



## **ENEMO International Election Observation Mission**

### **Parliamentary Elections and Referendum, 3 April – Hungary 2022**

#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**4 April 2022**

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*Technical aspects of the elections, including election day proper, were generally well managed, though numerous issues in the pre-election day period, including shortcomings and gaps in the legal framework, tilted the playing field in favor of the ruling coalition. Allegations of improper voter influence, including voter intimidation and vote buying also marred the election campaign. The legal framework necessitates an overhaul, as to address observed issues and improve conditions for holding democratic elections.*

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On 1 February 2022, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to Hungary to observe the upcoming Parliamentary Elections and Referendum of 3 April 2022.

ENEMO has accredited seven Core Team experts, based in Budapest. The Mission is headed by Dritan Taulla. ENEMO has additionally deployed ten long-term observers (LTOs), in five teams, throughout the country. The IEOM was reinforced by 200 short-term observers (STOs), who observed election day proceedings, starting from the opening procedures to the counting and tabulation of results on Election Day.

This is ENEMO's first election observation mission to Hungary. The aim of the IEOM is to improve the transparency of the electoral process, assess its integrity and compatibility with international standards for democratic elections and the Hungarian legislation, as well as provide - and advocate for - recommendations for potential areas of improvement.

The mission has been monitoring and assessing the overall political and electoral environment, conduct of election management bodies, campaigning, gender equity, voting and tabulation processes, electoral dispute resolution, and other crucial aspects of the process. Up until election day, ENEMO's mission conducted 352 meetings with relevant interlocutors, including election management bodies, political

parties and candidates, domestic civil society organizations and media, in addition to observing campaign activities (meetings or rallies) of election contestants.

The Statement of Preliminary Findings and Conclusions is based on ENEMO's findings from the pre-election period and the Election Day. The Statement follows the [Interim Report](#), issued on 21 March. The Mission will stay in the country until the conclusion of the electoral process, and will also observe post-election developments. The final report, including a full assessment, which will depend in part on the conduct of the remaining stages of the elections, detailed findings, and recommendations will be issued within sixty days from the certification of results.

**ENEMO's International Election Observation Mission for the 3 April 2022 Parliamentary Elections in Hungary is financially supported by the National Endowment for Democracy (NED). The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of the donor.**



## Preliminary Conclusions

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Parliamentary elections were held in Hungary on 3 April to elect 199 members of the National Assembly for a four-year term. Six opposition parties contested the election as an alliance, challenging the ruling coalition composed of Fidesz and KDNP, which contested for a fourth term. The elections were held against the backdrop of a highly polarized political environment and amid concerns about worsening conditions for democratic elections.

The legal framework contains adequate regulations concerning different aspects of elections; however, some of the crucial aspects are not precisely and sufficiently regulated. This damages the transparency of elections, and fails to ensure effective prevention of violations, and a level playing field. Legislative shortcomings are primarily related to campaign financing and misuse of state resources. It is worth noting that regulations concerning such issues as freedom of media and expression, civil society organizations, judiciary, and access to information have deteriorated over the years, thus also having a negative impact on the election environment.

There are seven single-member constituencies with a deviation of more than 20 percent in the average number of voters. This violates the equality of vote principle and is at odds with international best practice and domestic legal regulations. The increased number of single-member constituencies in which political parties have to nominate candidates in order to compete through a national list creates unjustified barriers for political parties to participate in elections.

In general, EMBs met the legal deadlines and managed the process efficiently. They were open to international observers and media, and acted transparently. However, as many ENEMO interlocutors and media reported, the NEO did not fully control the process of voting by post, as at least in Serbia and Romania, the delivery of ballot packages has not always been conducted in accordance with the law, by respective Postal Offices.

Overall, there is trust in the accuracy of the voters lists. The NEO published weekly data regarding voter registration in an open format, which contributed to increasing transparency. However, there are loopholes in the Act of Election Procedure regarding postal voting, while the lack of automatic removal of data of deceased people from abroad from the postal voter registry still remains a concern. The principle of equal suffrage has been challenged, as voters abroad underwent differentiated voting procedures, related to possession of an in-country address.

In an overall inclusive process, the EMBs registered 663 candidates in SMCs, 6 party lists, and 12 national minorities lists. In general, the right to stand for election has been respected. However, the signature collection process was marred by allegations of forged signatures on behalf of some parties or candidates.

On Election Day, PSCs and LEOs managed the voting and counting procedures efficiently, with some minor procedural deviations that, seemingly, did not negatively affect the legitimacy of the process and results. The NEO provided information on the voter turnout and preliminary election results online, which contributed to an increased transparency of the process.

The campaign was mostly characterized by lack of constructive discussions, failing to provide the public with meaningful information, as well as deep polarization. Allegations of pressure and intimidation of voters, especially public servants and vulnerable groups, vote-buying and other forms of control of the

will of voters also marred the campaign. The Russian invasion of Ukraine on 24 February heavily influenced the campaign narrative, shifting the focus from domestic matters to geopolitical and security topics. Systematic misuse of administrative resources, including an overlap between the Government's and ruling parties' messaging, created an unlevel playing field.

The referendum, initiated by the Government, was almost totally ignored in the campaign of the opposition, apart from rare calls for casting invalid votes. Only on the week before the Election day, ENEMO observed an activation of the campaigning on referendum and related topics, mostly in the countryside.

Gaps and shortcomings in the legislation on party and campaign finance impacted the elections in terms of campaign spending transparency. The lack of effective legal oversight and regulations of third-party campaigning funds creates grounds for circumventing campaign finance rules, thus damaging transparency. ENEMO observed an imbalance in campaign resources in favor of the ruling alliance, which contradicts international standards, as well as goes against the principle of "equal opportunities", determined by the Hungarian legislation.

Equal and impartial media treatment was not sufficiently ensured for all contestants, and neither were the principles of fairness, balance, and impartiality in the coverage of election campaigns. Unbalanced and one-sided reporting was in particular visible at the regional and local level. Media articles about elections, contestants and their programs, in some cases, lacked analytical and investigative reporting which, altogether, may have limited voters' access to quality information.

Social media played an important role in these elections. Online campaigning was characterized by large amounts of money spent on political ads, engagement of third parties in campaigning, as well as presence of fake profiles aimed at confusing and deceiving users and attacking political opponents.

Women are generally underrepresented in politics and the legislative body of Hungary. There was a low number of women candidates registered for Parliamentary elections. Women were not widely visible and engaged in the campaign. There are no legal mechanisms for promoting women participation in politics.

Domestic civil society organizations are not allowed to observe elections, which does not ensure a large-scale, non-partisan observation and limits voters' access to impartial information and assessment of the electoral process. Civil society organizations critical towards the Government are often targets of hostile rhetoric that aims to discredit their work. These practices are shrinking the space for the work of civil society organizations.

Complaints and appeals can be filed only by those affected by the violation, which limits the possibility of filing complaints. Many complaints were rejected on formal grounds, which hinders the right to legal remedy and is at odds with international good practice. In general, adjudication of complaints, both by election management bodies and courts showed that legal regulations and the established practice, especially in cases related to misuse of administrative resources, are mostly ineffective and do not contribute to preventing violations.

## Background

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Parliamentary elections were held in Hungary on 3 April to elect 199 members of the Parliament for a four-year term. Six opposition parties contested the election as an alliance<sup>1</sup>, challenging the ruling alliance composed of Fidesz and KDNP, which contested for a fourth term. The opposition parties held primaries in the fall of 2021 to determine the prime-ministerial candidate<sup>2</sup>.

Since taking power in 2010, the ruling alliance, composed of Fidesz (Hungarian Civic Alliance) and KDNP (Christian Democratic People's Party) have held the majority in the National Assembly. Holding a two thirds majority, Fidesz and KDNP passed a series of legislative amendments over the years, including amendments to the Fundamental Law (Constitution of Hungary) and the laws regulating elections. Fidesz also controls most municipalities.

A number of international and domestic stakeholders, including election contestants, have emphasized the stakes of this election, considering it a crucial milestone for the future of Hungary. The very high interest of the international community is manifested by the number of international observers accredited and deployed.

The elections were held against the backdrop of a highly polarized political environment and amid concerns about worsening conditions for genuine democratic elections. The elections also took place during the ongoing Russian invasion of Ukraine, which dominated the campaign in public messaging, with accusations and counter-accusations between the ruling coalition and the opposition. Hungary has joined the sanctions proposed by the EU, but has strongly opposed any sanctions in the energy sector, or allowing military equipment passing through its territory.

A national referendum initiated by the Government, dedicated to LGBTQ issues was held on the same day. Based on preliminary results, less than 50 percent of eligible voters submitted valid responses, thus the referendum might be deemed invalid.

According to the NEO webpage, the turnout for the Parliamentary election stands at 69.5 percent. According to preliminary results, the incumbent governing coalition, composed of Fidesz and KDNP, will have a majority of MPs, thus going into their fourth consecutive term. The incumbent Prime Minister and the leader of Fidesz, Viktor Orbán has already declared a victory. The joint opposition candidate for prime minister Péter Márki-Zay also acknowledged the result of the election, while also highlighting that the election was not democratic and free.

## Legal framework and electoral system

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The legal framework comprises a number of legal acts that regulate different aspects of elections.<sup>3</sup> Those are supplemented by secondary, non-binding guidelines adopted by the National Election Commission.

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<sup>1</sup> The Democratic Coalition (DK), Movement for a Better Hungary (Jobbik), Momentum Movement (M), Hungarian Socialist Party (MSZP), Hungary's Green Party (LMP) and Dialogue for Hungary (P).

<sup>2</sup> Primaries were held during September and October 2021.

<sup>3</sup> Act XXXVI of 2013 on Election Procedures, Act CCIII of 2011 on the Election of the Members of the National Assembly and Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly, etc. Besides that, Hungary is a party to many international instruments such as the European Convention on Human

Latest amendments concerning several legal acts regulating elections were adopted in December 2020. A few amendments concerned substantial issues,<sup>4</sup> while the majority were of a technical nature. The fact that amendments were adopted without a wider public consultation and in a hastened manner was raised as an issue of concern.<sup>5</sup> ENEMO considers that in order to ensure wider public trust and a higher level of legitimacy the process of adopting substantial amendments should be more inclusive.

Also, it should be highlighted that implemented changes did not address some of the key issues related to campaign financing; third party campaigning; delimitation of constituency boundaries; misuse of state resources, etc.

The National Assembly of Hungary consists of 199 members elected for a four-year term through a mixed electoral system. ENEMO deems that the amendments adopted in 2020, according to which a political party should nominate candidates in at least 71 single-member constituencies within at least 14 counties and in Budapest to be able to contest in proportional elections<sup>6</sup>, create additional barriers for political parties to contest through a national list and are not well-substantiated. Another problem is the deviation between single-member constituencies in terms of an average number of voters. According to the Law, if the deviation is more than 20 percent, the boundaries of constituencies should be amended. There are seven constituencies with a deviation of more than 20 percent, the highest one being more than 33 percent.<sup>7</sup> This is at odds with international standards and violates the equality of vote principle.<sup>8</sup> Besides, there are 10 single-member constituencies with a deviation of more than 15 percent.

