



LIMITED ELECTION OBSERVATION MISSION Hungary — Parliamentary Elections, 8 April 2018

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 8 April parliamentary elections were characterized by a pervasive overlap between state and ruling party resources, undermining contestants' ability to compete on an equal basis. Voters had a wide range of political options but intimidating and xenophobic rhetoric, media bias and opaque campaign financing constricted the space for genuine political debate, hindering voters' ability to make a fully-informed choice. The technical administration of the elections was professional and transparent.

Fundamental rights and freedoms were respected overall, but exercised in an adverse climate. Access to information as well as the freedoms of the media and association have been restricted, including by recent legal changes. While the electoral legal framework forms an adequate basis for democratic elections, recent amendments were a missed opportunity to hold inclusive consultations and address prior ODIHR recommendations.

The election administration fulfilled its mandate in a professional and transparent manner and enjoyed overall confidence among stakeholders. The appointment mechanism for the election administration at all levels offers a reasonable basis for independence and impartiality, but the lack of clear selection criteria and the absence of inclusive public consultation on nominees detracted from the overall confidence. Positively, special efforts were made to ensure the full participation of persons with disabilities in the electoral process.

There is overall trust in the accuracy and inclusiveness of the voter register. A total of 8,312,264 voters, including over 435,000 voting from abroad, were registered for the elections. Concerns were raised that the use of two different voting procedures for out-of-country voters challenges the principle of equal suffrage and that the distinction was based on partisan considerations.

Following an inclusive candidate registration process, 23 party lists with a total of 1,796 candidates, were registered for the national proportional contest and 1,643 candidates were registered for the single-member constituency races. Some 30 per cent of all candidates were women. While there was a large number of contestants, most did not actively campaign, ostensibly registering to benefit from public campaign finance or to dilute the vote in tightly contested races.

The campaign was animated, but hostile and intimidating campaign rhetoric limited space for substantive debate and diminished voters' ability to make an informed choice. The ubiquitous overlap between government information and ruling coalition campaigns, and other abuses of administrative resources, blurred the line between state and party, at odds with OSCE commitments.

Public campaign funding and expenditure ceilings aim at securing equal opportunities for all candidates. However, the ability of contestants to compete on an equal basis was significantly compromised by the government's excessive spending on public information advertisements that amplified the ruling coalition's campaign message. With no reporting requirements until after the elections, voters were effectively deprived of information on campaign financing, key to making an informed choice and overall transparency.

Media coverage of the campaign was extensive, yet highly polarized and lacking critical analysis. The public broadcaster fulfilled its mandate to provide free airtime to contestants, but its newscasts and editorial outputs clearly favoured the ruling coalition, at odds with international standards. Most commercial broadcasters were partisan in their coverage, either for ruling or opposition parties. Online

media provided a platform for pluralistic, issue-oriented political debate. Defamation remains a criminal offence and pressure on journalists was observed.

Women remain underrepresented in political life and there are no legal requirements to promote gender equality in the electoral context. Although one major party placed a woman at the top of the national list and some parties addressed gender-related issues in their programmes, empowerment of women received scant attention as a campaign issue, including in the media.

Measures to enhance minority participation in the electoral process are foreseen in the legislative framework. All 13 recognized national minorities registered their national lists and some 60,000 citizens registered as minority voters. The Roma were subject to derogatory comments in the campaign. Further, the dependence of many Roma on the locally-administered public works scheme made them vulnerable to intimidation and vote-buying.

Contrary to OSCE commitments, citizen election observation is not permitted. Legislative constraints and intimidating rhetoric by the government stifled civil society's involvement in election-related activities, limiting the public's access to non-partisan assessment of the elections. The legislation provides for international election observation at all stages of the process.

The right to seek an effective remedy for electoral violations is inclusive and was generally respected. All disputes were reviewed expeditiously and largely within legal deadlines. However, there was no guarantee of a public hearing at any level of the dispute resolution process and procedures for review did not allow for genuine input from NEC members. The NEC reviewed 464 complaints, of which 308 were dismissed due to a strict application of formal requirements.

In the limited number of polling stations visited, election day procedures were generally conducted efficiently and in line with the law. Election staff were knowledgeable and operated transparently.

PRELIMINARY FINDINGS

Background

The parliamentary elections took place against a backdrop of relatively robust economic performance and a low unemployment rate, partly overshadowed by concerns about political corruption, as highlighted in studies and noted by ODIHR LEOM interlocutors.¹

Since coming to power in 2010, the Hungarian Civic Alliance (*Fidesz*), and its coalition partner the Christian Democrats (KDNP), have enjoyed a political ascendancy and assertively pursued their political agenda.² A two-thirds parliamentary majority passed a new Constitution, reformed the electoral system, and overhauled many other aspects of the legislative framework. Some of these changes prompted the European Commission (EC) to launch infringement procedures against Hungary.³ While the lower-level court system is still relatively free from political partisanship, the recent legal reforms point to a

¹ [The European Commission's Country Report Hungary 2018](#) identified the lack of transparency of policy-making as a "key challenge". See also [Special Eurobarometer on Corruption](#), December 2017.

² In 2010, *Fidesz-KDNP* won 263 seats out of 386, and in 2014, 133 out of 199. The two-thirds majority was lost after two by-elections in 2015. *Fidesz* also controls most local assemblies. Other parties represented in the parliament include the Socialist Party of Hungary (MSzP, 28 seats), *Jobbik* (24), and Politics Can Be Different (LMP, 6). Ten seats are held by independents and those elected from parties with fewer than five seats.

³ Since 2010 the EC has opened 37 [infringement procedures against Hungary](#) in the policy area of "Justice, Fundamental Rights and Citizenship". According to the European Union (EU) treaties, the EC may take legal actions – an infringement procedure – against an EU country that fails to implement EU law.

piecemeal erosion of the independence of the judiciary.⁴ In April 2017, the parliament introduced changes to the Higher Education Act, restricting the licensing and operation of foreign universities.⁵ In June 2017, another law set forth extensive registration and disclosure requirements for certain types of foreign-funded civil society organizations (CSOs). In 2018, the government proposed the so-called “Stop Soros Legislative Package”, which would place restrictions on CSOs allegedly supporting illegal migration. Many ODIHR LEOM interlocutors voiced concerns that these restrictions shrink civil society space and limit public discourse that is critical of the government.

