partners must each pass 5%. This represents a major disincentive to form a coalition and constitutes a further impediment for smaller parties, which might have got into parliament in co-operation with a larger coalition partner. However, this issue is partially offset by their ability to stand in single mandate districts and therefore potentially gain some parliamentary representation. No coalition stood for this election.

Overseas Voting

Only Hungarian citizens in the country on election day are provided with the facility to vote. Article 2.4 of the election law states: Any person staying abroad on the voting day shall be impeded in exercising his (sic) right to vote.

This issue is somewhat sensitive in Hungary, and confused with the number of ethnic Hungarians living in neighbouring countries.

However, the issue pertains only to Hungarian citizens and should be considered as an administrative problem, with a provision for overseas or absent voting, as is normal practice in many countries.

Withdrawal of Candidates Between the Rounds of Voting

According to the Law, candidates can withdraw from the election up to the minute before the polling stations open on the second round of voting. After the first round on 10 May, the National Election Commission (NEC) requested political parties to inform them of candidate withdrawals by 14 May, to allow for the proper printing and distribution of ballot papers. However, this request was not binding, and few withdrawals were received by this date.

This meant that the printing of ballots was delayed, causing the National Election Office (NEO) some severe logistical and procedural problems. It also meant that some withdrawals were so late that local election officials had to physically cross out names on the ballot, sometimes in the polling station itself on election day. Such a situation is far from ideal, and caused confusion to some voters.

A fixed deadline for candidate withdrawals, allowing for political negotiations between the political parties, but also the timely and proper printing and distribution of ballot papers, needs to be formulated. The National Election Office claimed that the 5th day after the first round represents a realistic deadline to allow for the printing and distribution of ballot papers to the polling station level.

4. ADMINISTRATIVE STRUCTURE

For the purposes of the election, Hungary is divided into 20 territorial units, made up of the 19 counties plus Budapest. Each territory contains a number of electoral constituencies (there are 176 in Hungary), which are formulated to serve approximately 60,000 persons, which would mean approximately 40,000 eligible voters. Each constituency is then served by a number of polling wards, each one of which is served by a polling station (there were 10,800 for these elections).

For each administrative level (national, territorial, constituency and polling) there is an Election Committee (which has a political configuration and deals with the legal aspects of the application of the election law). Each level also has a parallel Election Office (which is staffed by professional civil servants and provides the administrative and logistical support for the election).

Political parties qualifying for the National List may nominate a representative to the National Election Committee, with parliament electing five additional members. Political Parties putting up a Territorial List may nominate a representative to the Territorial Election Committee, with the County Assembly electing three additional members. Candidates in a Constituency may nominate a representative to the Constituency Election Committee, with the County Assembly electing three additional members. In addition, political parties with a territorial list may nominate a representative to Polling Station Committees in that constituency, with the Municipality Board electing three additional members.

It is important to note that the multi-party Election Committees have the power to interpret and enforce the law, whilst the technical capacity of the Election Offices,

staffed by experienced Municipal officials, remains purely a technical support function. This separation of duties greatly facilitates the running of the election in Hungary, and enjoys the full confidence of the public and political parties alike.

Issues

Authority of Election Committees

Committees at each level have virtual autonomy in the pursuance of their duties. There is not a direct hierarchy from the National level down. Article 21.1 of Act 100 (1997) states that the NEO shall issue standpoints for the uniform interpretation of rules related to the election and the forming of uniform legal practice. These standpoints are not binding for other election committees. A hierarchy of authority is only evident in the case of claims against the work of any Committee.

This situation was highlighted by two instances during the election. Firstly, the National Election Office (NEO) issued an administrative advice to polling station committees (see below), informing them of the presence of international observers and urging them to allow observers in to the polling station. Neither the NEO nor the NEC had the authority to instruct them to allow observers access. Ultimately the presence of observers was to be either allowed or not by a decision, on the day, of each polling station committee. It should be noted that observers did not have any problems gaining access to polling stations.

In a second instance it became clear that the definition in the law of what is an invalid ballot was insufficient (see below). The NEO issued an opinion that polling committees should allow a ballot so long as the voter's preference was clear. However, again, they could not impose this instruction. It was noted during the count that whilst polling station committees reached a decision, there was an inconsistency of practice between polling stations.

In the interest of consistency and uniformity, which are principles of paramount importance in the election process, it might be necessary for national election authorities to be able to impose instructions aimed at facilitating the electoral process.