For the first time, on the same day as the Parliamentary elections, a national referendum was held.<sup>9</sup> Voters had to answer “yes” or “no” to four questions on the ballot.<sup>10</sup> According to legal regulations, political advertisements for the referendum campaign through public broadcasters could have been published only by the organizers of the initiative and parliamentary political parties.<sup>11</sup> There are no regulations either on financing referendum campaign, nor limits on expenditures.

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Rights and Fundamental Freedoms; International Covenant on Civil and Political Rights; Convention on the Rights of Persons with Disabilities; Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), etc.

<sup>4</sup> For instance, increased the number of candidates to be nominated in single-member constituencies for political parties to register party lists in proportional elections; conditions for receiving public funding were changed, requiring nomination of candidates in an increased number of single-member constituencies; the deadline for applying for absentee voting was reduced, etc.

<sup>5</sup> Joint Opinion on the 2020 Amendments to Electoral Legislation, European Commission for Democracy through Law (Venice Commission) OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), CDL-AD(2021)039, 18 October, 2021. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)039-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)039-e)

<sup>6</sup> Before it was required to nominate candidates in 27 constituencies (in total there are 106 constituencies), within 9 counties (out of 19) and Budapest.

<sup>7</sup> According to the position of the Government, if deviations are proven on the Election Day the issue will be addressed for next elections.

<sup>8</sup> Code of Good Practice in Electoral Matters, Venice Commission, Paragraph 2.2 (iv): “The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”.

<sup>9</sup> Prohibition of holding of national referendums and elections on the same day was annulled in 2021.

<sup>10</sup> Questions concerned limiting sex education in schools, access to information for children regarding gender reassignment and homosexuality. Holding of the referendum was criticized by the Council of Europe’s Commissioner for Human Rights, Dunja Mijatović and assessed as instrumentalizing and weakening of human rights of LGBTI people, <https://bit.ly/36C8ABt>

<sup>11</sup> Referendum is primarily regulated by the Act CCXXXVIII of 2013 on initiating referendums, the European Citizens’ Initiative and referendum procedure, [https://njt.hu/translation/J2013T0238P\\_20211120\\_FIN.PDF](https://njt.hu/translation/J2013T0238P_20211120_FIN.PDF)

Overall, the legal framework contains adequate regulations concerning different aspects of elections; however, some of the crucial issues are not precisely and sufficiently regulated, leaving space for violations not to be efficiently addressed. This damages the transparency of elections and does not ensure a level playing field. Legislative shortcomings are mainly related to campaign financing, including for referendum, and misuse of state resources. Regulations on the electoral system also require improvements. It is worth noting that over the years regulations concerning freedom of media and expression, civil society organizations, judiciary and access to information have deteriorated<sup>12</sup>, thus also having a negative impact on the election environment.

## Election administration

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The Parliamentary Elections of 3 April 2022 were managed by a three-level election administration:<sup>13</sup> The National Election Commission (CEC), 106 Constituency Election Commissions (CoECs) and 10,243 Polling Station Commissions (PSCs). The Commissions were respectively supported by a parallel structure<sup>14</sup> of Election Offices, including the National Election Office (NEO), 97 Constituency Election Offices (CoEOs) and 1,264 Local Election Offices (LEOs).

The election commissions were mainly responsible for candidate and party registration and tabulation of election results<sup>15</sup>. The Election Offices carried out tasks related to the preparation, organization and conduct of elections. These offices supported, assisted and acted as secretariats of the respective Election Commissions.

In general, EMBs met the legal deadlines and managed the process efficiently. They were open to international observers and media, and acted transparently. On Election Day, PSCs and LEOs managed the voting and counting procedures efficiently, with some minor procedural deviations that seemed to not negatively affect the legitimacy of the process and results. The NEO provided information on the voter turnout and preliminary election results online, which contributed to an increased transparency of the process.

Majority of interlocutors were confident in the professionalism and efficiency of EMBs. However, some interlocutors raised concerns about the eventual politically biased approach of some EMBs at the local and regional level.

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<sup>12</sup> [2021 Rule of Law Report](#), Country Chapter on the rule of law situation in Hungary, European Commission, SWD(2021) 714 final, 20 July 2021; [Hungary, Events of 2020](#), Human Rights Watch.

<sup>13</sup> According to Act XXXVI of 2013 on Election Procedure, the Regional Election Commissions should operate as well in Parliamentary elections, while having limited tasks, such as establishing the partial regional results of elections for the national list and deciding on appeals challenging a decision by the CoECs on announcement of candidates.

<sup>14</sup> There were 20 Regional Election Offices involved as well, in proposing to the NEC members for Regional Election Commissions, appointing heads of CoEOs and LEOs in case of vacancies, instructing the heads of CoEOs and LEOs regarding the performance of their tasks, supplementing PSCs by delegating members of PSCs from other settlements, if the number of members is less than required by law, in cases when it is impossible for LEOs to do so, and transmitting a copy of the minutes on the partial regional result of national list elections to the NEO.

<sup>15</sup> Higher level commissions also review complaints on lower level ones, as well as media.

## **National Election Commission (NEC) and National Election Office (NEO)**

The National Election Commission (NEC) is a permanent independent body, composed of 7 elected and 11 delegated members<sup>16</sup>. Three elected members of the NEC, including the Vice-President, are women. All six parties and coalitions<sup>17</sup> and five<sup>18</sup> national minorities (out of twelve registered), delegated members to the NEC, after the registration of their national lists or national minorities' lists. Among the eleven delegated members, one is a woman.

From the date when elections were announced, until the registration of national lists, a period during which key decisions, such as registration of nominating organizations and national lists were taken and a number of complaints reviewed, the NEC was composed of only elected members. Most decisions during this interim period were taken without any debate. ENEMO positively assesses the review and adoption of Guidelines before the announcement of the Election Day, with all elected and delegated members involved<sup>19</sup>. However, the lack of cross-party oversight during the interim period, remains an unaddressed gap in the legal framework.

Starting from the announcement of the date of the Parliamentary elections, the NEC has held 33 sessions<sup>20</sup>. Although NEC sessions could be held through electronic means, these sessions<sup>21</sup> are not broadcasted live and can only be observed at the NEC premises. The sessions' agenda was published online<sup>22</sup> in advance. The NEC decisions were published right after sessions and minutes were published with a delay starting from a few days, up to 20 days after the session. The Elections website<sup>23</sup> is updated on a regular basis and contains key-election data such as information on candidates, nominating organizations, national lists, decisions, instructions, etc.<sup>24</sup> ENEMO assesses the work of the NEC and NEO during the observed period as transparent.

The NEC adopted a total of 291 resolutions related to elections and referendum of 3 April, since the announcement of the date of Parliamentary elections. Most adopted resolutions were related to registration of nominating organizations, registration of national lists and adjudication of complaints.

The National Election Office (NEO) conducted the notification of voters, as well as a voter information campaign<sup>25</sup>. An information center at the central level was also being operated by NEO.

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<sup>16</sup> The president and six members were elected for a nine-year term, on the proposal from the President of the Republic, with votes of two thirds of the Members of the Parliament present, in September 2013.

<sup>17</sup> Solution Movement; Democratic Coalition – JOBBIK (Movement for a Better Hungary) – Momentum Movement - Hungarian Socialist Party - LMP (Green Party of Hungary) - Dialogue for Hungary; Hungarian Two-Tailed Dog Party; Our Homeland Movement; FIDESZ (Hungarian Civil Association) - KDNP (Christian Democratic People) and Normal Life Party.

<sup>18</sup> German, Slovak, Armenian, Greek and Polish national minorities.

<sup>19</sup> The NEC started reviewing the Guidelines in October 2021, at the initiative of the President of the National Election Office.

<sup>20</sup> ENEMO directly observed 22 of them.

<sup>21</sup> According to the 2020 amendments of the Act on Election Procedure, (section 40 A), the sessions of the NEC may be held also using electronic communication means, if the President decides so.

<sup>22</sup> The sessions' agenda, decisions and minutes are being published in the official [website](#) of elections.

<sup>23</sup> The Elections website contains information in Hungarian, as well as in English, German and French languages. Information in languages other than Hungarian is not updated with the same frequency.

<sup>24</sup> The other three versions of the website contain only general information.

<sup>25</sup> Including posters, short videos broadcasted in social and traditional media, and a simplified guide for voters.

Most processes such as: accreditation of international observers, printing of ballot papers, training of EMB members, voter information, etc, were conducted professionally. However, as many ENEMO interlocutors and media reported, the NEO did not fully control the process of voting by post, as at least in Serbia and Romania, the delivery of ballot packages has not always been conducted in accordance with the law, by respective Postal Offices<sup>26</sup>.

The NEO printed some 7,7 million ballots for the Single-member constituency candidates, 8,1 million for national party-list, 70,000 for national minorities and 8,1 million for the referendum.

### **Constituency Election Commissions (CoECs) and Constituency Election Offices (CoEOs)**

CoECs were composed by three elected<sup>27</sup> and other delegated<sup>28</sup> members.

In general, CoECs did not report any interference or intimidation in their work and acted independently. They complied with legal deadlines and worked in a collegial and constructive manner. CoECs and CoEOs<sup>29</sup> provided access to accredited observers and in general, published sessions' announcements, decisions and minutes and other useful information on websites of respective local authorities.

### **Polling Station Commissions (PSCs) and Local Election Offices (LEOs)**

Polling Station Commissions (PSCs) were composed by elected<sup>30</sup> and delegated members. The average number of PSC members in the 1219 Polling Stations (PSs) observed by ENEMO STOs on Election Day was seven. Women were well represented in polling station commissions, with 64 percent of PSC members in the observed polling stations being women, including 75.6 percent as Chairperson and 77.66 percent as Deputy Chairperson.

Both processes - the election and delegation of PSC members were completed without any significant difficulty and within the legal deadlines. According to the NEO, the 10,243 established PSCs were composed of more than 80,000 members, of which more than 40,000 were delegated from political parties.<sup>31</sup> Most elected commission members were experienced, and additional training was provided.

The 10,243 PSCs were assisted by 1,264 Local Election Offices (LEOs), which were headed by the settlement's local government clerk.

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<sup>26</sup> For more information, please check the section on Registration of Voters.

<sup>27</sup> The representative body in a settlement constituting the seat of a parliamentary single-member constituency should elect three members to the parliamentary single-member constituency election commission, on the proposal from the head of the parliamentary single-member constituency election office (CoEO), after the date for the Parliamentary elections is set, but not later than on the 42<sup>nd</sup> day before Election day.

<sup>28</sup> Each electoral contestant in a constituency is allowed to delegate one member to the respective CoEC.

