

INTERIM REPORT
24 February–15 March 2022

21 March 2022

I. EXECUTIVE SUMMARY

- Parliamentary elections will be held in Hungary on 3 April 2022, concurrently with a referendum initiated by the government, on matters addressed by the 2021 so-called ‘child protection’ law. Voters will elect 199 members of parliament under a mixed electoral system, including a national minority component. The number of voters in single-mandate constituencies varies considerably.
- The most recent substantive amendments to the electoral legal framework were adopted in 2020 without a genuine consultative process. The amendments covered a range of election-administration matters, and also introduced stricter requirements on the number of single-mandate candidates parties need to nominate to contest in the national proportional contest. Most previous ODIHR recommendations remain largely unaddressed, including those related to the misuse of administrative resources and the blurring of state and political party roles, and campaign finance transparency.
- The referendum legal framework provides certain opportunities only for the government, as initiator of the referendum, and parliamentary parties on an equal basis to campaign for or against the referendum issues. Referendums can be initiated by the president, the government or at least 100,000 voters and ordered by the parliament. A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ballots. Once this turnout requirement is met, if more than 50 per cent of the valid ballots are voted ‘yes’, the referendum passes, and the result is binding.
- Parliamentary elections and referendums are managed by four levels of election commissions, supported by a parallel set of election offices. The election administration has thus far complied with all legal deadlines, and technical preparations are underway. NEC sessions are open to the public, and during ODIHR’s observation its decisions have been published in a timely manner, however, most substantive discussions on the draft decisions during formal sessions observed rarely took place before party delegated members joined the NEC. While ODIHR EOM interlocutors met so far have expressed confidence in the technical capacity of the election administration, opposition parties raised concerns over the dominance of the ruling majority appointees in the election administration, especially at the higher levels, and some interlocutors raised concerns about staffing, training, and the capacity of lower-level commissions to handle efficiently the simultaneous holding of the parliamentary elections and the referendum.
- The voter register is maintained by the National Election Office (NEO) and as of 15 March includes over 8.2 million voters. A previous ODIHR recommendation related to equal suffrage rights for out-of-country voters remains unaddressed. While most interlocutors expressed confidence in the accuracy of the voter register, some raised concerns that a recent change in the definition of residency may result in tactical migration of voters to closely contested constituencies closer to election day. Since December 2021, the NEO has been publishing voter registration data on a weekly basis, aiming to increase transparency.
- The National Election Commission (NEC) registered 6 national proportional lists and 12 national minority lists, while CoECs registered a total of 664 majoritarian candidates. A number of ODIHR

EOM interlocutors expressed concerns that some political parties misused personal data of voters and forged signatures in support of their candidates. Numerous complaints on such cases were adjudicated by the Regional Election Commissions and the NEC. For these elections, the NEO launched an online portal where voters could verify if their data had been used in support of any candidate. Some 19.7 per cent of list candidates and 17.4 per cent of majoritarian candidates are women.

- The official campaign period commenced on 12 February and has been characterized by mutual accusations between the ruling party and the main opposition bloc. Parties are actively campaigning throughout the country and rely heavily on social networks to promote their campaign messages. The armed conflict in Ukraine has been dominating the political discourse, partially crowding out other topics, with the ruling coalition and the opposition accusing each other of misrepresenting the other side's stance and response to the conflict. There have been multiple formal complaints about the official functions of the government being mixed with campaign activities or being misused as a campaign tool. Opposition parties have expressed concerns to the ODIHR EOM about a significant disparity in the allocation of billboard space for campaign posters. Issues concerning women and national minorities have not featured prominently in the campaign thus far.
- Parties and candidates can fund their campaigns from public and private sources, as well as from state subsidies provided to contestants for campaign purposes. Political parties, party foundations, and parliamentary groups receive annual public subsidies. Spending by third parties, who play an active role in the campaign as observed so far, is not regulated. Contrary to a previous ODIHR recommendation, the law does not require disclosure of campaign finances before election day. Spending on referendum campaigns is not limited or subject to any disclosure or reporting requirements. A number of ODIHR EOM interlocutors expressed concerns that this lack of regulation facilitates the government's considerable spending on the referendum campaign.
- The media are divided along political lines and operate in an increasingly concentrated market. Concerns have been raised by the UN and Council of Europe human rights envoys regarding the restrictive media legal framework, the increased concentration of media ownership, and a distortion of the advertisement market which is dominated by government commercials. Media legislation obliges the broadcast media to provide fair and balanced political coverage; however, editorial content is not explicitly regulated for elections or referendums. Many ODIHR EOM interlocutors raised concerns about what they view as a systemic political bias and a virtual absence of opposition politicians in the programmes of the public broadcaster. The law obliges the public broadcaster to provide contestants with equal amounts of free airtime for political advertisement; and provide parliamentary parties and the government as the referendum initiator with free airtime. Private broadcasters may offer free airtime for electoral or referendum advertisement.
- All citizens and legal entities can lodge complaints and appeals against decisions, actions, or inactions that violate election legislation, however, the possibility to appeal election commissions' decisions is limited to those who are "affected by the case". As of 15 March, the NEC has considered some 49 cases, of which it rejected 21 on formal grounds. Ten of the cases considered on merit were decided in favor of the complainants or appellants including a few that raised questions about the impartiality of lower-level commissions. Many cases submitted to the NEC concerned the misuse of public positions and resources to campaign; in all such cases, the NEC found no violations. The Supreme Court in one case ruled that the government breached the requirement to be neutral in the campaign; the Constitutional Court annulled the decision.