Migration has been a central issue on the government’s agenda since 2015. The government constructed a border fence to keep out would-be-migrants and initiated a referendum on the right to reject the EU migrant quota. From 2016, the government has sponsored an extensive public information campaign highlighting its stance on migration and its determination to defend Hungary against external forces, including the EU, the United Nations (UN), and the Hungarian-born American financier and philanthropist George Soros. This rhetoric raised concerns nationally and internationally about its potential to invoke ethnic and religious intolerance.⁶

Legal Framework and Electoral System

The Constitution provides for fundamental rights and freedoms and the electoral legal framework forms an adequate basis for democratic elections.⁷ Hungary is party to key human rights treaties and conventions pertinent to democratic elections. Yet access to information as well as the freedoms of the media and association have been restricted, including by recent legal changes.⁸

The electoral framework has been nominally amended since the last parliamentary elections, including changes to the Act on Election Procedures and the Campaign Finance Act. Amendments introduced remuneration for appointed NEC members, provided limited access to personal data on candidate support sheets, and introduced criteria for reimbursement of public funds for political parties. Both bills were submitted by individual *Fidesz* or KDNP members of parliament, thereby removing the requirement for public participation in the legislative process.⁹ Recent amendments were a missed opportunity to hold inclusive consultations and to address prior ODIHR recommendations, including with respect to suffrage rights, a level playing field for campaigning, the freedom of the media, and citizen observation.¹⁰

Hungary is a parliamentary republic with legislative powers vested in a unicameral parliament. Of the 199 seats in the parliament, 106 members are elected through majoritarian races in single-member constituencies and 93 through a national proportional representation system. Political parties must pass a

⁴ As viewed by a number of ODIHR LEOM interlocutors and highlighted, for example, in the Council of Europe’s Venice Commission [Opinion](#) on the Fourth Amendment to the Fundamental Law. See also paragraph 11 of the United Nations Human Rights Committee (CCPR) [concluding observations on the sixth periodic report of Hungary](#).

⁵ The new measure was seen by interlocutors as directed primarily against the Central European University. It prompted demonstrations in Budapest and [EC legal actions against the Higher Education Law](#).

⁶ Including [the statement](#) of the UN High Commissioner for Human Rights, who called the prime minister’s rhetoric “racist” and “delusional”.

⁷ The legal framework consists primarily of the Constitution, the Act on the Elections of Members of Parliament, the Act on Election Procedures, and the Act on the Transparency of Campaign Costs (Campaign Finance Act). Legislation is supplemented by non-binding guidelines of the National Election Commission.

⁸ International organizations noted that media legislation introduced since 2010 violates [OSCE media freedom commitments](#) and [negatively affects](#) free speech and [media pluralism](#). In 2015, the [Venice Commission](#) called for the narrowing of content-related restrictions. The Freedom of Information Act, amended in 2016, introduced undue restrictions on access to information by broadening the definition of information not subject to disclosure and by increasing the fee for handling information requests.

⁹ The Act on Social Participation in Preparing Laws requires that drafts prepared by government ministers are made available to the public for comments. This does not apply to the drafts tabled by members of parliament.

¹⁰ In paragraph 26 of the 1999 OSCE Istanbul Document, all OSCE participating States committed themselves to follow-up on ODIHR’s election assessments and recommendations.

5 per cent threshold (10 per cent for lists with two parties or 15 per cent for lists with more than two). Parties that pass the threshold have the surplus votes from majoritarian contests added to the totals before the proportional seat allocation. Surplus votes are the votes the party's losing single-member candidates received and the votes of the party's winning candidates over and above those needed to win. The national minority lists need one fourth of the electoral quota for one member to be elected.¹¹

The delineation of single-member constituencies has not changed since 2014. Five constituencies exceed the 15 per cent deviation allowed by law and a further 17 deviate from the national average by more than 10 per cent. Such discrepancies are at odds with international good practice to safeguard the equality of the vote.¹²

Election Administration

The elections were managed by a three-level administration: the National Election Commission (NEC), 106 Constituency Election Commissions (CoECs) and 10,285 Polling Station Commissions (PSCs). In parallel, the National Election Office (NEO), 97 Constituency Election Offices (CoEOs) and 1,280 Local Election Offices (LEOs) acted as secretariats for the respective commissions.

The NEC is a permanent independent body, comprised of a president and six members, elected for a nine-year term by the parliament on the proposal of the President.¹³ The law does not establish criteria for NEC members and there was no effective public consultation on the proposals of the President. Political parties that form a faction in the parliament can appoint one additional member whose mandate ends upon announcement of the next parliamentary elections. After a national list has been registered, it may designate one NEC member with full voting rights.¹⁴ The CoECs and PSCs each consist of three members elected by the local government as proposed by the head of the CoEOs and LEOs, respectively. CoEOs and LEOs are headed by politically-appointed municipal clerks, raising concerns among stakeholders about their impartiality. Each electoral contestant in the constituency can appoint one member to the respective CoEC and two members to each PSC.¹⁵

The election administration at all levels enjoyed overall confidence among stakeholders and was generally perceived as impartial. Some ODIHR LEOM interlocutors noted that the existing appointment system of NEC members favours the ruling coalition, in particular, in the interim period between the announcement of the elections and the appointment of the political parties' delegates, when there is no cross-party oversight. Although the NEC's appointment mechanism offers a reasonable basis for an independent and impartial election administration, the lack of criteria for NEC members and the absence of inclusive public consultation on NEC nominees detracted from the overall trust in the election administration.