<sup>29</sup> Each parliamentary single-member constituency should have a Constituency Election Office headed by the clerk of the settlement that is the seat of the parliamentary single-member constituency. In total, 97 CoEOs are assisting the 106 CoECs in these elections. There were eight CoEOs which assisted and supported more than one CoEC.

<sup>30</sup> The representative body of the settlements' local government should elect the necessary number of members of PSC, after the date for the Parliamentary Elections is set, but not later than on the 20<sup>th</sup> day before Election Day, on a proposal from the head of the local election office (LEO).

<sup>31</sup> Each electoral contestant in a constituency is allowed to delegate two members with voting rights to each PSC, at the latest on the 9<sup>th</sup> day before Election Day. According to the NEO, the united opposition had more than 19,500, Fidesz-KDNP more than 17,500, the Two-Tailed Dog Party more than 1,700 and the Our Country Movement more than 800.

On Election Day, PSCs and LEOs managed the voting and counting procedures efficiently, with some minor procedural deviations that seemed to not negatively affect the legitimacy of the process and results.

## Registration of voters

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Voter registration for Hungarian citizens with an in-country address is passive and continuous. All citizens who attain the age of 18 years by Election Day, as well as married citizens who are 16 years or over,<sup>32</sup> are eligible to vote, except for those disenfranchised by an individualized court decision due to criminal offense<sup>33</sup> or limited mental capacity<sup>34</sup>. Differentiated suffrage rights based on marital status,<sup>35</sup> as well as deprivation from the right to vote on the basis of a mental disability are at odds with international standards.<sup>36</sup> ENEMO positively assesses the removal<sup>37</sup> of “pathological addiction” from the reasons for disenfranchisement.

The central voter registry is an electronic register extracted from the register of personal data and address of citizens and other registers,<sup>38</sup> and is maintained by the NEO.

Starting from December 2021, the NEO was publishing weekly data regarding voter registration in an open format.<sup>39</sup> Although several mission’s interlocutors raised concerns on the possibility of voters to register in allegedly fictitious addresses<sup>40</sup> in contested single-member constituencies, as of 29 March 2022, no sudden mass establishment of new residences have been observed. However, data regarding voter registration before December 2021 were not released, neither by NEO, nor the Ministry of Interior.

The total number of citizens eligible to vote and included in the voter registry was 8,215,466, of whom 7,750,337 were citizens with an in-country address.<sup>41</sup> Voters could request changes to their data in the voter registry until April 1st.

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<sup>32</sup> Upon request.

<sup>33</sup> The number of voters deprived of the right to vote because of mental disability based on a court decision is 47,078.

<sup>34</sup> The number of voters disenfranchised based on criminal conviction was 25,282.

<sup>35</sup> According to Paragraph 3 of the [General Comment No. 25](#): “The right to participate in public affairs, voting rights and the right of equal access to public service” to the Art. 25 of ICCPR (International Covenant on Civil and Political Rights), “no distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

<sup>36</sup> Article 29 of the [CRPD](#) requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. Paragraph 48 of [General Comment No. 1](#) to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election and the right to serve as a member of a jury”.

<sup>37</sup> With the 2020 amendments to the Act on Election Procedure.

<sup>38</sup> The data in the central voter registry for those voters not recorded in the registry of personal data and addresses of citizens is generated from the central registry of travel documents and the registry of driving licenses, furthermore from the registry of adult citizens without suffrage, from the polling district and constituency registry and from the polling district electoral registry.

<sup>39</sup> Voter registration data published on the [website](#) is detailed at the county, single-member constituency and settlement level.

<sup>40</sup> With the amendments of the Law on the Records of Citizens Personal Data and Address, the definition of the residence was reduced to the address used by citizens for official communication (Section 5 (2) [Act LXVI of 1992](#) on the Register of Personal Data and Residential Addresses of Citizens). A petition by Members of Parliament seeking to find unconstitutional and annul the section in question has been dismissed by the Constitutional Court with the [decision Nr. II/5048/2021](#) of 08.02.2022.

<sup>41</sup> Only voters with an in-country address are eligible to vote for both single-member constituency candidates and national lists.

Voters abroad with an in-country address could vote for both national lists and single-member constituency candidates, and only in person, including at Hungarian diplomatic missions abroad<sup>42</sup>. Compared to previous Parliamentary elections, the number of diplomatic missions where voters abroad with an in-country address could vote has increased.<sup>43</sup> Within the legal deadline, 65,480 voters, or 7,170 voters more than in previous Parliamentary elections<sup>44</sup> were registered to vote at one of the Hungarian diplomatic missions abroad.

Eligible voters with no address in Hungary could request registration in the by-mail voter registry until 9 March<sup>45</sup> and vote only for a party list and for the national referendum. They should receive the voting package by post or in person, and could deliver it in person or by proxy to the diplomatic missions and CoEOs, or vote by mail. The registry of by-mail voters contained 456,129 registered voters, or 77,680 voters more than in previous Parliamentary elections<sup>46</sup>. Starting from 8 March 2022, the NEO distributed voting packages to by-mail voters. Out of the total number, 308,000 voting packages were sent to Romania, 83,000 to Serbia and 27,000 to Ukraine.

According to media reports and ENEMO interlocutors, voting packages in Serbia were delivered by political activists of the Hungarian Association of Vojvodina (VMSZ), a Serbian party affiliated with Fidesz, contrary to what is prescribed by the law. The activists were instructing voters how to vote and collecting voting packages from them. The NEO claimed that they followed the procedures and drew attention of postal service providers participating in the delivery of voting ballot packages and their contributing partners to the need for their employees to refrain from influencing the free exercise of the right of voters, during the delivery of voting packages<sup>47</sup>. A formal complaint<sup>48</sup> against NEO on this matter was first rejected by the NEC on formal grounds, and then by the Supreme Court<sup>49</sup>.

On 30 April, several ballot papers<sup>50</sup> for Hungarian elections were found in a landfill in the outskirts of the village Jedd, near Marosvásárhely in Romania. A complaint on this matter has been rejected by the NEC, while the NEO informed<sup>51</sup> that they filed a complaint to the police. In Romania, ENMT<sup>52</sup>, an organization allegedly working for Fidesz, was instructing voters to send ballots through them as the Romanian post office is not reliable.

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<sup>42</sup> Initially NEO announced that voters abroad could vote at one of the 146 Hungarian diplomatic missions. As of March 30, 2022, NEO [informed](#), based on official information received from the Ministry of Foreign Affairs and Trade that it was impossible to conduct voting in China, including at the General Consulate in Shanghai, due to restrictions related to the spread of Coronavirus.

<sup>43</sup> In Parliamentary elections of 2018, voters abroad with an in-country address in Hungary could vote in one of the 118 diplomatic missions abroad.

<sup>44</sup> In total, 58,310 voters requested to vote in diplomatic missions for the Parliamentary elections of 8 April 2018.

<sup>45</sup> The 25th day before Election day.

<sup>46</sup> The registry of by mail voters for the Parliamentary Elections of 8 April 2018 contained 378,449 voters.

<sup>47</sup> A [press release](#) was published by NEO on 21 March.

<sup>48</sup> NEC [decision 187/2022](#) of 21 March 2022.

<sup>49</sup> For more information, please check the Complaints and Appeals chapter of this report.

<sup>50</sup> <https://www.youtube.com/watch?v=2gIWsbM8ito>

<sup>51</sup> <https://www.valasztas.hu/sajtokozlemenye-2022/9>

<sup>52</sup> <https://bit.ly/36LAzPj>

ENEMO notes that there are loopholes in the Act of Election Procedures regarding postal voting, while the lack of automatic removal of data of deceased people from abroad from the by-mail voter registry still remains a concern.<sup>53</sup>

ENEMO assesses that the principle of equal suffrage has been challenged, as voters abroad underwent differentiated voting procedures, related only to possession of an in-country address.

Within the legal deadline, 40,570 voters<sup>54</sup> were registered in the national minorities' voter registry, while the NEO removed voter's data relating to the Roma national minority from the polling district's voter registry, as the national minority in question did not have a national minority list.

Until 25 March, voters could request for absentee voting.<sup>55</sup> The deadline for absentee voting requests has been changed with the 2020 amendments of the Act on Election Procedure, from four days to nine days before the Election Day. Within the legal deadline, 157,551 voters, or 42,490 less than in previous Parliamentary elections<sup>56</sup>, requested to change their polling district.

Voters with disabilities and health issues could apply for mobile voting, until 12:00 on Election Day. Voters with disabilities could also request to vote in an accessible polling station within their constituency<sup>57</sup> and could request for a Braille ballot template.<sup>58</sup>

One day before Election Day, the Local Election Offices printed the updated voters' lists and delivered them to Polling Station Commissions.

## Candidate registration

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Every citizen with voting rights has the right to stand as a candidate for Parliamentary Elections. A candidate may run in a single-member constituency and on the national list at the same time, but only in one single member constituency. In general, the right to stand for election has been respected.

Within the legal deadline, 43 parties were registered as nominating organizations, while the requests of seven parties were rejected<sup>59</sup> by the NEC.

Independent candidates and nominating organizations had to collect at least 500 signatures from eligible voters in a specific constituency and submit them to the CoEO until the deadline<sup>60</sup> for the

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<sup>53</sup> The removal of data of deceased people abroad from the postal voter registry can be done only upon an official request from their relatives, as such mechanisms to provide for their automatic removal do not exist.

<sup>54</sup> Out of the total number, 31,856 were voters from the German minority.

<sup>55</sup> Voting in a polling district which is different from their address, while voting for a candidate of the single-member constituency where they are registered.

<sup>56</sup> In total, 200,041 voters requested absentee voting for the Parliamentary elections of 8 April 2018.

<sup>57</sup> Until March 30th.

<sup>58</sup> According to the NEO, 250 requests for braille templates were submitted within the legal deadline.

<sup>59</sup> Hungarian National Order Party; Hungarian Social Party; Hungarian Social Democratic Party; Party of Women's Values; Opre Roma; Plato Party and Party of the Poor, for non-compliance with the statutory requirements.

<sup>60</sup> 25 February, 37th day before Election Day.

announcement<sup>61</sup> of candidates. The number of signatures requested is in line with international good practice.<sup>62</sup> A voter may sign in support of more than one candidate, which is in line with international good practice.<sup>63</sup> The signature verification was conducted by CoEOs. Once established that the number of valid recommendations reached 500, the detailed verification of recommendations may be discontinued, in line with international good practice.<sup>64</sup>

For the first time, in these elections voters could check online<sup>65</sup> if they signed the recommendation sheets collected by parties and candidates and checked by the election offices. According to NEO, more than 100,000 voters used this service. Several claims were made by voters who found their signatures in recommendation sheets for candidates that they did not recommend. A candidate of the Normal Life Party in Budapest was deregistered, as after removing forged signatures,<sup>66</sup> he lacked the number of signatures requested by law. Several complaints were made to the Regional Election Offices, while the Police started an investigation.