- The law does not provide for domestic non-party election observation, despite previous ODIHR recommendations. International observers, who are accredited by the NEO, may observe all stages of the electoral process. As of 15 March, six organizations had registered 287 observers. Several civil society organizations informed the ODIHR EOM of their initiatives to facilitate the recruitment and training of political party delegated PSC members.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs and Trade of Hungary to observe the 3 April 2022 parliamentary elections and referendum, and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 17 to 21 January, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 24 February.¹ The mission, led by Jillian Stirk, consists of a 14-member core team based in Budapest and 18 long-term observers (LTOs) deployed on 5 March to eight locations around the country. Mission members come from 18 OSCE participating States. ODIHR has requested participating States to second 200 short-term observers to observe election-day proceedings.

III. 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, then-President János Áder called parliamentary elections for 3 April.² 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.³ A state of danger, introduced in Hungary following the outbreak of the COVID-19 pandemic remains in force.

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.⁴ They have used this majority to assertively pursue their political and legislative agenda. In recent years, a series of legislative changes led to infringement procedures against Hungary by the European Commission (EC).⁵ On 16 February 2022, the European Court of Justice rejected a

¹ See previous ODIHR election observation [reports](#) on Hungary.

² On 10 March 2022, following the end of Mr. Áder’s second five-year term, parliament elected Katalin Novák nominated by *Fidesz* as the president.

³ Out of five questions, originally submitted by the Government, one was rejected by the Supreme Court. The decision of the Supreme Court was overruled by the Constitutional Court, however, not in due time to add the question to the list of referendum questions. 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](#) issued on 13 December 2021 stated that the law was incompatible with international human rights norms. Multiple cases in the Supreme and Constitutional Court unsuccessfully challenged the substantive and procedural validity of the referendum questions. On 21 January, a number of opposition parties submitted signatures to the NEO with a proposal to hold an additional referendum. On 9 March, the NEC validated the signatures for both referendum questions put forward by the opposition proposal, and these are now pending parliamentary approval.

⁴ 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.

⁵ In June 2020, the 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.

challenge by Hungary to a European Union rule conditioning funding on respect for the rule of law. After the adoption of the so-called ‘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.⁶

In 2020, six opposition parties, the Democratic Coalition (DK), *Jobbik*, the Hungarian Socialist Party (MSZP), Momentum, the LMP – Hungary’s Green Party, and Dialogue, agreed to back a joint prime ministerial candidate for the 2022 elections, to support a single candidate in each of the 106 single-mandate constituencies, and to put forward a joint list for the proportional component of the elections. In primary elections held in September and October 2021, the independent Péter Márki-Zay, the mayor of Hódmezővásárhely, was chosen as the joint prime ministerial candidate of the United for Hungary opposition bloc.

IV. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 2011 Fundamental Law (Constitution), the 2011 Act on the Elections of the Members of Parliament (Elections Act), the 2013 Act on Election Procedure, and the 2013 Act on the Transparency of Campaign Costs (Campaign Finance Act).⁷ Regulations issued by the Minister of Justice and non-binding guidelines for election bodies adopted by the National Election Commission (NEC) supplement the legal framework.⁸ Under the ongoing declared state of danger due to the COVID-19 pandemic, the government has extraordinary powers to issue decrees to restrict or suspend certain fundamental rights and freedoms with parliamentary approval required after fifteen days for the decree to remain in force.⁹

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. A lack of genuine public consultations on the changes drew criticism from the opposition and civil society, with certain provisions perceived by some stakeholders as politically motivated. The amendments were largely based on proposals by the National Election Office (NEO) covering a range of election-administration matters, but also included a key change to parties’ eligibility to fully contest the elections proposed by the Ministry of Justice.¹⁰ Previous ODIHR recommendations remain largely unaddressed, including on the misuse of administrative resources and preventing the blurring of state and political party roles, campaign finance transparency, and guarantees for domestic non-partisan election observation. Some election law provisions of an administrative nature have cardinal law status, including those recently amended, thus requiring two-thirds parliamentary support to amend.

⁶ The EC’s 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.

⁷ Other relevant legislation governs political party finances, rights of national minorities, media, registration of residential addresses, and criminal offences.

⁸ On 11 January 2022, the Justice Minister issued three decrees regulating the financing, administration, and timelines of the elections and referendum. Fourteen NEC Guidelines, adopted between 2014 and 2019 and amended in 2021, are currently in effect, intended to ensure a uniform application of the legislation.

⁹ Under the state of danger, the Government may adopt decrees by which it may suspend or derogate from the provisions of certain acts, and take other extraordinary measures. According to the Constitution, the Government can suspend or restrict the exercising of fundamental rights beyond the extent permissible in ordinary circumstances, with a number of restrictions.

¹⁰ Amendments to the Elections Act and/or Act on Election Procedure, as well as other relevant acts, were adopted in July 2018, December 2018, December 2019, December 2020, and November 2021. The 2020 amendments were jointly assessed by the [Joint Opinion of the Venice Commission and the OSCE/ODIHR on the 2020 amendments to electoral legislation](#). Recommendations made in the Joint Opinion remain unaddressed.