Penalties for Violating the Election Law

The election law contains no penalties for violations. It states that certain acts are illegal, such as breaking the campaign silence, but says nothing about a penalty for such violations. The NEC is able to publicly print in a national newspaper that a particular person, company or party etc. acted in violation of the law, but this is the extent of the punishment. Criminal acts which break other laws would of course be dealt with in the normal legal manner.

Thus, the NEC is somewhat impotent in enforcing the law. This was evident in two cases during the campaign, the printing of an opinion poll by Gallup UK during the electoral silence (see below) and the claim by the Workers Party that they were denied

their legal share of media time by Hungarian State TV (see below). In dealing with both of these incidents the NEC found itself unable to impose its decision, being limited merely to issuing the decision publicly.

International and Domestic Observers

Hungary's election law does not provide for the presence of either international or domestic observers. As stated above, the activities of the OSCE/ODIHR Election Observation Mission were provided for only by a non-binding instruction from the National Election Office to Polling Station officials.

It should be stated that no impediment to the activities of international observers were experienced. Indeed, observers enjoyed the full and enthusiastic co-operation of officials at all levels.

As far as the Election Observation Mission is aware, there have been no requests by any domestic non-partisan groups to observe the elections, signalling a high level of confidence in the Hungarian election process.

However, an explicit provision in the Law should be included in accordance with para. 8 of the Copenhagen Document, so that the principle of international and domestic observation is established both in practice, and also in the law.

5. VOTER AND CIVIC EDUCATION

The electoral authorities are obligated to inform the public on the electoral process. Article 6.(5) of Act 100m (1997) states: Electoral offices shall assure that voters may obtain general information on particulars of elections, the manner of voting and response for their questions.

In the lead up to the election poster and TV advertising campaigns were undertaken by the national authorities, encouraging people to participate in the election.

The posters were particularly aimed at younger people, showing a group of young people in front of the national parliament. The text encouraged them to vote for their future.

Between the two rounds there was some discussion between the national authorities and some parties as to whether or not the authorities would issue a notice to voters informing about the second round. Article 87.1 of Act 100 (1997), states that: Proper electoral committees shall inform voters on second electoral rounds by way of electoral notifications or bill.

However, it was only after prompting by political parties that the national authorities attempted to deliver notifications to each household. 8 Million notices were printed and an attempt was made to deliver one to each voter, to libraries and local authority

buildings and other public places. The national authorities were not sure whether these notices in fact reached the voters or not.

6. VOTER REGISTRATION

Article 12 of Act 100 (1997) states that: Leaders of local electoral offices shall compose a register of the voters with a right to vote for each polling station after the calling of the election based on data of records on personal data and addresses and records on major citizens without a right to vote and continuously record changes therein.

Article 14.1 of the same Act states: The register of voters shall be published for a period of eight days, 60 days before election day ... Voters must be informed on their name having been included in the register of voters by way of sending an announcement thereon not later than on the 58th day before election day.

No complaints regarding the registration of voters were noted.

Voters turning up at a polling station on election day and unable to find their name on a register could be added to the register so long as they could prove their identity and local residence, and so long as they were not on the list of persons legally prevented from voting. This list of exclusion to the right to vote is kept by each Municipality and is not a public record.

Voters away from their place of residence on election day could obtain a certificate to vote elsewhere, so long as it was applied for before the first round. Some problems with this system were noted on election day (see below).

7. CANDIDATE REGISTRATION

All eligible voters are sent a candidate nomination coupon, on which is printed their name, address and ID number. Each voter is then entitled to write on this coupon the name of the candidate they would like to propose for candidature in a Single Mandate Constituency. They can do this up until the 23rd day before Election Day. Political parties will often go door-to-door collecting these coupons. To qualify for nomination a candidate must collect 750 such coupons.

Candidates and parties must be registered with the Local Election Commissions, which issue a certificate of registration, or with the National Election Commission, for parties wishing to nominate candidates or lists in territorial units.

Some political parties were critical of this system of nomination, claiming it was open to abuse, and accused each other of buying the coupons from eligible voters. Some parties also complained about the rather humiliating process of door-to-door

collection. Some of the parliamentary parties were more positive, claiming it was a useful way for their candidates to get out and meet the people.

The National Election Commission (NEC) registered a total of 1,609 party and independent candidates in Single-Mandate Constituencies for the first round. This was an average of 9 candidates per constituency. 218 territorial Party Lists were also established, an average of nearly 11 per territory, and twelve parties qualified for inclusion on the National List.