Only 20 out of the 43 registered nominating organizations succeeded to register at least one candidate in single-member constituencies. In total, 663 SMC candidates, including 116 women, were registered. In 31 constituencies there were no women candidates. Some 106 SMC candidates were not registered, mainly due to lack of sufficient signatures, while eight registered candidates withdrew. Out of the total number of SMC candidates, 34 ran as independents.

A total number of seven coalitions and parties submitted requests within the legal deadline to register national lists. In total, six nominating organizations (two coalitions and four parties) were registered,<sup>67</sup> while the request of one party was rejected,<sup>68</sup> due to non-compliance with the legal requirements regarding the number and distribution of single-member constituency candidates. There were 1,035 candidates, including 205 women, in the national lists of coalitions and parties.

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<sup>61</sup> Candidates should be announced to the CoEC competent to register them by handing over the recommendation sheets to the respective CoEO. Voters who wish to stand as independent candidates and the nominating organizations that wish to nominate candidates should hand over all recommendation sheets they received to the election office within the deadline for the announcement of candidates. In the event of non-compliance with this obligation, the election commission competent to register the candidate in question should impose a fine for each missing recommendation sheet.

<sup>62</sup> As per the Venice Commissions' [Code of Good Practice in Electoral Matters](#), Paragraph 1,3 i., the number of signatures should be lower than 1 percent of the voters in the constituency concerned.

<sup>63</sup> Paragraph 96 of the 2<sup>nd</sup> edition of Venice Commission and OSCE/ODIHR [Guidelines on Political Party Regulation](#) states that "It should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party".

<sup>64</sup> As per the Venice Commissions' [Code of Good Practice in Electoral Matters](#), Paragraph 1,3 iv., the checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked.

<sup>65</sup> By submitting an application, after successful authentication on the personalized administration interface [magyarorszag.hu/szof](http://magyarorszag.hu/szof), within the section "Information on the recommendation - Who did I recommend?".

<sup>66</sup> Out of a total number of 505 recommendation sheets, there were found multiple signatures, with the data of the same person appearing more than once on the recommendation forms, but the signatures on the recommendations are clearly different in each case. The number of valid recommendations after the removal of problematic ones was 485.

<sup>67</sup> Democratic Coalition – JOBBIK (Movement For a Better Hungary) – Momentum Movement - Hungarian Socialist Party - LMP (Green Party of Hungary) - Dialogue for Hungary; Party of Normal Life; Hungarian Two-Tailed Dog Party; Our Homeland Movement; Solution Movement; FIDESZ (Hungarian Civil Association) - KDNP (Christian Democratic People).

<sup>68</sup> Our Party - IMA registered within the legal deadline only 10 single-member constituency candidates in only 7 counties and the capital. The NEC rejected their request to register the national list with the [decision](#) 104/2022 of 27 February 2022.

National minority self-governments could submit candidate lists on a separate ballot for national minorities. They had to collect supporting signatures from at least one percent of voters included in the specific minority's register, but no more than 1,500 signatures. Within the legal deadline, 12 national minorities were registered, with 111 candidates in total, including 48 women.

## Election campaign and campaign finance

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### Election campaign

The election campaign period officially started on 12 February and lasted 50 days, including Election day. The election campaign was held in an official state of emergency, established in Hungary because of the COVID 19 pandemic and according to the last extension - should last until 1 June<sup>69</sup>, but all restrictions, which may limit the freedom of assembly, were lifted from 7 March, and ENEMO did not observe any impact on the campaigning in this regard. The overlap between the period for signature collection and the official campaign period created disadvantages for candidates and parties with fewer resources, who needed more time to collect the supporting signatures and, thus, receive public campaign funds later<sup>70</sup>.

Electoral contestants were generally able to conduct campaign activities freely, in a highly competitive environment. Instances of early campaigning by or in support of main contestants were also present.<sup>71</sup> The campaign intensified significantly as Election day approached.<sup>72</sup> Almost all parties used rallies, door-to-door campaigning, open air and indoor neighborhood forums, including visits of party leaders to constituencies and countryside, posters, as well as phone calls campaign, public and online presentations, activists' campaigning, online and social media advertising. Fidesz-KDNP and the United Opposition also actively campaigned abroad with billboards<sup>73</sup>, meetings<sup>74</sup> and social media.

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<sup>69</sup> The state of emergency because of the Coronavirus pandemic was established in Hungary from the beginning of 2020 and will last until 1 June 2022, upon a decision of the parliament of December 2021.

<sup>70</sup> According to [Code of Good Practice in Electoral Matters, adopted by the Venice Commission](#), particularly paragraph I.1.3.v. of the Guidelines on elections, "validation of signatures must be completed by the start of the election campaign." See also paragraph I.1.3.8 of the Explanatory Report.

<sup>71</sup> After the primary in September and October, in early January the united opposition presented common branding and slogan of the campaign "Let Hungary belong to all of us". Fidesz-KDNP is practicing permanent campaigning and this electoral period early campaigning was mainly represented by third party campaigning, for instance governmental information campaign and pro-Fidesz CSOs, in particular Megafon within bloggers and influencers, Civil Unity Forum (Civil Összefogás Fórum, CÖF), Center for Fundamental Rights, etc.

<sup>72</sup> The week ahead of the Election day, Prime Minister Orbán got more involved in the campaign and attended personally a series of events. The prime ministerial candidate from the Opposition, Márki-Zay also attended more events. Fidesz-KDNP used robo-calls, personal calls by party leaders and engaged celebrities in the campaign. The united opposition deployed 30 vans in 30 constituencies with loudspeakers, placing screens and movie walls in the squares of 24 cities broadcasting promo-videos, phone-calls by celebrities and sms-campaigning.

<sup>73</sup> For example, since the middle of March and for the last two weeks of the campaign period the united opposition branded billboards were placed in London, particularly at the King's Cross station and the Borough High Street.

<sup>74</sup> On 14 February, Foreign Minister Péter Szijjártó visited Romania and called dual Romanian-Hungarian citizens to vote for the ruling alliance.

Several interlocutors of ENEMO, first of all among opposition candidates and parties, stressed that there was no equal access to rent billboards spaces. The billboard campaigns by the ruling alliance, as well as third-party campaigning favoring Fidesz-KDNP and accusing united opposition, were nationwide and much more visible than campaigns by the other contestants. All of the ENEMO's opposition interlocutors emphasized the lack of access to media, including public media, in the central and regional levels as one of the biggest obstacles to reaching voters<sup>75</sup>. Both Fidesz-KDNP and United for Hungary accused each other of using illegal data-bases with personal information of voters.

There were no official public debates between the main contestants<sup>76</sup>. The campaign was characterized by lack of constructive discussions, failing to provide the public with meaningful information. Deep polarization along with personal accusations, “black PR”, counter-campaigning and coordinated practices of damaging and vandalization of campaign materials were widely present in the campaign. Both the United Opposition and the ruling coalition used third-party campaigning, including support by foreign politicians in campaigning<sup>77</sup>, but with a large disproportion in resources in favor of the latter.

Most parties that registered a national list for these elections presented specific election programs, with the exception of the ruling coalition. Official programmes of parties were barely reflected in campaign messages. The Russian invasion of Ukraine on 24 February heavily influenced the campaign narrative, with geopolitical and security topics as mainstream ones, overshadowing domestic matters, social-economic development, corruption, wages, and LGBTQ+ rights.<sup>78</sup>

Systematic misuse of administrative resources<sup>79</sup>, including an overlap between the Government's and ruling parties' messaging, created an unlevel playing field<sup>80</sup>. ENEMO notes that Hungarian legislation

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<sup>75</sup> Media environment of the campaign is analyzed in detail in a separate chapter of this report.

<sup>76</sup> The prime ministerial candidate of the opposition, Márki-Zay invited several times the incumbent prime minister - Mr. Orbán to a debate, but these were repeatedly rejected.

<sup>77</sup> Donald Tusk, President of the European People's Party, attended the united opposition's rally on March 15 and gave a speech. On the other hand, in the middle of March former U.S. President Donald Trump sent a public letter in support of Prime Minister Viktor Orbán.

<sup>78</sup> Fidesz-KDNP started the official campaign with a key-narrative about Hungarian successful development for the last 12 years and the danger of turning back, as well as ideological choice between “rights” and “lefts”. The final key-messages of the ruling alliance were simplified to the choice between “peace or war”, along with accusations of the opposition for aiming to drag Hungary into the war through a plot with Ukrainian authorities. The “United for Hungary” called for “demonopolization” of the country in a broader sense, fighting corruption and re-establishing Hungary as a western democracy. Along the whole campaign united opposition also used messages about the social-economical crisis as the result of Orbán's governing, as well as posed the incumbent Prime Minister, Orbán, as Putin's main ally, putting at stake in this election the choice between “East or West”, and after the Russian invasion of Ukraine this narrative became the key message. Our Homeland Movement exploited nationalistic, right-wing, pro-Russian and anti-Western narratives, as well as anti-COVID agenda, protesting against mandatory vaccinations. The Solution Movement campaigned for the digitalization of Hungary in a broader sense. The Two-Tailed Dog Party ran with satirical and troll messages, promoting anti-corruption and anti-system politics. The Party of Normal Life campaigned under anti-COVID and conspiracy agenda.

<sup>79</sup> e.g. at the end of February, the governmental information newsletter with the phrase “we consider it irresponsible and do not support the opposition's stance that Hungary should send troops and weapons to Ukraine” was spread to all those who had previously registered for Covid-19 vaccination. From 15 February the official state programme of the distribution of the laptops in schools, supported by the EU funds, started, and Fidesz-KDNP candidates joined these activities. ENEMO also observed the involvement of local authorities in the election campaign, in particular mayors and their staff (e.g. Nograd, Debrecen, Vásárosnamény, Kemece, Demecser, Gemze and Tiszatelek, Nyíregyháza, Kisvárda) mainly in the form of campaigning in favor of the ruling bloc or creating obstacles to the opposition candidates for the campaigning.

<sup>80</sup> For instance, a few months before the official electoral campaign started, the Hungarian Government presented a series of socio-economic measures, for instance capped the prices of fuel and certain food, paid 13th month pensions, increased the minimum wage and wages of public administration, announced tax benefits for people under 25 years old and working

itself creates the legal ground for such practice as legitimate behavior, despite contradiction with the basic principles of electoral procedures<sup>81</sup> and international standards<sup>82</sup>.

Allegations of pressure and intimidation of voters, especially public servants and vulnerable groups<sup>83</sup>, vote-buying and other forms of control of the will of voters also marred the campaign.