The NEC and the NEO fulfilled their mandates and managed the elections in a professional and transparent manner at all levels, generally meeting deadlines. Election commissions' sessions were open to the public and the media. The NEC issued four guidelines and adopted over 692 decisions, including

¹¹ The quota is determined by dividing the total number of national list votes by 93. If the quota is not reached, the national minority is entitled to a non-voting parliamentary spokesperson.

¹² Section I.2.2 of 2002 Venice Commission's [Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) recommends that "the permissible departure from the norm should not be more than 10 per cent and should certainly not exceed 15 per cent, except in special circumstances".

¹³ A two-thirds majority of the members of the parliament present is required to appoint the NEC commissioners. The current NEC was elected on 30 September 2013, when the ruling coalition had 262 of 386 mandates.

¹⁴ In total, 15 national lists and 6 national minorities' lists appointed members to the NEC. The latter have voting rights only on national minority issues.

¹⁵ Out of 75 nominating organizations and 43 independent candidates standing in both contests, 14 have appointed members at the CoECs and 18 at the PSCs. Only 383 delegates were appointed to the CoECs. *Fidesz* appointed 95 members, *Jobbik* 88, MSZP-Dialogue 56 and LMP 57. The number of appointed members at the PSCs was 32,219. *Fidesz* appointed 15,396 representatives, *Jobbik* 7,997, MSZP-Dialogue 5,603, DK 2,168, and LMP 423.

on the registration of national and minority lists, approval of ballots, and complaints and appeals. Most decisions were adopted unanimously with little debate, except on complaints. The NEC's minutes and decisions were regularly posted online, while most CoECs publicized their decisions on the website of the respective municipality. The NEO maintained an informative and up-to-date website and operated an election information centre at the central level and at each LEO. Such measures added to the transparency and accountability of the election administration.

Each level of the administration delivered training to lower levels, aiming at the consistent conduct of the elections. The training sessions observed by the ODIHR LEOM were well structured and comprehensive. The NEO prepared a voter information campaign, including sending individual voter notifications, producing posters and airing television and radio spots.¹⁶ This included tailored messaging for persons with disabilities.¹⁷

Voter Registration

All adult citizens and married citizens of at least 16 years of age by election day have the right to vote, except for those disenfranchised by an individualized court decision due to mental incapacity or criminal conviction.¹⁸ The restriction on persons with mental disability¹⁹ and the distinction in enfranchisement based on marital status are at odds with international obligations.²⁰

Voter registration for those domiciled in Hungary is passive. The NEO maintains the voter register based on data extracted from the population and other civil registers. The register contained 8,312,264 voters. Until 6 April, voters could verify their own data on the lists and ask for changes and corrections at LEOs in person, by mail or electronically.²¹ Voters could request that their personal information not be disclosed to political parties for campaign purposes. The law does not provide for public scrutiny of the full list. Notwithstanding, most interlocutors expressed confidence in the accuracy and inclusiveness of the voter register and the registration system.

Voters with a domicile in-country could vote in person at diplomatic missions for both single-member and national list contests. Some 58,310 voters with a domicile in-country applied to vote at one of the 118 diplomatic missions abroad. The registration of voters without an in-country domicile is active and such citizens could vote only for the national lists by post or by delivering their voting package in person or by proxy to a diplomatic mission or a CoEC.²² Some 378,449 voters without an in-country domicile were registered for these elections.²³ The divergent voting procedures for voters abroad with and without in-country domicile challenged the principle of equal suffrage and was perceived by some ODIHR

¹⁶ The NEO ran on average one voter education clip per day within the public broadcaster's primetime programming; the private TV *RTL Klub* produced voter participation clips on its own initiative.

¹⁷ The Hungarian Civil Liberties Union developed for the NEO a voter information sheet in an easy-to-read format.

¹⁸ Some 77,445 citizens (around one per cent of registered voters) were deprived of the right to vote, including 49,259 persons with mental disability and 28,186 prisoners.

¹⁹ Articles 12 and 29 of the [Convention on the Rights of Persons with Disabilities](#) (CRPD). Paragraph 9.4 of the [2013 CRPD Committee's Communication No. 4/2011](#) (Hungary) stated: "an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

²⁰ Paragraph 3 of the CCPR [General Comment No. 25](#) to Art. 25 of the International Covenant on Civil and Political Rights (ICCPR) states: "no distinctions are permitted between citizens in the enjoyment of [voting rights] on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

²¹ Some 200,041 voters changed their polling district. They could cast the ballot for a candidate of the constituency of their residence.

²² The NEO mailed 166,842 voting packages to Romania and 53,920 to Serbia. The remaining voting packages were mailed to 57 countries while 1,533 voting packages were delivered to selected CoECs and to designated Hungarian municipalities close to the border.

²³ This compared to 193,793 in the 2014 elections. Such voters must update their records once every ten years and the cut-off date was 24 March. The 2010 Act on Hungarian Citizenship simplified the rules for becoming a citizen, leading to a considerable expansion of the Hungarian electorate in neighbouring countries.

LEOM interlocutors as an attempt to differentiate voting rights based on partisan grounds.²⁴ Postal voting safeguards were largely adequate, although there was no provision regarding the removal of deceased persons from that voter register.

Positive steps have been taken to facilitate the right of persons with disabilities to vote. A voter can request registration at a polling station accessible for persons with impaired mobility within their constituency and apply for voting information and a voting template in Braille.²⁵ Mobile voting was provided to voters with disabilities or health issues, as well as those in detention.

Some 59,235 national minority voters requested to be included in the minority voter list. They were eligible to vote for the respective national minority list and the single-member constituency races.²⁶

Candidate Registration

Any eligible voter can stand for election, except those serving a prison sentence. There are no legal requirements to promote women's political participation, despite women being significantly underrepresented in political life.²⁷ Positively, some parties made an effort to increase the number of women on their national lists.²⁸

Following an inclusive candidate registration process, the NEC registered 23 lists fielding a total of 1,796 candidates, including 482 women for the national list contest, while the CoECs registered 1,643 candidates, including 504 women for the single-member races.²⁹ Information on registered candidates was published on the NEO's website, providing voters with an opportunity to familiarize themselves with the contestants.