Referendums are regulated by the Constitution and the 2013 Act on Initiating Referendums, the European Citizen’s Initiative and Referendum Procedure (Referendum Act). In 2021, a ban on holding a national referendum and election concurrently was repealed.¹¹ At the same time, amendments were made to the laws on referendums and elections aimed to harmonize the potential concurrent administration of such events. The legal framework guarantees equal campaign opportunity in the broadcast media for the government, as initiator of a referendum, and parliamentary parties, rather than equal opportunity for the supporters and opponents of the referendum proposal, and does not prescribe the neutrality of the public authorities, nor ban the use of public funds for referendum campaign purposes.¹² Neither the government nor the election administration are obliged to provide voters with objective balanced information on the issues being put to a referendum or the positions of the proponents and opponents on the issues. A 2018 amendment to the Referendum Act explicitly granted the government, as when it is the initiator of a referendum, the full right to campaign.

V. ELECTORAL AND REFERENDUM SYSTEM

The 199 members of parliament are elected under a mixed system: 106 are elected 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.¹³ Each of the 13 national minority self-governments can submit a candidate list that is voted on by self-declared voters of the respective minority, with a preferential threshold.¹⁴

The 2020 amendments introduced a stricter threshold 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, respectively. While political 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 change to be politically motivated and could potentially foster polarization and be detrimental to political pluralism.¹⁵

¹¹ The amendment was proposed by an opposition MP Tímea Szabó, from Dialogue for Hungary.

¹² Guidelines I.2.2 and I.3.1 and related Explanatory Note of the [Venice Commission’s Code of Good Practice on Referendums](#) provide, in part, that equality of opportunity between the supporters and opponents implies a neutral attitude by administrative bodies with regard to the referendum campaign, media coverage (particularly publicly owned media), public campaign funding, and financial and other conditions for radio and television broadcasting. The Guidelines further state that while it is not necessary to prohibit completely intervention by the public authorities in support of or against the referendum proposal, the government “must not influence the outcome of the vote by excessive, one-sided campaigning” and “the use of public funding by the authorities for campaigning purposes must be prohibited”.

¹³ 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. Political entities that reach the threshold have their surplus votes from single-mandate constituencies added to their total votes before the proportional seats are allocated using the *d’Hondt* formula.

¹⁴ The 13 recognized national minority self-governments (Armenians, Bulgarians, Croats, Germans, Greeks, Poles, Roma, Romanians, Rusyns, Serbs, Slovaks, Slovenes, and Ukrainians) can submit candidate lists that appear on a separate ballot paper for national minorities if they collect support signatures from at least 1 per cent of the voters included in the national minorities register or 1,500 signatures whichever is smaller. To win a preferential mandate, a minority list must obtain one fourth of the electoral quota required for a mandate from a proportional list. Citizens who vote as minority voters may not vote for the regular national proportional lists. Minorities whose lists do not win a mandate are entitled to a non-voting representative in parliament.

¹⁵ 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.”

The boundaries of single-mandate constituencies are entrenched in cardinal law that can only be changed with two-thirds parliamentary support. Despite a legal requirement in the Elections Act to revise boundaries that have more than a 20 per cent deviation from the average number of voters, based on voter distribution in the most recent national elections, parliament has not done so since 2018.¹⁶ Based on current voter distribution, 25 of the 106 single-mandate constituencies have more than a 10 per cent deviation, with the largest deviation being 33 per cent.¹⁷

Referendums can be initiated by the president, the government or at least 100,000 voters and ordered at the discretion of the parliament. With the exception that referendums by voter initiative and supported by at least 200,000 voters must be ordered by parliament. Certain matters cannot go to referendum, including issues that require constitutional amendment or impact international treaty obligations. The NEC determines compliance of the referendum questions with substantive and procedural legal criteria and approves the questions. For this referendum, voters are asked to answer yes or no to four questions, on one ballot. A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ballots. Once this turnout requirement is met, if more than 50 per cent of the valid ballots are voted ‘yes’, the referendum passes, and the result is binding.

VI. ELECTION ADMINISTRATION

Parliamentary elections are managed by a four-tiered administration comprising the NEC, 20 Regional Election Commissions (RECs), 106 Constituency Election Commissions (CoECs), and 10,243 Polling Station Commissions (PSCs).¹⁸ In addition, the NEO, 20 Regional Election Offices (REOs), 97 Constituency Election Offices (CoEOs), and 1,264 Local Election Offices (LEOs) are responsible for the administration of the elections, and assist respective commissions.¹⁹ The same commissions and offices will also administer the referendum and provide assistance, respectively.

The NEC is a permanent independent body headed by a president and six members who are elected by parliament for a nine-year term upon the proposal of the president of Hungary. In addition, political parties with a parliamentary group can each appoint one member with full voting rights.²⁰ Entities that field a national proportional list or a national minority list can also delegate a member once their list has been registered.²¹ Of the 17 current NEC members, the vice-president, two elected members, and one delegated member are women.

RECs, CoECs and PSCs consist of three members elected by the corresponding county or local government, based on proposals by the respective election offices. Eligible contestants can delegate additional members to the various levels of the election administration, including two PSC members

¹⁶ Following the 2018 elections, parliament was required to change the boundaries of two constituencies in Pest county (02 and 05) which have a deviation of more than 20 per cent, based on the 2018 voter distribution. By law, constituency boundaries cannot be changed starting from the calendar year preceding the year of a scheduled election.

¹⁷ Eighteen constituencies have more than a 15 per cent deviation, including 7 with more than a 20 per cent deviation, the latter all in Pest county. Paragraph I.2.2.iv of the Venice Commission’s [Code of Good Practice in Electoral Matters](#) recommends that the permissible departure from the norm should not be more than 10 per cent, and should certainly not exceed 15 per cent except in special circumstances.