The governmental campaign for referendum on four questions related to so-called “child protection law”<sup>84</sup>, which was scheduled for and held on the same day as the Parliamentary elections, was overlapping with Fidesz-KDNP rethorics and campaign activities, used as an additional tool for mobilization of voters, but did not become the part of mainstream campaign. The referendum was almost totally ignored in the campaign of other contestants, apart from the rare calls for casting invalid votes, which was initially promoted by the civil society organizations. Only on the week of the Election day ENEMO observed activation of the campaigning on referendum and related topics, mostly in the countryside.

## Campaign Financing

The Hungarian legislation provides public campaign funding, as well as allows the use of other sources for election campaigns. Donations from legal persons or organizations without legal personality, as well as donations from foreign citizens and entities are prohibited. Public funding for campaigning in Parliamentary elections is provided both for parties<sup>85</sup> and candidates for single-member constituencies<sup>86</sup>, as well as for minority lists.

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parents. These initiatives were promoted by the governmental information campaign under the slogan “Hungary is going forward, not backwards!”. The official campaign by Fidesz-KDNP had started with the similar slogan “Let’s go forward, not backwards!”. After the Russian invasion of Ukraine started another governmental information campaign with Viktor Orbán as its face and the message, which overlapped with the Fidesz-KDNP narrative about “peace”, “security” and keeping Hungary out of the war.

<sup>81</sup> The Act XXXVI of 2013 on Electoral Procedure determines that “the activities of election bodies, personal communication between citizens as private persons, regardless of its content and form, the activities arising from functions determined by law and performed by the Constitutional Court, courts, local self-governments and other State entities shall not be considered as election campaign”, which could contradict in practice with one of the basic principles of electoral procedures, determined by the same law – “equal opportunities for candidates and nominating organizations”.

<sup>82</sup> Article 5 (para 5.4) of the [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#) calls for “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”.

<sup>83</sup> E.g. Roma minority, persons with low incomes in the country-side and other vulnerable groups of population are particularly dependent on paid public works schemes and other public funds.

<sup>84</sup> On 15 June 2021, the Hungarian Parliament adopted series of amendments to different Acts, mixing sexual crimes with rights and freedoms of LGBTIQI people, sexual orientation and gender identity. The amendments were initiated and promoted by the Fidesz along with party homophobic rethorics, and were heavily criticized by the opposition and civil society inside the country and international community. In July 2021 [European Commission launched the infringement procedures](#) against Hungary for violations of fundamental rights, and in December 2021 the Council of Europe’s European Commission for Democracy through Law (Venice Commission) in its [Opinion](#) concluded that these amendments are incompatible with international human rights standards.

<sup>85</sup> For the Parliamentary elections campaign 2022, parties that registered party lists were entitled to receive approximately from 471 to 706 million HUF in public funds (approx. from 1.4 to 1.9 million EUR). Only the ruling alliance and united opposition alliance “United for Hungary” were funded at the maximum amount in this campaign.

<sup>86</sup> During the campaign 2022 it is 1,182,896 HUF (approx. 3,200 EUR).

Gaps and shortcomings in the legislation on party and campaign finance impacted the elections in terms of campaign spendings' transparency. In particular, no legal procedures to oversee campaign spendings and lack of requirements to disclose campaign financing reports by contestants prior to Election day, besides damaging transparency, might also lead to overspending, as well as potential misuse of the allocated funds. Lack of limits on private donations could potentially lead to strong dependence of parties to large donors, as well as to disproportions in resources that different parties can use in between elections, affecting the official campaign period. Supervision of campaign financing does not enable independent verification of expenditures.

The lack of effective legal oversight and regulations allowed the use of third-party campaigning by different contestants<sup>87</sup>, but created a high disproportion in favor of the ruling coalition Fidesz-KDNP. The overlapping between messages of governmental information campaign and referendum, initiated formally by the Government, on one hand, and Fidesz-KDNP election campaign messages on the other hand, served as a de facto circumvention of campaign expenditure caps. No expenditure limits on the referendum campaign, combined with the parallel Government's information campaign could potentially allow unlimited funds for promoting Fidesz-KDNP campaign messages during the campaign.

ENEMO observed a critical imbalance in resources of the ruling alliance in comparison to other contestants used during the official election period, especially in the countryside, which contradicts international standards<sup>88</sup>, as well as goes against one of the basic principles of the electoral procedure, determined by the Hungarian legislation<sup>89</sup>.

The following entities have spent the most money during the official electoral campaign<sup>90</sup>: Fidesz, the Solution Movement, and Unity of Hungary,<sup>91</sup> while among profiles categorized as a "politician", most funds spent on paid ads came from: Péter Márki-Zay, Dóra Dúró, and Viktor Orbán.<sup>92</sup>

According to the Google Transparency Data on political advertising in the European Union on Google, YouTube, and partner properties, Fidesz is among top 5 advertisers in the EU.<sup>93</sup> Google data on political

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<sup>87</sup> Based on the data available in the Meta Ad Library Report for the period from 15 February - 31 March 2022, according to the disclaimer, the advertisers with the highest amount of money spent on ads about social issues, elections or politics on Facebook were: Megafon (357.316.878 HUF), Mediaworks Hungary Zrt. (325.494.884 HUF), Fidesz (179.047.264 HUF), erosito.hu (158.297.189 HUF), EzaLényeg.hu (134.912.257 HUF), kormányváltok.hu (130.975.779 HUF), and Aktuális Média (102.870.436 HUF). Megafon (PR company), Mediaworks Hungary Zrt. (media company), Fidesz (political party), and Aktuális Média (media) promoted content in support of the ruling party, while erosito.hu (media amplifier), EzaLényeg.hu (media) promoted pro-opposition posts, and kormányváltok.hu funded 89 percent of paid ads of profile Márki-Zay Péter.

<sup>88</sup> Article 7 (para 7.6) of the [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#) calls for "respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities".

<sup>89</sup> Article 2 of the Act XXXVI of 2013 on Electoral Procedure determines "equal opportunities for candidates and nominating organizations" as one of the basic principles of electoral procedure.

<sup>90</sup> According to the Ad Library for the period from 15 February - 31 March 2022

<sup>91</sup> According to the Ad Library, the mentioned pages spend the following amounts: Fidesz (103.217.924 HUF), the Solution Movement (102.768.371 HUF), and Unity of Hungary (50.432.605 HUF)

<sup>92</sup> According to the Ad Library, the mentioned profiles spend the following amounts: Márki-Zay Péter (109.514.538 HUF), Dúró Dóra (70.555.467 HUF), and Orbán Viktor (63.993.518 HUF)

<sup>93</sup> Since 20 March 2019, Fidesz spent a total of 96 political ads and 686.450 EUR. [Google Transparency Report](#). ENEMO notes that since its Interim report, Fidesz moved from 8<sup>th</sup> to 5<sup>th</sup> place on the list of political advertisers in the EU based on amount spent on online ads.

advertising in Hungary,<sup>94</sup> since 12 February 2022, shows that Fidesz<sup>95</sup> and Aktuális Média Nonprofit Kft.<sup>96</sup> are top advertisers based on the money spent on ads.

## Media

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ENEMO interlocutors reported that the media sector is characterized by a systematic interference of the state with the media ecosystem, which is in particular reflected through a manipulation of the public discourse and information flow control, economic pressure, and smear campaigning towards critical media outlets and journalists.

No cases of attacks on journalists were reported, but spy surveillance cases, digital harassment, black mailing, and negative public rhetoric towards the media contributed to an atmosphere of threat and intimidation for critical journalism.<sup>97</sup>

ENEMO interlocutors reported unavailability of political actors, in particular the governmental and public institutions, to give interviews and cooperate with the media. Public information is not always accessible to journalists, while public authorities not answering media questions in a timely manner and providing only general data, aggravates their work. Discrimination of critical media outlets from the Government's press conferences was reported as well. Furthermore, ENEMO interlocutors expressed concerns regarding the internalized pro-Russian narratives and anti-EU sentiments in domestic media.

In regard to the media regulatory authorities, ENEMO notes that mechanisms of selection of members of the Media Council do not provide adequate legal safeguards for its full independence.<sup>98</sup>

### Traditional media

ENEMO interlocutors reported that the low interest of commercial broadcasters to provide political advertisement is due to the imposed legal obligation to provide it only free of charge for all political contestants.<sup>99</sup> In this way, the broadcasting of political coverage on TV is limited and depends mainly on public service media.

ENEMO notes that some political parties running in elections did not use their legal right to free of charge political advertisements at all, or did not use it on public TV and radio, but only on RTL Klub.<sup>100</sup> However, all parties running in elections used the opportunity to present their political programs in the

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<sup>94</sup> [Google Transparency Report](#)

<sup>95</sup> A total of 57 ads and 172.550 EUR spent. [Google Transparency Report](#)

<sup>96</sup> A total of 4 ads and 56.850 EUR spent. [Google Transparency Report](#)

<sup>97</sup> ENEMO noted that during the campaigning period, there were lawsuits against independent media related to certain wording used in their articles, e.g. Megafon sued Telex for saying that they “could even receive public money” for their financing. Budapest - Capital Regional Court ruled that the lawsuits were unfounded in this case, however, this could potentially contribute to the creation of the self-censorship environment of the media.

<sup>98</sup> The Media Act, Section 124, In particular para. (4): “The voting power of members of the nominations committee shall be weighted consistent with the number of members of the Parliament faction on whose behalf they were elected.”

<sup>99</sup> This is a challenge for media outlets as paid advertising is their principal source of funding, so many of them are not opting to provide political advertisement to be broadcasted on their channels.

<sup>100</sup> [Media Council, Elections 2022 media monitoring reporting](#)

five-minutes time frame granted to them on public TV and radio.<sup>101</sup> When it comes to the referendum, no political advertisement was broadcasted free of charge on TV and radio.<sup>102</sup> No public debates were organized among political opponents, mainly due to the lack of political interest of the ruling parties.<sup>103</sup>

ENEMO observers across the country, as well as numerous interlocutors have consistently reported that equal and impartial treatment by media was not sufficiently ensured for all contestants, and nor were the principles of fairness, balance, and impartiality in the coverage of election campaigns respected. The unbalanced and one-sided reporting was in particular visible at the regional and local level.<sup>104</sup>

ENEMO observers reported that local TV channels and newspapers are perceived to be strongly influenced by local authorities and are often considered a tool for spreading biased information, while independent local media are less present and visible. Local public in different regions is mainly exposed to an unbalanced and partisan media reporting. In such an environment, with none, or limited access to the local media, opposition and small parties in many cases produced their own printed media products and delivered them to voters' mailboxes physically, relying mainly on volunteers.<sup>105</sup>

## Electronic media

With regards to the electronic media, ENEMO used a media monitoring methodology that focused on content-based quantitative and qualitative analysis. By analyzing the media coverage in detail, it may be concluded that in the monitoring period<sup>106</sup> the observed electronic media<sup>107</sup> generally reported in neutral tone (61 percent), negatively (30 percent) and least positively (9 percent) on electoral contestants.<sup>108</sup> ENEMO notes that compared to its Interim report, the percentage of neutral tone in media articles

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<sup>101</sup> All political parties running for the elections used a live five-minutes time frame on public TV M1, while [Kossuth Rádió's stated](#) that the Two-Tailed Dog Party did not take the opportunity to speak on the radio.