The National Election Commission (NEC) registered the withdrawal of 236 candidates from the second round of the elections. An administrative deadline was set for 14 May 1998 for the parties to inform the NEC about a candidate's withdrawal in order to print the ballot papers from 16 May. However, the NEC was not always informed on time and candidates who stepped down late appeared on the ballot papers. The members of the Polling Station Commission before the opening of the polling stations on Sunday morning crossed off their name (see above)

This process was of concern to the Election Observation Mission and the National Election authorities. There needs to be fixed notice for the withdrawal of candidates, which affords political parties time to decide on their candidature, whilst allowing for the timely and proper printing of ballot papers.

8. THE ELECTION CAMPAIGN

The official start of the campaign was 28 January, as per the date when the elections were officially called. Campaigning was prohibited from Midnight on 8 May 1998. For the second round, the campaign ran from Midnight on 10 May until Midnight on 22 May 1998.

The campaign proceeded in an orderly manner. Before both rounds, analysts, and party representatives acknowledged that the 1998 election campaign was more quiet than in 1994, though interest in the campaign grew slightly after the first round.

The major parties were very concerned by the very low turnout of 56% in the first round. Parties claimed that they were engaged in a more intensive campaign for the second round. The low-key campaign was due to a variety of factors. Major parties cited a lack of money.

There were two bombing incidents in the lead-up to the first round of the elections, one near the office of the leader of the Smallholders Party and one near a residence of a Vice-President of the Hungarian Civic Party (Fidesz). However, the exact nature of the incidents is still not known. Police presence was increased between the two rounds of the elections as a result of these incidents.

Some ballot papers were stolen a few days before the first round of the elections, and there was an alleged blackmailing attempt by the thieves. As a result of this incident members of the Polling Station Commissions were urged to carefully stamp the ballot

papers, and the Election Observation Mission was satisfied that ballot security was ensured on election day. However, this incident highlights the fact that election material should always be tightly secured.

One more major aspect of the campaign was the head-to-head debate between the President of Fidesz, Viktor Orban, and the Prime Minister and Chairman of the Hungarian Socialist Party (MSzP), Gyula Horn. Mr. Horn had refused to engage in such a debate prior to the first round, claiming that he did not want to single out any one party as the major opposition force. However, following the inconclusive outcome of the first round, which clearly saw Fidesz emerge as the main competitor to the incumbent government, Mr. Horn agreed to the May 20 debate. Analysts stressed the historic political significance of this debate for Hungary, as the first time that two leaders of the two main parties debated face-to-face.

Most analysts also stressed its great influence on the outcome of the elections, especially because it took place only four days before the election. Many Hungarians expected a lot from the Horn-Orban debate and thought that it was the most important event of the campaign. Both leaders appealed to voters for a higher turnout in the second round. They discussed a number of issues, such as economy (privatization, taxes, etc.) and family related issues.

As far as the content of the campaign itself was concerned, three main issues were prevailing in most parties programs: family related issues, economic issues and security (both physical and financial).

Complaints to the National Election Commission

It is forbidden to publish opinion polls for 8 days before the election. Nevertheless, a legal problem was raised after the publication of opinion poll data by the Hungarian Gallup Institute on its web site. The National Election Commission underlined that the law on media does not refer to Internet, but that the rule should apply to the World Wide Web anyway. According to most experts, Gallup Institute broke the spirit of the law but there is an obvious legal gap as far as Internet is concerned. Gallup Institute responded by suspending publication of data until 7 p.m. on Sunday 10 May. Once again, the National Election Commission could not pass any special sanctions against those who breached the law, and could only admonish them.

In the week following the first round, posters portraying Mr. Csurka, President of the Hungarian Justice and Life Party and Mr. Torgyan, President of the Smallholders Party, pulling the strings of a puppet representing Mr. Orban, were put up by the left-wing Youth association (BIT). The National Election Commission decided that the poster was in breach of the electoral law concerning campaign silence. The Chairman of the Youth Association claimed that this poster was made to draw the attention of voters to a political fact, but accepted the decision of the Commission and took down the posters.

Other posters were seen in the capital with the names of the three opposition leaders: Orban-Torgyan-Csurka, on an orange background (Fidesz's colour). A complaint

was made to the NEC. The Commission stated that unattributed posters constitute a violation of the law.

Some members of the NEC later claimed to the Election Observation Mission that the exact reason for deciding the posters were in violation of the law was not entirely clear, but that they were not in good faith.