¹⁸ The July 2018 Amendments to the Act on Election Procedure vested powers in the regional level commission related to the tabulation of partial results for the national lists and appeals on candidate registration.

¹⁹ Some CoEOs are serving more than one single-mandate constituency.

²⁰ The mandate of these members ends when the next parliamentary elections are called.

²¹ Delegated members of the eligible entities and national minorities started attending NEC sessions on 4 March, with two more joining on 9 March. Members delegated by national minorities only have voting rights on national-minority issues.

per polling station, who must be nominated by 25 March.²² Recent amendments have broadened the LEOs' discretion in nominating additional members should contestants not nominate enough members, leaving a PSC with less than five members. While ODIHR EOM interlocutors met so far have confidence in the technical capacity of the election administration, opposition parties raised concerns over the dominance of the ruling majority appointees in the election administration, especially at the higher levels.

Election offices operate in a hierarchical structure headed by the NEO president. The NEO is a state administrative body, headed by a president and tasked with the technical preparation of the elections.²³ Lower-level offices are headed by municipal clerks and act as secretariats for the commissions at the corresponding level. Some ODIHR EOM interlocutors raised concerns about staffing, training, and the capacity of lower-level commissions to handle efficiently the simultaneous holding of the parliamentary elections and the referendum.²⁴

To date, the election administration met all legal deadlines, and electoral preparations are ongoing. Since the call of the elections, the NEC has adopted 160 decisions on the registration of nominating organizations and national minority lists, and on the content and layout of ballots. NEC sessions are open to the public. The agenda is announced shortly before each session, and decisions are published in a timely manner. Following the 2020 legislative amendments, NEC sessions can be held using electronic channels if needed but are not broadcast or streamed online. NEC session minutes are published within some two weeks. The NEC secretariat informed the ODIHR EOM that NEC members can express their views on the draft decisions both orally and in writing in advance of the sessions. Substantive discussions on draft decisions during formal sessions observed rarely took place before party delegated members joined the NEC.

The NEO has launched websites with information related to the parliamentary elections and the referendum. Training materials for the heads of CoEOs and LEOs, PSCs, out-of-country polling stations, and election offices abroad have been developed and are accessible online. The NEO has published voter education posters and videos, including for voters with disabilities for both the parliamentary elections and the referendum. There is no legal obligation for either government or election administration to educate voters on the referendum, however, the NEO has produced targeted materials educating voters on procedures for voting in the referendum.²⁵ Persons with disabilities may request services such as election notices or voting templates in Braille, access to easy-to-read materials, and allocation to a polling station that is accessible for voters with reduced mobility. Voters with limited mobility may also request to vote by mobile ballot box.

VII. VOTER REGISTRATION

All adult citizens who are at least 18 years of age on election day, as well as married citizens over 16, have the right to vote, except those who have been disenfranchised by an individual court decision

²² Political parties and independent candidates registered in the respective constituency may nominate up to two members each per PSC.

²³ The president of the NEO is appointed for a nine-year term by the president of Hungary, upon a nomination by the prime minister. Up to three vice-presidents can be appointed for an indefinite term.

²⁴ The NEO training manuals provide detailed guidance on following the procedures and conducting both elections and referendum, but no special training module has been designed. Delegated members receive training by their nominating parties or by NGOs.

²⁵ The NEO maintains a separate webpage with information about the referendum, including the questions put to the referendum.

due to mental incapacity or criminal conviction.²⁶ According to the NEO, a total of 72,974 citizens do not have the right to vote on these grounds.²⁷

The voter register, maintained by the NEO, is based on data from the civil registry and other registries.²⁸ As of 15 March, the voter register contained the records of 8,224,441 citizens eligible to vote in the parliamentary elections and the referendum.²⁹ Registration is passive for voters with a domicile in Hungary. Voters without domicile in the country must update their data once every 10 years in order to be eligible to vote by post. Those voters can only cast a ballot for the national proportional contest and the referendum. Some ODIHR EOM interlocutors raised concerns about limited safeguards with regard to postal voting and the accuracy of the voter register for those eligible to cast a postal ballot. Voters abroad who maintain a domicile in Hungary can vote in proportional and majoritarian elections, as well as the referendum, at 146 polling stations located at Hungarian diplomatic missions abroad, if they register by 25 March.³⁰ A previous ODIHR recommendation related to equal suffrage rights for out-of-country voters remains unaddressed. Following recent legislative amendments, the deadline for absentee voting requests has been changed from four days to nine days before the voting. In-country voters may request absentee voting until nine days before election day.

A 2021 amendment to the Law on the Records of Citizens' Personal Data and Address changed the definition of residency to the address one uses for communication with the state. One quarter of MPs challenged this amendment to the Constitutional Court, which on 14 February 2022 dismissed the petition.³¹ Since December 2021, the NEO has been publishing voter registration data on a weekly basis, aiming to increase transparency. Voters can request changes to their data in the voter register at election offices up until two days before election day. Most ODIHR EOM interlocutors expressed confidence in the accuracy of the voter register, however, several interlocutors raised concerns that the new definition of residency may result in tactical migration of voters to closely contested constituencies closer to election day, or illegal bussing of voters on election day.

²⁶ Suffrage rights of prisoners can be limited for a definite term between one year and a maximum of ten years. The 2020 amendments to the Act on Election Procedure removed “pathological addiction” from the grounds for disenfranchisement. According to Article 29 of the [2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD), States Parties undertake 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 9.4 of the [2013 CRPD Committee Communication No. 4/2011](#) states that “[...] an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention”.