<sup>102</sup> [Media Council, Elections 2022 media monitoring reporting](#)

<sup>103</sup> During the campaigning period, the opposition's prime-minister candidate Péter Márki-Zay has repeatedly stated that he wants a television debate with Viktor Orbán, although Viktor Orbán stated that no political debates will be held, in the last parliamentary session of his mandate in March.

<sup>104</sup> ENEMO observers reported complaints against local media for not providing equal opportunity for all nominating organizations and only interviewing ruling party candidates in Bács-Kiskun county. In Hajdu-Bihar county, the biggest weekly newspaper Bihari Hírlap and TV Berettyó reportedly rarely wrote about the opposition candidates. As reported, local newspaper Miskolc Napló and television channel TV Miskolc predominantly gave space to opposition candidates, while Sajómente, Észak Magyarország, Bon.hu, Satoraljaujhely, report mainly on the ruling party in Borsod-Abaúj-Zemplén county. Hatvan online is reported to cover only the ruling party in Heves county and the same situation is with Kelet Magyarország, Nyiregyházi Napló, Szalka TV, Kolcsey TV, in Szabolcs-Szatmár-Bereg county. Local Kisalföld newspaper and Molnár TV in Győr-Moson-Sopron county were in particular mentioned as pro-governmental media, almost exclusively broadcasting and publishing positive news about the ruling alliance and negative about the opposition. Érd Radio, Érd TV, erdmost.hu, and Érd Ujság are perceived to present mainly the opposition parties in Pest County. In Budapest the situation is slightly better as there are more independent media, while the radio frequencies are perceived to broadcast biased information.

<sup>105</sup> ENEMO also noted the work of the "Nyomtass te is!" ("Print it yourself!") community initiative around the country, composed of volunteers who take objective media articles, print, and deliver them to citizens in rural areas.

<sup>106</sup> Monitoring was conducted for the period from the official start of the electoral campaign, 12 February 2022, until the election day, 3 April 2022.

<sup>107</sup> Monitored electronic media: 24.hu, Origo, Index, Hirado, Telex, HVG. The selection of the media was conducted based on following criteria: reach, user trust, and ownership in order to include public service and private media.

<sup>108</sup> In total 3089 articles published during the monitoring period were analyzed, out of which 3008 articles were inspected in terms of the reporting tone. 81 articles were not accessible due to the paywall system.

decreased, while positive and negative increased. Analysis shows that independent electronic media started to show more politically biased reporting as the electoral campaign approached the E-day.<sup>109</sup> As a consequence, media articles about elections and contestants in some cases lacked analytical and investigative reporting which, altogether, may have limited voters' access to quality information.

ENEMO noted a frequent appearance of Anonymous's hacking activities and cyber attacks both on political parties and media in particular during the last week of the electoral campaign. The first Anonymous was revealing alleged corruption cases among opposition candidates, on a weekly basis through videos.<sup>110</sup> During the election week, a group of Anonymous hacked news sources favorable to the Government and flooded their portals with government-critical content,<sup>111</sup> while political parties and media reported cyber attacks on their websites.<sup>112</sup>

## Social media

Political campaigns on social media were characterized by large amounts of money spent on political ads, engagement of third parties (influencers, meme pages) in campaigning, the presence of fake profiles aimed at confusing and deceiving users and attacking political opponents.<sup>113</sup> Modified/redesigned pictures, Facebook quizzes, online interactive meetings to engage voters, were just some of the tools ENEMO noticed/observed in the digital space.

For the 2022 Parliamentary Elections in Hungary, ENEMO used the CrowdTangle platform to monitor political parties' activity on social media, focussing on Facebook<sup>114</sup> and Instagram<sup>115</sup>. On Facebook, the total of 4425 posts and 6.8M interactions<sup>116</sup> were generated. The most active was Fidesz (878 posts), followed by Socialist Party (514), Dialogue for Hungary (504), Jobbik (413), and Momentum Movement (401). Data shows that 57 percent of all interactions came from only one party - Fidesz (total 3.9M interactions). On Instagram, political parties were less active,<sup>117</sup> among which most interactions were generated by the Two-Tailed Dog party and the Solution Movement.<sup>118</sup>

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<sup>109</sup> Misinterpretation and taking out of the context of what certain political actors said, conducting interviews with interlocutors and presenting opinion polls that are favorable only to one side of the political scene, were noted. ENEMO notes that in February 2022, Peter Marki-Zay, the prime-minister candidate won a lawsuit against public television and some private media, due to the alleged misrepresentation of his word during his visit to the countryside. The decision is not final, as the sued media appealed the court decision and the case is still ongoing.

<sup>110</sup> Anonymous appeared for the first time on 16 March 2022.

<sup>111</sup> Mandiner, 888.hu, Metropol, Figyelő, Szabad Föld and Nemzeti Sport and several county newspapers were hacked on 29 March.

<sup>112</sup> Fidesz reported cyber attacks on their website on 30 March, while Momentum Movement reported their websites were hacked on 31 March. Telex.hu and 444.hu were partially inaccessible on 31 March as well.

<sup>113</sup> Some interlocutors reported black PR, defamation, as well as organized post commenting (by bots and real people) that creates the impression of mass support towards certain content on social media.

<sup>114</sup> ENEMO monitored 13 official Facebook profiles of political parties during the period from 12 February to 3 April 2022.

<sup>115</sup> ENEMO monitored 11 Instagram profiles of political parties.

<sup>116</sup> Interactions include: comments, shares, and reactions (like, love, wow, haha, sad, angry, care).

<sup>117</sup> A total of 397 posts created and 231.590 interactions generated

<sup>118</sup> The Two-Tailed Dog party generated 140.721 interactions (61 percent of all interactions), while the Solution Movement generated 43.792 interactions (19 percent of all interactions)

Political parties were also using different structural units (local and regional pages), including political party's leaders and candidate's pages categorized as „politician“ on Facebook<sup>119</sup> and Instagram<sup>120</sup>. Data suggests that politicians reached more Facebook users' interactions through their profiles than political parties, counting a total of 29.2M interactions. The most interactions were reached by profiles Orbán Viktor, Márki-Zay Péter, and Szijjártó Péter.<sup>121</sup> On Instagram, profiles of Orbán Viktor and Márki-Zay Péter generated the most interactions.<sup>122</sup>

ENEMO interlocutors mentioned that Meta<sup>123</sup> often reduces the reach of the content with far-right connotations<sup>124</sup> and some media outlets<sup>125</sup> reported that their reach was reduced, while a few days before the elections, a right-wing party's official account<sup>126</sup> on Facebook was deleted. ENEMO notes that Meta's frequent interventions may suggest the existence of a high level of far-right narratives that aspire to extremism within the online space in Hungary. Indeed, when it comes to the referendum, ENEMO noted mainly an anti-LGBTI campaign, among which the most distinct page was StopGender<sup>127</sup>.

ENEMO notes that state institutions took no steps to monitor online media, including social media, to address fake news, negative campaigning and rhetorics, and online disinformation, in particular by identifying possible costs involving paid advertising and their sources.

## Gender representation

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In Hungary, women are underrepresented, both in the legislature and the Government. Only 13 percent of the outgoing National Assembly members and only three out of 14 cabinet members, are women. On 10 March, the Parliament elected the first woman president.

Low number of women were registered as candidates for 3 April's Parliamentary elections. For single-member constituency elections, only 17.65 percent of candidates were women; for proportional elections, 19.80 percent. Representation of women was higher on national minority lists and amounted to 43 percent, with four of them on the first place of the respective national minority lists. Regardless of low representation of women in politics, there is no mechanism for facilitating their engagement.

When it comes to the media representation of women in politics during these elections, ENEMO notes that from the monitored content in electronic media only 4 percent addressed women. The most mentioned women were Judith Varga, Katalin Novák, Tímea Szabó, and Klára Dobrev.

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<sup>119</sup> ENEMO monitored 43 Facebook accounts of politicians

<sup>120</sup> ENEMO monitored 11 Instagram accounts of politicians

<sup>121</sup> Profile Orbán Viktor generated 5.6M interaction (19.1 percent of all interactions), Márki-Zay Péter 2.7M (9.2 percent of all interactions) and Szijjártó Péter 2.6M (8.9 percent of all interactions)

<sup>122</sup> Profile Orbán Viktor generated 1M interaction (56 percent of all interactions), while Márki-Zay Péter 277.764 (15 percent of all interactions)

<sup>123</sup> Former Facebook

<sup>124</sup> In particular, mentioning Rod Dreher was emphasized as highly problematic.

<sup>125</sup> According to the [Index.hu reporting](#) their reach was reduced to Facebook/Meta.

<sup>126</sup> Meta deleted Our Homeland Movement's official account on 29 March

<sup>127</sup> Page was created on 13 December 2021, and has 87 paid ads and 2.252.451 HUF spent on ads about social issues, elections or politics paid by Stop Gender - Alapjogokért Központ (Center for Fundamental Rights).

Some political parties addressed issues related to women in their programs or during the campaign.<sup>128</sup>

## National minorities

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The Fundamental Law in conjunction with the Act on the Rights of Nationalities regulates the rights of national minorities, including their participation in the political life of the country. Hungary is a party to the Framework Convention for the Protection of National Minorities.<sup>129</sup>

There are 13 officially recognized national minorities in Hungary. They have the right to register national minority lists. For these elections, 12 national minorities registered their lists. The Roma minority self-government failed to submit one due to internal disagreements, as ENEMO was informed. As it was possible to identify, the Fidesz-KDNP coalition has one Roma candidate on the list and the united opposition three. Both sides seem to have their supporters from the Roma minority.<sup>130</sup>

In terms of addressing minority issues in their programs, the united opposition has included in its program specific issues regarding minorities, in particular, to increase the number of Roma people in higher education and provide them entrepreneurship skills for starting private businesses; to improve the infrastructure and life quality in the Roma settlements, etc. The program of the political party Our Homeland also contains minority issues, but in a negative context. It is stated that they would cancel the Roma integration programs and introduce a segregated educational system, as well as restrict the right to vote only to literate persons, a measure that is assumed to target the Roma minority.

As ENEMO received information from its interlocutors, due to economic and social conditions Roma minorities are often targets of vote buying. As it was alleged, the ruling party is arranging different social events and provides social benefits to leaders of the Roma minority to ensure their support. It was also mentioned that minorities employed in the public sector are under pressure, sometimes even directly requested to support the ruling party.

Ballot papers were printed in the language of the specific national minority.