After the first round, the Workers Party brought a complaint to the National Election Commission regarding the failure of Hungarian Television (MTV) to guarantee agreed airtime for the party. MTV had decided to invite only representatives of the five parties that passed the 5% threshold to a debate, and pointed out that the Workers Party was still able to get coverage on other election-related broadcasts. The problem was solved when the Workers Party managed to gain access to other media (MTV and other TV channels).

Campaign Funding

All parties nominating candidates obtain funding from the central budget proportionally to the number of nominated candidates. Independent candidates get the same amount as a single party candidate. According to the law, public authorities (local and/or national) can provide premises and other necessary equipment to candidates and political parties with equal conditions.

The financing of the campaign by the central budget can only be used to cover material expenditures, and the parties and independent candidates must give account on usage of funding within 30 days after the election.

All political organizations and candidates are obliged to publish amounts, sources and manner of usage of the state and other financial resources in the Hungarian Official Gazette within 60 days after the second round.

On 28 April and 4 May, party finances were made public. On 6 May, print media also published the campaign budgets of the major parties. According to the electoral law, a party can spend Ft 386 million (approx. \$1,930,000) maximum on campaign purposes (Ft 1 million per candidate).

Some concern was expressed to the Election Observation Mission regarding the lack of full transparency of party spending. This concern was raised by some political parties and election officials. Some representatives of political parties stressed that the law remains too vague on the financing of the campaign, which allows for too many different interpretations regarding what is and is not campaign spending.

9. MEDIA

During the 1994 Hungarian parliamentary elections, some of the main points of criticism both in Hungary and internationally concerned the media (see OSCE/ODIHR Report on these elections). The lack of an electronic-media law, the strong pro-government bias of the state media, and dismissals in the state media prior to the

elections which were widely regarded as politically motivated raised particular concern. Since there was no media law at that time, there was no independent body overseeing the state media and there were no private electronic media broadcasting on terrestrial frequencies. This gave Hungarian Television (MTV) and Hungarian Radio a virtual monopoly.

In 1996, a new media law governing the electronic media was passed by the parliament. Under this law, all electronic media are overseen and monitored by the independent National Radio and Television Commission (ORTT). ORTT members are nominated by the parliamentary parties and elected by the parliament, while the president of ORTT is nominated jointly by the state president and the prime minister. While this arrangement gives the parties a position in the media landscape that some regard as too dominant, it also provides for representation of both governing and opposition parties in the agency which has oversight. As a result, most parties had no complaints about media coverage of the election campaign, although some of them expressed general doubts about the media's impartiality over the preceding four years. Overt political pressure on public or private media was not an issue in the 1998 election campaign.

With the adoption of the 1996 law on the electronic media and the subsequent licensing of private electronic media, the media landscape in Hungary changed substantially. Since ORTT started working, two private nation-wide terrestrial TV stations (RTL Klub and TV2) and a number of local TV stations have been licensed, as well as nation-wide, regional, and local radio stations. The former state TV (MTV1 and MTV2) and former state radio now operate as public broadcasters. The print media consist of the major national newspapers published in Budapest and regional newspapers which are published in each of the 19 counties and have considerable influence in their respective regions. Most newspapers have a large share of foreign ownership, especially in the regions.

According to Act C on the electoral procedure (1997), radio and TV may publish political advertisement for candidates and organisations nominating candidates with equal conditions in the campaign period. No opinion or evaluating explanations may be added to political advertisements. (§44, 1) Generally, the media law governs the media's role during the campaign period. (§44, 2)

While private electronic media are not obliged to publish party advertisement, national public broadcasters must publish advertisement of parties with national lists free of charge at least once between the 18th and the 3rd day before the elections and once more on the last day of the election campaign. Regional public broadcasters must broadcast advertisement of parties which have territorial lists in their broadcasting region, while public local media must publish advertisement of the respective single-member constituency candidates. (§93)

The media law has no specific provisions for broadcasting during election campaign periods, but several general provisions govern the behaviour of the media vis-à-vis political parties. According to the media law, all information provided by broadcasters must be objective and balanced and may not serve any particular party or political movement. (Art. 4) The party commissioning advertisement may not influence or

interfere with the broadcaster's responsibility or freedom, while the broadcaster can not be held responsible for the contents of advertisements. (Art. 12) Advertisements may not exceed two minutes in length. (Art. 15) Parties may not sponsor any kind of programming, while political broadcasts may generally not be sponsored at all. (Art. 19)

ORTT has an independent Complaints Committee. If the committee receives a complaint about biased broadcasts or other violations of the media law, and the committee finds that complaint to be justified, the broadcaster who violated the law must publish the findings of the Complaints Committee without explanatory comments or offer the complainant an opportunity to offer his view. Serious violations can result in fines. (Art. 49 and 50)

While several commentators pointed out that the parliamentary parties exert too much influence on the electronic media (through ORTT), there were no claims of overt political pressure or influence by any single party. However, several persons pointed to the fact that parties sometimes try to influence who is invited to special broadcasts and which questions are asked. Still, people agreed that ultimately, this does not necessarily reflect on the final product, especially since many media resist the parties' wishes if they consider them exaggerated.