In the run-up to the elections, the opposition parties broached the possibility of co-ordinating a withdrawal of candidates in some single-member constituencies to present a united front against the ruling parties.³⁰ A total of 187 single-member candidates withdrew, some in the context of this co-ordination effort. Nevertheless strategic withdrawals remained a limited endeavour on a countrywide level for ideological and tactical reasons.

Candidates for single-member constituencies could be nominated by one or more political parties (nominating organizations) or stand independently.³¹ Although a candidate could only compete in one single-member constituency, the same candidate could simultaneously be included on a national list. Each candidate had to collect at least 500 support signatures from eligible voters in the respective constituency on pre-approved templates. A voter could support more than one candidate. All signature

²⁴ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to “guarantee universal and equal suffrage to adult citizens”. In the 2014 elections, *Fidesz*-KNDP received 95 per cent of the valid postal votes. *Fidesz* maintained that voters abroad were free to renounce their in-country domicile.

²⁵ Some 79 per cent of PSs were identified as “barrier-free”.

²⁶ A total of 33,009 voters from the German national minority were registered as minority voters, followed by 18,490 voters from the Roma minority. Such voters cast ballots for the list proposed by the relevant national minority self-government (only one per national minority) rather than one of the 23 national lists.

²⁷ Only 10 per cent of outgoing parliamentarians are women and there are no women in the 9-person cabinet.

²⁸ For instance, LMP mandated that each third person on the national list be of the opposite gender. The Party for a Sporty and Healthy Hungary, the Party of Poor People for Hungary, the Party of Those Working and Studying in Hungary, the Common Denominator Party and the Party of the Families included more than 50 per cent women candidates, followed by The Coalition Party with 44 per cent, Together Party 32 per cent and MSZP 31 per cent.

²⁹ On average there were 15 contenders per single-member constituency; in 2 constituencies there were no women candidates.

³⁰ Prior to candidate registration, MSZP-Dialogue and DK co-ordinated their candidates across all single-member constituencies.

³¹ A nominating organization (NO) consists of one or more political parties listed in the court register of non-governmental organizations. To file candidates or lists in elections, the NO should be registered by the NEC which, prior to registration, verifies that the NO is an active political party.

sheets were to be returned to the relevant CoECs.³² The CoECs verified the names, addresses and personal identification numbers, without checking the actual signatures. CoECs rejected 1,257 candidates, mostly on the grounds of an insufficient number of valid support signatures.

On several occasions, party representatives alleged cases of forged signatures. In many instances, the CoECs did not allocate sufficient time to properly review the signature sheets.³³ Many cases of suspicious signatures were also reported by voters.³⁴ The CoECs referred such matters to the police. Many ODIHR LEOM interlocutors alleged that a number of new, unknown political parties used fraudulent methods to collect the required signatures. While the misappropriation of public funds was the most commonly cited ground for the proliferation of these parties, other reasons included their potential for dividing the vote, particularly in tightly contested races.³⁵ Overall, these issues had a damaging effect on public perceptions of political parties' and the candidate registration process.

For a national list to be registered, political entities had to run candidates in at least 27 single-member constituencies in at least 9 counties and Budapest, and to maintain such distribution until the elections. Of the 40 national lists submitted to the NEC, 18 were denied registration and one was de-registered for not meeting this requirement; 2 parties were permitted to register following appeal to the Supreme Court.

The national minority self-governments could submit candidate lists that appear on a separate ballot. They had to collect support signatures from at least one per cent of the voters included in the national minorities register, but no more than 1,500 signatures. The NEC registered 13 national minority lists with a total of 89 candidates, including 48 women.

Campaign Environment

Campaigning commenced on 17 February and continued throughout election day. The campaign environment was characterized by a high degree of contestation, but a shrinking space for informed political debate. Campaign rallies were largely low-key³⁶ and candidates preferred door-to-door canvassing, small meetings in residential areas, telephone and postal advertising, and a heavy reliance on social media.³⁷ Several party leaders travelled abroad to appeal to Hungarian communities there. Outdoor advertising was a prominent feature of the campaign. However, ODIHR LEOM interlocutors pointed to difficulties securing billboard space due to the politically polarized nature of the advertising market. The ODIHR LEOM observed multiple instances of poster vandalism.

The major contenders were the ruling *Fidesz* (running in coalition with KDNP), DK, MSzP (standing in coalition with Dialogue for Hungary), *Jobbik*, and LMP. Some smaller parties, such as Momentum and

³² The NOs were fined of HUF 10,000 for each missing sheet. The NEC upheld fines imposed by CoECs.

³³ In Constituencies Budapest 3, 5, 10, 11, 13 and 17; in Pest 2 and 10; in Győr-Ménfőcsanak 1 and 2; in Fejér 2; and in Veszprém 1 and 2, ODIHR LEOM interlocutors stated that *Fidesz* was the first party to register its candidates, collecting supporting signatures within two days. Most parties required more time, and their representatives joined the CoECs later and were not present when *Fidesz* signature sheets were scrutinized.

³⁴ The ODIHR LEOM was informed that 110 voters in constituencies Csongrád 1 and 2 asked to check their signatures on different political parties' signature sheets. This led to the discovery of 10 cases of forged signatures in support of different parties. Some 100 voters had similar requests in constituency Budapest 8. In Csongrád 3, 30 voters checked their signatures and 6 of them complained to the police of forged signatures.

³⁵ There are 250 political parties on the register of the National Judicial Office. Some 80 new parties were registered from October 2017 to January 2018. The registration procedures have minimal requirements.

³⁶ The exception was a large-scale pro-*Fidesz* "peace march" held on 15 March in Budapest. On the same day there was also a large counter-demonstration by civil society and opposition parties, attracting a heavy police presence. The "peace march" was organized by the pro-government *Civil Összefogás Forum* and addressed by the *Fidesz* prime ministerial candidate in his official capacity.