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<sup>128</sup> For instance, joint opposition in its program and during campaign addressed some issues related with women, in particular, decreasing salary gap between women and men; right to pension for women after 40 years of work; increasing resources to prevent domestic violence and starting specific awareness programs; introducing educational programs for women with disadvantaged background; increasing the support regarding the access to the intimate hygiene products. In the programs of Solution Movement and Our Homeland introducing parenthood as a recognised full time job is the only issue which could target women.

<sup>129</sup> Framework Convention for the Protection of National Minorities, February 1995, <https://rm.coe.int/16800c10cf>

<sup>130</sup> President of the National Roma Self-Government expressed its support for the opposition, <https://bit.ly/3JTYxpL>

On the other hand, on March 30 Viktor Orbán posted a photo and video on Facebook with one of the most popular Roma musicians László Grófo-Kozák, <https://www.facebook.com/orbanviktor/videos/502106154898567>; On March 15 in the first row of the Peace March (Békemenet) was Győző Gáspár (“Győzike”) who is the well known Roma celebrity in Hungary. After his appearance at the Peace March, he claimed that he became an official member of the Fidesz, <https://bit.ly/38eru1D>

## Inclusion of persons with disabilities

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The legal framework contains regulations on the rights of persons with disabilities. Hungary has been a party to the Convention on the Rights of Persons with Disabilities (CRPD) since 2007. Besides that, in respect of elections, specific legal norms are given in the Act on Election Procedures for ensuring participation of persons with disabilities in elections.

The major issue regarding the right to suffrage of persons with disabilities is that a person can be deprived of the right to vote due to mental incapacity by a court decision. The court decides if ability to vote is significantly reduced, permanently or temporarily; or if it is lost permanently and completely. According to the information provided to ENEMO, there are 47,078 persons deprived of the right to vote by a court decision based on mental incapacity. Disenfranchising citizens based on intellectual disability is at odds with international standards.<sup>131</sup>

The Act on Election Procedures defines a voter with disability.<sup>132</sup> The law also determines types of assistance that persons with disabilities may request, in particular, for exercising their right to vote: Poll cards in braille; Information materials in accessible format; Accessible polling stations;<sup>133</sup> Ballot papers in braille;<sup>134</sup> Voting by mobile ballot box.

The NEO should send poll cards in braille and/or easy read materials to a voter, if the respective request is submitted no later than sixty-eight days before the Election Day. The voter can request an accessible polling station no later than four days before elections. If the polling station on the voter's registered address is not accessible, the LEO should assign the voter to an accessible polling station, within the same settlement and constituency. Those regulations should be positively assessed as they give the opportunity to voters with disabilities to get relevant information and to cast their votes independently.

As regards requesting ballot papers in braille, although formally it is a positive regulation, in practice it creates additional barriers for voters with disabilities, as they have to submit related requests with additional efforts, while it is possible for the election administration to have a more proactive approach to this issue. There were 250 requests for Braille templates.

Information about physical accessibility of polling stations is provided on the website of the election administration, which is a positive fact for informing voters. According to it, there are 7,815 accessible polling stations (out of 10,243). However, as ENEMO's interlocutors indicated this information is not always accurate and not all polling stations are accessible in accordance with required standards. Sometimes the problem is also the size of the polling station in case of voters using wheelchairs.

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<sup>131</sup> Article 29 of the [Convention on the Rights of Persons with Disabilities](#) (CRPD); Paragraph 48 of the General Comment No.1 (2014) to Article 12 of the CRPD states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election and the right to serve as a member of a jury", <https://bit.ly/3K3dMN0>

<sup>132</sup> According to Section 3 (1) "voter with a disability means a voter who has significantly limited or no sensory abilities, especially vision and hearing, or significantly limited or no locomotor abilities or mental capacity, or who has considerably limited communication abilities, and this puts him at a permanent disadvantage in terms of actively participating in social life".

<sup>133</sup> Deadline for requesting accessible polling stations was 30 March.

<sup>134</sup> Deadline for requesting ballot papers in Braille was 25 March.

It is established that political advertisements published in audio-visual media should be subtitled or provided with sign language interpretation. Those commissioning political advertisements are responsible for complying with these requirements.<sup>135</sup> This is an important regulation that ensures persons with disabilities's access to campaign information of contestants.

It should be noted that election contestants have not addressed issues relevant to persons with disabilities, neither in their programs, nor during the campaigning.

## Complaints and appeals

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According to the Act on Election Procedures, only natural and legal persons affected by the violation of election legislation have the right to file a complaint with the competent authority. ENEMO notes that the restriction of the right to file complaints does not enable all interested stakeholders to file relevant complaints in case of violations. Thus, the right to standing should not be restricted only to those directly affected by the violation.

CoECs are adjudicating complaints regarding the activities and decisions of the PSCs, complaints concerning the single-member constituency elections, as well as complaints related to local media. Appeals regarding candidate registration can be submitted to the RECs. All other complaints and appeals against the decisions of CoECs are adjudicated by the NEC. Decisions of election administration can be appealed to the Supreme Court, while the constitutionality of the Supreme Court decisions can be challenged to the Constitutional Court.

Complaint/appeal should be submitted to the competent authority within three days from the date of respective violation and/or decision, and should be adjudicated within three days from its receipt. ENEMO considers that established timeframes are reasonable for filing complaints and appeals, as well as for rendering substantiated decisions.

As of 2 April, there were 146 complaints and appeals submitted to the NEC and 126 to the Regional Election Commissions.<sup>136</sup>

Many of the complaints/appeals concerned misuse of state resources. Among them, one of the most important was related to using the Government's Information Center for sending emails to citizens who provided their personal data within the coronavirus vaccination campaign. The message sent by the Government concerned its position on the situation in Ukraine.<sup>137</sup> The NEC rejected the complaint as unfounded, while the Supreme Court partially overruled it, stating that this activity by the Government violated principles of equality of opportunities for contestants and exercise of rights in good faith.

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<sup>135</sup> ENEMO did not conduct media monitoring with regards to broadcasted political advertisements and does not have information if the regulation was fulfilled in all cases.

<sup>136</sup> Almost all complaints concerned collection of signatures mostly for candidates of the Party of Normal Life and Solution Movement. Except for a few complaints, all of them were rejected by the RECs.

<sup>137</sup> The email stated that the Government considers it irresponsible and does not support the opposition's standpoint that Hungary should send troops and weapons to Ukraine. It also does not support proposals that threaten Hungary's gas supply and the reduction of tariffs. As the message was referring to the opposition's stance, complainants argued that it was a violation of the principle of equal opportunities and proper exercise of justice.

Decision of the Supreme Court was appealed to the Constitutional Court, which annulled it stating that the Government fulfilled its obligation under the Fundamental Law to provide information to the public.

Absolute majority of complaints/appeals alleging abuse of state resources<sup>138</sup> was rejected based on the argument that activities of the ruling coalition's candidates were carried out in their official capacity as members of the Parliament, or state officials and could not have been considered as a violation.<sup>139</sup> This position of NEC was upheld both by the Supreme and Constitutional Courts. It can be concluded that legal regulations and established practice of their application by the NEC and the courts proved to be ineffective for addressing cases of misuse of state resources and preventing them.

Besides misuse of state resources, one of the important complaints concerned distribution of the voting packages for Hungarian citizens living in Serbia, by the Hungarian Association of Vojvodina (VMSZ), which according to the complainant is affiliated with the Fidesz-KDNP coalition.<sup>140</sup> The NEC rejected the complaint stating that the NEO did not violate any provisions of the law and the delivery was the responsibility of the postal office. The NEC has not examined the circumstances of the alleged violation further. The decision was appealed to the Supreme Court which upheld it.<sup>141</sup> According to the information available to ENEMO, none of the state authorities took measures regarding the alleged violation.

Five complaints concerned posting/sharing political posts on social networks by the lower-level election commission members. Initially, the NEC found violations of the impartiality of commission members, although in one case the Supreme Court overturned the decision of the NEC stating that the commission member delegated by the political party is linked to its nominating party and need not be independent. Those members of the commission are required to be impartial and independent only in connection with the performance of their public duties. According to that decision, the Supreme Court adopted a differentiated approach between appointed and delegated commission members in respect of posting partisan messages on social networks. The NEC followed the practice set by the Court in similar cases.

28 complaints/appeals submitted to the NEC concerned campaign financing, in particular, financing of campaign advertisements for candidates by third parties. All complaints were rejected by the NEC without examining on merits due to lack of competence. The Supreme Court upheld the position of the NEC. Thus, alleged violations were left unaddressed, possibly caused by unclear or insufficient regulations on filing complaints regarding campaign financing and competent authority to consider them.

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<sup>138</sup> Those cases mostly concerned distribution of digital devices to students or pupils by candidates of the Fidesz-KDNP coalition, who were at the same time MPs or public officials. Several cases also concerned candidates of the ruling coalition presenting different activities/programs implemented by the Government via social networks or other means, allegedly misleading voters by creating the impression that those were implemented by the political party.

<sup>139</sup> Some of those decisions were based on Article 142 of the Act on Electoral Procedures: the activities of election bodies, the personal communication between citizens as private persons, regardless of its content and form, and the activities carried out by the Constitutional Court, courts, local governments and other state organs in performing their functions provided for by the law shall not be considered election campaign.

<sup>140</sup> Complainant requested to establish the infringement and to prohibit the NEO from delivering the voting packages through the VMSZ, except for citizens who specifically requested them to be delivered to the address of the VMSZ.

<sup>141</sup> The Supreme Court ruled that the NEO has properly fulfilled its obligations under the law by handing over postal items to the Hungarian postal office and as assessment of the alleged violation of the Serbian postal delivery rules does not fall within the competence of the NEC, it correctly rejected the complaint.

The NEC received a total of 23 complaints and appeals related to campaign posters/flyers,<sup>142</sup> 17 complaints/appeals related to the media<sup>143</sup> and 9 related to the collection of signatures.<sup>144</sup>

In most cases when NEC established a violation, it only prohibited violators from further infringement without imposing a fine. This approach was applied regardless of the severity of violations, which raises questions regarding its effectiveness in terms of preventing violations.

NEC rejected 73 complaints without examining the merits, due to different reasons. Mostly referring to violation of deadlines, lack of required personal data or evidence, lack of competence, etc. Generally, adjudication of complaints shows that many complaints were rejected on formal grounds, which limits the access to effective legal redress that is at odds with international good practice.<sup>145</sup>

In total 45 appeals were filed with the Supreme Court regarding the decisions of the NEC and lower-level election management bodies. The Supreme Court rejected 10 appeals without examining on merits and overturned fully or partially nine decisions of the NEC. Nine constitutional complaints were submitted to the Constitutional Court. In three cases, the Court annulled the decisions of the Supreme Court.<sup>146</sup>

## Election day

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On Election Day, ENEMO deployed 200 Short-term observers (STOs) in multinational teams of two observers to follow the process of preparation and opening of polling stations, the voting and counting process, as well as the transfer and intake of election materials by LEOs. Observers monitored the opening procedures in 100 polling stations, voting in 1,119 polling stations, and closing and counting in 99 polling stations. Additionally, ENEMO observed the intake of election materials in 96 Local Election Offices.