In at least one case, a broadcast was prepared in cooperation between MTV1 and the political parties that put up national lists. The broadcast in question, *Vélasztási Fórum*, featured representatives of all those parties in each broadcast (the Nationality Forum was the only one not regularly sending participants). It gave the representatives of each party 4 1/2 minutes to address a specific topic. While the parties seemed to be happy with this format since it gave all of them an equal chance to present their views, all journalists and experts contacted by the OSCE/ODIHR agreed that this particular broadcast was not professional enough and too boring to attract a wider audience. But ultimately, it was the professional rather than the political aspect that they questioned.

Regarding advertisement on TV, parties generally took advantage of the possibility to place free spots on public TV, but few could afford to have paid advertisement as well. Both RTL Klub and TV2 refused to run party ads. An RTL Klub executive said that this would have given the richest party an unfair advantage.

There is a campaign silence for 24 hours prior to election day, during which the media are not allowed to cover the political parties or campaign. This means they are also unable to report on the withdrawal of candidates. There was an element of confusion within the media regarding exactly what they were allowed to report on during this period. Duna TV even sent a list of trial questions to the NEC asking them which if any were allowed.

Media Monitoring

In order to assess the role and conduct of the media during the campaign period, the OSCE/ODIHR Election Observation Mission carried out a limited media monitoring project. Two local media monitors followed election-related news on two TV channels

and in four major daily newspapers for a period of one month (22 April to 22 May). They monitored two TV stations, public MTV1 and private RTL Klub, and the dailies *Népszabadság*, *Népszava*, *Magyar Hírlap* and *Magyar Nemzet*. The monitoring project was complemented by meetings with political and media analysts, journalists, officials at ORTT and several media, and other experts.

OSCE/ODIHR's media monitoring showed that the media generally covered the campaign in a fair and professional manner. Especially before the first round, reporting was largely neutral, and all parties received coverage. Naturally, the amount of coverage varied but this is normal given the varying electoral significance of the political parties. Between the two rounds, most media tended to concentrate on the parties that passed the five-percent threshold on 10 May, and in particular on the Hungarian Socialist Party (MSzP) and the Hungarian Civic Party (Fidesz), as the main contenders and likely leaders of any new government.

The two tables in the appendix show the coverage awarded to the national-list parties before the first round and between the two rounds. Table Two concentrates on the five parties which won over five percent on 10 May and the Hungarian Democratic Forum (MDF), which had a substantial number of candidates running on 24 May (most jointly with Fidesz) and ultimately managed to form its own parliamentary group. The remainder are summarized as others. Coverage is broken down into positive, neutral, and negative coverage. All figures are given in percent of total election-related coverage in each media. Figures include both campaign-related activities and appearances by politicians in their civic capacity as government ministers etc.

According to the OSCE/ODIHR monitoring, the Hungarian Socialist Party (MSzP) received by far the most coverage on MTV1. This, however, was largely due to the fact that many senior Socialist politicians appeared regularly on the screen in their official capacity. It is normal that government activities are covered on the news, and although the Socialists share is fairly high, it does not reach alarming levels. Still, it should be noted that during the first campaign period, there was a tendency to interview Socialist government ministers, while opposition leaders did not get that opportunity to the same degree. On the other hand, coverage on MTV1 was almost always neutral towards all parties. Private RTL Klub's coverage tended to favor the ruling parties both in quantitative and qualitative terms. Socialists and Free Democrats received quite a bit of positive coverage. In contrast, the Smallholders were the one party that received quite a lot of negative coverage.

The newspapers generally tended to give all major parties ample coverage, although to a varying degree. Many of them ran interviews with leading politicians and devoted much space to election-related issues. *Népszabadság* and *Népszava* both gave wide coverage to the ruling parties, and both tended to be critical of the Hungarian Civic Party (Fidesz) and the Hungarians for Justice and Life Party (MIÉP). *Magyar Hírlap* was arguably the most balanced paper in terms of quantity and tendency. *Magyar Nemzet* tended to focus on the two big parties, and ahead of the first round, it included negative coverage of both of them.