³⁷ In total, 17 of the 23 parties with national lists have websites; 20 of the 23 are on *Facebook* (though in 10 instances only minimally); 9 of the 23 have *Twitter* accounts; 14 of the 23 have *YouTube* channels.

the Two-Tailed Dog Party (MKKP), also visibly campaigned. However, most of the 23 parties with a national list neither campaigned nor had campaign programmes.³⁸

The ruling coalition's campaign message focused almost exclusively on migration. Its prime ministerial candidate (current prime minister) deployed anti-migrant rhetoric in his campaign speeches and alluded to perceived interference in Hungary's internal affairs on the part of various international actors. *Fidesz's* effort to link the opposition to Mr. Soros was a notable feature of its campaign.³⁹ The larger parties, apart from *Fidesz*, published policy-based campaign programmes. The MKKP confined itself to mocking the government.

Throughout the campaign there was a ubiquitous overlap between the ruling coalition's campaign messages and the government's anti-migration, anti-Brussels, anti-UN, and anti-Soros information campaigns, evident, in particular, in outdoor advertising.⁴⁰ The widespread government information campaign in broadcast and social media, in general, was largely indistinguishable from *Fidesz* campaigning, giving the latter a clear advantage over other contenders. The social media accounts of government and *Fidesz* actors often made little distinction between official information and political campaigning.⁴¹ Campaigning also coincided with unexpected distributions of public money. On 7 March, the prime minister announced that the government would provide all pensioners with vouchers worth HUF 10,000 and reduce household utility bills by HUF 12,000.⁴² The government ran advertisements promoting the latter decision. Such instances undermined the level playing field for campaigning and raised serious questions with regard to the abuse of administrative resources and the blurring of the line between state governing and party campaigning, which is at odds with OSCE commitments.⁴³

Hostile, intimidating and, at times, xenophobic campaign rhetoric featured prominently in the campaign.⁴⁴ On one occasion, the ruling coalition's prime ministerial candidate vowed to take "vengeance" on the opposition after the elections.⁴⁵ In another speech, the same candidate made veiled threats against thousands of civil society activists, whom he labelled as "an army of mercenaries".⁴⁶

³⁸ The ODIHR LEOM tried to contact representatives of these parties; requests for meetings were denied.

³⁹ A widely-observed billboard featured Mr. Soros and leading opposition figures jointly dismantling the border fence. The ruling coalition's prime ministerial candidate referred to Mr. Soros in many of his campaign speeches and interviews, including on 15 and 30 March, and 6 April.

⁴⁰ A few days before the elections, the government launched a new major billboard campaign, featuring a long queue of alleged migrants and a large stop sign. *Fidesz* advertising was often placed on adjacent billboards. While the NEC rejected the complaints concerning the overlap between this poster and *Fidesz's* campaign, the Supreme Court upheld them. The ruling was issued two days prior to the elections and the posters were not removed before election day.

⁴¹ There is a clear overlap in messaging on the prime minister's and *Fidesz* party social media accounts. The prime minister also uses his official Facebook account, which features his campaign rallies and asks voters to vote for *Fidesz*. In another example, a sub-domain of the official city of Sopron webpage hosts a *Fidesz* campaign page.

⁴² The government stated that this was due to the unusually cold winter and the country's robust economic performance as well as the Easter season. EUR 1 equals HUF 312.

⁴³ Paragraph 5.4 of the 1990 OSCE Copenhagen Document requires "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

⁴⁴ On 7 March, the prime minister's chief of staff uploaded a video in which he lamented the demise of "White Christians" in a Vienna neighborhood. A video posted by the *Fidesz* MEP Tamas Deutsch claimed that a district of Brussels had been "flooded" by 35-40,000 migrants from North Africa at the expense of "Christian Francophones". The video was shared by the prime minister on social media on 18 March. Several days prior to the elections, the government ran a paid advertisement online, featuring the same message but also images that depicted scenes of what purported to be migrant violence.

⁴⁵ The Hungarian term, "*elégítétel*" was translated by the prime minister's office as "amends", rather than "vengeance".
⁴⁶ Paragraph 7.7 of the 1990 OSCE Copenhagen Document calls for ensuring that "political campaigning [is] conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution".

Such rhetoric, together with pervasive negative campaigning, including leaked recordings, restricted space for substantive debate and voters' ability to make an informed choice.⁴⁷

Several candidates made demeaning comments regarding the Roma national minority.⁴⁸ There is considerable dependence of the Roma, many living in abject poverty, on the locally-administered public works scheme. ODIHR LEOM interlocutors repeatedly asserted that the fear of losing access to the limited public works funds would force many Roma and other economically-disadvantaged persons to vote for *Fidesz*. Further, the ODIHR LEOM observed the distribution of free food in a Roma community on behalf of a *Fidesz* candidate, an instance perceived as vote-buying by Roma interlocutors.⁴⁹

Although some of the major parties addressed gender-related issues in their programmes, there was no public, issue-oriented debate on women's political participation during candidates' campaigns or in the media. At rallies, women were generally underrepresented both as speakers and participants. The media rarely featured women candidates.⁵⁰ Instances of sexist comments by prominent politicians were observed.

Party and Campaign Finance

Political parties in Hungary are partially financed from public funds.⁵¹ The Law on Party Finance prohibits donations from companies and foreign individuals or organizations. Donations from private citizens in excess of HUF 500,000 must be itemized in party financial reports, which are submitted to the State Audit Office (SAO). These reports are not sufficiently detailed.⁵² Public campaign funding is also provided and each party with a national list is entitled to between HUF 150 million and HUF 600 million, depending on the number of nominated candidates.⁵³ In addition, each single-member constituency candidate is eligible for approximately HUF 1 million in public funds. The provision of public funding aims at securing equal opportunities for all candidates.⁵⁴

Campaign expenditure ceilings are set at HUF 5 million for each single-member and national list candidate, amounting to HUF 995 million for the parties that field the maximum number of candidates. Parties may also solicit private funds and several parties relied on loans from banks and individuals.⁵⁵ There are no explicit caps on individual donations, which potentially fosters parties' dependence on financial contributions by large donors.