²⁷ As of 15 March 2022, this includes 25,931 persons disenfranchised related to a conviction for a criminal offence and 47,043 with a court decision depriving them of civil rights due to limited mental capacity.

²⁸ 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.

²⁹ This includes 7,672,239 voters registered in their home constituency, 58,121 absentee voters, 37,497 voters registered to vote at Hungarian diplomatic missions, and 456,584 voters abroad without a registered address in Hungary who are eligible to vote by mail (of these, 74,625 are registered to vote for national minority lists).

³⁰ The decision to allocate three polling locations in the United Kingdom to voters abroad with a registered address in Hungary was challenged by a party delegated member of the NEC, which requested that the NEC open additional polling stations in the United Kingdom. On 13 December, the NEC dismissed the challenge, stating that it is under the jurisdiction of the government to decide on the locations of polling stations abroad.

³¹ The petitioners asserted that the register of residential addresses would no longer be proof of the actual place of residence which has a direct link to the election in a mixed electoral system. 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”.

VIII. CANDIDATE REGISTRATION

The right to stand as a candidate 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.³² Those who wish to stand in single-mandate constituencies were required to collect at least 500 support signatures from citizens eligible to vote in that constituency, on signature sheets pre-approved by the NEO, and to submit the nomination documents by 25 February.³³ The NEC registered 55 nominating organizations; it denied registration to eight entities due to omissions in their documentation.³⁴ It registered six national proportional lists and rejected one list.³⁵ The referendum legal framework does not include the concept of supporters and opponents of a referendum, and does not require political parties or other stakeholders to register to participate in the referendum campaign.

For these elections, the NEO launched an online portal where voters could verify if their data had been used in support of any candidate. A number of ODIHR EOM interlocutors expressed concerns about the misuse of personal data of voters in support of candidates and forged signatures. Numerous complaints about such cases were adjudicated by the RECs and the NEC.³⁶

As of 15 March, a total of 664 candidates are standing for election in the 106 single-member constituencies, including 116 women (17.4 per cent). A total of 105 candidates in single-mandate constituencies were denied registration, 7 withdrew, and 1 was deregistered. The NEC registered 1,035 candidates as part of the six national proportional lists, including 204 women (19.7 per cent). National minorities fielded a total of 111 candidates, including 49 women (44.1 per cent). Candidates may withdraw up to 2 April.

IX. CAMPAIGN ENVIRONMENT

The official campaign commenced on 12 February. The law does not provide for a general campaign silence period prior to or on election day, but campaign rallies and campaign advertisements in the media are prohibited on election day.³⁷ Following recent legislative amendments, a written permission is required from the owner of the property where campaign materials are posted. The law establishes principles that must be observed throughout the process including equal opportunities for contestants and the protection of the fairness of the election. Election campaigning by public officials

³² A candidate may run concurrently only in one single-member constituency and on the national proportional list of the nominating organization.

³³ CoEOs had three days to verify support signatures and to report to CoECs whether a sufficient number of support signatures had been submitted. Signature sheets had to be returned to CoEOs no later than 25 February by 16:00, otherwise the nominating organizations and independent candidates were subject to a fine.

³⁴ The NEC registered 43 political parties and 12 national minority self-governments. It denied registration to the Hungarian National Party twice for lack of proper legal representation, before eventually registering the party.

³⁵ Nominating organizations include political parties that field constituency or proportional candidates and 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, Solution, Our Homeland, and *Fidesz*–KDNP met the requirement for registration of their national proportional lists and submitted their documents by the deadline of 26 February.

³⁶ Most RECs reviewed individual claims by voters about the misuse of their data by candidates. The Budapest REC deregistered a candidate after reviewing the signature sheets because the data on some of the signature sheets was not in compliance with legal requirements, the REC invalidated part of the signatures, causing the number of remaining valid signatures to drop below the required 500. A number of candidates appealed CoEC decisions on registration, requesting RECs to review the validity of the submitted signatures. The NEC received a total of seven complaints about signature collection irregularities, including falsified signatures; all were rejected. No fines were issued so far.

³⁷ Moreover, campaigning may not take place within 150 meters of polling stations.

is not restricted in any manner by the law, and the use of administrative resources in the election campaign is not prohibited.

Campaigning for or against issues that have been put to a referendum is largely unregulated. 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.

Parties are actively campaigning throughout the country, by holding campaign events, door-to-door activities, and heavily rely on social networks to promote their campaign messages. The campaign has been characterized by mutual accusations between the ruling party and the main opposition bloc, with the ruling party stressing its prior achievements, and the opposition underling a need for change. The United for Hungary opposition campaign, including in social media, is focused on Mr. Márki-Zay, while the *Fidesz* campaign focuses on Mr. Orbán's activities as prime minister, and the party's campaign events often feature local candidates. Opposition parties have expressed concern to the ODIHR EOM about a significant disparity in the allocation of billboard space for campaign posters. Many of the current campaign billboards are from third-party entities and are against the opposition coalition. An especially prominent theme of such billboards is the claim that Mr. Márki-Zay is controlled by the leader of DK and former Prime Minister Ferenc Gyurcsány. On 15 March, an annual celebration of the Memorial Day of the 1848 Revolution, a large March for Peace was organized in Budapest, the gathering was addressed by Mr. Orbán. Together for Hungary also held a large-scale rally in the capital.