Election Day was, overall, calm and peaceful. The management of the polling and conduct of PSCs and LEOs was assessed positively in the majority of the cases observed, with some procedural deviations that are assessed not to have negatively affected the legitimacy of the overall process.

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<sup>142</sup> Most of them concerned damage or covering posters; publishing campaign materials without required information; publishing posters/flyers with allegedly false/incorrect information, etc. In the majority of cases the violator was not identified.

<sup>143</sup> Out of the total number, seven were rejected without a substantial examination, five were rejected after examination, five were upheld/partially upheld. The complaints were related to: not publishing political advertisements by media companies, broadcasting political advertisements by the media that did not apply for that, requirements of political parties to use referendum allocated time for the elections related advertising.

<sup>144</sup> All of them were rejected, including eight of them without examining on merits, because of violation of deadlines, lack of evidence and submission of complaints by unauthorized persons. In one case, a decision of the NEC was appealed to the Supreme Court, which upheld the NEC decision. Complaints concerned misuse of voters' data, including of deceased people for collecting required number of signatures; voters discovered their signatures for contestants that they have not supported; recommendation sheets not returned in time.

<sup>145</sup> Paragraph 96 of the [Code on Good Practice in Electoral Matters](#) of the Venice Commission: "The procedure must also be simple, and providing voters with special appeal forms helps to make it so. It is necessary to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases."

<sup>146</sup> The decisions of the Constitutional Court on two cases are not yet available on the website.

Instances of organized transportation of voters as well as active campaigning in proximity of polling stations were observed, and violation of secrecy of vote was often observed.

In general, counting procedures, although lengthy due to different types of ballots to be counted, were followed properly and issues were addressed professionally, and delivery of materials was conducted in an organized manner.

## **Opening procedures**

ENEMO observed the opening procedures in 100 polling stations.

The opening procedures started before 6.00 AM in 91 percent of the observed polling stations, and after 06.00 AM (between 6.00 and 6.10 AM) in 9 percent of polling stations. 67 percent of the observed polling stations were opened for voting at 6 AM, 28 percent between 6.00 and 6.15 AM and 5 percent between 6.15 and 6.30 AM.

Out of 100 observed polling stations, 99 were equipped with all essential materials needed for the voting at the moment of opening and other informational materials, with the exception of one polling station where seals were missing.

The procedure of sealing stationary ballot boxes was followed properly in 99 of the observed polling stations, while in 1 polling station the ballot boxes were not sealed at all. With regards to mobile ballot boxes, sealing procedures were followed properly in 99 observed polling stations, while in 1 PS, the mobile ballot box was not sealed at all.

With regards to accessibility of PSs to persons with disabilities, 57 percent of the observed polling stations were accessible, 17 percent not suitable, while in the other 25 percent of the polling stations, minor assistance was required in order for PwDs to access the polling stations.

The arrangement of premises of polling stations was assessed as adequate in 99 observed polling stations, while in one, the observers assessed that the arrangement was inadequate.

ENEMO observers were able to properly monitor the opening procedures in all observed polling stations, except for one, which was too overcrowded. No complaints related to the opening process were reported in any of the observed polling stations.

Procedural violations were observed in one polling station during the opening. However, in 96 percent of observed polling stations, the opening procedures were assessed positively (very good or good). In only four of the observed polling stations, observers assessed the opening procedures as bad, due to negligence of PSC members.

## **The voting process**

ENEMO observers monitored the environment around polling stations and the voting process in 1,119 polling stations, throughout 100 constituencies in 19 counties and Budapest. Out of the total number of observed polling stations, 9 were only for absentee voting, while 269 were for both regular and absentee voting.

The environment around polling stations was assessed as orderly in approximately 99 percent of the observed polling stations. Organized transportation of voters was reported in 1 case and excessive presence of police was observed in 2 cases of the observed polling stations. Certain campaigning activities were noticed within only a few PSs (less than 1 percent).

All observed polling stations were operating with at least the minimum number of PSC members required by the law. Women were well represented in the polling station commissions, with 64 percent of PSC members in the observed polling stations being women, including approximately 76 percent as Chairperson and 78 percent as Deputy Chairperson.

Presence of unauthorized and/or unidentified persons inside the polling station was not noticed in the observed polling stations.

Around 97 percent of the observed polling stations were assessed to have an adequate arrangement for voting, while at 3 percent of observed PSs, the arrangement was assessed as inadequate, mainly due to positioning of the voting booths, improper premises, which sometimes led to overcrowding, with a potential to jeopardize the secrecy of the vote, or impossibility for all PSC members and observers to have a clear view of the entire voting process. Polling stations' accessibility for persons with mobility impairments was assessed as easy in approximately 76 percent of the observed polling stations, and as requiring assistance, or completely inaccessible in 15 and 9 percent respectively. The main reasons for inaccessibility was the lack of ramp for wheelchairs and presence of stairs.

Essential materials for the conduct of voting were present in all observed polling stations.

Information materials on voting procedures and candidates were present at approximately 99 percent of the observed polling stations. At 1 percent, the information on voting procedures was missing, or not posted on the walls of the polling station.

Observers did not notice any breach of the secrecy of the vote in around 80 percent of the observed polling stations. However, in 13 percent of the observed polling stations more than one individual in the voting booth was noticed over the period of 30 minutes of observation, in 4 percent voters were revealing their vote, in 7 percent voters were not voting in secrecy due to various reasons as voting outside of the booths, multiple people in the booths, improper set up of the booths or overcrowded polling station, family or voting together. Breach of rules for assisted voting was reported in 3 cases, as well as two cases of a voter taking a photo of a marked ballot paper.

In approximately 95 percent of the observed polling stations, observers did not notice, nor were reported cases of voters not included in the voters' list, while at 5 percent of polling stations they observed or were reported about voters not finding their names on the list during the observation.

ENEMO observers were able to observe properly in approximately 99 percent of the visited polling stations, while in 1 percent, the observation was difficult due to the improper arrangement of the polling station, small premises of the precinct, or overcrowded polling stations. In one polling station the observers were deliberately denied access to some aspects of the voting process.

ENEMO observers noted the presence of international observers in approximately 3 percent of polling stations.

In approximately 99 percent of observed polling stations, observers indicated that no formal complaints had been filed. In 1 percent there were minor complaints and in one polling station the PSC had received substantial complaints.

Around 91 percent of the observed polling stations were assessed to be functioning and managed properly by PSC members, whereas 7 percent were somehow crowded, but still managed adequately. At 9 polling stations, ENEMO observers assessed the process as disorganized, confusing and overcrowded. The overall assessment of the voting process was positive (very good or good) in 97 percent of polling stations observed. In 33 (3 percent) of the observed polling stations, observers assessed the process as bad, due to negligence.

### **The counting process**

ENEMO followed the closing and vote-counting procedures in 99 polling stations. From all observed polling stations, one did not close in time, and voters were queuing in one of the 99 polling stations observed at the moment of closing.

Procedures that precede the counting process were followed properly in 95 percent of the observed polling stations, while in 5 percent of them certain deviations from the procedures were noticed.

In 88 percent of all observed polling stations, the counting procedures were followed properly, whereas in 7 percent of polling stations ENEMO observers noted that the minute taker was participating in the counting. In a few polling stations there were some deviations in the procedures for filling in the protocol. However, observers assessed that these deviations did not appear to damage the legitimacy of the process, nor affected the results in these locations. One formal complaint on the counting process was recorded in the observed polling station. Procedures were not followed properly and in the right sequence in 6 percent of observed PSs where absentees voted.

In 96 percent of the observed polling stations, the protocols were provided to all persons entitled to receive them. All ENEMO observers could observe the counting procedures properly. In all of the observed polling stations, only authorized people were present during the counting procedures.

The overall assessment of the counting procedures by ENEMO observers was positive (very good or good) in 94 percent of the observed polling stations and in 6 percent, the counting process was assessed as bad. However, all cases of negative evaluation were attributed to negligence. In general, the process of counting and filling in the protocols was very slow in almost all observed polling stations.

### **Transfer of materials to Local Election Offices (LEOs) and LEOs activity**

ENEMO observers monitored the transfer of election materials and respective intake in 96 LEOs. The transfer of materials was conducted in an orderly manner and following the procedures in all LEOs in which ENEMO observed this process.

The observers assessed that 94 percent of observed LEOs were acting transparently and straightforwardly, whereas the work of LEOs was assessed as disorganized and confusing in 2 observed cases.

LEOs premises were assessed as spacious and adequate for the delivery of election materials in 98 percent of the observed LEOs, whereas 2 LEOs were assessed as not spacious enough. LEOs were not overcrowded in approximately 90 percent of the observed cases, while in 9 percent of the observed cases there were long lines of persons in the LEO, however it was easy to enter and move around. One observed LEO was too overcrowded. In 96 percent of observed LEOs, all authorized observers were able to observe the process properly.

The evaluation of the work of LEOs by ENEMO observers was positive (very good or good) in approximately 95 percent of the observed LEOs. Only 5 LEOs were assessed as bad, due to negligence.

## Observers

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ENEMO once again emphasizes that the exclusion of civil society organizations from observing elections limits an impartial and non-partisan observation and reduces voters' access to impartial information and assessments regarding the electoral process. Also, hostile rhetoric against CSOs aims to discredit their work, which is not in accordance with democratic standards and does not contribute to strengthening of democratic values.

With the current legislative prohibition, CSOs were engaged in elections to a limited extent. As ENEMO was informed by its interlocutors, CSOs are mainly organizing trainings and recruiting volunteers to identify vote buying, chain voting, pressure on voters, organized transportation of voters and other possible violations. Some will also provide legal assistance in case of violations.

A total of 906 international observers were accredited by the NEO.<sup>147</sup> High number of accredited observers proves the interest towards Parliamentary elections and the need for election observation. As ENEMO was informed, one organization was denied registration, without disclosing a specific reason for rejection. NEO was cooperative with international observers and provided all needed information and ensured swift accreditation of observers, although ENEMO considers that lack of transparency in case of a rejection of an accreditation can damage the reputation of the NEO.

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<sup>147</sup> The list of accredited organizations and observers can be accessed at the following link: <https://bit.ly/3JS6TtT>

## About ENEMO

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The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on 29 September 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 38 international election observation missions to 10 countries.<sup>148</sup>

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.

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<sup>148</sup> Serbia 2022, Presidential and Parliamentary Elections; Georgia 2021, Local Elections; Kosovo 2021, Local Elections; Albania 2021, Parliamentary Elections; Moldova 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Ukraine 2020, Local Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2019, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 DEC; Kosovo 2013, Local Elections; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections, second round; Ukraine 2010, Presidential Elections, first round; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections; Albania 2005, Parliamentary Elections; Kyrgyzstan 2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round rerun; Ukraine 2004, Presidential Elections;