⁴⁷ One leaked voice recording implicated a *Jobbik* mayor in a sexual harassment case; another one suggested corrupt dealings between *Jobbik* and LMP; yet another connected Mr. Soros's humanitarian projects in Hungary to his alleged financial interests.

⁴⁸ This includes the chief of cabinet Janos Lazar (28 March) and the prime minister (1 March). See also CCPR [concluding observations on the sixth periodic report of Hungary](#), which expressed concerns about the prevalence of such rhetoric in political discourse.

⁴⁹ A Roma community in Alsozsolca received a donation of potatoes, flour, sugar and oil. The goods buckets, supplied by a partially EU-funded CSO, *Nő A Siker Alapítványt*, sported the name of the local *Fidesz* candidate.

⁵⁰ On average, women aspirants featured in just some 8.3 per cent of the time allocated to the candidates on TV and 3 per cent in newspapers, despite comprising 30 per cent of candidates.

⁵¹ 25 per cent of public funding for parties is equally divided between parties represented in parliament; 75 per cent is divided among all parties proportionately on the basis of the vote share; parties with under 1 per cent of the vote do not receive public funding.

⁵² Party finance reports from 2017 list only the general categories of spending and income, including the one from [DK](#) (page 2562), [Fidesz](#), [Jobbik](#) (page 2564), [LMP](#)(page 2566) and [MSzP](#) (page 2868).

⁵³ A candidate in the single-member constituency race receives an average of HUF 12 per registered voter; a party that has a maximum number of candidates would receive some HUF 75 per voter. Minority lists are jointly funded with approximately HUF 300 million.

⁵⁴ Out of 1,643 registered single-member candidates a total of 1,177 availed themselves of the opportunity to receive ST funds either directly or via their respective party.

⁵⁵ For instance, the DK was partially funded by a loan from its prime ministerial candidate; LMP acquired a HUF 150 million loan from a bank.

Candidates who withdraw or fail to obtain at least two per cent of the vote must return the public funds. In November 2017, the Campaign Finance Act was amended so that parties, too, must reimburse the State Treasury (ST) if they fail to clear a one per cent threshold. The introduction of the threshold aimed to discourage the practice of filing national lists to profiteer from public funds.⁵⁶

The SAO and ST exercise oversight over party and campaign financing. The parties are audited on a biannual basis, which recently resulted in fines for several parties, including HUF 663 million for *Jobbik* for violating spending regulations. ODIHR LEOM interlocutors among the fined parties regretted that there was little scope for challenging the SAO's conclusions. In terms of campaign finance spending, candidates and parties in receipt of constituency funds (HUF 1 million) have 15 days from the announcement of election results to submit detailed financial reports to the ST. There are no reporting requirements for the national list funding, though candidates and parties have 60 days to publish statements on the amount, source and use of all campaign funds. These statements, however, contain very little detail. The SAO subsequently publishes the results of campaign finance audits of the parliamentary parties and the members of parliament elected from the single-member constituencies, but these contain little detail of the actual expenditures of parties or individual candidates.⁵⁷ The limited monitoring of campaign spending and the absence of thorough reporting on sources of campaign funds undercuts campaign finance transparency and voters' ability to make an informed choice, contrary to OSCE commitments and international standards.⁵⁸

The government's information campaigns, which directly reinforced the ruling coalition's message, do not figure in campaign finance calculations, serving as an avenue to circumvent the campaign expenditure limits. The estimate of these expenses dwarfs the legal campaign limits for even the largest parties.

The law provides no oversight of third-party campaign financing. For example, the large-scale 15 March "peace march", organized by a CSO, was not subject to campaign finance oversight. The lack of oversight of third party spending undermines the effectiveness of the overall campaign finance system and impedes the ability of political actors to compete on a level playing field.

Media

The traditional media landscape comprises a large number of outlets, but has been fractured by a progressive concentration of media ownership in the hands of party-affiliated entrepreneurs and allocation of state advertising to select media.⁵⁹ Overall the campaign coverage was divisive. Space for critical reporting was limited, but this was partially offset by lively coverage in internet and social media, which offered a platform for pluralistic, issue-oriented political debates. Politicization of the

⁵⁶ Of the HUF 327 million that was due to be returned to ST following the 2014 election, only HUF 42 million had been paid back by April 2018.

⁵⁷ For example, the SAO report on the 2014 elections contained a total of three pages on the audit of *Fidesz*. Individual campaign finance audits did not exceed one page and were confined to generalities.

⁵⁸ Article 7.3 of the [United National Convention Against Corruption](#) provides that "Each State Party shall also consider taking appropriate legislative and administrative measures, ... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". Paragraph 194, 200 and 206 of the ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) state that "voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable. It requires timely publication of financial reports in a format understandable for the general public".

⁵⁹ Since 2014, major foreign media holdings have sold local media assets, and entrepreneurs widely perceived to be affiliated with the government now control, among others, stakes in newspapers *Magyar Idők*, *Figyelő*, *Magyar Hírlap*, *Világgazdaság*, *Bors*, *Lokál*, *Lokál Extra*, and 16 out of 19 regional newspapers; *Karc FM*, *Radio 1* and 30 other regional stations merged in a network; and TV2. Respected daily *Népszabadság* changed owners and was finally closed in 2016. Entrepreneurs perceived to be opposition-affiliated own newspapers *Magyar Nemzet*, *Heti Válasz*, *Népszava*, *Vasárnapi Hírek* and *Szabad Föld*; television station *HírTV*; and *Lánchíd Rádió*.

ownership, coupled with a restrictive legal framework, had a chilling effect on editorial freedom, hindering voters' access to pluralistic information.⁶⁰