The political discourse has been dominated by the armed conflict in Ukraine, crowding out other topics of the campaign, with the ruling coalition and the opposition accusing each other of misrepresenting the other side's stance and response to the conflict. Opposition parties have criticized the government's response to the conflict, have accused the prime minister of being too close to the Russian government, and of following the model of the Russian president in Hungary. *Fidesz* has claimed that if the opposition were in power, Hungary would be directly involved in the conflict, and would be supplying arms to Ukraine. Other issues that have featured in the campaign, include energy security, the economy and the decline of the currency. On 9 March, United for Hungary presented their joint program. The referendum questions have thus far featured in the campaign to a limited extent.

The ODIHR EOM has observed instances where government information mirrors messages from the ruling party.³⁸ Several opposition parties raised concerns about this issue with the ODIHR EOM and three related complaints have been lodged. There have also been multiple formal complaints about a government program to distribute laptops to schools, alleging that candidates and officials have on some occasions used the delivery of the laptops for campaign purposes. Another complaint concerned the use of a government email address to send a message to citizens about the conflict in Ukraine, which criticized the standpoints of the opposition (see *Complaints and Appeals*). Several ODIHR EOM interlocutors expressed concerns over potential pressure on voters, the misuse of state resources, and potential vote-buying.

Women are generally under-represented in political and public life in Hungary. Twenty-six out of 199 MPs in the outgoing parliament (13.1 per cent), and 2 out of 13 government ministers are women. However, the ODIHR EOM has noted that a few parties address issues directed particularly at women

³⁸ For example, a ruling party slogan, "let's go forwards, not backwards", closely mirrors a government information slogan used before the campaign period. A government information poster featuring the picture of the prime minister with the words "Let's keep Hungary's peace and security" mirrors *Fidesz* messaging about the conflict in Ukraine. Letters sent by the government to citizens about increased pensions and about support for families with children contain criticism of the previous government of Mr. Gyurcsány.

voters, such as childcare provision and flexible working and a couple parties have internal rules to ensure that women are represented in high places on candidate lists. The United for Hungary bloc's program, released on 9 March, contains messages directed at women, as well as support services and employment. Some parties promote issues concerning persons with disabilities.

X. CAMPAIGN FINANCE

Election campaigns are funded by parties and candidates from public and private sources. Political parties, party foundations, and parliamentary groups receive annual public subsidies. State subsidies for election campaigns are also provided to candidates in single-member constituencies, and to entities nominating candidate lists for the proportional contest.³⁹ Private donations to political parties can only be made by individuals but there are no caps to the amount that can be donated.⁴⁰ Donations to political parties or contestants from foreign individuals or states, as well as anonymous donations are prohibited.⁴¹ The law sets limits on election campaign expenditure for candidates and list nominators.⁴² Spending by third parties, who play an active role in the campaign as observed so far, is not regulated.⁴³ The majority of previous ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations related to transparency and accountability of campaign financing have not been addressed.⁴⁴

The law does not require any disclosure of campaign finances before election day. Candidates in single-mandate constituencies who accept the campaign subsidy must account for its use after the elections.⁴⁵ Candidates and list nominators must publish a statement of their campaign incomes and expenditures within 60 days of election day. The State Audit Office (SAO) audits the campaign finances of candidates and list nominators who obtained mandates.⁴⁶ Ahead of these elections, the SAO published a handbook on using and reporting on campaign subsidies and an analysis of the legal framework on political advertising during the campaign.⁴⁷

While no direct public funding is allocated for the referendum campaign, referendum organizers and political parties with a parliamentary group are entitled to indirect funding in the form of free airtime

³⁹ Each candidate is entitled to some HUF 1.2 million (EUR 3,145) but may assign this entitlement to their nominating party. Parties or alliances nominating candidate lists may receive between HUF 471 and 706 million (between some EUR 1.23 and 1.85 million), depending on the number of candidates they field in single-mandate constituencies (with a minimum of 71, following December 2020 amendments). Minority list nominators are together entitled to some HUF 353 million (EUR 924,000), with each list allocation calculated by the NEC.

⁴⁰ Donors who give more than HUF 500,000 (EUR 1,300) per year are identified in the parties' annual reports.

⁴¹ The prohibitions of donations by legal entities and from foreign sources do not apply to party foundations.

⁴² According to the Campaign Finance Act, each independent candidate may spend up to about HUF 5.9 million (EUR 15,460), while a party may also spend up to HUF 5.9 million for each candidate (for candidate lists – up to the total number of mandates obtainable for the proportional list), setting a maximum limit of some HUF 1,2 billion (EUR 3.14 million) for a party or alliance contesting all parliamentary seats.

⁴³ A company set up by an NGO runs a highly visible negative public campaign against the leader of the opposition alliance; *Megafon*, a platform of influencers associated with the ruling party reportedly spent some HUF 167 million (EUR 437,600) on Facebook ads that were seen to be attacking the opposition during the month of February.

⁴⁴ These include consolidating the books and accounts and extending supervision of political parties to all entities which are under the direct or indirect control of a political party, introducing donation limits, and regulating spending by third parties.

⁴⁵ The report is submitted to the State Treasury within 15 days from the establishment of the official election results. If the candidate assigned the subsidy to the party, the report is submitted by the party. These reports are audited by the State Audit Office within one year of the election.

⁴⁶ At a reasoned request of a contestant, the SAO may also audit campaign finances of candidates and list nominators who did not obtain mandates.