Between the two rounds of voting, interest naturally focused on the parties that gained parliamentary representation, and on the Socialists and Fidesz in particular. Especially

on the two public TV stations, the two big parties share total around 75% of all coverage. In the case of MTV1, this was largely due to the broadcasting of a debate between Horn and Orbán, while RTL Klub interviewed both men independently. MTV1 also interviewed the leaders of the Smallholders and MIEP. In the case of MIEP, coverage was considered to be negative mainly because party leader Csurka did not manage to present himself in a positive light.

As far as the newspapers are concerned, coverage between the two rounds also focused on the main parties, but the Hungarian Socialist Party (MSZP) and the Hungarian Civic Party (Fidesz) did not get as much relative coverage as on TV. In most cases, newspapers continued to live up to the professional standards they set before the first round. The only exception was *Magyar Nemzet*, which decided to openly side with Fidesz and against the Socialists. In stark contrast to that paper's first-round coverage, negative coverage of the Socialists increased dramatically and by far exceeded neutral coverage of that party. At the same time, Fidesz received more positive than neutral coverage.

10. OBSERVATION OF VOTING

Background

For the first round of voting on 10 May, 76 international observers were deployed by the OSCE/ODIHR Election Observation Mission. Observers covered 18 of the country's 20 territorial units, reporting on 536 polling stations (4.95%). There was an over concentration of reporting from Budapest.

For the second round on 24 May, 36 international observers were deployed by the OSCE/ODIHR Election Observation Mission. Observers covered 11 of Hungary's 20 territorial units, reporting on 233 polling stations (2.06%). Again, there was an over concentration of reporting from Budapest, but not to the same extent as for the first round.

Overall Findings

The overall impression of observers from the two rounds was of a very well run election with no serious problems. Election officials at all levels were highly professional and the whole process was highly transparent and enjoyed the full confidence of political parties, the general public and observers.

International Observers rated some aspects of the process, and the following figures highlight the positive endorsement of the process:

<u>Round One:</u>		<u>% Good</u>	<u>% Very Good</u>
1	Performance of Polling Station Officials	26.68%	57.84%
2	Overall Assessment of Polling Process	42.54%	53.92%

Round Two:

		<u>% Good</u>	<u>% Very Good</u>
1	Performance of Polling Station Officials	24.89%	69.53%
2	Overall Assessment of Polling Process	32.62%	65.24%

General Voting Process

As stated above the general voting process was administered in a very professional manner. However, there were three aspects of the process, two of which are highlighted in the table below, which do warrant comment.

		<u>% Observed Instances</u>	
		<u>% Total 1st Round</u>	<u>% Total 2nd Round</u>
1	Group Voting	16.00%	17.60%
2	Open Voting	15.00%	9.87%

Group Voting: people being in the polling booth together

Open Voting: people filling in their ballot papers in the open, not in a polling booth.

Both these instances require some clarification.

With regards Group Voting, observers never felt that voters were under undue pressure. In most instances it was obvious that the voters were very comfortable being together, often they were a husband and wife, or elderly friends. In some instances it was clear that a person in fact required assistance but had been too embarrassed to state so to the Polling Station Committee. It was notable that this practice was more frequent in rural areas. However, such a practice is definitely against the Election Law, and can breach the secrecy of a person's vote.

Open Voting, on the contrary, is not against the law in Hungary. Article 68.1, of Act 100 (1997), states: Voters may not be obligated to use polling booths .

Upon questioning by observers, most election officials and political parties were comfortable with this provision, and no observers felt that voters were under undue pressure because of the open nature of voting. It was also observed in the first round that some 27% of reports in Budapest found Open Voting compared to 15% outside Budapest. This is partly due to the over concentration of observers in Budapest, but is also due to larger number of voters in polling stations in the capital who did not want to wait for an empty polling booth.

In short, Open Voting was very common, particularly in Round 1. Whilst no observers reported instances of abuse of this provision, it was felt that it does not ensure the secrecy of the ballot and that voters should be required to vote in polling booths.