The legal framework for the media includes the Constitution, which grants freedom of expression, and a number of laws, such as Freedom of Press and Media Acts that outline the sector's modalities. Defamation is a criminal offence, punishable by up to three years imprisonment.⁶¹ The space for professional journalism was, at times, constrained by restrictions on the free coverage of political events,⁶² at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document.⁶³

The Act on Election Procedures obliges the media to grant all electoral contestants equal opportunities, but only vaguely defines provisions for implementation. The law envisages free airtime on the public broadcaster and permits paid political advertising in the print and online media on the precondition of pre-registering the pricelist with the SAO. Paid political advertisements are banned on commercial radio and TV, but such media may provide airtime free of charge on an equal basis. Three commercial broadcasters chose to air free advertisements, citing the need to give a platform to the smaller parties, which do not have equal access to the media.⁶⁴ The regulatory authority, the Media Council (MC), conducted extensive media monitoring during the campaign, but stepped back from enforcement and entrusted the role to the NEC.

Media covered the campaign extensively with broadcasters devoting up to 70 per cent of their primetime to political programmes.⁶⁵ Opposition-leaning outlets focused on corruption, while the public broadcaster and the government-leaning media amplified anti-migration rhetoric. There was one televised debate among three opposition prime ministerial candidates, but the incumbent declined to participate in any debates.

The public broadcaster fulfilled its legal obligation to divide free airtime equally, inviting contestants to present their programmes on a timeslot basis. Not all parties availed themselves of the opportunity and some used their timeslots to criticize the broadcaster for ignoring them outside of the campaign. In its editorial coverage on *M1*, the public broadcaster showed bias in favour of the ruling coalition and the government, which received 61 per cent of the news coverage. Over 90 per cent of it was positive in tone, while the coverage of the opposition was negative in tone in 82 per cent of the news.⁶⁶ This is at odds with OSCE commitments and international standards regarding the independence of the public broadcaster and fair access to its programmes.⁶⁷

⁶⁰ For example, on 7 April websites of 19 regional newspapers published an identical interview with the prime minister, where he capitalized on government's anti-migrant and anti-Soros campaigns and called to vote for *Fidesz*. The interview did not contain a single critical question.

⁶¹ The ODIHR LEOM was informed of two criminal defamation cases, opened in 2018 against *Hír TV* and *Magyar Nemzet* for their political coverage.

⁶² The ODIHR LEOM was informed about restrictions on covering government events, to which only government-leaning outlets or the public broadcaster were invited. *Hír TV* filed an official complaint to the NEC on the removal of its news crew from a *Fidesz* campaign event on 25 March. The complaint was rejected on formal grounds. During the "peace march", a *Magyar Nemzet* journalist was attacked by security guards after asking questions about a corruption case, and *24.hu* and *444.hu* journalists were fined for obstructing traffic while covering demonstrations.

⁶³ Paragraph 7.8 of the [1990 OSCE Copenhagen Document](#) commits participating States to "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process".

⁶⁴ *ATV*, *RTL Klub* and three stations of *ClassFM* allocated approximately 300 minutes of free airtime on each TV and 1,450 minutes on each radio station.

⁶⁵ The ODIHR LEOM media monitoring sample included *ATV*, *Hír TV*, *M1*, *RTL Klub*, *TV2* and *Blikk*, *Magyar Idok*, *Magyar Nemzet* and *Népszava*. TV channels are monitored from 18:00 to midnight.

⁶⁶ NEC fined *M1* on 16 March and *TV2* on 23 March and 6 April for political bias in their programmes, which failed to invite opposition candidates. *HírTV* was found in breach of equal opportunities requirements on 3 April by not showing the MSzP candidate in a programme devoted to one constituency.

⁶⁷ See [CCPR General Comment No. 34 to the ICCPR](#) that provides that "states parties should ensure that public broadcasting services operate in an independent manner..., guarantee their independence and editorial freedom". See also paragraph 7.8 of the 1990 OSCE Copenhagen Document.

The monitored commercial TV stations displayed editorial bias either for ruling or opposition parties.⁶⁸ While *TV2* allotted almost equitable time to both the ruling coalition and the opposition parties, the former was featured in almost exclusively positive terms, whereas the latter received predominantly negative coverage. Contrasting election coverage was offered by *HirTV* and *ATV* whose newscasts portrayed the government and ruling coalition primarily in a negative tone, with 76 and 64 per cent, respectively. *RTL*'s coverage was slightly more positive for the opposition than for the government and ruling coalition.

Monitored newspapers devoted more coverage to the ruling coalition (54 per cent), with opposition parties, as a group, receiving around 10 per cent of coverage.

Complaints and Appeals

The legal framework affords effective remedy for violation of one's right to participate in public affairs. Every citizen and legal entity can challenge decisions, actions, or inaction in violation of election legislation, including the election results. Election commissions hear all election-related complaints in the first instance and all NEC decisions are subject to judicial review by the Supreme Court. The constitutionality of Supreme Court decisions can be appealed to the Constitutional Court.

There is no guarantee to a public hearing at any level of the dispute process. If complainants or respondents are present, they can request to be heard.⁶⁹ However, complainants and respondents are not notified in advance that their case will be reviewed. For election matters, appellants cannot request a public hearing before the Supreme Court or the Constitutional Court. This is at odds with paragraph 12 of the 1990 OSCE Copenhagen Document and international good practice.⁷⁰

The NEO prepares draft decisions for the NEC commissioners, who receive them shortly before the session. They have the right to briefly state their opinions on the case.⁷¹ In sessions observed by the ODIHR LEOM, decisions were generally taken after a *pro forma* debate. In only 12 cases observed did the discussion result in amendments to the draft decisions. The procedures for the review of complaints do not allow for genuine deliberation and limit the input of NEC commissioners.