⁴⁷ The latter explains, among other issues, that advertising in social networks should be regarded as a campaigning tool within the meaning of the Elections Procedures Act, and therefore is subject to spending limits.

for political advertisements in the public media. This airtime is distributed regardless of the stance on the referendum issue and is not made available to any other opponents or proponents of the referendum initiative. Spending on referendum campaigns is not limited or subject to any disclosure or reporting requirements. A number of ODIHR EOM interlocutors expressed concerns that this lack of regulation facilitates the government's considerable spending on the referendum campaign.

XI. MEDIA

The media are divided along political lines and operate in an increasingly concentrated market.⁴⁸ The Council of Europe's Commissioner for Human Rights and the UN Special Rapporteur on Freedom of Expression have repeatedly raised concerns regarding the restrictive legal framework, further constrained during the COVID-19 pandemic, the increased concentration of media ownership, and a distortion of the advertisement market which is dominated by extensive government commercials.⁴⁹ ODIHR EOM interlocutors have raised concerns about limited access to information, surveillance, and persistent negative campaigns targeting independent and opposition journalists and representatives of civil society.

Television remains the most important source of information, however, news websites are becoming increasingly important in shaping public opinion, especially in urban areas. The public broadcaster, managed by Media Services and Support Trust Fund (MTVA), operates seven television channels, seven radio stations and the country's only news agency. MTVA is mainly funded from the state budget and was allocated some HUF 130 billion (EUR 340.3 million) for 2022.⁵⁰ Many ODIHR EOM interlocutors raised concerns about what they view as a systemic political bias and a virtual absence of opposition politicians in the programmes of the public broadcaster. The United for Hungary opposition bloc staged several protests since the start of the campaign, calling on the public broadcaster to provide the opposition with access to public media programs. In response, MTVA has accused the opposition bloc of political pressure and decided to provide each contestant which registered a national proportional list with one five-minute time slot in its editorial morning programs.

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. Principles of equality established by the Act on Election Procedures also apply to the conduct of the media in the election campaign. MTVA is obliged to provide electoral contestants with a total of 600 minutes free of charge, to be equally divided among all registered lists.⁵¹ The Referendum Act also obliges MTVA to provide seven parliamentary parties and the organizers of the initiative, in this case the government, with a total of 300 free minutes for political advertisement, to be divided equally (37,5 minutes each).⁵² Private broadcasters willing to offer free airtime for electoral or referendum advertisement on equal conditions have to apply to the NEC.⁵³

⁴⁸ In 2018, 476 private media companies simultaneously transferred ownership to the Central European Press and Media Foundation (KESMA). In March 2020, 50 per cent of Indamedia Group, a partner of one of the country's largest news outlets Index, was acquired by a businessman reportedly affiliated with the ruling party.

⁴⁹ See the reports of the UN [Special Rapporteur on Freedom of Expression](#) and the Council of Europe's [Commissioner for Human Rights](#).

⁵⁰ The Hungarian Advertisement Association has [estimated](#) the entire media market for 2020 at EUR 660 million. Of these, 470 minutes are divided among the nominating organizations who have put forward national proportional lists, and 130 minutes are divided among organizations putting forward national minority lists.

⁵² 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.

⁵³ Only one private television, *RTL Klub*, has informed the NEC about their intention to broadcast free referendum advertisements, which was approved by the NEC. The United for Hungary opposition bloc has used the allotted time to promote its prime-ministerial candidate.

While paid political advertisement in broadcast media is prohibited by the Constitution, public-service advertisements may be broadcast by the media. Several private television channels aired advertisements commissioned by the government regarding the potential consequences of a positive answer to one of the referendum questions.⁵⁴ A complaint by an NGO contesting the legitimacy of airing such advertising was dismissed by the NEC on technical grounds.⁵⁵

On 3 March, the ODIHR EOM commenced qualitative and quantitative media monitoring of five television and six online media outlets.⁵⁶

XII. 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. The second largest, Germans, comprised 1.9 per cent.⁵⁷ As a measure to promote national minority participation, minority representatives can win parliamentary representation under special provisions (see *Electoral and Referendum System*). 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. The United for Hungary opposition bloc has included three Roma candidates in high positions on its joint list. Their electoral program addresses a range of issues concerning Roma. Several interlocutors raised concerns with the ODIHR EOM about potential abuses concerning the Roma community, including vote-buying and pressure over the potential withdrawal of benefits under a government employment scheme.

XIII. COMPLAINTS AND APPEALS

All citizens and legal entities can lodge complaints and appeals against decisions, actions, or inactions that violate election legislation. The 2018 amendments to the Act on Election Procedures narrowed the possibility to appeal decisions of election commissions to those who are “affected by the case”. The NEC has been strictly applying this new standard.⁵⁸ The law prescribes timely submission and consideration of complaints and appeals.⁵⁹ Complaints on violations in single-mandate constituency elections, including against local media, are filed with CoECs, while complaints on nationwide election issues are considered by the NEC. Most CoEC decisions can be appealed to the NEC.⁶⁰ All NEC decisions, including on complaints and appeals, are subject to judicial review by the Supreme Court.⁶¹ The constitutionality of Supreme Court decisions can be challenged to the Constitutional

⁵⁴ The government is campaigning for a ‘no’ answer to the four questions put to the referendum.