The third issue was the use of certificates for voting in a place other than one's normal place of residence. The regulation was that voters could apply for a certificate only prior to the first round, stating that on election day or days they would be in another part of Hungary. These persons would be issued a certificate allowing them one of three options:

- 1 *To vote in rounds one and two in this other specified location;*
- 2 *To vote in round one in this other specified location, and round two back in their normal place of residence;*
- 3 *To vote in round one in their normal place of residence, and round two in another, specified, place.*

It was important that this certificate was applied for only before round one to prevent the possibility for the strategic moving of voters by parties from one constituency to another for the second round.

However, in practice Polling Station officials did not appear to fully understand these provisions and some inconsistency of application was observed. It was observed that certificates issued to cover both rounds had been taken off voters in round one, thus inadvertently denying them the use of the certificate, and thus the ability to vote, in the second round.

This problem was acknowledged by the National Election Office (NEO) to the Election Observation Mission after the election and should be addressed in future elections.

11. OBSERVATION OF THE COUNT

As with the voting process, observers reported very positively on the counting procedures. The only problems noted were very minor procedural ones.

The only significant issue is the unclear definition of an invalid ballot in the current law. At present in defining an invalid ballot, Article 69 of Act 100 (1997) only covers a ballot not having an official stamp or having more than the required number of votes indicated. There is no mention of what to do in instances where a voter has, for example, circled a party's name or crossed next to a party name, rather than the expected cross within the appropriate circle.

As stated above, the National Election Office (NEO) had stated that if the voter's preference is clear the vote should be counted. However, observers reported that whilst some Polling Station Committees did follow this advice, others did not. The result was a lack of consistency in defining invalid ballots.

In practice the number of invalid ballots was between 0.5% - 2.0%, which is not uncommon. However, the law should ensure that wherever possible votes are admissible, and secondly that the national practices are uniform.

12. AGGREGATION AND VERIFICATION OF RESULTS

The National Election Office produces a bulletin after both rounds containing all the detailed results for every constituency and territory. The second round book contains the full distribution of mandates at all levels. This information is also available immediately after the end of polling on the NEO's Internet page.

The official results are not available until 3 days after the election when the written protocols have been checked and verified.

This transparency of information is to be highly commended. It greatly increases the confidence of political parties in the process. No political parties expressed any concerns to the Election Observation Mission on the issue of vote count and aggregation procedures.

In checking the vote tabulation, the results taken by observers fully corresponded to the results published by the NEO.

13. RECOMMENDATIONS

The OSCE/ODIHR would like to propose the following recommendations for further improving the Hungarian election process:

- The National Election Commission needs the authority to issue direct and binding instructions to Election Committees at Territorial, Constituency and Polling Station levels. This will ensure a uniform application of the law.
- The Election Law should contain clearly stipulated penalties for violations of the law. A body might also be created which can deal with the imposition of penalties, to prevent the NEC from having to become involved in this.
- A fixed deadline should be established for candidate withdrawals between the two rounds of voting. This deadline needs to allow ample time for the proper and timely printing of ballot papers, ensuring that no crossing out of names need occur.
- The method of using nomination coupons for candidate registration should be reconsidered, since this method may be too open to abuse or at least accusation of abuse.

- The threshold for coalitions could be reformulated, without stipulating the minimum either coalition partner must attain. The threshold for coalitions could be lower altogether.
- The law needs to define more clearly what is an invalid ballot, based on the principle that a ballot should be accepted so long as the voter's preference is clear and all other legal stipulations have been met.
- The PSC chairman could be given a supervisory role in the voting and counting processes. The positive nature of political party representatives on the Polling Station Committee is to be stressed. However, it should be acknowledged that the professional ability of some party representatives is somewhat mixed. Giving the Polling Station Committee chairman a supervisory role would help alleviate this problem, whilst retaining transparency and the very positive political aspect of party involvement.
- The issuing of a written instruction to voters between the rounds informing them of the second round should be standard procedure. Given Hungary's electoral system a second round is highly likely, thus voters need to be made fully aware of this and informed on withdrawal of candidates between rounds.
- Voters should be obligated to vote in a polling booth, thus ensuring the secrecy of the ballot in accordance with the OSCE commitments. Though this was not considered to be a major problem by many in Hungary, the law should protect the secrecy of an individual's vote.
- There could be a provision enabling Hungarian citizens abroad at the time of the election to vote. There are many administrative examples from various countries which would allow for this to occur.
- Despite the broad level of confidence in Hungary's election process, the election law should clearly provide for the presence of international non-partisan observers, in accordance with Hungary's OSCE Commitments. Provision for domestic observers would further enhance the transparency of the election process.
- The limitations on media coverage of the election during the 24 hours of campaign silence need to be clarified.
- The rules applying to the use of a certificate for voting away from one's normal place of residence need to be clearly articulated to polling station officials, ensuring the uniform and fair application of this procedure. Ideally, the rules should be based on the principle that, given Hungary's constituency-based system, a voter always votes in the same place for both rounds.