Prior to the elections, the NEC reviewed 464 cases, of which 274 were related to candidate registration, including 33 about allegedly forged support signatures. The majority of other complaints were in regard to the content and placing of campaign materials (42), media coverage of contestants (39), and unlawful campaigning (12). In line with the commitment of equal treatment before the law the NEC consistently found violations and fined media outlets for political bias, candidates (ruling coalition and opposition) for campaigning in schools and local governments for restricting the placement of posters. However, while deciding on issues concerning state and party overlap, the NEC took decisions favouring the government.⁷² In a total of 6 cases, complaints pertained to *Fidesz* campaign materials and whether the content thereof were statements of facts or opinion and, as such, should be protected as free speech. The NEC and the courts consistently ruled that the campaign messages did not include objectively false statements and thus were protected speech. Commendably, all election disputes were reviewed expeditiously and largely within legal deadlines.⁷³

⁶⁸ *ATV* covered the government and ruling coalition in 42 per cent of the political news, *HirTV* in 59 per cent, *RTL Klub* in 64 per cent and *TV2* 41 per cent.

⁶⁹ In the ODIHR LEOM's observation of the review of 399 complaints, this never occurred.

⁷⁰ Paragraph 12 of the [1990 OSCE Copenhagen Document](#) ensures that "proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments." In addition, see Section II 3.3 of the [Code of Good Practice](#).

⁷¹ Three minutes were allocated to each commissioner; additional time is at the discretion of the chairperson.

⁷² On appeal the Supreme Court overturned the NEC decisions finding the *Fidesz* campaign materials too closely resembled the government's information materials and could mislead the voters.

⁷³ With the exception of 38 cases when the NEC slightly exceeded a three-day deadline for review.

Some 90 complaints and appeals were rejected by the NEC on formal grounds. A further 218 complaints were rejected for not being fully reasoned, not citing the exact legal reference, or lacking specificity.⁷⁴ The strict application of the formal requirements unduly limited access to review of administrative decisions, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁷⁵

The Supreme Court reviewed 104 appeals, upholding all but 13 decisions, concerning campaign modalities and rejection of party list registration as well as provided interpretation of the legislation enabling more party nominations; 8 matters were further appealed to the Constitutional Court, which upheld all decisions to date.

Cases that may constitute criminal offences are referred to law enforcement, but the lengthy investigations do not ensure timely remedy; cases from previous elections are still pending.⁷⁶ As of 29 March, the prosecutor received 229 reports and opened investigations in 194, almost exclusively in regard to the collection of signatures. This does not include the large number of reports to the police of vandalized posters, as the Supreme Court ruled that vandalism of campaign posters is protected free speech.

Citizen and International Observers

Contrary to OSCE commitments, legislation does not provide for citizen election observation either prior to or on election day.⁷⁷ CSOs involved in civic education, voter awareness and get-out-the-vote activities, reported to the ODIHR LEOM their partners' hesitance to participate in activities that could be considered political. Legislative constraints on the operation of certain types of CSOs, coupled with intimidating rhetoric by government officials against civil society, potentially stifled initiative and contributed to a climate of self-censorship, not conducive to civil society monitoring of the electoral process, thus limiting the public's access to non-partisan assessment of the elections.

The legal framework provides for international observation of the entire process. For political party observers, the right to work alongside the NEO and verify the postal voting documents as well as the legality thereof was afforded to up to five observers from each national list mandated to appoint NEC members. Independent candidates and political parties fielding lists could also delegate two observers to each polling station in Hungarian diplomatic missions. Electoral contestants could appoint two representatives to each PSC. Accredited media representatives could be present at the polling stations at all times.

Election Day

In accordance with standard practice for LEOMs, the ODIHR LEOM did not observe election day proceedings in a systematic or comprehensive manner. In the limited number of polling stations visited, election day procedures, including counting, were generally conducted efficiently and in accordance with the law. PSC members were knowledgeable and operated transparently.

The secrecy of the vote was at times compromised as voters in congested polling stations marked their ballots outside the voting booths. Long, yet efficiently managed, queues were noted at the polling

⁷⁴ Amongst these were 99 cases where candidate registration appeals were rejected because the appellant did not specify the exact sheet and line number of the signatures that should have been considered valid.

⁷⁵ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

⁷⁶ On 14 March, the Prosecutor General announced the indictment of 18 people accused of violating the order of the elections for submitting forged recommendation sheets during the 2014 elections.

⁷⁷ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that “the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

stations dedicated to absentee voting.⁷⁸ Positively, all who arrived at polling stations by 19:00 were allowed to vote regardless the length of the queue.⁷⁹ Although “transferred” voters were instructed to seal the special envelope, international observers noted instances where it was not done, thus affecting the validity of their vote.

The government and party campaigning continued on social media. Campaign posters remained within the vicinity of polling stations, and party activists carried out voter mobilization efforts. After closing the polls, the government spokesperson threatened to “shut down” legal avenues that allow CSOs to “interfere in politics”.

Throughout the day, the NEO website provided regular updates on voter turnout per constituency and polling stations, and maintained a list with election-related incidents. The NEO began releasing preliminary results disaggregated by polling station on election night, contributing to the overall transparency of the process. NEO reported the preliminary voter turnout at 67.08 per cent.

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

MISSION INFORMATION AND ACKNOWLEDGEMENTS

Budapest, 9 April 2018 – This Statement of Preliminary Findings and Conclusions is the result of observation by the Limited Election Observation Mission (LEOM) deployed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation.

Douglas Wake is the Head of the ODIHR LEOM, deployed from 5 March. The ODIHR LEOM includes nine experts in the capital and six long-term observers deployed throughout the country.

ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation of results and the handling of possible post-election day complaints and appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

The observers wish to thank the authorities of Hungary for the invitation to observe the elections, the National Election Commission and the National Election Office for their assistance. They also wish to express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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⁷⁸ The largest numbers of absentee voters per polling station were noted in Budapest’s constituencies 2 (10,764 voters), 1 (10,285), 8 (8,199), 7 (7,865) and 5 (7,695). A countrywide average is around 800 voters per polling station.

⁷⁹ For example, in polling station 35 of the Budapest constituency 2 there were some 2,500 voters waiting.