⁵⁵ The NGO argued that since televisions did not inform the NEC of their intention to air political advertisement, they are not entitled to air such advertising in relation to the elections or the referendum. One of the broadcasters argued that the aired advertisement was not political but a public-service advertisement. The NEC found that the person filing the complaint failed to establish that they have the right to represent the NGO. The Supreme Court on 11 March rejected the NGO’s appeal against the NEC decision, ruling that such advertisement is not a political one.

⁵⁶ The TV channels are monitored from 18:00 to 00:00. The sample includes television channels *ATV*, *Hír TV*, *M1*, *RTL Klub*, *TV2* and websites *24.hu*, *444.hu*, *hvg.hu*, *Index*, *Origo* and *Telex*.

⁵⁷ 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.

⁵⁸ The same rule regarding legal standing applies for submission of 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.

⁵⁹ During the election period, complaints must be filed with the election commission or court within three days, with the commission and court having three days to adjudicate the matter.

⁶⁰ As per the 2018 amendments, appeals against CoEC decisions on candidate registration are filed with RECs.

⁶¹ REC decisions on appeals regarding candidate registration are also subject to judicial review by the Supreme Court. Voter registration cases can be submitted to the competent Regional Court.

Court. Despite previous ODIHR recommendations, there is no guarantee to a public hearing of election related complaints by the courts. Concerns about deteriorating judicial independence following several legislative amendments between 2010 and 2020 have been raised by domestic and international actors.⁶²

NEC deliberations on complaints and appeals are public, and its decisions have been published on the NEO website in a timely manner, as were relevant Supreme Court decisions.⁶³ As of 15 March, the NEC has considered 49 cases, of which 21 were rejected on formal grounds.⁶⁴ Among the cases considered on merit, 10 were decided in favor of the complainants or appellants, including 3 cases in which it found lack of impartiality of lower-level commission members, due to the posting of partisan communications on social networks by the commission members.⁶⁵ Many cases submitted to the NEC concerned alleged violations of campaign rules, including some 14 cases on misuse of public positions and resources to campaign.⁶⁶ The Supreme Court reviewed 28 cases; four NEC decisions were overturned.⁶⁷ On 5 March, the Supreme Court ruled that the government breached the neutrality requirement by criticizing the opposition in a government communication widely delivered to citizens, although no sanction was issued. The Constitutional Court annulled the decision, and stated that the disputed communication did not constitute campaigning.⁶⁸

XIV. ELECTION OBSERVATION

There is no legal provision for domestic non-party election observation, despite previous ODIHR recommendations.⁶⁹ Several civil society organizations informed the ODIHR EOM of their initiatives to facilitate the recruitment and training of delegated PSC members.⁷⁰ Nominating organizations that have registered national proportional lists may delegate up to five observers to work alongside the NEO during tabulation and verify postal ballots and the legality of the voting documents, and up to

⁶² 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.

⁶³ The NEC started considering complaints related to upcoming elections and referendum prior to the appointment of party-delegated members, mostly related to violations of campaign rules.

⁶⁴ Five cases were denied for lack of legal standing, including an appellant contesting a CoEC decision on a complaint. The legal interpretation of jurisdiction has left alleged campaign-finance breaches without a clear avenue for legal remedy.

⁶⁵ The NEC overturned three CoEC decisions that determined that public officials engaged in campaigning in violation of the law. In other cases, the NEC found violations of the rules on posting campaign materials, breach of a CoEC member's voting rights, and violations by an online media outlet of the rules for publication of political commercials.

⁶⁶ Most cases relate to public officials who are also candidates in the elections distributing laptops at schools, as part of a government program. The NEC dismissed all such cases or overturned CoEC decisions that found violations, on grounds that the persons in question were conducting official duties, citing a 2018 amendment that the performance of a government function is not considered campaigning. When challenged, the Supreme Court upheld these NEC decisions. The Constitutional Court also upheld the Supreme Court decision in one such case.

⁶⁷ As of 15 March, the Supreme Court reviewed 13 applications against REC decisions and 15 cases against NEC decisions.

⁶⁸ The constitutional rights deemed by the Court to be violated included the government's right to exercise its functions and to free dissemination of information necessary for the formation of public opinion. The Court held that the word "opposition" in the newsletter does not refer to a specific political party, but to the government's position vis à vis that of the non-governmental standpoint. Five Supreme Court decisions have been challenged in the Constitutional Court; in two cases, it deemed the Supreme Court decision unconstitutional. One decision is currently pending.

⁶⁹ 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."

⁷⁰ 20K22 have recruited more than 26,000 volunteers to be delegated on behalf of the joint opposition. Unhack Democracy and Let's Count Together organize online and in-person trainings, while the Coalition for Clean Voting provides civil awareness campaigns and legal help to voters.

two observers at the constituency level during tabulation. The NEC must be notified of party observers no later than ten days before election day.

International observers, who are accredited by the NEO, have the right to observe all stages of the electoral process. Media can be present during voting and counting on election day, as well as during the verification and counting of postal ballots. As of 15 March, six organizations had registered 287 observers.

XV. ODIHR EOM ACTIVITIES

The ODIHR EOM opened in Budapest with an initial press conference on 24 February. The Head of Mission has met with the President of the NEO, the Presidents of the Constitutional Court and the Supreme Court, the Prosecutor General, the Minister of Justice, government officials, and representatives of political parties, civil society, and the diplomatic community. The ODIHR EOM has established regular contacts with the NEC and the NEO, governmental institutions involved in the electoral process, the judiciary, political parties, candidates, civil society, the media, and the diplomatic community.

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