Appendix Media Monitoring

Table 1

PARTY	MTV1			RTL Klub			Népszabadság			Népszava			Magyar Hírlap			Magyar Nemzet		
	+	0	-	+	0	-	+	0	-	+	0	-	+	0	-	+	0	-
MszP	0.1	30.0	0.0	7.7	20.0	0.1	1.4	27.5	1.7	3.7	22.4	1.2	0.0	24.2	1.2	0.1	24.7	8.7
SZDSZ	0.0	7.0	0.0	8.3	11.6	0.0	0.0	24.4	0.0	0.3	30.9	0.0	0.0	16.7	0.6	0.0	8.9	0.8
Fidesz	0.0	7.3	0.0	0.0	13.4	0.0	0.5	14.3	7.4	0.0	9.8	6.9	0.0	24.3	0.7	0.0	15.4	4.9
FKgP	0.0	7.9	0.0	0.0	10.8	12.7	0.0	9.8	0.0	0.0	4.1	0.0	0.0	4.6	1.5	0.0	5.4	0.0
MDF	0.0	6.3	0.5	0.5	6.5	0.0	0.0	2.3	0.0	0.0	7.1	0.2	0.0	6.8	0.0	0.9	8.2	0.0
MDNP	0.0	8.4	0.0	0.2	1.1	0.4	0.0	1.2	0.0	0.0	2.1	0.1	0.0	5.8	0.0	0.0	4.4	0.0
KDNP	0.0	6.1	0.0	0.0	4.5	0.0	0.0	2.1	0.0	0.0	2.8	0.0	0.0	3.1	1.5	0.0	4.5	0.0
MIÉP	0.0	6.3	0.0	0.0	0.4	0.0	0.0	2.1	2.2	0.0	1.5	0.5	0.0	3.0	0.0	0.0	3.9	1.6
NF	0.0	1.6	0.0	0.0	0.9	0.0	0.0	0.7	0.0	0.0	1.5	0.0	0.0	1.8	0.0	0.3	1.3	0.0
New All.	0.0	5.9	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.8	0.0	0.0	0.4	0.0	0.0	1.5	0.1
Workers	0.0	6.3	0.0	0.0	0.4	0.0	0.0	0.7	1.2	0.0	2.8	0.0	0.0	2.7	0.0	0.0	2.7	0.0
EMU	0.0	6.3	0.0	0.3	0.0	0.3	0.0	0.1	0.0	0.0	1.3	0.0	0.0	2.0	0.0	0.0	1.6	0.2

Coverage for parties in percent before the first round (22 April – 9 May)

Table 2

PARTY	MTV1			RTL Klub			Népszabadság			Népszava			Magyar Hírlap			Magyar Nemzet		
	+	0	-	+	0	-	+	0	-	+	0	-	+	0	-	+	0	-
MszP	0.0	38.2	0.0	0.0	38.0	0.0	0.0	22.4	0.6	0.0	19.0	0.0	0.4	29.7	2.3	0.0	10.9	24.6
SZDSZ	0.0	1.6	0.0	0.0	8.1	0.0	0.0	11.8	0.0	0.0	12.0	0.0	0.0	18.1	0.2	0.0	2.5	5.4
Fidesz	0.0	37.7	0.0	0.0	38.6	0.0	0.0	16.9	0.0	0.0	20.6	0.0	1.1	20.8	2.3	19.2	13.7	0.0
FKgP	0.0	11.5	0.0	0.0	7.6	4.3	0.0	19.7	0.0	0.0	25.7	0.0	0.0	8.6	0.6	0.0	4.7	2.6
MDF	0.0	0.0	0.0	0.0	1.0	0.0	0.0	8.0	0.0	0.0	2.2	0.0	0.0	1.5	0.1	0.4	4.2	0.0
MIÉP	0.0	0.5	10.5	0.0	1.4	0.4	0.0	14.4	0.0	0.0	6.9	0.0	0.0	2.7	9.5	0.0	5.2	1.0
Others	0.0	0.0	0.0	0.0	0.8	0.0	0.0	6.1	0.0	0.0	13.6	0.0	0.0	2.0	0.0	0.0	5.2	0.2

Coverage for parties in percent between the two rounds (11 May – 22 May)